

WARD: Bowdon

108641/FUL/22

DEPARTURE: No

Erection of a pair of semi-detached dwellings, together with retention of and external alterations to the existing detached dwelling.

9 Bow Green Road, Bowdon, WA14 3LX

APPLICANT: Dr M Khan

AGENT: Dr Z Alvi

RECOMMENDATION: REFUSE

This application is being reported to the Planning and Development Management Committee as six or more letters of support have been received contrary to the Officer recommendation of refusal.

Executive Summary

The application site relates to an L-shaped plot comprising of a detached dwelling to the north and an area of garden land to the south, which forms part of a wider site that has been the subject of multiple permissions for residential development, some of which are extant and some of which have lapsed. The application seeks permission for a pair of semi-detached houses on the southern part of the site fronting Stanhope Road to the south and the retention of the applicant's existing dwelling (9 Bow Green Road) fronting Bow Green Road to the west. The new dwellings would have accommodation over three floors. Two off street parking spaces would be provided per dwelling. The dwellings would have a pitched roof design.

The proposal in part reflects extant planning permission 99487/FUL/19, granted on 12 July 2021, in terms of the provision of pair of semi-detached dwellings fronting Stanhope Road. However the design, footprint and positioning of the proposed dwellings differs in several regards from the previously permitted scheme. This is, in part, in an attempt to accommodate the retention of the applicant's existing dwelling (9 Bow Green Road) to the north of the plot. This is notwithstanding the fact that Condition 12 of the extant permission requires that the new dwellings shall not be occupied until 9 Bow Green Road has been demolished, this having been considered necessary because of the unsatisfactory relationship between the properties and in order to protect the amenity of the future occupiers of the proposed dwellings.

The Council's lack of a five year housing land supply automatically triggers the tilted balance. However, the development proposed in the current application would not provide any additional dwellings over and above the number already permitted on the application site through the extant permission and would, in fact, potentially result in a reduction in the number of dwellings on the wider site, given that the retention of the existing dwelling would mean that a previous permission for two dwellings on that plot as well as another permission for two dwellings on Plot 3 could not then be

implemented.

Notwithstanding the alterations to the previously permitted scheme, Officers consider the current proposal, through the retention of the existing dwelling, would result in an unacceptable relationship between the existing and proposed properties with 9 Bow Green Road having an unacceptable overbearing impact on the rear amenity space and rear main habitable room windows of the westernmost proposed dwelling and the dwelling on the eastern part of the plot overlooking the rear garden of number 9.

In respect of the test in NPPF paragraph 11 d) ii), it is considered that the adverse impact of the development would significantly and demonstrably outweigh the benefits of granting planning permission, having regard to the policies

SITE

The application site comprises of a plot of land accommodating an existing detached dwelling and ancillary outbuildings to the north and an overgrown vegetated area to the south, both of these elements fronting Bow Green Road to the west, and the southern element also fronting Stanhope Road to the south. The southern part of the plot which includes a boundary fronting Stanhope Road comprises two plots, Plot 3 at the corner of Bow Green Road and Stanhope Road, and Plot 4 fronting Stanhope Road. The site is on the side of Bowdon Hill such that the ground levels fall moving north to south along Bow Green Road. Boundaries are marked by stone walls topped by vegetation to the west and north, whilst the remainder of the plot is open sided. The applicant previously owned a further plot forming the south-eastern part of the original wider plot (noted as Plot No. 5 on the location plan) however this has been sold.

PROPOSAL

Planning permission 99487/FUL/19 was granted on 12 July 2021 for a pair of semi-detached dwellings on Plot 4, subject to a condition (condition 12) which required that the proposed dwellings should not be occupied until the applicant's existing dwelling at 9 Bow Green Road has been demolished. This was considered necessary because of the unsatisfactory relationship between the existing and proposed properties and in order to protect the amenity of the future occupiers of the proposed dwellings.

The applicant now proposes to erect a pair of 2.5 storey, 3 bedroom, semi-detached dwellings with loft level living space on Plot 4 fronting Stanhope Road, as well as retain and carry out alterations to the existing dwelling at 9 Bow Green Road. The current proposal is in some regards similar to that approved under the extant planning permission 99487/FUL/19, however the previously permitted pair of semi-detached dwellings had a different design, mainly in terms of the rear elevation of the proposed western semi-detached dwelling, with the latest proposed semi-detached dwellings also positioned slightly closer to Stanhope Road, and the applicant's existing dwelling

retained in the current application as opposed to being removed as per the previous permission.

The new semi-detached dwellings would have a contemporary styling with a main mono-pitched roof slope set around a central flat roof, large glazed gable elements in their front (south) and rear (north) facing elevations, front facing dormers, front and rear facing second floor balconies, and roof lights in their side facing roof slopes. External materials would comprise of buff facing brickwork, roof slates, timber doors, timber/aluminium window frames and aluminium rainwater goods.

Whilst the new dwellings would match when viewed from the front (south), they would have a contrasting rear elevation, with the western dwelling having a first and second floor which is set further from the common boundary shared with the retained dwelling to the north compared to the eastern dwelling. The western semi-detached dwelling's ground floor element closest to the rear boundary would have a flat roof with roof lanterns.

Internal layouts would comprise of a partly open plan kitchen-diner living room and separate hallway and WC at ground floor in the western dwelling; a reception room and kitchen-diner-living room and WC at ground floor; two bedrooms (both en-suite apart from one of the bedrooms in the western dwelling which has a separate bathroom) and gym at first floor; and a bedroom (the eastern dwelling's being en-suite) at loft level. The eastern dwelling's loft level bedroom would have a rear facing balcony, whilst the western dwelling's loft level bedroom would have a front facing balcony.

The wider Plot 4 site would comprise of two new gated accesses onto Stanhope Road, parking forecourts and back gardens.

To seek to ensure that the retained dwelling would not result in an unacceptable overlooking impact on the rear of the semi-detached dwellings to the south, including their back gardens, a common boundary fence would be added and obscure glazing would be fitted to all south facing first floor windows in that dwelling. In addition a new first floor gable (east) window would be added to provide the current dwelling's Bedroom 1 with an acceptable outlook, its current outlook to the south to be obscurely glazed.

The layout of the retained dwelling's first floor Bedroom 3 and its ensuite would be swapped such that the bedroom's windows would be moved from the building's south to its north elevation, with the bedroom's windows re-used by the repositioned en-suite bathroom.

Value Added

Following concerns raised by officers regarding the relationship between the proposed westernmost semi-detached dwelling's ground floor rear facing habitable room windows and 9 Bow Green Road's two storey side (south) wall, the applicant has amended their

proposal to add a further side (west) facing window to provide an additional outlook for this habitable room.

The applicant has also amended the layout of 9 Bow Green Road to ensure that main habitable rooms retain adequate outlooks. This has been achieved through changes to the existing dwelling's first floor layout and the addition of a new first floor east facing bedroom window. The applicant has also amended the ground floor layout of the existing dwelling through swapping the study with a dining room to ensure that there would be no undue overbearing impact on this habitable room from the proposed western semi-detached dwelling.

DEVELOPMENT PLAN

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

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

PRINCIPAL RELEVANT CORE STRATEGY POLICIES

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

OTHER LOCAL POLICY DOCUMENTS

Revised SPD1 - Planning Obligations;
SPD3- Parking Standards & Design;
SPD4 - A Guide for Designing House Extensions & Alterations;
PG1 - New Residential Development;
PG24 Crime and Security.

PROPOSALS MAP NOTATION

Critical Drainage Area.

PRINCIPAL RELEVANT REVISED UDP POLICIES/PROPOSALS

None.

PLACES FOR EVERYONE (FORMERLY GREATER MANCHESTER SPATIAL FRAMEWORK)

Places for Everyone (PfE) is a joint Development Plan Document being produced by nine Greater Manchester districts (Bolton, Bury, Manchester, Oldham, Rochdale, Salford, Tameside, Trafford and Wigan). Once adopted, PfE will be the overarching development plan, setting the policy framework for individual district Local Plans. The PfE Regulation 19 consultation concluded in Autumn 2021 and the Plan was submitted to the Secretary of State for Levelling Up, Housing and Communities on 14 February 2022. Independent Inspectors have been appointed to undertake the Examination in Public of the PfE Submission Plan and the timetabled hearings have now been completed. Given the advanced stage of PfE it now has substantial weight in the planning balance. The timing of this application means that it has not been appropriate/necessary to fully consider the PfE policies in the report, however a high level assessment has been undertaken and it is not considered that the PfE policies would have any significant implications for this application.

NATIONAL PLANNING POLICY FRAMEWORK (NPPF)

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

NATIONAL PLANNING PRACTICE GUIDANCE (NPPG)

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

RELEVANT PLANNING HISTORY

The application site, together with the wider original application site which also includes land to the east, has been the subject of multiple planning applications for residential development submitted by the applicant for residential development since 2010. One of the plots of land within the wider original application site has been sold to a third party.

111172/OUT/23: Outline planning application for the erection of a pair of new semi-detached dwellings with new vehicular entrances onto Stanhope Road including demolition of the existing dwelling. Consent is sought for access, appearance, scale and layout with landscaping reserved. Pending.

104768/FUL/21: Erection of dwelling with accommodation over three floors above ground level with landscaping and vehicular access from Stanhope Road. Approved 29

April 2022. This relates to a separate plot to the south east which is no longer owned by the applicant.

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

102428/OUT/20: Outline planning application for the erection of a pair of new semi-detached dwellings with new vehicular entrances onto Stanhope Road together with hard and soft landscaping following demolition of the existing dwelling. Consent is sought for access, appearance, scale and layout with landscaping reserved. Disposed of 12 April 2023.

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

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

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

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

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

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

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

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

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

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

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

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

APPLICANT'S SUBMISSION

The applicant has submitted a Design and Access Statement in support of their proposal.

The applicant has also submitted the following arguments in support of the proposals:

- The current proposal for a pair of semi-detached dwellings is similar to the extant planning permission 99487/FUL/19, approved 12 July 2021, which in turn reflected previous grant of planning permission 90644/FUL/17, approved 11 April 2017.
- The extant planning permission for the pair of semi-detached dwellings on Plot 3 to the west had a development description 'the erection of a pair of semi-detached dwellings and the demolition of the existing dwelling' (96397/FUL/18 / appeal reference APP/Q4245/W/20/3250863). Therefore should Plot 3 be built out in accordance with this previous permission it would require the demolition of the applicant's current dwelling. The fact that the current proposal includes the retention of the applicant's dwelling would mean that should the current proposal be approved the dwellings to the west on Plot 3 could not also be built because the dwellings to the west are dependent on the applicant's current dwelling being demolished. Therefore the applicant's amended proposal with a further outlook to the west would allow a clear outlook across Plot 3 because the planning permission for properties at this neighbouring plot cannot be built out.
- The amended proposal includes a 1.8m high fence with planting on the common boundary between Plot 4 containing the proposed semi-detached dwellings and the retained dwelling, this boundary treatment and planting screen effectively mitigating any overlooking impact caused by the retained dwelling's ground floor windows on the western semi-detached dwelling's rear facing habitable room windows.
- The proposed western dwelling's ground floor layout has been revised to comprise of a single kitchen-diner-living room with the kitchen element moved to the front of the property. This amended layout with all of the habitable room elements within a single room, which no longer has a separate kitchen-living room element to the rear solely relying on rear and side facing windows for an outlook, would have an acceptable outlook, with the side facing windows in addition having a clear outlook to the west because the approved neighbouring

dwellings at this point would not be able to be built due to the retention of the current dwelling, as noted above.

- The retained dwelling has a main dual pitched roof which slopes away from the rear elevation of the proposed westernmost semi-detached dwelling, thereby reducing its overbearing impact. The assessing officers are incorrect in their assertion that the separation distance between the rear facing ground floor habitable room windows of the proposed western semi-detached dwelling and the retained dwelling is 11m. The correct distances are 11.5m and 11.95m.
- The LPA has previously accepted an underprovision regarding separation distances between proposed windows and two storey elements on the grounds that future occupants would be aware of this underprovision prior to purchasing the property.
- Planning Officers concerns are based on the requirements of the New Residential Development SPG, however the Planning Inspector when assessing planning appeal reference APP/Q4245/W/19/324209 was unclear whether the SPG had been the subject of public consultation prior to adoption and therefore limited the weight which could be attributed towards this document.
- Planning Officers are incorrect in their assertion that the New Residential Development SPG refers to overbearing impact, when in fact this document only refers to overshadowing impacts when facing a blank two storey wall.
- Neither the NPPF nor the National Design Guide refer to overbearing impacts.
- Whilst the LPA's Core Strategy does refer to overbearing it does not include any distances.
- Overbearing and overshadowing are not separate matters.
- The proposed western semi-detached dwelling would not directly face a two storey blank gable but would instead face a relatively small gable including windows.
- The submitted overshadowing study demonstrates the retained dwelling would not result in an unacceptable overshadowing impact on the proposed western semi-detached dwelling.
- The relevant guidelines should be applied flexibly.
- The LPA's lack of a five year housing land supply means the proposal should be approved with reference to the NPPF's tilted balance test. The provision of two additional dwellings would help address the lack of housing provision within the Borough.

- The LPA previously refused planning permission for a pair of semi-detached dwellings on the adjacent corner plot to the west due to its unacceptable design/visual impact, however this decision was overturned by the Inspector at appeal because the adverse impact of the proposal would not significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. Likewise the current proposal, notwithstanding any issues relating to its amenity impact should also be approved because the proposal would constitute sustainable development with regard to paragraph 11 d ii) of the Framework.
- Applying this reasoning to the current application, even if it is taken into consideration that the proposal might negatively impact the outlook from a solitary vantage point in an open-planned single dwelling, such harm would still not be substantial and demonstrable enough to outweigh the benefits of the proposal. The overall advantages of the project would far outweigh any minor concerns related to the view from that specific point.
- The proposal would result in environmental benefits.
- The applicant has submitted planning permission and planning appeal decisions in support of their application.

CONSULTATIONS

Local Highway Authority – No objection.

GMP Design for Security – No objection.

GMEU – No comment received.

Arboriculturist – Tree report required.

Environmental Health (Contamination) – No comment.

Environmental Health (Nuisance) – No objection subject to conditions.

LLFA – No objection subject to condition.

REPRESENTATIONS

Letters of objection have been received from a single neighbour, which raise the following issues:

- *The proposed semi-detached dwellings are out of character with the local area which is characterised by detached dwellings.*

- *The dwellings would be too large compared to surrounding properties.*
- *The proposal would result in an overdevelopment of the plot.*
- *The proposal would unacceptably impact the established building line.*
- *The proposal would result in unacceptable noise and light pollution.*
- *The new dwellings would contribute to additional road congestion which would unacceptably impact road safety at the junction of Bow Green Road and Stanhope Road.*
- *The applicant should not have been granted planning permission for the six originally proposed dwellings, and the further proposed two dwellings would be additionally unacceptable.*

Letters of support have been received from six individuals, none of whom would be directly affected by the development with their addresses not within the immediate vicinity of the application site. These representations make the following points:

- *Any negative impacts resulting from the erection of the two proposed dwellings would be outweighed by the fact the new dwellings would make a valuable contribution towards the current under provision of housing within the Borough, the Borough lacking the required five year housing land supply, and therefore the proposal should be approved with reference to the 'tilted balance' test set down in NPPF paragraph 11 d) ii). The provision of two additional dwellings should be given significant weight when assessing the proposal through the tilted balance test.*
- *The proposed dwellings would result in an acceptable visual impact in terms of their design, bulk, scale and massing.*
- *The LPA has approved a pair of similarly designed semi-detached dwellings at this point through previous grants of planning permission. The Planning Inspectorate has separately approved a pair of semi-detached dwellings elsewhere within the wider plot.*
- *The local area includes semi-detached dwellings.*
- *The retention of the current dwelling would be a positive.*
- *The proposed dwellings will be built by the applicant.*
- *The retention of the current dwelling would not result in an unacceptable amenity impact on the proposed dwellings. Nevertheless future occupants of the new dwellings would be aware of this interrelationship before purchasing the property.*

OBSERVATIONS

THE DECISION MAKING FRAMEWORK

1. S38(6) of the Planning and Compensation Act 1991 states that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF at paragraphs 2 and 47 reinforces this requirement and at paragraph 12 states that the presumption in favour of sustainable development does not change the statutory status of the development

plan as a starting point for decision making, and that where a planning application conflicts with an *up to date* (emphasis added) development plan, permission should not normally be granted.

2. The Council's Core Strategy was adopted in January 2012, prior to the publication of the 2012 NPPF, but drafted to be in compliance with it. It remains broadly compliant with much of the policy in the 2021 NPPF, particularly where that policy is not substantially changed from the 2012 version.
3. The NPPF is a material consideration in planning decisions as the Government's expression of planning policy and how this should be applied; it should be given significant weight in the decision making process.
4. Paragraph 11 d) of the NPPF indicates that where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date, planning permission should be granted unless:
 - I. The application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - II. Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
5. Policies controlling the supply of housing, and the design, amenity and highways impacts of development proposals are considered to be 'most important' for determining this application when considering the application against NPPF Paragraph 11.
6. The Council does not, at present, have a five year supply of immediately available housing land and thus development plan policies relating to the supply of housing are partially 'out of date' in NPPF terms, in respect of the current housing requirement. Other elements of these policies remain up to date.
7. Policy L7 (Design – which includes amenity and highways/parking) is consistent with the NPPF and is considered up to date. Full weight should be afforded to this policy.
8. Nonetheless, the tilted balance is automatically engaged due to a lack of five year housing land supply.
9. It is concluded elsewhere in this report that there are no protective policies in the NPPF which provide a clear reason for the refusing the development proposed. Paragraph 11(d) (ii) of the NPPF is therefore engaged.

PRINCIPLE OF DEVELOPMENT

Housing Land

10. The application proposes the erection of a pair of semi-detached dwellings on an area of land to the south of the plot fronting Stanhope Road, and the retention of the current dwelling. The plot is located in a residential area.
11. Policy L1 of the Trafford Core Strategy seeks to release sufficient land to accommodate 12,210 new dwellings (net of clearance) over the plan period up to 2026. Regular monitoring has revealed that the rate of building is failing to meet the housing land target as expressed in Table L1 of the Core Strategy. Therefore, there exists a significant need to not only meet the level of housing land supply identified within Policy L1 of the Core Strategy, but also to make up for a recent shortfall in housing completions.
12. The Council can currently demonstrate a housing land supply within the range of 3.47 to 3.75 years, which is based on the standard method of calculating Local Housing Need and takes into account a 20% buffer applied for historic under delivery. The most recent Housing Delivery Test figure is 79% - i.e. Trafford has delivered 79% of its LHN (including 20% buffer) in the three years to March 2021.
13. The site is occupied by a residential dwelling and its retained wider domestic curtilage.
14. The new dwellings would be built over part of the existing dwelling's retained garden area. As such the site which would accommodate the proposal is considered to be greenfield land, as identified by the NPPF.
15. The proposal would therefore need to be considered in light of Core Strategy Policies L1.7-L1.8, specifically Policy L1.7 which sets an indicative target of 80% of new housing provision within the Borough to be built upon brownfield land. In order to achieve this target, the Council details within the Core Strategy that it will release previously developed land and sustainable urban area greenfield land in order of priority. It is noted that the first priority of Core Strategy Policy L1.7, which details the release of land within regional centres and inner areas for new development of housing, does not apply in this case due to the location of the site. Therefore the application must be considered against the second and third points of Policy L1.7.

Secondly, land that can be shown to contribute significantly to the achievement of the regeneration priorities set out in Policy L3 and/or strengthen and support Trafford's 4 town centres; and

Thirdly land that can be shown to be of benefit to the achievement of the wider Plan objectives set out in Chapters 4 and 5 of this Plan.

16. It is accepted that the application site is located within an established residential area and is considered to be a sustainably location sited relatively close to public transport links, local schools and other community facilities.
17. However the proposed development would not provide any additional dwellings over and above those that have previously been approved on the site and would in fact have the effect of preventing extant permissions for other dwellings on the wider site from being implemented).
18. Furthermore, as noted in the following amenity appraisal section the proposal would result in an unacceptable amenity impact on the future occupants of the proposed western semi-detached dwelling and also an unacceptable privacy impact on the occupants of the applicant's retained dwelling, and therefore it is considered that the proposed development would not make a positive contribution towards Strategic Objective SO1 in terms of meeting housing needs and promoting high quality housing in sustainable locations of a size, density and tenure to meet the needs of the community.
19. In terms of Policy L2 the proposed dwellings could be used for family housing and therefore would comply with L2.4. The proposal would likely result in a small economic benefit during its construction phase.
20. Whilst it is accepted the development site is in a sustainable location and that the proposal would provide family homes, it nevertheless fails to satisfy the tests set down in Policy L1.7 and relevant policies within the NPPF, as well the future occupant residential amenity requirements as outlined below. Policy L2.2 also states that *"all new development will be required to be: (a) On a site of sufficient size to accommodate adequately the proposed use and all necessary ancillary facilities for prospective residents;...(c) Not harmful to the character or amenity of the immediately surrounding area; and (d) To be in accordance with L7 and other relevant policies within the Development Plan for Trafford."*
21. For reasons set out in the amenity section below, it is considered that the proposal would not comply with the above criteria. The principle of housing development on this site has already been accepted through the extant permission. However, it is considered that the current proposal would be unacceptable in terms of housing policies with reference to Core Strategy Policies L1 and L2, the New Residential Development SPG and the NPPF.

DESIGN

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

23. Paragraph 134 states: *Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes.*
24. Policy L7 of the Trafford Core Strategy states: *In relation to matters of design, development must: be appropriate in its context; make best use of opportunities to improve the character and quality of an area; enhance the street scene or character of the area by appropriately addressing scale, density, height, massing, layout, elevation treatment, materials, hard and soft landscaping works, boundary treatment; and, make appropriate provision for open space, where appropriate, in accordance with Policy R5 of this Plan.*
25. Under paragraph 2.4 of PG1: New Residential Development, the guidance acknowledges the role of infill development in providing a valuable contribution towards the supply of new housing, however this document reiterates that the resulting plot sizes and frontages should be sympathetic to the character of the area and satisfactorily relatable to neighbouring properties.
26. Paragraph 2.4 states: *Development of small vacant sites or the retention of buildings and construction of new dwellings within their garden areas are all possible forms of development. Whilst the Council acknowledges that the development of smaller urban sites with small scale housing or flat developments makes a valuable contribution towards the supply of new housing in the Borough, the way in which the new buildings relate to the existing will be of paramount importance. This type of development will not be accepted at the expense of the amenity of the surrounding properties or the character of the surrounding area. The resulting plot sizes and frontages should, therefore, be sympathetic to the character of the area as well as being satisfactorily related to each other and the street scene. Both the new property and the retained dwelling should comply with the standards set out in these guidelines.*
27. 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.
28. The Draft Trafford Design Code states: *The type, form and profile of a building has a dramatic effect on how it sits within its setting, and should seek to be complementary to the surroundings, particularly in historic environments. The rhythm and repetition of a group of houses on a street or around an open space can create a striking visual identity. Form is also important for the functionality of a building, with projecting elements in the facade or roof creating additional spaces or maximising light into a property [Type Form and Profile].*

29. *The plan and internal layout of houses should provide a high standard of living accommodation for their occupants in terms of size, layout and daylight. Rooms should provide adequate space for their intended purpose and be capable of adaptation to support the changing needs of their occupants [Plan and Layout].*
30. *A well-proportioned elevation will be aesthetically pleasing, bring legibility and harmony to the building or series of buildings, and animate the street. Building elevations should not be designed in isolation, rather the design should create a cohesive approach along a street scene, thus creating consistency and unity. Designers, however, should design layouts and detailing to avoid overly repetitive street frontages. The building elevations help to express the character and style of the development and should be designed as a response to the context. The principal building elevation should always face the street with window treatments carefully considered in order to animate the frontage while maintaining privacy and security for the occupants [Elevation and Proportion].*
31. *The materials used and detailing of the building envelope should take cues from the surrounding area, referencing the historic surroundings where possible. A considered material palette will help ground the building in its context. Careful use of materials and detailing is needed in all proposals to ensure outcomes complement the surroundings. The use of natural materials in a limited palette is generally encouraged, with brick used as the predominant building material. Opportunities to enrich the design of the building through articulation and detailing should be considered and take cues from the surrounding vernacular where appropriate [Materials and Detail].*

Siting and Footprint

32. The proposed semi-detached dwellings would front Stanhope Road to the south. They are considered to be acceptably set back from this road and would respect the staggered building line that would be implemented should the extant planning permissions for the plots on either side be built out. The dwellings would be set an acceptable distance from each other and from the wider plot's side boundaries. They would not result in an overdevelopment of the plot.

Bulk, Scale, Massing and Height

33. The scale, massing and the proportions of the dwellings would relate acceptably to the scale and character of the surrounding properties. They are considered to have an acceptable visual impact in terms of their bulk, scale, massing and height with reference to the size of the plot and the surrounding context.

External Appearance/Materials

34. Whilst Officers consider the design of the rear elevation of the proposed western semi-detached dwelling would be somewhat contrived and would detract from the

symmetry of the pair of properties, it is recognised that this element would not be readily visible within the street scene due to the retention of the current dwelling and the development of the plots on either side which can be reasonably expected to take place at some point in time (notwithstanding the applicant's comments that the development on Plot 3 would not now take place because the extant permission includes the demolition of 9 Bow Green Road, which is now proposed to be retained). Having regard to this, it is considered that the proposed dwellings would have an acceptable design in terms of their external features, detailing and proportions. The proposed external materials are considered to be acceptable with reference to the development and its context. Planning permission would be subject to standard conditions requiring the submission of information relating to detailed design and materials.

Wider Plot

35. Subject to the amenity and tree assessment sections below. The proposed hard and soft landscaping areas are acceptable with reference to the surrounding context. Planning permission would be subject to a standard landscaping condition.

Retained Dwelling

36. As part of the development the applicant proposes to add a further bedroom window in the existing dwelling's east facing elevation to ensure one of this dwelling's bedrooms has an acceptable outlook, with its current south facing bedroom window to be obscurely glazed up to 1.7m above internal floor levels. Officers consider the additional window would result in an acceptable visual impact.
37. The development would be acceptably designed with reference to Core Strategy Policy L7, PG1 New Residential Development, the draft Trafford Design Guide and the NPPF.

IMPACT ON RESIDENTIAL AMENITY

38. Policy L7 of the Core Strategy states: *In matters of amenity protection, development must be compatible with the surrounding area and not prejudice the amenity of the future occupiers and/or occupants of adjacent properties by reason of overbearing, overshadowing, visual intrusion, noise and/or disturbance, odour or in any other way.*
39. The New Residential Development SPG requires new residential developments to result in acceptable privacy, overshadowing and overbearing impacts on neighbouring properties, in addition to the provision of acceptable amenity standards for the future occupants of the proposed development.

Privacy

New Dwellings

40. The proposed semi-detached dwellings would introduce front (south) facing ground to second floor habitable room windows which would be approximately 28.5-29.5m from the facing habitable room windows of the dwellings on the opposite side of the road (Nos. 7 and 9 Stanhope Road). The proposed windows would also face towards the front gardens/hardstanding of these properties at a distance of 19.1-9.5m. These distances would be acceptable.
41. The semi-detached dwellings would introduce north (rear) facing ground to second floor habitable room windows which would face the retained dwelling at 9 Bow Green Road. Views from the ground floor windows would be acceptably screened by the proposed 1.8m high fence common boundary treatment. The first and second floor windows of the proposed western semi-detached dwelling would directly face first floor windows in the retained dwelling, at a distance of 13m, which would be less than the required distance of 27m, however, following the rearrangement of the current dwelling's first floor layout and the addition of a new principal outlook for the bedroom in the retained dwelling's east facing gable elevation, the current first floor bedroom window could be conditioned to be obscurely glazed and fixed shut up to 1.7m above internal floor level to prevent an unacceptable interface at this point. If permission were to be granted, it is considered that a condition would need to be attached to ensure that the proposed dwellings are not occupied until these works have been carried out and to ensure that the windows are retained as obscurely glazed and fixed shut up to 1.7m above floor level thereafter.
42. The western semi-detached dwelling would introduce first floor rear facing windows which would be 11.9m from the common boundary shared with the retained dwelling, which would be acceptable.
43. The eastern semi-detached dwelling would introduce first and second floor habitable room outlooks which would be 12.1m from the common boundary shared with the retained dwelling; the other side of this boundary comprising of the retained dwelling's private rear garden area. Whilst this would be an acceptable separation distance at first floor level, it would not be acceptable at second floor, where a main habitable room and balcony are proposed with the New Residential Development SPG requiring a 13.5m separation distance between second storey windows and the boundary with a rear garden.
44. It is noted that the Committee report assessing the previously approved application, reference 99487/FUL/19 (for a pair of semi-detached dwellings fronting Stanhope Road and the demolition of the current dwelling) included the following at paragraphs 33 and 34:

The current proposal would not have an acceptable relationship with the existing property on the site (No. 9, Bow Green Road) as the relationship would not be compliant with the Council's adopted guidelines in relation to privacy distances.

However it is proposed as part of this application that the existing property on site be demolished prior to first occupation of either of these dwellings and a condition is attached to ensure that this is the case [33].

It is noted that there is a now expired application to the north of the site (app no. 93111/FUL/17) which permitted a pair of semi-detached dwellings. While this is no longer extant, there is a current application 103057/OUT/20 for an identical proposal on that part of the site and it is therefore prudent to consider potential impacts based on those previously approved plans as a reference point. The rear of the proposed dwellings would look towards the sides and rear gardens of those units. Given the separation distances and side facing elevations of the properties in question the current proposal would not be materially detrimental to any future occupiers of those properties should they be built. The levels of separation would be sufficient to prevent loss of amenity to the future occupiers of that development were these proposals to be implemented in the future [34].

45. Planning permission 103057/OUT/20 was subsequently approved 10 September 2021. That approved scheme, if built out together with the previous permission reference 99487/FUL/19, approved 12 July 2021, for Plot 4 (this permission requiring demolition of the current dwelling), would result in the rear windows of the new semi-detached dwellings on Plot 4 not overlooking the back gardens of the new semi-detached dwellings on Plot 1 to the north (where the current dwelling is). Instead, the dwelling on Plot 4 would face the side elevation of the southernmost dwelling on Plot 1 (which would be set further away from the boundary than the current dwelling at 9 Bow Green Road with all first and second storey side elevation windows obscure glazed) and a pathway along the side of that dwelling. There would therefore not have been any unacceptable overlooking as a result of that relationship.
46. As such Officers do not consider the current proposed interrelationship between the proposed eastern semi-detached dwelling's rear facing second storey balcony window and the retained dwelling's back garden to be acceptable.
47. It is noted that the land either side of the curtilage of the proposed semi-detached dwellings is vacant, although the plots either side have been the subject of previous planning approvals for dwellings, with the plot to the west (Plot 3) also the subject of a current pending application (111172/OUT/23). It is considered likely that the flanking plots will be developed in the future but the exact form of those developments cannot be known at this point in time. Therefore should planning permission be granted Officers recommend that the side facing windows in the proposed dwellings at first floor and roof level should be obscure glazed and fixed shut unless the opening parts are in excess of 1.7 metres above internal floor level in the room they serve in order to prevent any loss of privacy to properties either side (a similar condition having been added to the previous permission 99487/FUL/19).

48. It is noted that the rear facing second floor balcony of the proposed eastern semi-detached dwelling would allow for close overlooking of the rear of the adjoining dwelling. Should planning permission be granted it is recommended that this should be subject to a condition requiring the installation of a 1.8m high privacy screen to prevent overlooking (a similar condition having been added to the previous permission 99487/FUL/19).
49. Should this scheme be approved permitted development rights should be removed to prevent extensions and the addition of windows or dormer windows to the dwellings. This would prevent any uncontrolled extensions or addition of windows or other openings in the future that could potentially result in loss of amenity or overdevelopment. In addition final levels should also be agreed prior to any works commencing on site given the proximity of neighbouring properties (similar conditions having been added to the previous permission 99487/FUL/19).

Retained Dwelling

50. Following a reconfiguration of the retained dwelling's internal layout it would have first floor south facing windows, none of which would serve as principal habitable room outlooks. Therefore (notwithstanding the fact that the windows in this elevation are significantly larger than the windows in the rear elevation), it is accepted that these could be conditioned to be obscurely glazed up to 1.7m above internal floor levels to ensure an acceptable privacy impact on Plot 4, as well as Plot 3 (the corner plot) to the south, with this secured through a planning condition. Views from ground floor windows into Plot 4 would be acceptably screened by the common boundary treatment, and following the proposed rearrangement of the retained dwelling's ground floor none of the south facing ground floor windows would be main habitable room windows. It is therefore accepted that, subject to conditions to ensure that the alterations are carried out before the proposed dwellings are occupied, there would be no unacceptable impact on the windows of 9 Bow Green Road and no unacceptable overlooking of the proposed dwellings from that property.
51. The alterations to the retained dwelling would include a repositioned bedroom window at a distance of 10m from the common boundary shared with the property to the north. Whilst this would be less than the required 10.5m distance to a garden boundary, this is nevertheless considered to be acceptable because the retained dwelling currently already has a north facing bedroom window 10m from the common boundary and, in any case, it is recognised that this internal reconfiguration could be carried out without the need for planning permission.
52. The retained dwelling would also introduce a new first floor east facing principal bedroom window which would face the common boundary to the east at a distance of 28.4m and would face the neighbouring property's first floor habitable room windows at a distance of 54m, which would be acceptable.

Overbearing/Overshadowing

New Dwellings

53. The new dwellings would not result in an unacceptable overbearing or overshadowing impact on neighbouring properties, including the retained dwelling at 9 Bow Green Road to the north, subject to a condition requiring that the dwellings are not occupied until the proposed alterations to that dwelling have been carried out.

Retained Dwelling

54. The retention of the current dwelling would result in the proposed western semi-detached dwelling having rear facing living room windows being 11.5/11.95m from the retained dwelling's two storey side elevation. This would be less than the required 15m distance referred to in the Council's adopted "New Residential Development" SPG (notwithstanding that this only refers to overshadowing and not overbearing impact) as well as in SPD4: A Guide for Designing House Extensions and Alterations (which although not directly related to new residential development is considered to be of relevance given that it refers to similar relationships between properties).
55. It is noted that the previous grant of planning permission for a pair of semi-detached dwellings (99487/FUL/19) would have also entailed the demolition of the current dwelling, with the subsequent planning permission 103057/OUT/20 resulting in a 13m distance between the new dwellings to the north (permitted through 103057/OUT/20) and the new dwellings to the south (permitted through 99487/FUL/19), with this distance deemed to be acceptable. It is however considered that the reduction of the proposed distance to 11.5m-11.9m between the rear facing ground floor habitable room windows of the now proposed western semi-detached dwelling and the retained dwelling to the north would be a significant shortfall in relation to the 15m guideline, this overbearing impact exacerbated by the increase in ground levels moving north up Bowdon Hill.
56. It is accepted that the New Residential Development SPG doesn't explicitly refer to overbearing impacts in terms of the 15m separation distance, although it clearly does require developments to be assessed in terms of their impacts on neighbouring properties. Furthermore, the required 15m gap is also referred to in SPD 4: A Guide for Designing House Extensions & Alterations. Whilst this does not apply directly to new residential development, it has been accepted by planning inspectors as being relevant in this regard on the basis that it sets out the Council's normal expectations in terms of the relationships between residential properties.
57. Officers note that the applicant has attempted to address this issue through adding a further window to the proposed western semi-detached dwelling's side (west) elevation, amending the ground floor layout of this proposed semi-detached dwelling in an attempt to ensure the ground floor functions as a single room with its primary

outlook to the front, and through the addition of screening vegetation and fence along the common boundary. The applicant has also argued that the new window on the side elevation would have a clear outlook unblocked by any property on the corner plot to the west because the most recent grant of planning permission for the corner plot development required the demolition of the current dwelling, and as the current proposal would include the retention of the current dwelling, the corner plot development could now be built out.

58. Officers do not consider these amendments acceptably address their concerns relating to the unacceptable overbearing of the retained dwelling on the rear facing ground floor habitable room outlooks of the proposed western semi-detached dwelling. The additional western facing window would not provide an additional clear outlook because, based on the multiple grants of planning permission in the past and the extant permission on this plot, it is reasonable for Officers to assume that at some point in time a dwelling will be built in close proximity by to the western boundary of the current application site which would block the additional side facing outlook (the extant permission on Pot 4 allowing a three storey dwelling within approximately 1m of this boundary). Furthermore, the amendment of the ground floor layout of the westernmost property to a single room results in a room which is very deep and it is therefore not considered acceptable that the room should be dependent on a window at the front of the property for an acceptable outlook.
59. In any case, even if the 11.5m to 11.9m distance to the side gable of 9 Bow Green Road were considered to be acceptable in terms of the outlook from the rear main habitable room windows of the westernmost property, Officers consider the retention of the current dwelling would result in an unacceptable overbearing amenity impact on the western semi-detached dwelling's back garden, with the retained dwelling's two storey element being approximately 0.9m from the new common boundary. In addition the dwelling at No. 9 wraps around the north-west corner of the back garden of the proposed dwelling with a gabled design facing this property, which would exacerbate this overbearing impact. As noted above the previous planning permission for the pair of semi-detached dwellings (99487/FUL/19) would have entailed the demolition of the current dwelling, and the permission for a pair of new semi-detached dwellings to the north (103057/OUT/20) showed these dwellings set further from the common boundary (1.2m), with the latter furthermore not wrapping around the rear corner boundary.
60. Finally it is noted that the current proposal, through the retention of the current dwelling, would result in the western proposed semi-detached dwelling having a reduced back garden compared to previously approved schemes, which would reduce the amount of external private amenity space available to future residents of this property.
61. It is therefore considered that the retention of the existing dwelling at 9 Bow Green Road would result in an unacceptable overbearing impact on the westernmost semi-

detached dwelling's rear windows and rear amenity space, notwithstanding the alterations to the existing dwelling's design and layout.

62. The addition of a common boundary fence and screening vegetation separating the proposed semi-detached dwellings and retained dwelling is not considered to be sufficient to ensure the latter does not result in an unacceptable overbearing impact on the proposed western semi-detached dwelling.
63. Whilst the applicant has referred to other instances where the Council's guidelines for the distance between a main habitable room window and a side gable elevation have been applied flexibly, any significant relaxation of the guidelines is more likely to have occurred in relation to developments within more densely built up areas where the relationship would be more typical of the surrounding urban grain. Each application is considered on its own merits with reference to the site specific circumstances. In the current case, the distance to the gable of 9 Bow Green Road would be significantly less than the Council's normal guideline notwithstanding the location of the site within a generally very spacious area. Therefore, whereas in some other cases some relaxation of the Council's guidelines has been accepted because the proposed development would nevertheless be in keeping with the character of the surrounding area (including the relationships between nearby properties), this argument would not be applicable in this case.

Future Occupant Amenity Space

64. The proposal would provide an acceptable degree of internal and external private amenity space for future occupants. The proposed internal floor space would exceed National standards.

Noise/Nuisance

65. The Nuisance consultee has confirmed no objection to the proposal, subject to conditions.
66. The development would not have an acceptable amenity/privacy impact on affected residential properties with reference to Core Strategy Policy L7 and the New Residential Development SPG.

HIGHWAYS, PARKING AND SERVICING

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

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

69. The Parking SPD's objectives include ensuring that planning applications include an appropriate level of parking; to guide developers regarding the design and layout of car parking areas; to ensure that parking facilities cater for all users and to promote sustainable developments. The Council's parking standards indicate that the provision of two off-road car parking spaces is appropriate for four bedroom dwellings at this location.
70. Each dwelling would have two parking spaces.
71. The proposed site plan shows there would be sufficient space for bin and cycle stores within each back garden.
72. The LHA consultee has confirmed no objection to the proposal, subject to standard planning conditions.
73. It is considered that the proposed development would have an acceptable highway, parking and servicing impact with reference to Core Strategy Policies L4 and L7, the Parking Standards and Design SPD, the New Residential Development SPG and the NPPF.

TREES AND ECOLOGY

74. The proposal would result in the removal of the trees and other vegetation from the plot, especially Plot 4 where the new semi-detached dwellings will be built. The Council's Arboriculturist has requested the applicant provides a tree report indicating how the development will impact the existing trees on site. Notwithstanding this, it is recognised that the built development on Plot 4 would be similar to that previously proposed in the extant permission 99487/FUL/19 and therefore there is not likely to be any significantly greater impact on trees than would be the case with that development.
75. It is noted that the GMEU consultee has not provided a comment, however it is considered that should this proposal be approved it should be subject to a biodiversity improvement condition.
76. It is therefore considered that, subject to appropriate conditions, the proposal would result in an acceptable impact in relation to trees and ecology with reference to Core Strategy Policies R2 and R3 and the NPPF.

EQUALITY STATEMENT

77. Policy L7.5 of the Core Strategy requires that development should be fully accessible and usable by all sections of the community and Paragraph 127 of the

NPPF reinforces this requirement by requiring planning decisions to ensure that developments create places that are safe, inclusive and accessible.

78. Under the provisions of the Equality Act 2010, specifically Section 149 Public Sector Equality Duty (PSED), all public bodies are required in exercising their functions to eliminate discrimination, advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it, and to foster good relations. Having due regard for advancing equality involves: removing or minimising disadvantages suffered by people due to their protected characteristics; taking steps to meet the needs of people from protected groups where these are different from the needs of other people; and encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low. The relevant protected characteristics of the PSED include age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex and sexual orientation. The PSED applies to Local Planning Authorities in exercising their decision making duties with regards planning applications.
79. It is noted that the new dwellings would each have a level front door access which would comply with Part M of the Building Regulations.
80. Whilst it is noted that the proposal does not include accessible parking spaces, it is noted that there is no express requirement under the Parking SPD to provide these for this type of proposal, these are private dwellings with front drive access, and it is also noted that the LHA has not objected with reference to this issue.
81. No other benefits or dis-benefits have been identified to persons with any other protected characteristic.
82. Overall taking into account the constraints of the site and the scale of the development, it is considered that the measures proposed to provide a facility accessible to all (including those required through the Building Regulations application), would on balance provide an appropriate, practical and reasonable response to the equalities impacts of the scheme.

DEVELOPER CONTRIBUTIONS

83. This proposal is subject to the Community Infrastructure Levy (CIL) and is located in the 'hot zone' for residential development, consequently private market houses will be liable to a CIL charge rate of £80 per square metre, in line with Trafford's CIL charging schedule and revised SPD1: Planning Obligations (2014).
84. 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 at three trees per dwelling, totalling six trees net of clearance. Such details would be secured through an appropriately worded landscaping condition.

OTHER MATTERS

85. For the avoidance of doubt, the New Residential Development SPG has been through public consultation prior to adoption.
86. In relation to the planning permission and appeal decision precedents submitted by the applicant Officers consider each application needs to be assessed on its own merits.

PLANNING BALANCE AND CONCLUSION

87. As set out above, the “tilted balance” should apply in this case because the Council does not have an immediately available five year housing land supply. However, the development proposed in the current application would not provide any additional dwellings over and above the number already permitted on the application site through the extant permission thus the weight to be given to the provision of new housing through this proposal is negligible.
88. Officers consider that the retention of the existing dwelling at 9 Bow Green Road would mean that the occupants of the semi-detached dwelling on the western side of the plot would have an unacceptable level of amenity with that existing dwelling having an unacceptable overbearing impact on their rear facing ground floor windows and rear amenity space.
89. The proposed eastern semi-detached dwelling would also have an unacceptable overlooking impact on the private amenity space to the rear of the retained dwelling at 9 Bow Green Road.
90. Officers therefore consider the development would fail to comply with Policies L2 and L7 of the Core Strategy and guidance in the NPPF in terms of acceptable levels of amenity and privacy for future occupants, having regard also to the New Residential Development SPG, the House Extensions and Alterations SPD, and the National Design Guide. The proposal’s failure to satisfy the relevant amenity and privacy requirements in turn results in the proposal also failing to comply with the requirements of the relevant Housing Policies. It is considered the harmful impact of the proposal by virtue of its amenity/privacy impacts is a matter should be given substantial weight.
91. Applying the test in NPPF paragraph 11 d) ii), it is noted that the development proposed in the current application would not provide any additional dwellings over and above the number already permitted on the application site through the extant permission and would, in fact, potentially result in a reduction in the number of dwellings on the wider site, given that the retention of the existing dwelling would mean that a previous permission for two dwellings on that plot as well as another permission for two dwellings on Plot 3 could not then be implemented. At the same

time, the extant permission, 99487/FUL/19 demonstrates that the site can be developed for two dwellings in a way that would be considered acceptable in terms of amenity impacts.

92. Officers therefore consider that the adverse impacts identified above would significantly and demonstrably outweigh any benefits of granting permission, when assessed against the policies in the Framework taken as a whole. As such, it is considered that the proposal would not represent sustainable development as it would not result in an acceptable level of amenity for future occupants of the proposed dwelling on the westernmost plot and would result in a detrimental impact on the residential amenity of the occupants of the existing dwelling at 9 Bow Green Road.
93. Officers consider the application to be acceptable in terms of its visual amenity and highway safety impacts. However, for the reasons outlined above, the proposal is considered to be unacceptable in terms of residential amenity and is not in accordance with Core Strategy Policies L1, L2 and L7, the New Residential Development SPG and the NPPF in this respect. It is therefore recommended that permission is refused.

RECOMMENDATION

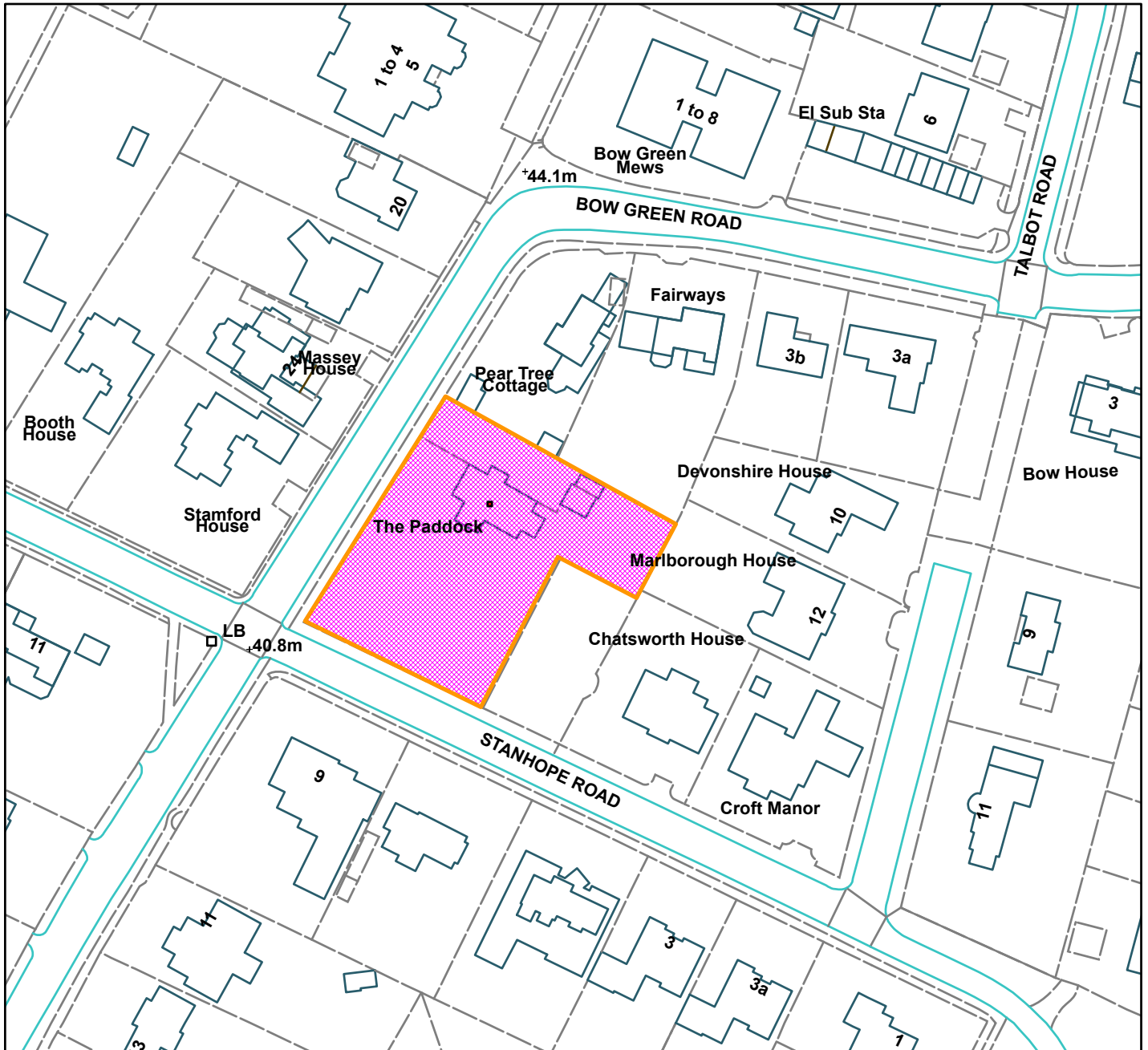
Refuse:

1. The proposed development, by reason of the proximity of the existing dwelling at 9 Bow Green Road to the rear boundary and rear elevation of the proposed dwelling on the western side of the plot, would result in an unacceptable overbearing impact and undue sense of enclosure in relation to the rear main habitable room windows and rear outdoor amenity space of that proposed property to the detriment of the amenity that the future occupiers of that dwelling could reasonably expect to enjoy. The proposed development would therefore be contrary to Policies L1, L2 and L7 of the Trafford Core Strategy, the New Residential Development SPG, and policies in the National Planning Policy Framework.
2. The proposed development, by reason of the proximity of the second storey main habitable room window and balcony on the rear elevation of the proposed dwelling on the eastern side of the plot to the rear garden boundary of 9 Bow Green Road would result in undue overlooking of and loss of privacy to the rear amenity space of the existing property at 9 Bow Green Road to the detriment of the amenity that the existing and future occupants of that property could reasonably expect to enjoy. The proposed development would therefore be contrary to Policies L1, L2 and L7 of the Trafford Core Strategy, the New Residential Development SPG, and policies in the National Planning Policy Framework.

TP



9 Bow Green Road, Bowdon (site hatched on plan)



Scale: 1:1,250

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Organisation	Trafford Council
Department	Planning Service
Comments	Committee date -14/09/2023
Date	01/09/2023
MSA Number	AC0000809316 (2022)

WARD: Flixton

110669/FUL/23

DEPARTURE: No

Demolition of existing building and erection of 6 no. dwelling houses (Use Class C3), with associated car parking, landscaping and associated works.

350 Flixton Road, Flixton, M41 5GW

APPLICANT: Mr Konrad Keller, Landmark Property Group

AGENT: Mrs Heather Lindley-Clapp, Nexus Planning

RECOMMENDATION: GRANT

This application is being reported to the Planning and Development Management Committee as six or more letters of objection have been received contrary to the Officer recommendation of approval.

Executive Summary

The application relates to the former Flixton Education Centre situated on the corner of Flixton Road and Delamere Road, a part two storey/part single storey vacant building. The north and north/west of the plot comprises of a parking area and playground. The applicant seeks full planning permission to clear the site and erect three pairs of semi-detached dwellings, totalling six houses, together with associated hard and soft landscaping including parking.

The proposed development is considered to be acceptable in terms of the principle of housing development on the site, its design and appearance, its impact on residential amenity and with regard to highway matters and all other material planning considerations. The proposal's design has been amended to ensure it would result in an acceptable visual impact.

The Council's lack of a five year housing land supply automatically triggers the tilted balance in NPPF paragraph 11 d) ii). The proposed development would result in the provision of an additional six dwellings, contributing to the Council's housing land supply as well as a small amount of economic benefit associated with the construction of the development.

As amended, the proposal is considered to be acceptable in terms of the principle of the proposed development location, together with the proposal's design, highways, servicing, ecology and tree impacts. The proposed development would not have any unacceptable impacts on the residential amenity of neighbouring dwellings and would be acceptable in terms of the level of amenity for the proposed dwellings on Plots 1 to 4. There are some concerns regarding the potential for overlooking of the rear gardens of the properties on Plots 5 and 6 from an existing first floor habitable room window and balcony in the side elevation of the adjacent property. However, it is considered that the

limited adverse impacts in this respect would not significantly and demonstrably outweigh the benefits of granting planning permission when assessed against the policies of the NPPF taken as a whole. As such the application is recommended for approval, subject to the conditions listed in the main report.

SITE

The application site comprises of a 0.13ha plot on the corner of Flixton Road (the B5158) to the south and Delamere Road to the east. The site accommodates a part two storey part single storey building built in 1908 which was last used as Flixton Education Centre and has been vacant since 2021.

The building has an L-shaped footprint as it turns the corner with the wider plot including a tarmacked playground and surface car park, the latter accessed from Delamere Road. Boundaries are marked by metal railings to the road frontages apart from part of the frontage along Delamere Road, and a wall to the rear (west).

The plot is in a residential area with dwellings to the north, north-west and west, a row of commercial units to the west/south-west, with the unit closest to the site having a first floor apartment, a nursing home to the east and Flixton Park to the south.

PROPOSAL

Planning permission is sought to demolish the building and erect 6 No. 2.5 storey four bedroom dwellings in three pairs of semi-detached houses, each property fronting Delamere Road to the east.

The dwellings would have dual pitched roofs with front facing three storey gables, single storey flat roofed rear elements and roof lights in their front and rear facing roof slopes. The dwellings would include side facing windows with Plot 6 to the south having additional windows in its gable elevation overlooking Flixton Park.

Internal layouts would comprise of a kitchen-dining room, living room and WC at ground floor; and bedrooms (including en-suite bedrooms) and bathrooms at first and second floors. External materials would include facing brick with stone surrounds, aluminium windows, UPVC rainwater goods and slate roofs.

Each dwelling would have a private fence-enclosed garden to the rear, and a front garden adjacent to Delamere Road. Parking would be provided at a forecourt to the north of the plot occupying part of the current car park.

A low rise brick wall would be installed along the wider plot's south and east boundaries.

The current brick wall along the rear (west) boundary would be retained.

Value Added

Following a request from the assessing Officer the applicant has amended their proposal through a changed house and plot design, as well as amending the proposed internal layout and materials, the latter to include aluminium windows.

DEVELOPMENT PLAN

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

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

PRINCIPAL RELEVANT CORE STRATEGY POLICIES

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

OTHER LOCAL POLICY DOCUMENTS

Revised SPD1 - Planning Obligations;
SPD3- Parking Standards & Design;
PG1 - New Residential Development;
PG24 Crime and Security;
Draft Trafford Design Code.

PROPOSALS MAP NOTATION

Critical Drainage Area.

PRINCIPAL RELEVANT REVISED UDP POLICIES/PROPOSALS

None.

PLACES FOR EVERYONE (FORMERLY GREATER MANCHESTER SPATIAL FRAMEWORK)

Places for Everyone (PfE) is a joint Development Plan Document being produced by nine Greater Manchester districts (Bolton, Bury, Manchester, Oldham, Rochdale, Salford, Tameside, Trafford and Wigan). Once adopted, PfE will be the overarching development plan, setting the policy framework for individual district Local Plans. The PfE Regulation 19 consultation concluded in Autumn 2021 and the Plan was submitted to the Secretary of State for Levelling Up, Housing and Communities on 14 February 2022. Independent Inspectors have been appointed to undertake the Examination in Public of the PfE Submission Plan and the timetabled hearings have now been completed. Given the advanced stage of PfE it now has substantial weight in the planning balance. The timing of this application means that it has not been appropriate/necessary to fully consider the PfE policies in the report, however a high level assessment has been undertaken and it is not considered that the PfE policies would have any significant implications for this application.

NATIONAL PLANNING POLICY FRAMEWORK (NPPF)

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

NATIONAL PLANNING PRACTICE GUIDANCE (NPPG)

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

RELEVANT PLANNING HISTORY

107574/FUL/22: Demolition of existing building and erection of 8 no. dwelling houses (Use Class C3) with associated car parking, landscaping and associated works. Withdrawn 21 September 2022.

H/LPA/58541: Erection of 3 metre high galvanised metal railings with powder coat finish and formation of 8 new car parking spaces. Erection of external security shutters to all doors and rear windows overlooking the game court area. Existing render to front elevations of building to be made good/replaced and rear elevations of building to be rendered to match existing in connection with use as a children and young people/community centre. Approved 8 April 2004.

H04764: Change of use of first floor flat to office. Deemed consent 10 February 1977.

APPLICANT'S SUBMISSION

The applicant has submitted Planning and Design and Access statements in support of their proposal.

CONSULTATIONS

Strategic Planning – No objection.

Local Highway Authority – Awaiting final comment with reference to visibility splays on amended proposed site plan.

Waste – No comment.

GMP Design for Security – No objection.

GMEU – No objection subject to conditions.

Arboriculturist – No objection.

Environmental Health (Contamination) – No comment.

Environmental Health (Nuisance) – No objection subject to conditions.

LLFA – No objection subject to condition.

Flixton Neighbourhood Forum – No comment received.

REPRESENTATIONS

Letters of objection have been received from the occupiers of seven nearby properties individuals, which raise the following issues:

- The new dwellings would have insufficient parking spaces and will result in unsafe parking on surrounding roads which currently lack on-street parking.
- The submitted parking survey is incorrect.
- The proposed layout would result in driveways being introduced to the front of each new dwelling, thereby further reducing the amount of on-street parking available.
- The development would result in the loss of the site's current sports court which is used by local residents.
- No information has been provided regarding the parking of vehicles and storage of materials during construction works.
- The proposal would result in an unacceptable privacy impact on neighbouring plots.
- The proposal would result in an unacceptable overshadowing impact on neighbouring plots.
- The proposal would result in an unacceptable overbearing impact on neighbouring plots.
- Construction works would result in an unacceptable amenity impact.
- Removal of on-site trees would result in an unacceptable ecological impact.
- The proposal would impact the value of adjacent dwellings.
- The proposal would result in an unacceptable security impact on local residents.

- The submitted documents include an incorrect statement that Delamere Road is subject to a 30mph limit when it in fact is subject to a 20mph limit.
- The advertised development description is incorrect in stating the development would comprise of six new dwellings because the advertised plans show eight new dwellings.

OBSERVATIONS

THE DECISION MAKING FRAMEWORK

1. S38(6) of the Planning and Compensation Act 1991 states that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF at paragraphs 2 and 47 reinforces this requirement and at paragraph 12 states that the presumption in favour of sustainable development does not change the statutory status of the development plan as a starting point for decision making, and that where a planning application conflicts with an *up to date* (emphasis added) development plan, permission should not normally be granted.
2. The Council's Core Strategy was adopted in January 2012, prior to the publication of the 2012 NPPF, but drafted to be in compliance with it. It remains broadly compliant with much of the policy in the 2021 NPPF, particularly where that policy is not substantially changed from the 2012 version.
3. The NPPF is a material consideration in planning decisions as the Government's expression of planning policy and how this should be applied; it should be given significant weight in the decision making process.
4. Paragraph 11 d) of the NPPF indicates that where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date, planning permission should be granted unless:
 - I. The application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - II. Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
5. Policies controlling the supply of housing, and the design, amenity and highways impacts of the development proposals are considered to be 'most important' for determining this application when considering the application against NPPF Paragraph 11.

6. The Council does not, at present, have a five year supply of immediately available housing land and thus development plan policies relating to the supply of housing are partially 'out of date' in NPPF terms, in respect of the current housing requirement. Other elements of these policies remain up to date.
7. Policy L7 (Design – which includes amenity and highways/parking) is consistent with the NPPF and is considered up to date. Full weight should be afforded to this policy.
8. Nonetheless, the tilted balance is automatically engaged due to a lack of five year housing land supply.
9. It is concluded elsewhere in this report that there are no protective policies in the NPPF which provide a clear reason for refusing the development proposed. Paragraph 11(d) (ii) of the NPPF is therefore engaged.

PRINCIPLE OF DEVELOPMENT

Housing Land

10. The site is not identified within Trafford's SHLAA (Strategic Housing Land Availability Assessment). The plot is located in a residential area.
11. The proposal would result in the demolition of the current building and the erection of 6 No. four bedroom dwellings which will be private market housing.
12. The site is located approximately 1.5km to the west of Urmston town centre and 0.6km to the north-east of Flixton. It is set within a primarily residential area, albeit with a commercial row to the south-west.
13. The Council can currently demonstrate a housing land supply in the range of 3.47 to 3.75 years, which is based on the standard method of calculating Local Housing Need and takes into account a 20% buffer applied for historic under delivery. The most recent Housing Delivery Test figure is 79% - i.e. Trafford has delivered 79% of its LHN (including 20% buffer) in the three years to March 2021.
14. The proposal is considered to be broadly in compliance with Core Strategy Policies L1 and L2. Thus the development would result in the redevelopment of the current site thereby complying with Policy L1.7 which sets an indicative target of 80% of new housing provision within the Borough to be built upon brownfield land.
15. In addition it is noted that the application site is in a sustainable location sited close to public transport links including the Chassen Road and Flixton railway stations, local schools and other community facilities. It is therefore considered that the proposal will specifically make a positive contribution towards Strategic Objective SO1 in terms of meeting housing needs and promoting high quality housing in

sustainable locations of a size, density and tenure to meet the needs of the community.

16. The development would result in the provision of six additional dwellings, contributing to the Borough's housing supply. The proposal would also acceptably comply with the requirements of Core Strategy Policy L2 through the development being located on a sufficiently sized plot, appropriately located to access existing community facilities, not harmful to local area character or amenity, and more generally in accordance with Core Strategy Policy L7, as outlined in the design/amenity appraisals below, (L2.2). The development would also likely result in a small economic benefit during its construction phase. The dwellings could be used as family housing.

Loss of Community Facility

17. Paragraph 93 of the Framework resists the unnecessary loss of community facilities, stating that *'to provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should.....c) guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs' and 'd) ensure that established shops, facilities and services are able to develop and modernise, and are retained for the benefit of the community'*.
18. Whilst the proposal would result in the loss of this building, which was previously used as an education facility (which the NPPF includes within the definition of community facility) it is noted that this use ceased on this site in 2021 with the Council having relocated this service to another part of the Borough. The site is not identified on the Council's register of Assets of Community Value and it is noted that the Strategic Planning consultee has confirmed no objection to the proposal, including with reference to this issue. The loss of this building which was previously a community facility would not result in any reduction in the ability of the local community to meet its day to day needs and is not considered to be grounds for refusing planning permission.
19. It is also noted that the site includes a tarmacked sports court. This is not Protected Open Space and it has not been open to the community since the site's previous use as an Education Centre ceased in 2021. It is not identified in the Council's Play Pitch Strategy. It is therefore considered that the loss of the sports court would not have an unacceptable impact on open space / sports provision in this case.

DESIGN

20. Paragraph 126 of the NPPF states: *The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable*

development, creates better places in which to live and work and helps make development acceptable to communities.

21. Paragraph 134 states: *Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes.*
22. Policy L7 of the Trafford Core Strategy states: *In relation to matters of design, development must: be appropriate in its context; make best use of opportunities to improve the character and quality of an area; enhance the street scene or character of the area by appropriately addressing scale, density, height, massing, layout, elevation treatment, materials, hard and soft landscaping works, boundary treatment; and, make appropriate provision for open space, where appropriate, in accordance with Policy R5 of this Plan.*
23. Under paragraph 2.4 of PG1: New Residential Development, the guidance acknowledges the role of infill development in providing a valuable contribution towards the supply of new housing, however this document reiterates that the resulting plot sizes and frontages should be sympathetic to the character of the area and satisfactorily relatable to neighbouring properties.
24. Paragraph 2.4 states: *Development of small vacant sites or the retention of buildings and construction of new dwellings within their garden areas are all possible forms of development. Whilst the Council acknowledges that the development of smaller urban sites with small scale housing or flat developments makes a valuable contribution towards the supply of new housing in the Borough, the way in which the new buildings relate to the existing will be of paramount importance. This type of development will not be accepted at the expense of the amenity of the surrounding properties or the character of the surrounding area. The resulting plot sizes and frontages should, therefore, be sympathetic to the character of the area as well as being satisfactorily related to each other and the street scene. Both the new property and the retained dwelling should comply with the standards set out in these guidelines.*
25. 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.
26. The Draft Trafford Design Code states: *The type, form and profile of a building has a dramatic effect on how it sits within its setting, and should seek to be complementary to the surroundings, particularly in historic environments. The rhythm and repetition of a group of houses on a street or around an open space can create a striking visual identity. Form is also important for the functionality of a building, with*

projecting elements in the facade or roof creating additional spaces or maximising light into a property [Type Form and Profile].

27. *The plan and internal layout of houses should provide a high standard of living accommodation for their occupants in terms of size, layout and daylight. Rooms should provide adequate space for their intended purpose and be capable of adaptation to support the changing needs of their occupants [Plan and Layout].*
28. *A well-proportioned elevation will be aesthetically pleasing, bring legibility and harmony to the building or series of buildings, and animate the street. Building elevations should not be designed in isolation, rather the design should create a cohesive approach along a street scene, thus creating consistency and unity. Designers, however, should design layouts and detailing to avoid overly repetitive street frontages. The building elevations help to express the character and style of the development and should be designed as a response to the context. The principal building elevation should always face the street with window treatments carefully considered in order to animate the frontage while maintaining privacy and security for the occupants [Elevation and Proportion].*
29. *The materials used and detailing of the building envelope should take cues from the surrounding area, referencing the historic surroundings where possible. A considered material palette will help ground the building in its context. Careful use of materials and detailing is needed in all proposals to ensure outcomes complement the surroundings. The use of natural materials in a limited palette is generally encouraged, with brick used as the predominant building material. Opportunities to enrich the design of the building through articulation and detailing should be considered and take cues from the surrounding vernacular where appropriate [Materials and Detail].*

Siting and Footprint

30. The proposed dwellings would be set in a line facing Delamere Road, with Plot No. 6 also facing Flixton Road to the south. The northern part of the site would be given over to the parking forecourt. The dwellings would respect the building line formed by properties to the north along Delamere Road, and Plot No. 6 would not undermine a building line formed by buildings facing Flixton Road. Each pair of semi-detached dwellings would be set an acceptable distance from its neighbour and from the wider plot's side boundaries. They would not result in an overdevelopment of the plot. It is considered that the proposed development of six dwellings would sit comfortably within the established urban grain of the surrounding area.

Bulk, Scale, Massing and Height

31. The proposed dwellings would have a scale, massing and proportions which would be acceptable within their surrounding context, especially with reference to the

facing properties on the opposite of Delamere Road which also include relatively large front facing gables. They are considered to have an acceptable visual impact in terms of their bulk, scale, massing and height with reference to the size of the plot and the surrounding context.

External Appearance/Materials

32. The proposed dwellings would have an acceptable design in terms of their external features, detailing and proportions, with the front elevations in part reflecting the design of the facing properties on the opposite side of Delamere Road. The introduction of windows on the southern property's gable elevation acceptably animates what would otherwise be a blank elevation.
33. Whilst the flat roofed rear elements would not reflect the character of the traditional properties within the area, their positioning to the rear of the plots would ensure they are not readily visible within the street scene with the exception of Plot 6 at the southern end of the site, which would sit adjacent to the existing two storey, flat roofed commercial units to the west.
34. The window and door recess of 100mm and the proposed external materials, the latter including metal framed windows and slate roofs, are considered to be acceptable with reference to the development and its context. Planning permission would be subject to standard conditions requiring the submission of information relating to detailed design and materials.

Wider Plot

35. The proposed hard and soft landscaping areas are acceptable with reference to the surrounding context, with the front of properties comprising of walled front gardens. The use of a parking court to the north of the plot is considered to be acceptable due to the presence of an existing parking area and part of the playground at this location and the fact that the impact of the proposed parking area would be softened by planting on the Delamere Road frontage and adjacent to the rear boundary. Planning permission would be subject to a standard landscaping condition.

Design and Crime

36. The proposal would redevelop a currently vacant and relatively dilapidated plot. The new houses would also introduce passive surveillance through the introduction of multiple windows to the south, west and east, all of which would be of some benefit in terms of security.
37. The proposed communal parking area would be overlooked by neighbouring properties on all sides as well as by the northernmost property in the proposed development. It is therefore considered that the proposed development would be

acceptable in this respect. It is noted that the GMP Design for Security has confirmed no objection.

38. The development would be acceptably designed with reference to Core Strategy Policy L7, PG1 New Residential Development, the draft Trafford Design Code, National Design Guide and the NPPF.

IMPACT ON RESIDENTIAL AMENITY

39. Policy L7 of the Core Strategy states: *In matters of amenity protection, development must be compatible with the surrounding area and not prejudice the amenity of the future occupiers and/or occupants of adjacent properties by reason of overbearing, overshadowing, visual intrusion, noise and/or disturbance, odour or in any other way.*
40. The New Residential Development SPG requires new residential developments to result in acceptable privacy, overshadowing and overbearing impacts on neighbouring properties, in addition to the provision of acceptable amenity standards for the future occupants of the proposed development.

Privacy

41. The development would introduce ground to second floor habitable room windows in the dwelling's front elevations which would face bedroom windows in the nursing home on the opposite side of Delamere Road. Whilst the window to window separation distance of 17m would be less than the guideline of 21m set out in the New Residential Development SPG, this is nevertheless considered to be acceptable with reference to the site's relatively tight urban context, and the fact that this reflects the character of the surrounding area with the terraced properties to the north also having a 17m gap between facing main habitable room windows.
42. The development would also introduce ground and first floor rear facing habitable room outlooks. Those at ground floor would have their views acceptably screened by the retained west boundary treatment. The first floor windows of Plots 1 to 4 would face habitable room windows at a distance of 21-26m. Whilst this would be less than the guideline of 27m across rear garden areas set out in the New Residential Development SPG, it is nevertheless considered to be acceptable considering that similar interface distances across rear gardens are common in the surrounding area and provided any permission is subject to a condition removing permitted development rights for extensions to the new properties to ensure these first floor distances are maintained.
43. The first floor rear facing habitable windows of Plots 5 and 6 at the southern end of the site would face a first floor habitable room window in the side elevation of the first floor flat to the south-west (No. 352A Flixton Road) at a distance of 14.7-15.8m. It is nevertheless considered that this would be acceptable considering the interface

distances within the surrounding area, the fact that Plot 5's windows would not directly face this window, and the fact that both of Plot 6's rear facing first floor windows could be conditioned to be obscurely glazed with one window serving a bathroom and the other being a secondary bedroom window. (The main outlook from this room would be across Flixton Road towards Flixton Park to the south).

44. Apart from Plot 6 the dwellings would have first floor side facing windows, which would be close to internal common boundaries, with Plot 1's side facing first floor window being relatively close to No. 1 Delamere Road to the north, however these could all be conditioned to be obscurely glazed and non-opening up to 1.7m above floor level as none of them would be principal habitable room outlooks.
45. Should planning permission be granted Officers recommend this should be subject to a further condition ensuring the flat roofed single storey rear elements are not used as external terraces, thereby preventing unacceptable overlooking of adjacent properties.
46. Officers note that Plot 1's garden would be relatively closely overlooked by first floor habitable room windows in the rear gable elevations of Nos. 2 and 4 Whitelake Avenue, at a distance of 5.6-5.8m, however this is nevertheless on balance considered to be acceptable considering the site's tight urban context with multiple properties closely overlooking neighbouring back gardens. For example No. 4 Whitelake Avenue has a first floor habitable room window which overlooks the garden to the rear of No. 1 Delamere Road at distance of 5m.
47. Officers also note that the gardens of Plots 5 and 6 would be closely overlooked by the first floor habitable room window and external stairwell at the side elevation of the apartment to the south-west (352A Flixton Road), at a distance of approximately 1-2m. It is recognised that this would result in some level of overlooking of the rear gardens and rear main habitable room windows of these properties. This is considered further in the Planning Balance below

Overbearing/Overshadowing

48. The new dwellings would not result in an unacceptable overbearing impact on adjacent properties, with those to the rear having habitable room windows which would be more than 15m from the closest two storey elevations, the property to the north not having sole habitable room windows in its south facing gable elevation, and the nursing home to the west having windows 17m from the proposed front elevation.
49. Whilst it is accepted that future occupants of Plots 5 and 6 would have rear facing ground floor habitable room outlooks which would be 11.7-12.6m from the gable elevation of the adjacent building to the south-west, this would be acceptable considering the site's tight urban context and the fact that the neighbouring gable is set at an angle.

50. It is considered that permitted development rights should be removed for extensions including roof extensions and outbuildings. This would prevent any uncontrolled extensions/outbuildings that could potentially result in loss of amenity to the detriment of surrounding occupiers.

Future Occupant Amenity Space

51. The proposal would provide an acceptable degree of internal space for future occupants. The proposed internal floor space would exceed National standards. In terms of outdoor space, it is recognised that there would be some overlooking of the outdoor amenity space of the proposed dwellings from neighbouring properties – in particular those of Plots 5 and 6. This will be discussed further in the Planning Balance

Noise/Nuisance

52. The Nuisance consultee has confirmed no objection to the proposal, subject to conditions. The proposed parking area would be acceptably off-set from the closest sensitive residential boundaries and also separated by screening vegetation.

53. The development would have an acceptable amenity/privacy impact on surrounding residential properties, having regard to the character of the surrounding area, and with reference to Core Strategy Policy L7 and the New Residential Development SPG. The level of amenity for future occupiers of the proposed development would be acceptable in terms of Plots 1 to 4 with reference to Core Strategy Policy L7 and the New Residential Development SPG. There are some concerns about the level of overlooking of the gardens and rear main habitable room windows of Plots 5 and 6 from an existing main habitable room and balcony in the adjacent dwelling on Flixton Road. This is considered further in the Planning Balance below.

HIGHWAYS, PARKING AND SERVICING

54. Core Strategy Policy L4 states: *[The Council will prioritise] the location of development within the most sustainable areas accessible by a choice of modes of transport. Maximum levels of car parking for broad classes of development will be used as a part of a package of measures to promote sustainable transport choices.*

55. Core Strategy Policy L7 states: *In relation to matters of functionality, development must incorporate vehicular access and egress which is satisfactorily located and laid out having regard to the need for highway safety; and provide sufficient off-street car and cycle parking, manoeuvring and operational space.*

56. The Parking SPD's objectives include ensuring that planning applications include an appropriate level of parking; to guide developers regarding the design and layout of car parking areas; to ensure that parking facilities cater for all users and to promote

sustainable developments. The Council's parking standards indicate that the provision of a maximum three off-road car parking spaces is appropriate for four bedroom dwellings at this location.

57. Each dwelling would have a single parking space, with a further two visitor spaces, one of which would be an accessible space, all contained within a parking area to the north of the plot. This level of parking provision is considered to be acceptable by the LHA, given the sustainability of the location in close proximity to the Flixton and Chassen Road railway stations. It is also noted that this would not be out of character with surrounding development with the existing terraced dwellings immediately to the north of the application site not having any off-street parking.
58. The Parking SPD states that accessible parking for a residential development of this scale is negotiated on a case by case basis. It is considered that one space is an acceptable level of provision in this case.
59. The proposed site plan shows there would be sufficient space for bin and cycle stores within each back garden.
60. The Servicing consultee has confirmed no objection to the proposal. A final comment from the LHA regarding the visibility splays on the amended proposed site plan is outstanding. Their comment will be included in the future Additional Information Report.
61. Subject to a final confirmation of no objection from the LHA, Officers consider the proposed development would have an acceptable highway, parking and servicing impact with reference to Core Strategy Policies L4 and L7, the Parking Standards and Design SPD, the New Residential Development SPG and the NPPF.

TREES AND ECOLOGY

62. The proposal would result in the removal of the current building and several trees with replacement hard and soft landscaping installed. The GMEU and arboriculturalist consultees have confirmed no objection subject to standard ecology planning conditions. The landscaping condition would include the requirement for the planting of three new trees per dwelling, net of clearance.
63. It is considered that the amended proposed development would have an acceptable trees and ecology impact with reference to Core Strategy Policies R2 and R3 and the NPPF.

EQUALITY STATEMENT

64. Policy L7.5 of the Core Strategy requires that development should be fully accessible and usable by all sections of the community and Paragraph 127 of the

NPPF reinforces this requirement by requiring planning decisions to ensure that developments create places that are safe, inclusive and accessible.

65. Under the provisions of the Equality Act 2010, specifically Section 149 Public Sector Equality Duty (PSED), all public bodies are required in exercising their functions to eliminate discrimination, advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it, and to foster good relations. Having due regard for advancing equality involves: removing or minimising disadvantages suffered by people due to their protected characteristics; taking steps to meet the needs of people from protected groups where these are different from the needs of other people; and encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low. The relevant protected characteristics of the PSED include age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex and sexual orientation. The PSED applies to Local Planning Authorities in exercising their decision making duties with regards planning applications.
66. It is noted that the new dwellings would each have a level front door access which would comply with Part M4(1) of the Building Regulations.
67. The proposal includes a single accessible parking space, and it is also noted that the LHA has not objected with reference to this provision. The Parking SPD states that accessible parking for a residential development of this scale is negotiated on a case by case basis. It is considered that this level of provision is acceptable in this case.
68. No other benefits or dis-benefits have been identified to persons with any other protected characteristic.
69. Overall taking into account the constraints of the site and the scale of the development, it is considered that the measures proposed to provide a facility accessible to all (including those required through the Building Regulations application), would on balance provide an appropriate, practical and reasonable response to the equalities impacts of the scheme.

DEVELOPER CONTRIBUTIONS

70. This proposal is subject to the Community Infrastructure Levy (CIL) and is located in the 'moderate zone' for residential development, consequently private market houses will be liable to a CIL charge rate of £40 per square metre, in line with Trafford's CIL charging schedule and revised SPD1: Planning Obligations (2014).
71. 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 at three trees per dwelling, totalling 18 trees net of clearance. Such details would be secured through an appropriately worded landscaping condition.

OTHER MATTERS

72. Considering the other concerns raised by objectors not addressed in the above assessment, Officers would note as follows:
73. The proposal does not include new driveways to the front of each new dwelling.
74. The current sports court is secured and fenced off. The Council's Strategic Planning team has not raised any objections to the loss of this facility and Officers note that Flixton Park immediately to the south includes sports pitches.
75. Planning permission would be subject to a construction management condition to control the impact of future development of the site.
76. The proposal's potential impact on the value of neighbouring properties is not a planning concern.
77. The advertised development description is correct in stating the development would comprise of six new dwellings. The advertised plans do not show additional proposed dwellings.

PLANNING BALANCE AND CONCLUSION

78. The proposed development would provide six additional dwellings, contributing to the Council's housing land supply, providing family housing on a brownfield site in a sustainable location sited close to public transport links including the Chassen Road and Flixton railway stations, local schools and other community facilities. It would also result in a small amount of economic benefit during construction.
79. The proposal is considered to be acceptable in terms of the principle of the proposed development location, together with the proposal's design, highways, servicing, ecology and tree impacts. These have been found to be acceptable, with, where appropriate, specific mitigation secured by planning condition.
80. The proposed development would be acceptable in terms of its impacts on the amenity of neighbouring properties and in terms of the amenity for future occupiers of the proposed dwellings on Plots 1 to 4. There are some concerns regarding the potential for overlooking of the rear gardens of the properties on Plots 5 and 6 from an existing first floor habitable room window and balcony in the side elevation of the adjacent property. However, given the existing site constraints, it is recognised that there is no way of overcoming this issue other than by not developing this part of the site, which would not result in an efficient use of land and would not be in keeping with the character and urban grain of the surrounding area. Whilst there would be some limited conflict with Policy L7 of the Core Strategy in this respect, it is

considered that the proposed development would comply with the Development Plan as a whole.

81. Applying the test in NPPF paragraph 11 d) ii), it is considered that the adverse impacts in terms of the level of privacy of the outdoor amenity space of the proposed dwellings on Plots 5 and 6 would not significantly and demonstrably outweigh the benefits of granting planning permission as set out above when weighed against the policies of the NPPF taken as a whole.

82. It is therefore concluded that the application should be approved subject to appropriate conditions.

RECOMMENDATION

GRANT subject to the following conditions:

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

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

2. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers [21-09] 04, received by the Local Planning Authority 4 April 2023; 03 I, 05 E, 06 F, 07 F, 08 F and 11 A, received by the Local Planning Authority 17 August 2023.

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

3. No above ground works shall take place unless and until a schedule of design intent drawings has first been submitted to and approved in writing by the Local Planning Authority. The schedule shall provide details in the form of 1:20 drawings and sections of all window and door reveals and recesses; feature brickwork panels; deep raked mortar joints; eaves and verge joints, rainwater goods; external façade structures including meter boxes; and flat roof trim details including proposed materials. Development shall be carried out in accordance with the approved schedule of design intent.

Reason: In the interests of visual amenity and design quality, specifically to protect the original design intent of the architect and the quality of the proposed development, having regard to Core Strategy Policy L7 and the National Planning Policy Framework, and the National Design Guide.

4. Notwithstanding any description of materials in the application no above ground construction works shall take place until samples of all materials to be used externally on the building, the boundary treatment, retaining walls and bin stores, and the hard landscaping (including shared surfaces, car parking spaces, paths and patios) 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. Sample panels shall be constructed on site, and retained for the duration of the build programme, illustrating all proposed brickwork, including decorative brickwork, the type of joint, the type of bonding and the colour of the mortar to be used. Development shall be carried out in accordance with the approved details.

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

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order amending or replacing that Order), the flat roof areas above the approved single storey rear elements shall not be used as a balcony, terrace, roof garden or similar amenity area, and no railings, walls, parapets or other means of enclosure shall be provided to the approved flat roof unless planning permission has previously granted for such works.

Reason: To protect the privacy and amenity of the occupants of the adjacent dwellings, having regard to Policy L7 of the Trafford Core Strategy and the National Planning Policy Framework.

6. a) Notwithstanding the details shown on the approved plans, the development hereby permitted shall not be occupied until full details of both hard and soft landscaping works have been submitted to and approved in writing by the Local Planning Authority. The details shall include the location of 18 additional trees net of any clearance, together with the formation of any banks, terraces or other earthworks, boundary treatments, materials for all hard surfaced areas (including those to the access road and parking bays), planting plans (including for the proposed green roof), 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. (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 Policies L7 and R2 of the Trafford Core Strategy and the National Planning Policy Framework.

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 Schedule 2 Part 1 and 2 (or any equivalent Order following the amendment, re-enactment or revocation thereof)
 - i) no external alterations shall be carried out to the dwellings;
 - ii) no extensions shall be carried out to the dwellings;
 - iii) no outbuildings shall be erected within the curtilage of the dwellings;

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

8. No development or works of site preparation shall take place until all trees that are to be retained within or adjacent to the site have been enclosed with temporary protective fencing in accordance with the tree protection plan reference MY940/FR/03 REV B, contained within the approved Murray Tree Consultancy Arboricultural Report reference PM/FULL/29/03/22, received 4 April 2023, and BS:5837:2012 'Trees in relation to design, demolition and construction. Recommendations'. The fencing shall be retained throughout the period of construction and no activity prohibited by BS:5837:2012 shall take place within such protective fencing during the construction period.

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

9. The development hereby permitted shall not be occupied unless and until the approved external parking spaces and the areas for the movement, turning and parking of vehicles have been provided, constructed and surfaced in complete accordance with the plans hereby approved. 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) the spaces shall be retained thereafter.

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

10. No development, including demolition, shall take place until a Pre-Construction Environmental Management Plan (CEMP) has been submitted and approved in writing by the Local Planning Authority. The CEMP shall include 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 (including demolition) activity (in accordance with Trafford Council's recommended hours of operation for construction works);
- b) the parking of vehicles of site operatives and visitors (all within the site);
- c) loading and unloading of plant and materials, and deliveries to the site (all within the site), including times of access/egress;
- d) The management of deliveries to including details of any proposed delivery booking system;
- e) storage of plant and materials used in constructing the development;
- f) the erection and maintenance of security hoardings including decorative displays and facilities for public viewing, where appropriate;
- g) wheel washing facilities and any other relevant measures for keeping the highway clean during demolition and construction works;
- h) 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;
- i) a scheme for recycling/disposing of waste resulting from demolition and construction works (prohibiting fires on site);
- j) measures to prevent disturbance to adjacent dwellings from noise and vibration, including any piling activity (refer to BS5228);
- k) 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;
- l) information to be made available for members of the public;
- m) nuisance complaints procedure;
- n) contact details of site manager to be advertised at the site in case of issues arising.

The development shall be implemented in accordance with the approved CEMP.

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 Policy L7 of the Trafford Core Strategy and the National Planning Policy Framework. The details are required prior to development taking place on site as any works undertaken beforehand, including preliminary works, could result in adverse residential amenity and highway impacts.

11. No installation of new exterior lighting shall take place unless and until an Exterior Lighting Impact assessment has been submitted to and approved by the Local Planning Authority to demonstrate that lighting impacts into the windows of habitable rooms would be within acceptable margins, following the Institution of Lighting Professionals' Guidance Note 01/21 *Guidance notes for the reduction of obtrusive light*. The exterior lighting shall be implemented in accordance with the

approved details. The approved lighting, including any mitigation measures, shall be retained in good order for the lifetime of the development.

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

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

Reason: In order to prevent any habitat disturbance to nesting birds having regard to Policy R2 of the Trafford Core Strategy and the National Planning Policy Framework. The ecological survey is required prior to development taking place on site as any works undertaken beforehand, including preliminary works, could unacceptably impact potential nesting birds on site.

13. The development hereby permitted shall not be occupied unless and until biodiversity enhancement measures have been incorporated into the development in accordance with details (including the location and specification of bat and bird boxes) that have first been submitted to and approved in writing by the local planning authority. The approved measures shall be retained thereafter.

Reason: To secure biodiversity improvements, having regard to Policy R2 of the Trafford Core Strategy and guidance in the NPPF.

14. No above ground works shall take place until drawings demonstrating the full details of the proposed cycle and bin stores, including their detailed external appearance, have been submitted to and approved in writing by the Local Planning Authority. The development hereby permitted shall not be occupied unless and until the proposed cycle and bin stores have been provided in accordance with the approved details. The approved cycle and bin stores shall be retained thereafter.

Reason: To secure sustainable transport options and in the interests of local visual amenity in accordance with Policy L7 of the Trafford Core Strategy and the National Planning Policy Framework.

15. 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

windows in the side elevations of the dwellings on Plots 1 to 5 and the first floor rear facing windows of the dwelling on Plot 6 hereby permitted shall be fitted with, to a height of no less than 1.7m above finished floor level, non-opening lights and textured glass which obscuration level is no less than Level 3 of the Pilkington Glass scale (or equivalent) and retained as such thereafter.

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

16. The development permitted by this planning permission shall only be undertaken in accordance with the approved Surface & Foul Water Drainage Strategy (24th May 2023 / REP-FLI-SFDS-MM-001-REV-B / Kennedy Redford) and the following mitigation measures detailed within the Strategy:

- Surface water to be discharged in accordance with the drainage hierarchy.
- Limiting the surface water run-off generated by the 1 in 100yr + CC critical storm so that it will not exceed 5 l/s and not increase the risk of flooding off-site.
- Provision of a minimum 10m³ of attenuation flood storage on the site to a 1 in 100yr +CC standard.

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site having regard to Policies L5 and L7 of the Trafford Core Strategy and the National Planning Policy Framework.

17. The site shall be drained via separate systems for the disposal of foul and surface water.

Reason: To secure a satisfactory system of drainage and to prevent pollution of the water environment having regard to Policies L5 and L7 of the Trafford Core Strategy and the National Planning Policy Framework.

18. The development hereby permitted shall not be occupied unless and until a management and maintenance plan for the drainage scheme for the lifetime of the development has been submitted to and approved in writing by the Local Planning Authority. The management and maintenance plan shall include the arrangements for adoption by an appropriate public body or statutory undertaker, management and maintenance by a Residents' Management Company or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime. The management and maintenance plan shall be implemented on first occupation of the development and shall continue to be implemented thereafter.

Reason: To secure a satisfactory system of drainage and to prevent pollution of the water environment having regard to Policies L5 and L7 of the Trafford Core Strategy and the National Planning Policy Framework.

19. The development hereby approved shall not be occupied unless and until a scheme for the installation of electric vehicle charging points has been submitted to and approved in writing by the Local Planning Authority. The approved charging points shall be installed and made available for use prior to the development being occupied and shall be retained thereafter.

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

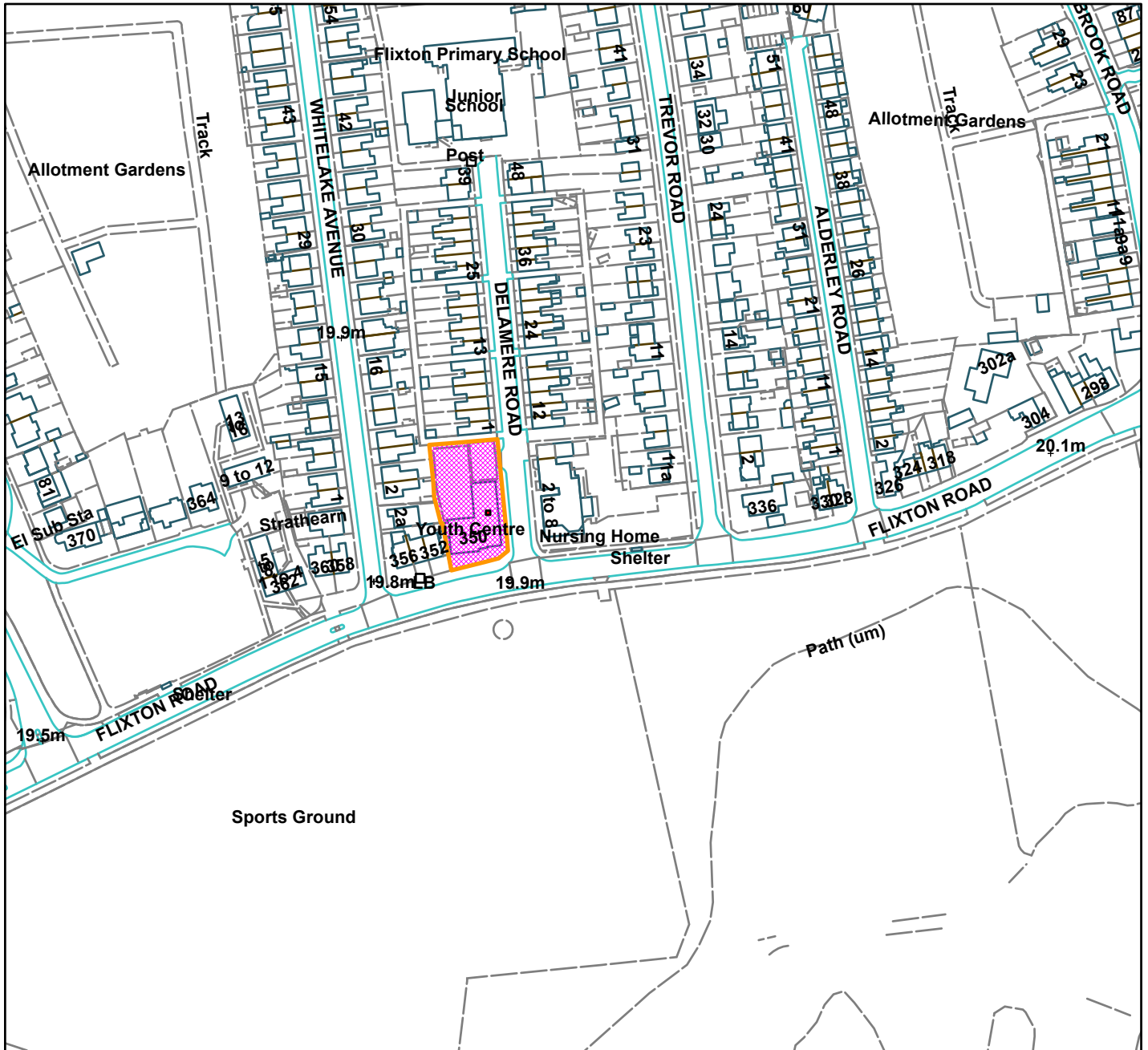
20. No above ground development shall take place unless and until finished floor levels for the proposed building and details of existing and proposed site levels relative to agreed off-site datum points have been submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved details.

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

TP



350 Flixton Road, Flixton (site hatched on plan)



Scale: 1:2,500

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Organisation	Trafford Council
Department	Planning Service
Comments	Committee date -14/09/2023
Date	01/09/2023
MSA Number	AC0000809316 (2022)

WARD: Timperley North

111091/HHA/23

DEPARTURE: No

Erection of a single storey front porch, two storey side and part single/part two storey rear extension.

47 Riddings Road, Timperley, WA15 6BW

APPLICANT: Mr Chadwick

AGENT: Cube Design Solutions

RECOMMENDATION: GRANT SUBJECT TO CONDITIONS

The application is reported to the Planning and Development Management Committee as it has been called in by Councillor Frass, due to concerns over the scale and massing of the proposal and the impact on light to the neighbouring property.

SITE

The proposed development site consists of a two storey brick-built semi-detached property with a hipped roof. The site is located in a residential area of Timperley, on the north-eastern side Riddings Road with residential properties to all other aspects.

To the front of the dwelling there is a driveway and a small garden. To the rear, there is a single storey outrigger and a garden. The dwellings in the surrounding area are predominantly semi-detached of a similar design.

PROPOSAL

The applicant is seeking planning permission for the erection of a two storey side, part single part two storey rear extension and a single storey front extension including a new front porch.

The proposed side extension would project by 1.3m from the side elevation of the dwelling. It would have a hipped roof with an apex height of approx. 7.7m and eaves height of approx. 5.5m.

The part single, part two storey rear extension would replace the existing rear outrigger. It would have a depth of 3.7m on the ground floor and project by 1.5m on the first floor adjacent to no. 45 Riddings Road and by 3m on the first floor adjacent to no. 49 Riddings Road.

The single storey rear extension would have a mono-pitched roof, with an apex height of approx. 3.5m and eaves height of approx. 2.6m. The first floor extension would have two hipped roofs. The roof close to no. 45 would have an apex height of approx. 6.2m

and eaves height of 5.5m. The roof close to no. 49 would have an apex height of approx. 6.9m and eaves height of 5.5m.

The front extension including the porch would have a width of 3.5m and depth of 1m. It would have a pitched roof, with an apex height of approx. 3.2m and eaves height of 2.6m.

Value Added: Amended plans were received on the 22nd August 2023, which showed the depth of the first floor rear extension was reduced from 3.6m to 3m.

DEVELOPMENT PLAN

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

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

PRINCIPAL RELEVANT CORE STRATEGY POLICIES

L4 - Sustainable Transport and Accessibility

L7 - Design

In relation to paragraph 11 of the NPPF, these policies of the Core Strategy are considered up to date and full weight should be given to these policies.

OTHER LOCAL POLICIES

SPD3 – Parking Standards and Design

SPD4 – A Guide for Designing House Extensions and Alterations

PROPOSALS MAP NOTATION

None

PRINCIPAL RELEVANT REVISED UDP POLICIES/PROPOSALS

None

NATIONAL PLANNING POLICY FRAMEWORK (NPPF)

DLUHC published the latest version of the National Planning Policy Framework (NPPF) on 20 July 2021. The NPPF will be referred to as appropriate in the report.

NATIONAL PLANNING PRACTICE GUIDANCE (NPPG)

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.

PLACES FOR EVERYONE

Places for Everyone (PfE) is a joint Development Plan Document being produced by nine Greater Manchester districts (Bolton, Bury, Manchester, Oldham, Rochdale, Salford, Tameside, Trafford and Wigan). Once adopted, PfE will be the overarching development plan, setting the policy framework for individual district Local Plans. The PfE Regulation 19 consultation concluded in Autumn 2021 and the Plan was submitted to the Secretary of State for Levelling Up, Housing and Communities on 14 February 2022. Independent Inspectors have been appointed to undertake the Examination in Public of the PfE Submission Plan and the timetabled hearings have now been completed with further updates from the Inspectors possible. Whilst PfE is at a significantly advanced stage of the plan making process, for the purposes of this application it is not yet advanced enough to be given any meaningful weight, such that it needs consideration in this report.

RELEVANT PLANNING HISTORY

None

APPLICANT'S SUBMISSION

CIL Questions

CONSULTATIONS

None

REPRESENTATIONS

The neighbouring properties were notified by letter on the 8th June 2023. One letter of objection was received from no. 49 Riddings Road, which in summary, states:

- The proposed extension will block the natural daylight coming into our kitchen, morning room, pantry, hallway, and downstairs toilet.
- It will also overshadow our front and back gardens and impacting our privacy and health.
- Concern over the noise, dust and upheaval of the extension work
- The proposed extension may result in parking issues outside our property.
- We recently had our pathway flagged and are worried it may get damaged.

Equalities issues were raised in the objection.

The neighbour properties were re-notified by letter on the 22nd August 2023 for the amended proposal and no further comments were received from neighbours.

OBSERVATIONS

PRINCIPLE OF DEVELOPMENT

1. Householder extensions are acceptable in principle subject to not having an undue impact on the design of the existing property and street scene, amenity of neighbouring properties and parking/highways. The proposal has been considered/assessed against Core Strategy with Policy L7 and guidance contained in SPD4 and the NPPF.

DESIGN

2. The proposed two storey side extension would retain a 1m gap to the shared boundary with no. 49 Riddings Road which would avoid any terracing effect and allow access to the rear, in compliance with SPD4. It would project by 1.3m from the side elevation of the dwelling, significantly less than half the width of the host dwelling and is considered acceptable in scale. It would set back slightly from the main principal elevation at first floor to allow a neat brick join and reduce its prominence in relation to the street scene. The proposed hipped roof would match the roof form of the host dwelling. It would be marginally set down from the main ridge, with the eaves matching the eaves level of the host dwelling, to maintain a subservient appearance.
3. The part single part two storey rear extension would replace the existing rear outrigger and is considered to be of a scale that is proportionate to the dwelling and plot. Given that a significant garden space would still be retained, the overall scale, form and massing of the rear extension are considered acceptable and would not dominate the original property. The hipped roofs would be set down from the main ridge and the eaves height would correspond with the eaves height of the main roof, which is acceptable in appearance.
4. The front extension including the front porch would project approx. 1m from the front elevation of the dwelling. Although this would be 0.35m further than the existing front bay window, the porch would not appear unduly prominent within the street scene or out of character, given that a significant front garden space would still be retained and this type of front extensions is common in the area.
5. The proposed brickwork, roof tiles and windows would match the existing, in compliance with SPD4. The new features, including the front and side doors, patio doors and rooflight, are acceptable in appearance, and would have no detrimental impact on the street scene.
6. The proposal as a whole is considered appropriate in scale and appearance, and would not cause harm to the character of the existing property or street scene. It is therefore considered that the proposal would be acceptable in design terms and in accordance with the SPD4 and policy L7.

RESIDENTIAL AMENITY

Impact on front and rear

7. The two storey side extension would not project beyond the front elevation of the original dwelling, with over 21m to the properties on the opposite side of the road. The rear extension would not be visible from the front. The front extension including the porch would have a limited forward projection, and a significant hard standing and garden space would be retained to the front. Therefore, the proposal would not cause harm to amenity of the dwellings facing the application site.
8. To the rear, the rear extensions would retain a separation distance of approx. 10.8m on the ground floor and 11.5m on the first floor to the rear boundary, in compliance with SPD4. Given the sufficient separation distance, the proposal would not cause harm to the amenity of the rear neighbouring dwellings.

Impact on 49 Riddings Road

9. The two storey side extension would retain a 1m gap to the shared boundary with no. 49, resulting in a separation of approximately 3.2m between the side elevation of no. 49 and that of no. 47. This is only a reduction of 1.3m on the existing relationship. There are several windows on the side elevation of no. 49, however only the ground floor bay window and side door serve a habitable room (kitchen/dining room). However the bay window and side door are not the only source of light into the room, as natural light could still enter from the ground floor window on the rear elevation. Therefore given the modest reduction in separation between the properties and available light from other windows, on balance it is not considered the proposal would cause a harmful impact in regards to outlook or being overbearing.
10. It is acknowledged that given the orientation of the site, the proposed side extension would cause some overshadowing and loss of light impacts to no. 49's bay window and side door. However, the depth of the proposed first floor extension has been reduced by 0.67m during the application following comments from officers to limit the impact. Also as noted above as the room served by bay window and side door have another source of light, on balance the proposed side extension is not considered to cause a harmful loss of light or overshadowing that would warrant refusal.
11. The proposed ground floor rear extension, sited 1m to the shared boundary with no. 49, would have depth of 3.7m, in compliance with SPD4. Therefore given the scale of this element and separation to the side boundary it would not cause an overbearing or overshadowing impact on no. 49.

12. The proposed first floor rear extension, sited 1m to the shared boundary with no. 49, would have depth of 3m from the main rear wall, which would exceed the SPD4 recommended projection limit by 0.5m (guidance limit is 2.5m in this case). However, no. 49 features a single storey rear extension of approx. 2.8m in depth, that the proposed first floor extension would only project approx. 0.2m beyond the rear elevation of no. 49. In addition, the no. 49's first floor rear window closest to the applicant property is obscurely glazed which is unlikely to serve a habitable room. As such, the proposed first floor rear extension is not considered to cause an overbearing or overshadowing impact on no. 49.
13. The proposed ground floor side door on the northeast elevation, although would be sited closer to the boundary than the existing side elevation windows, would not benefit from an elevated view and there is an existing 1.8m high boundary fence, therefore would not cause an unacceptable overlooking impact. The proposed first floor bathroom window on the side elevation would be conditioned as obscurely glazed and non-open up to 1.7m to minimise any overlooking impact.
14. The proposed rooflight on the ground floor rear extension would not be visible from no. 49 and therefore would not cause harm to the amenity of no. 49.
15. The proposed porch is not considered to cause harm to the amenity of no. 49 given its scale and the adequate separation distance to be retained.
16. It is recognised that the development would result in some noise and dust during the construction phase. However, this is common to all new developments. The scale of the development is small and any disruption would be temporary in nature.
17. The comments from no. 49 regarding the loss of light and impact on privacy are noted, however the development has been considered against the development planning and SPD4 and given the context of the site and scale of the proposal the impacts of the proposal have been found to be compliant with policy and guidance and be acceptable.
18. It is therefore considered the proposed development would be acceptable in residential amenity terms and is in accordance with the SPD4 and Policy L7.

Impact on 45 Riddings Road

19. The proposed ground floor rear extension, sited 0.1m to the shared boundary with no. 45, would have depth of 3.7m. Given there is an existing rear extension at no. 45 that the proposed ground floor extension would not project beyond, this element of the scheme is SPD4 compliant and is not considered to cause a harmful overbearing or overshadowing impact on no. 45.

20. The proposed first floor rear extension would have a depth of 1.5m increasing to 3m, and with a distance of 0.1m and 2.45m to the shared boundary with no. 45 respectively, both compliant with SPD4. Therefore, it is considered the extension would not cause a harmful overbearing or overshadowing impact on no. 45.
21. No windows are proposed on the rear extension to face no. 45, and therefore the proposal would not cause an overlooking impact. The proposed rooflight is considered acceptable in sitting and scale, and would not cause harm to the amenity of no. 45.
22. The two storey side extension would not be visible from no. 45, and therefore would not cause harm to the amenity of no. 45.
23. The proposed porch is not considered to cause harm to the amenity of no. 45 given its scale and the adequate separation distance to be retained.
24. It is therefore considered the proposed development would be acceptable in residential amenity terms and is in accordance with the SPD4 and Policy L7.

HIGHWAYS/PARKING

25. The proposed development would increase the number of bedrooms from three to four, which would be required to have three off street parking spaces according to SPD3. Whilst the proposal does not fully comply with SPD3, given that there is unrestricted on-street parking in the area, the proposed development would not cause an unacceptable parking impact in the area or to the adjacent dwellings.

OTHER CONSIDERATION

26. It is noted that an objection was made regarding the potential damage to no. 49's pathway. However, this application is assessed on its impacts on the design of the property and street scene, residential amenity and parking/highways. Any damage caused during the course of the development cannot be considered and would be a private matter between the parties.

EQUALITIES

27. 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.
28. As part of the Act, the 'public sector equality duty' came into force in April 2011 (Section 149 of the Act), and with it confirmed (via Section 19 of the Act) that this

duty applies to local authorities (as well as other public bodies). The equality duty comprises three main aims: A public authority must, in the exercise of its functions, have due regard to the need to:

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

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.

29. A neighbour has submitted an objection which is considered to raise an issue under the Equality Act. In accordance with the Equality Act, consideration is given to these matters. The decision makers will be made aware of the full details in order that they may take full account of the matters raised in their decision making. However officers consider that in the planning balance that the equalities impacts of the development would not be so severe that a refusal of planning permission would be justified.

DEVELOPER CONTRIBUTIONS

30. The proposal would create less than 100sqm of additional internal floor space and is not subject to the Community Infrastructure Levy (CIL).

PLANNING BALANCE AND CONCLUSION

31. The proposed development is considered to be acceptable in principle and not to cause harm to the character and appearance of the dwelling and street scene by reason of its design, and is considered appropriate within its context. In addition, the proposed development will have no significant impact in terms of any overbearing, overshadowing or overlooking impact or parking demand in the area, it therefore meets the aims of the Core Strategy and the NPPF in this respect.
32. All relevant planning issues, including those raised and considered under the Equalities Act have been considered including representations received in concluding that the proposal comprises an appropriate form of development for the site. The application is compliant with Policies L4 and L7 of the Trafford Core Strategy, SPD4 and national policy guidance contained within the NPPF, and 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, amended plans, numbers: 1322-03 (Proposed Floor Plans), 1322-04 (Proposed Elevations), 1322-05 (Proposed Roof Plan) received on the 22nd August 2023; and 1322-06 (Existing Site Location and Site Plan received on the 31st May 2023.

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

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

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

4. 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 windows in the first floor on the north-east elevation facing no. 49 Riddings Road shall be fitted with, to a height of no less than 1.7m above finished floor level, non-opening lights and textured glass which obscuration level is no less than Level 3 of the Pilkington Glass scale (or equivalent) and retained as such thereafter.

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

CC



47 Riddings Road, Timperley (site hatched on plan)



Scale: 1:1,250

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Organisation	Trafford Council
Department	Planning Service
Comments	Committee date -14/09/2023
Date	01/09/2023
MSA Number	AC0000809316 (2022)

WARD: Hale Barns &
Timperley South

111217/FUL/23

DEPARTURE: No

Demolition of existing garage and erection of 1no. two-storey dwelling with associated landscaping.

Oak Trees, Hawley Lane, Hale Barns, WA15 0DR

APPLICANT: Belmont Homes GR Ltd

AGENT: Paul Butler Associates

RECOMMENDATION: GRANT

SITE

The site this application refers to is a roughly rectangular site, on the south eastern side of Hawley Lane, a residential street in Hale Barns.

The site consists of a 2-storey detached dwelling, set to the west of the site, with a large side garden and detached garage to the east side of the dwelling. In front of the house are two entrances to the site, with a third provided in front of the garage.

The surrounding area is residential in nature with a variety of the property styles and designs, although predominately detached.

Approximately 80m to the west of the site is the South Hale Conservation Area.

PROPOSAL

The proposal seeks permission to subdivide the site running roughly north-south, demolish the existing garage and construct a new, additional, dwelling on site.

The dwelling would have a footprint of approx 168m² within a plot of approx 623m². The new dwelling would make use of the existing access to the east of the site with existing gates and gateposts retained. The front of the site would be split, between a gravel driveway with access to an integral garage and central entrance and small front lawn.

Access would be maintained down both sides of the dwelling, to the rear would be a lawn and patio area with a proposed wildflower border. New boundary treatments would be introduced including 3m pleached trees to the west boundary, 3-3.5m hedging to the north (rear) boundary and wrought iron fencing with 2m hedging to the east boundary.

The dwelling itself would be of traditional design, with integral garage, pitched roof dormer to 1st floor level and two storey gable projection. To the rear would be a part single, part two storey rear projection with the first floor aspect being set in by 1m from the rear building line, separated by a lean-to roof and brick detailing to the 1st floor level.

Internally would be a reception hall, cloak room, utility room, two reception rooms, a kitchen/dining room to the rear at ground floor level. To the first floor would be three double bedrooms all with en-suite.

Materials would include a slate grey roof, timber fascia and eaves, black aluminium rainwater goods, weathered red brick, buff natural stone plinth and window surrounds and painted timber windows. The front gable and gable to the dormer would include painted timber cladding.

The main roof would include a large cat-slide roof slope running from the garage eaves to the gable height of the main roof. Rooflights would be included to the front, and both side elevations.

Added Value

The scheme has been amended at the request of the planning officer.

- Reduction of 1m to depth of 1st floor rear projection
- Addition of brick detailing to rear elevation
- Addition of 1st floor side (east) elevation windows

DEVELOPMENT PLAN

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

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

PRINCIPAL RELEVANT CORE STRATEGY POLICIES

L1 – Land for New Homes
L2 – Meeting Housing Needs
L4 – Sustainable transport and accessibility
L5 – Climate Change
L7 – Design
R2 – Natural Environment

PROPOSALS MAP NOTATION

None

PRINCIPAL RELEVANT REVISED UDP POLICIES/PROPOSALS

SPD1 - Planning Obligations;
SPD3 - Parking Standards & Design;
SPD4 – A Guide to householder extensions and alterations
PG1 - New Residential Development;

PLACES FOR EVERYONE

Places for Everyone (PfE) is a joint Development Plan Document being produced by nine Greater Manchester districts (Bolton, Bury, Manchester, Oldham, Rochdale, Salford, Tameside, Trafford and Wigan). Once adopted, PfE will be the overarching development plan, setting the policy framework for individual district Local Plans. The PfE Regulation 19 consultation concluded in Autumn 2021 and the Plan was submitted to the Secretary of State for Levelling Up, Housing and Communities on 14 February 2022. Independent Inspectors have been appointed to undertake the Examination in Public of the PfE Submission Plan and the timetabled hearings have now been completed. Given the advanced stage of PfE it now has substantial weight in the planning balance. The timing of this application means that it has not been appropriate/ necessary to fully consider the PfE policies in the report, however a high level assessment has been undertaken and it is not considered that the PfE policies would have any significant implications for this application.

NATIONAL PLANNING POLICY FRAMEWORK (NPPF)

DLUHC published the latest version of the National Planning Policy Framework (NPPF) on 20 July 2021. The NPPF will be referred to as appropriate in the report.

NATIONAL PLANNING PRACTICE GUIDANCE (NPPG)

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

109768/FUL/22 - Demolition of existing garage and construction of new dwelling with associated landscaping – Refused 14.03.2023.

Extensions to existing dwelling

H/62670 – Proposed dormer extension to side elevation to provide additional living accommodation – Refused 15.09.2005

H28516 – Erection of detached dormer bungalow – Refused 21.12.1988

H02369 – Extension to form kitchen and breakfast room – Approved with Conditions 24.09.1975

APPLICANT'S SUBMISSION

Design and Access Statement
Preliminary Ecological Appraisal
Planning Statement
Arboricultural Impact and Method Statement
Façade Design Analysis

CONSULTATIONS

Local Highway Authority

No objection, recommend conditions.

Greater Manchester Ecology Unit

No objection, recommend conditions.

Arboriculturist

No objection, recommend conditions.

Lead Local Flood Authority

In the absence of a Flood Risk Assessment/Drainage Strategy, the LLFA have objected.

This requires consideration of surface water run-off. Further comments to be reported in the Additional Information Report.

Trafford Council Heritage and Development Officer

No objection.

United Utilities

No objections, comments provided in relation to water and wastewater pipelines, apparatus and services and drainage.

Cadent Gas

No objection, informative note required.

REPRESENTATIONS

A total of 6 objections were received from surrounding properties residents which have been summarised below:

- Limited changes compared to the previously refused scheme
- Footprint nearly identical to previously refused scheme
- Would still have overbearing impact on 12 Elmsway
- Not in keeping with area
- Removing gardens add to flood risk and harms character of the area
- Loss of trees and habitats undermines environmental policy
- Sets precedent for other development in gardens
- Hawley Lane already 'saturated' with development
- Loss of openness to this part of Hale Barns
- Add congestion to the area on an already busy road
- Ecological appraisal out of date
- Ridge height not comparable with neighbouring properties
- Overlooking to 17 and 12 Elmsway and 8 Hawley Lane
- Overbearing on the rear garden of Charnwood
- Insufficient distance between opposing rear elevations
- Hornbeam screening not evergreen/year round
- Overdevelopment of the site
- Appearance over dominant compared to Wren Cottage in size/scale and architectural style which is older property (built 1890) and potential NDHA

OBSERVATIONS

PRINCIPLE OF DEVELOPMENT

1. S38(6) of the Planning and Compensation Act 1991 states that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF at paragraphs 2 and 47 reinforces this requirement and at paragraph 12 states that the presumption in favour of sustainable development does not change the statutory status of the development plan as a starting point for decision making, and that where a planning application conflicts with an up to date (emphasis added) development plan, permission should not normally be granted.
2. The Council's Core Strategy was adopted in January 2012, prior to the publication of the 2012 NPPF, but drafted to be in compliance with it. It remains broadly compliant with much of the policy in the 2021 NPPF, particularly where that policy is not substantially changed from the 2012 version.
3. The NPPF is a material consideration in planning decisions as the Government's expression of planning policy and how this should be applied; it should be given significant weight in the decision making process.
4. Paragraph 11 d) of the NPPF indicates that where there are no relevant development plan policies, or the policies which are most important for

determining the application are out of date, planning permission should be granted unless:

- I. The application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - II. Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
5. Policies controlling the supply of housing, as well as those relating to the proposal's design and amenity impacts are considered to be 'most important' for determining this application when considering the application against NPPF Paragraph 11.
 6. Footnote 8 to paragraph 11(d) makes it clear that the 'most important' development plan policies should be considered out-of-date for applications involving the provision of housing, in situations where the local planning authority cannot demonstrate a 5 year supply of immediately available housing land, so paragraph 11(d) is automatically engaged, i.e. the tilted balance.
 7. Core Strategy Policy L7, relating to design and amenity, is consistent with the NPPF and is therefore considered to be up to date. Full weight should be afforded to this policy.

Housing Land

8. The Council can currently demonstrate a housing land supply within the range of 3.45 to 3.75 years, which is based on the standard method of calculating Local Housing Need and takes into account a 20% buffer applied for historic under delivery. The most recent Housing Delivery Test figure is 79% - i.e. Trafford has delivered 79% of its LHN (including 20% buffer) in the three years to March 2021.
9. The application proposal would deliver 1 no. new three bedroom residential unit for private market housing. This is a very limited contribution towards meeting the Borough's housing need, although officers still consider that significant weight should be afforded in the determination of this planning application to the scheme's contribution to addressing the identified housing shortfall, and meeting the Government's objective of securing a better balance between housing demand and supply.
10. Whilst the application site is considered to be a greenfield site, it is located within a sustainable location within an established urbanised area close to public transport links, local schools and other community facilities. Whilst the provision of one unit will make a very limited contribution towards meeting the Borough's housing needs, significant weight should nevertheless be afforded to it and the

Government's objective of securing a better balance between housing demand and supply.

11. The creation of an additional dwellinghouse is therefore acceptable in terms of the Council's housing policies, subject to all other material considerations being satisfactory.

DESIGN AND VISUAL AMENITY

12. NPPF, PPG, the National Design Guide (NDG) and the National Model Design Code (NMDC) set out the Government's planning policies and guidance on matters of design. The NDG is considered to be a material consideration in the determination of planning applications and should be attributed significant weight.
13. National and local policy places great weight on the importance of good design. The NPPF at paragraph 126 indicates high quality, beautiful and sustainable buildings is fundamental to what the planning and development process should achieve. The government's increased emphasis on design is also set out in the National Design Guide to which great weight should be attached.
14. Core Strategy policy L7 echoes these messages in requiring well-designed development. The Council's Supplementary Planning Guidelines, New Residential Development (PG1), acknowledges in paragraph 2.4 that new dwellings within garden areas can be an acceptable form of development but not at the expense of the amenity of the surrounding properties or the character of the surrounding area. Whilst not strictly applicable to new residential development, the Council's SPD4 (2012) householder guidelines also provides useful context.
15. Hawley Lane has a spacious character, although plots are not overly generous, dwellings are provided with a good level of outdoor private amenity space. With some exceptions, the general context is that residential properties having a good level of space between dwellings. There is a general verdant character as the front boundaries are predominantly soft landscaped with front gardens. Properties are detached and of varying style, form and materiality. Of particular exception in the site context is 'Wren Cottage' which is a small detached cottage to the east of the site.
16. The site currently makes a positive contribution to the character of the area, with the main property reflecting the detached character of surrounding dwellings and the large garden contributing to the spaciousness and verdant nature.
17. In considering the proposal for an infill dwelling it is important the development would not appear out of context due to the resultant plot size of either the retained and proposed dwelling or cramped frontages to the street-scene. In this instance, the subdivision of the plot would create two sites both of an area that reflect existing plot sizes within the local context.

18. Further to this, as the access is existing, the front boundary hedge/shrubbery is being retained and the orientation of the property to the street is conventional, with a street frontage and therefore it is considered the site is appropriate for an infill dwelling.
19. The previously submitted scheme on this site was refused for reasons including *“The proposed development, by reason of its siting, scale, massing and design would represent a cramped, contrived and unsympathetic form of development that would not respect the spacious character of the plot and the surrounding area, appearing overly dominant within the plot. The proposed development would therefore have a detrimental impact on the character and visual appearance of the street scene and the surrounding area and would be contrary to Policies L2 and L7 of the Trafford Core Strategy, the Council's adopted Planning Guidelines, New Residential Development and guidance in the National Planning Policy Framework.”*
20. The current application has sought to address this in two ways, firstly, an amended roof design and elevational treatment which gives a more vertical emphasis by introducing a gable projection and long cat slide roof. Both characteristic of the area.
21. Secondly through changing the size of the site and the siting of the proposed dwelling. The total width of the dwelling has been reduced from 17.6m to 16.5m. The new boundary between the existing dwelling and proposed dwelling also sits 0.7m closer to the existing property, increasing the plot size of the new dwelling. The siting of the dwelling on the plan has also moved 0.4m eastwards. The scheme provides separation distances of 2.8m (increase of 0.8m) to the east boundary and 4.8m to the west boundary (increase of 0.8m). These incremental changes to the refused scheme provide a footprint that has a more balanced appearance within the plot and provides the adequate and necessary separation to boundaries to provide an element of spaciousness.
22. The amended roof and elevational treatment, and siting of the development in relation to side boundaries is considered to provide a more spacious form of development, which is considered acceptable.
23. The proposed elevational treatment to the front and side is considered to be of a coherent appearance that reflects the character of the area to a greater extent than the previous scheme. Windows and door opening appear of appropriate proportions and the materials submitted would provide a high quality finish. Whilst the rear elevation at first floor has no openings, which is to the detriment of the design, this is necessary to prevent harm to the amenity of adjacent dwellings.
24. Key changes to the elevations include the use of a more arts and crafts style arrangement and style, accompanied with the introduction of brick to the

elevations which would harmonise in the street-scene. The siting of the dwelling would follow the building line of Hawley Lane and retain a generous distance to the front boundary.

25. It is considered that sufficient external outdoor space is provided for the function and amenity of both the existing and proposed dwelling, including hardstanding for parking, bin storage and maintaining a generous amount of greenspace and planting.
26. Details relating to site levels and materials have been provided upfront and are considered to show a high quality design that would sit comfortably within the street-scene. Detailed architectural drawings for all windows and eaves will need to be provided and will be placed within a pre-commencement condition.
27. It is deemed necessary to remove permitted development rights in relation to extensions to the side/rear, additions to the roof and for outbuildings in the garden to ensure its form maintains the spaciousness the current design provides.
28. The development, is considered to achieve an acceptable design solution to this site. The proposed dwellings would not constitute overdevelopment of this site leaving ample room for a satisfactory landscape layout. The proposals in terms of massing, form, landscaping and appearance would respect the character to this section of Hawley Lane.
29. In regards to the existing dwelling this property would retain sufficient space around the property to avoid looking cramped or dominated by the proposed dwelling.
30. The proposal would accord with policy L7 of the Trafford Core Strategy, PG1 and the NPPF.

RESIDENTIAL AMENITY

31. In addition to ensuring that developments are designed to be visually attractive, the NPPF (paragraph 130) also advises that planning decisions should create places that provide a high standard of amenity for existing and future users.
32. Policy L7.3 of the Trafford Core Strategy states that development must not prejudice the amenity of occupants of adjacent properties by reason of overbearing, overshadowing, overlooking, visual intrusion, noise and/or disturbance, odour or in any other way. As previously stated, L7 is considered to be up to date for decision making purposes and full weight can be attached to it.
33. Core Strategy Policy L5.13 states that development has the potential to cause adverse pollution (or air, light, water, ground) noise or vibration will not be

permitted unless it can be demonstrated that adequate mitigation measures can be put in place.

34. The application is considered in relation to impact on the amenity of existing neighbouring properties as well as the level of amenity provided for the future occupiers of the proposed development.

Neighbouring properties

35. PG1 New Residential Development sets out the guidance that relate to all forms of new residential development. With regards to privacy, the Council's Guidelines states that for new two storey dwellings, that the minimum distance between dwellings which have major facing windows is 21 metres across public highways and 27 metres across private gardens.

36. With regard to overshadowing, PG1 states that *"In situations where overshadowing is likely with a main elevation facing a two storey blank gable then a minimum distance of 15m should normally be provided. The SPG states that "Distances to rear garden boundaries from main windows should be at least 10.5m for 2 storey houses and 13.5m for 2 storey flats or houses or flats with 3 or more storeys."*

37. Whilst the proposed development is not an existing dwelling to existing dwelling relationship and SPD4 is therefore not strictly applicable, it can be used as a guide to highlight situations where undue harm to amenity can occur. SPD4 states: *"For two storey side extensions with a blank gable wall that would face a neighbouring main habitable room window, a 15m minimum separation distance would be required. However, there may be exceptions and every application will be considered on its own merits having regard to:*

- *The size of the extension*
- *Its relationship with the affected window(s) including orientation*
- *Its impact on the spaciousness of the area*

38. The above guidelines are applied when assessing the impact of the proposed development on the existing neighbouring properties.

Impact on Oak Trees

39. To the side elevation of the existing property on site are 3 no. habitable room windows which as a result of the proposal would lead to a reduced outlook and loss of light. The front room served by these windows also benefits from a window on the front elevation as well and as such the impact on this room is not considered to be so great as to be harmful. It is also noted that the proposed new boundary would be sited over 2m away from the remaining windows due to them

being recessed beneath an overhang and 5.1m from the proposed 2-storey side elevation, as such the proposal is not considered to be unduly overbearing.

40. There would be a substantial loss (approx. 620m²) of garden space that the property currently benefits from. The resulting outdoor area would be limited to the hardstanding/front garden between the dwelling and the road, a 2m strip to either side and an area to the rear of between 5.3m and 8.3m in depth. However overall, this is considered an adequate area for the enjoyment and amenity by the occupants.
41. There is one 1st floor window proposed to the side elevation of the proposed dwelling that faces towards Oak Trees. However this window serves a bathroom and as such it is reasonable and necessary to condition this as obscurely glazed and fixed shut below 1.7m to avoid undue overlooking.
42. Subject to conditions, the impact on this property is considered to be acceptable with regards to amenity.

Impact on opposing dwellings to front (Henley House/Fairholm)

43. Over 27m would be retained to the opposing front elevations which is sufficient to ensure no undue harm to amenity would occur to these dwellings.
44. Subject to conditions, the impact on this property is considered to be acceptable with regards to amenity.

Impact on Wren Cottage / Littlefield

45. To the side elevation of this dwelling are habitable room windows in both the ground and first floor and an area of garden space. The proposed dwelling would be 4.9m away from the boundary and 11.6m from the side elevation. PG1 advises that a distance of 15m should be maintained between main elevation and gable wall to avoid overshadowing and in SPD4 (house extension guidance) it also advises 15m to avoid an overbearing relationship.
46. Whilst the side elevation of Wren Cottage is not a principal front or rear elevation, given the number of habitable room windows weight is given to the impact on these from the proposal. It is also noted that the landscaping plan shows the proposed boundary treatment consisting of pleached hornbeam to a height of 3m.
47. The above distances and boundary treatment are not considered to cause an undue loss of light or amount of visual intrusion. This is because of the siting of the proposed dwelling set back from the front building line of Wren Cottage. Further to this the eaves height to this side of the proposed dwelling would be 3.2m and the 1st floor eaves height approximately 14m from the side elevation window. It is also noted that the two-storey element of the property (in regards to

roof height) would be between 13.5-15.5m away, again reducing the impact on Wren Cottage.

48. Whilst it is noted however that Hornbeam is deciduous and therefore would not provide screening year round however it is not required to protect privacy, but would provide a verdant boundary that would be aesthetically pleasing within the setting.
49. There would be two rooflight windows in the side elevation facing this dwelling which are small in size and service an en-suite and therefore are unlikely to result in severe overlooking. However, the roofslope is relatively steep and as such these will be conditioned as obscurely glazed to avoid potential overlooking.
50. There is a further window facing west at 1st floor level however due to its siting this would not overlook Wren Cottage given it would be screened by the dwelling itself.
51. Whilst the side elevation of the proposed dwelling is less than 15m to the side of Wren Cottage, given the siting of the proposed dwelling within the plot and eaves height adjacent to the common side boundary this is considered to mitigate the harmful impacts of the proposal. Therefore subject to a condition regarding obscure glazing, the impact on this property is considered to be acceptable with regards to amenity.

Impact on 10 Elmsway

52. The new dwelling would be sited at quite an oblique angle from the rear habitable room windows a distance of 18m. At its closest point, the proposed dwelling would be 2.5m from the common side garden boundary at 10 Elmsway at single storey level and approx 5m at 1st floor level. Taking into consideration the scale of the property at its closest point to the dwelling and the orientation of the dwellings the development is not considered to cause an undue loss of light, overshadowing or amount of visual intrusion.
53. The proposed 1st floor bedroom windows would face this property and would be 11.3m from the common boundary and 23m to the nearest habitable room window, which is set an oblique angle. Given the distances and relationship between the dwellings it is not considered there would be undue overlooking.
54. Therefore the impact on this property is considered to be acceptable with regards to amenity.

Impact on 12 Elmsway (Charnwood)

55. It is noted that the existing relationship between the Oak Trees and no. 12 Elmsway is already close, due to the siting of the properties within their plots and with no. 12 having extended to the side and rear.
56. The rear ground floor outrigger to the proposed dwelling would maintain a separation of between 6.7m and 7.5m at ground floor level to the common rear boundary, with a separation of between 7.7m and 8.5m at 1st floor level.
57. This is below the minimum distances set out in PG1 of 10.5m for two storey dwellings, however the proposed dwelling would largely be screened by the proposed boundary treatment from being overbearing to ground floor windows. Furthermore the outlook of 12 Elmsway is generally focused westwards over their garden due to the orientation of the dwelling on the site and therefore away from the proposed dwelling, with a significant amount of garden space of 12 Elmsway set away from the proposed development, as such the impact on this area would be limited.
58. At 1st floor level there would be between 15.7m and 17.7m distance between the habitable room window at 12 Elmsway closest to the boundary and the proposed blank 2-storey gable elevation.
59. There are no windows to the rear elevation at 1st floor level of the proposed dwelling which is sited to the north of 12 Elmsway. As such there is very limited potential for a loss of privacy or loss of light due to overshadowing.
60. SPD4 house extensions guidance states the below factors may be taken into account when assessing a potential loss of light or overbearing impact
- *The size, position and design of the extension*
 - *Orientation of the property*
 - *Presence of other habitable room windows/sources of light in neighbouring rooms*
 - *Relative position of neighbouring houses and existing relationship*
 - *Size of the garden*
 - *Character of the surrounding area*
61. The fact that the proposed dwelling maintains over 15m to the nearest habitable room window at 12 Elmsway and the off-set relationship between the dwellings indicate that the impact on the habitable room windows at 12 Elmsway would not be unduly overbearing.
62. The previous application on the site included the following reason for refusal. “*The proposed development, by reason of its scale, massing and siting in close proximity to the rear boundary would have an overbearing and imposing relationship on to 12 Elmsway to the detriment of amenity that the occupiers of this dwellings could reasonably expect to enjoy and would be contrary to Policy*”

L7 of the Trafford Core Strategy, the Council's adopted Planning Guidelines: New Residential Development and guidance in the National Planning Policy Framework."

63. It is considered the increased distance provided between the closest habitable room window at 12 Elmsway and the 2-storey rear elevation at the proposed dwelling from between 14.2m and 16.7m to 15.7m and 17.7m is sufficient to tilt the balance and provide an acceptable level of amenity.
64. Any additions to the roof or a two storey extension to the proposed dwelling constructed under permitted development would exacerbate the impact in terms of visual intrusion/overbearing and would also provide the opportunity to add first floor windows in the rear elevation that are not obscured. For this reason, Class A alterations above first floor level and Class B permitted development rights will be removed by condition.
65. Subject to conditions, on balance the impact on this property is considered to be acceptable with regards to amenity.

Occupants of proposed dwelling

66. Internally the property would provide a generous amount of living accommodation including 3no double bedrooms which all meet the national minimum space standards with windows that provide sufficient daylight and outlook. A private garden area is provided which is considered adequate and proportional to the internal space provided. The floorplans also show level access throughout the dwelling and a lift to first floor level.

HIGHWAYS, PARKING, SERVICING AND ACCESS

67. The proposed dwelling would be served by the existing access. The development of a 3 bedroom property in this area would, in accordance with SPD3 require a maximum of 2no off-street spaces, there is sufficient hardstanding for this in addition to a garage.
68. The access and the parking area to the front of the existing property would be maintained and is sufficient for at least three vehicles.
69. A bin storage area is shown to the west of the main property which is considered to be a suitable location for use and hidden from view.
70. The LHA have requested that a condition be attached requiring that a Construction Method Statement be submitted and approved in writing with the planning authority prior to the commencement of any works. This is considered reasonable and necessary given the siting and scale of development.

DRAINAGE

71. Policy L5 of the Core Strategy relates to Climate Change and states that new development should mitigate and reduce its impact on climate change factors, such as pollution and flooding and maximise its sustainability through improved environmental performance of buildings, lower carbon emissions and renewable or decentralised energy generation.
72. Paragraph 159 of the NPPF notes that 'inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.'
73. The property is located in Flood Zone 1 with low probability of flooding. An informative will be added to any approval which informs the applicant of further information in relation to drainage and foul drainage connection.
74. It has been identified that the site is in a high risk area for surface water flooding. The Local Lead Flood Authority (LLFA) currently object to the scheme due to the absence of a flood risk assessment/drainage strategy.
75. Given the flood risk within the area and scale of the proposal it is considered that an acceptable strategy can be agreed between the applicant and the LLFA and as such a pre-commencement condition will be included referring to this.

TREES, ECOLOGY AND BIODIVERSITY

76. Section 174 of the NPPF 2021 states that the planning policies and decisions should contribute to and enhance the natural and local environment. The development will result in the loss of a number of mature trees, primarily non-native.
77. Policy R2 states that developers are required to demonstrate how their proposal will protect and enhance the landscape character, biodiversity, geodiversity and conservation value of its natural surroundings both upon completion and through the construction process. Opportunities should be explored to achieve biodiversity net gain on site as part of the proposals, opportunities for which can be achieved through the detail of the landscape plan, as well as measures such as bat bricks, bat boxes and bird boxes as part of the building design.

Trees

78. There are no TPOs within or immediately adjacent to the proposal site and the trees on site are mainly confined to the boundary and comprise a mix of species typically found in suburban gardens in the area. Species include a mix of

deciduous and evergreens and the Arboricultural value is mostly low with one moderate tree feature (T3-Cherry Tree to front boundary) and one high value tree feature (T2-Oak tree to front boundary).

79. The applicant has submitted an Arboriculture Impact Assessment (AIA) and this states that one tree group (G7) requires removal to facilitate the development. Another individual tree is also required to be removed but due to its size, it can be transplanted to another part of the garden which is welcomed (T6). It also recommends that one other low value Leyland cypress tree (T7) is removed as it is unsightly and can be replaced with a better quality visual specimen.
80. There are no objections to these proposals because they are all low quality trees and can be replaced in a high quality landscape scheme that will enhance the landscape in the short to medium term.
81. The landscape plan submitted indicates a generous amount of boundary planting which would need to be maintained adequately given its height. As such a landscape maintenance plan is considered necessary and reasonable and will therefore be conditioned.
82. Therefore subject to conditions relating to the implementation of a high quality landscape implementation and management scheme, and the protection of the trees to be retained during the construction process there are no arboriculture objections.

Ecology

83. The application has been accompanied by a Preliminary Ecological Appraisal (PEA) which is in line with BS 42020:2013 (Biodiversity — Code of practice for planning and development (British Standards Institution, 2013)) and the relevant guidance (CIEEM, 2017). The PEA was completed in November 2022, is valid for 18 months and has been reviewed by the Greater Manchester Ecology Unit.
84. In relation to protected bat species, the garage was considered *low risk* and therefore it can be demolished, within the timescales set out in the PEA.
85. In relation to nesting birds, some potential habitats for birds will be lost, a condition has been recommended which will ensure that works to trees and shrubs does not occur during the nesting season unless a suitably experienced ecologist has provided written confirmation to the LPA that there are no active nests present.
86. It is considered the scale of the development would be of low risk to hedgehogs and in relation to invasive plant species. Informatives have been advised in relation to both.

Biodiversity

87. In relation to Biodiversity Net Gain (BNG), the development will result in the loss of a garden and garage building to be replaced with a larger building and vegetated garden. There will therefore be an overall loss of garden, a low ecological value habitat.

88. With regards wildlife there will be a loss of potential bird nesting habitat and bat roosting habitat. It is recommended that native tree and hedge planting is introduced in addition to bird and bat boxes. The landscape plan submitted indicates native tree (pleached hornbeam) and hedge (taxus) species. The provision of bird and bat boxes will be included in conditions in accordance with the recommendation made within the ecology survey and the GMEU.

89. The proposal is considered acceptable with regard to Policy R2 and the NPPF.

EQUALITIES

90. 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.

91. 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.

92. 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. The dwelling maintains level access from the front entrance, throughout the ground floor which also benefits from a W/C and lift access to the first floor.

93. Having regard to these material considerations, it is therefore considered that the proposal is acceptable in this respect. 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 L7 of the Core Strategy.

OTHER CONSIDERATIONS

Construction Process

94. A condition for a Construction and Environmental Management Plan has been recommended to reduce the potential for undue disturbance to neighbours and the highway.

Permitted Development rights

95. Should planning permission be granted, it is recommended that permitted development are removed with reference first floor rear extensions permitted under Class A and roof alterations under Class B. This is in the interests of design/visual amenity and the protection of residential amenity.

DEVELOPER CONTRIBUTIONS

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

PLANNING BALANCE AND CONCLUSION

97. Section 38(6) of the Planning and Compensation Act 1991 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.
98. Paragraph 11(d(ii)) is engaged due to the absence of a five year housing land supply. This introduces the 'tilted balance' in support of residential applications which should be approved, in this instance, unless 'any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.'
99. The provision of one family dwelling would contribute to the Council's housing land supply and boost the supply of new homes in line with NPPF paragraph 60.
100. Economic benefits would arise through the creation of construction jobs although these are moderate in number and temporary in nature, although limited weight is therefore attributed to these economic benefits.
101. The residential amenity section of the report sets out that there would be some impact on 12 Elmsway through visual intrusion to first floor windows in the rear

elevation. However due to the separation provided, exclusion of first floor rear elevation and the orientation of the dwellings it was not considered undue harm would occur.

102. The proposal is considered to comply with the development plan as a whole. No adverse impacts have been identified that would significantly and demonstrably outweigh the benefits of the proposed scheme, when assessed against the policies within the NPPF. As such permission should be granted in line with NPPF paragraph 11(c).

103. The application is recommended for approval subject to appropriately worded conditions.

RECOMMENDATION: GRANT subject to the following conditions

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

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

2. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the amended plans, numbers:

1171D:01; 1171D:04A; 1171D:05B; 1171D:06; 1171D:11; 1171D:12A

Reason: In order to ensure a satisfactory appearance in the interests of visual amenity and protecting the character of the area having regard to Policies L7 and R1 of the Trafford Core Strategy and the requirements of the National Planning Policy Framework.

3. Notwithstanding any description of materials in the application, no above ground works shall take place unless and until samples and full specification of all materials (brickwork, render, windows, doors, roof covering, rainwater goods etc.) to be used externally on the building have been submitted to and approved in writing by the Local Planning Authority. Such details shall include the type, colour and texture of the materials. Development shall be carried out in accordance with the approved details.

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

4. Notwithstanding the details hereby approved, no development shall commence on any above ground external works until detailed plans and sections at a scale of 1:5 showing the external reveals, detailing of window and all door openings (including heads, calls and jambs) and the treatment of facade and roof edges have been

submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

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

5. Prior to the commencement of the development, a flood risk assessment and surface water drainage strategy shall be submitted to and approved in writing by the Local Planning Authority. Prior to occupation of the proposed development, the drainage schemes shall be completed in accordance with the approved details and retained thereafter for the lifetime of the development.

Reason: To ensure a satisfactory form of development and to prevent an undue increase in surface water run-off and to reduce the risk of flooding having regard to policy L5 of the Core Strategy and the National Planning Policy Framework.

6. The removal, pruning and protection of existing trees and hedges shall only be carried out in accordance with the submitted Arboricultural Impact Assessment and Method Statement reference 22/AIA/TRAFF/30 and drawing numbers: 22/AIA/TRAFF/30 01, 22/AIA/TRAFF/30 02 and 22/AIA/TRAFF/30 03.

Reason: In order to protect trees on the site in the interests of the amenities of the area having regard to Policies L7, R2 and R3 of the Trafford Core Strategy and the National Planning Policy Framework.

7. 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.

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 Policies L7, R2 and R3 of the Trafford Core Strategy and the National Planning Policy Framework.

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

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

9. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
 - i. The parking of vehicles of site operatives and visitors;
 - ii. Loading and unloading of plant and materials;
 - iii. Storage of plant and materials used in constructing the development;
 - iv. The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - v. Wheel washing facilities, including measures for keeping the highway clean;
 - vi. Measures to control the emission of dust and dirt during construction;
 - vii. A scheme for recycling/disposing of waste resulting from demolition and construction works;
 - viii. Hours of construction activity;
 - ix. 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;
 - x. Contact details of site manager to be 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.

10. The site shall be drained via separate systems for the disposal of foul and surface water.

Reason: To secure a satisfactory system of drainage and to prevent pollution of the water environment having regard to Policies L5 and L7 of the Trafford Core Strategy and the National Planning Policy Framework.

11. 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 and the National Planning Policy Framework.

12. Notwithstanding the provision 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, all windows on the west elevation at first floor and above shall be fitted with, to a height of no less than 1.7m above finished floor level, non-opening lights and textured glass which obscuration level is no less than Level 3 of the Pilkington Glass scale (or equivalent) and retained as such thereafter.

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

13. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 Schedule 2 Part 1 and 2 (or any equivalent Order following the amendment, re-enactment or revocation thereof)
- (i) no side/rear extensions
 - (ii) no first floor windows or dormer windows
 - (iii) no extensions or alterations to the roof shape
 - (iv) no outbuildings

shall be added to the dwelling 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, privacy, and/or public safety, having regard to Policy L7 of the Trafford Core Strategy and the National Planning Policy Framework.

14. No works to trees or shrubs shall occur between the 1st March and 31st August in any year unless a detailed bird nest survey by a suitably experienced ecologist has been carried out immediately prior to clearance and written confirmation provided that no active bird nests are present which has been agreed in writing by the LPA.

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

15. If the demolition hereby approved does not commence before 30th April 2024, an updated bat survey shall be submitted to and approved in writing by the Local Planning Authority. Thereafter development shall proceed in accordance with the recommendations of the approved survey.

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

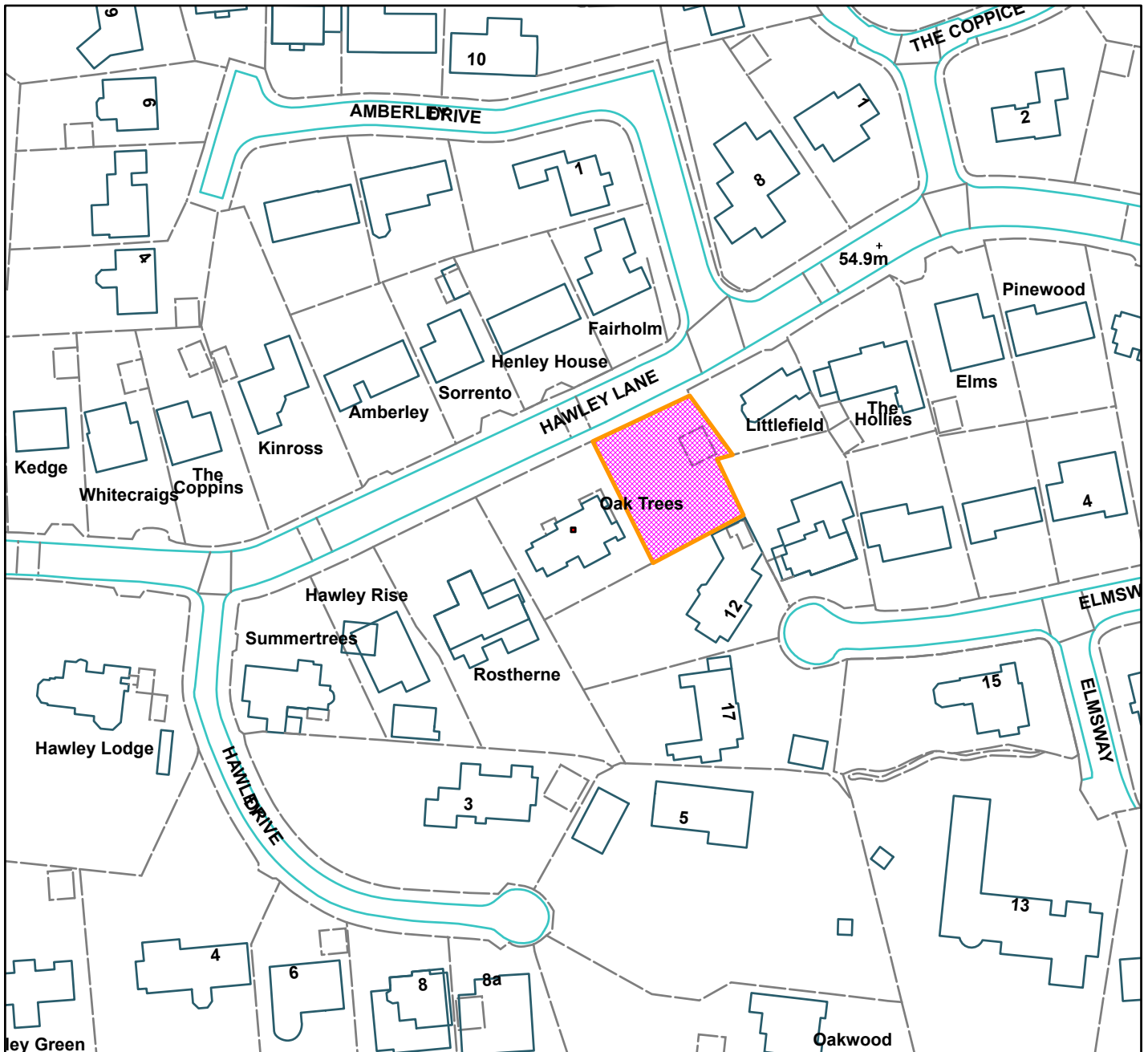
16. Details of no less than 2 bird and 2 bat nesting boxes / bricks shall be submitted to and approved in writing by the Local Planning Authority prior to any above ground works. The details shall include the exact location, specification and design of the habitats. The nesting boxes / bricks shall be provided strictly in accordance with the details so approved installed prior to the first occupation of the dwelling and shall be maintained as such thereafter.

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

NB



Oak Trees, Hawley Lane, Hale Barns (site hatched on plan)



Scale: 1:1,250

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Organisation	Trafford Council
Department	Planning Service
Comments	Committee date -14/09/2023
Date	01/09/2023
MSA Number	AC0000809316 (2022)

WARD: Davyhulme

111258/VAR/23

DEPARTURE: No

Application for use of the site as a drive thru restaurant without compliance with condition 4 of planning permission 105637/FUL/21, to allow for extended hours of operation.

McDonalds, Neary Way, Davyhulme, M17 1FP

APPLICANT: McDonald's Restaurants Limited

AGENT: Mr Brad Wiseman, Savills

RECOMMENDATION: APPROVE

This application is being reported to the Planning and Development Management Committee because it has been called in by Councillor Cordingley.

Executive Summary

The application relates to a McDonalds drive-thru restaurant situated in Trafford Retail Park to the west of Barton Road (the B5214), Davyhulme. Planning permission 105637/FUL/21 was granted in May 2022 for the operation of the drive-thru from 0500-0200. The applicant seeks permission to amend condition 4 attached to the previous grant of planning permission 105637/FUL/21 to allow for an extended 24 hour operation of the restaurant's drive-thru element, with the main restaurant element to continue to operate in accordance with the approved hours (0500 to 0000).

It is noted that planning permission has recently been granted for the adjacent Starbucks to operate its drive-thru facility on a 24 hours basis (permission 106108/VAR/21, approved 20 June 2022). That application was supported by a Noise Impact Assessment which concluded that a 24 hour operation of the Starbucks drive-thru would not result in an unacceptable noise amenity impact on adjacent residential properties.

Having regard to this, the Council's Environmental Protection (Nuisance) Team has raised no objections in relation to potential noise or lighting impacts on nearby residential properties from the proposed 24 hour operation of the McDonalds drive-thru. The applicant has also submitted a Site Management Plan setting out measures to seek to ensure that the proposed development does not result in any unacceptable impacts in terms of residential amenity or anti-social behaviour. The previous application, 105637/FUL/21 also included a Noise Impact Assessment and Premises Noise Management Plan which are also considered to be relevant to the current application.

The Local Highway Authority has also raised no objections to the extended hours of opening.

Taking these factors into account, it is considered that the proposed extended hours of use of the drive-thru element would not have an unacceptable impact on residential amenity or highway safety, subject to appropriate conditions including conditions that the use is operated in accordance with the Site Management Plan, Premises Noise Management Plan and Noise Impact Assessment.

The proposal is considered to be in accordance with the Development Plan, and should therefore be approved without delay in accordance with NPPF paragraph 11(c). As such the application is recommended for approval, subject to the conditions listed in the main report.

SITE

The application site refers to a McDonald's Restaurant and associated car parking area set within Trafford Retail Park to the west of Barton Road (the B5214). The wider retail park site is located to the south of junction 10 of the M60. The restaurant is bound by similar type restaurants to the west, north and south, with dwellings to the east on the opposite side of Barton Road.

The McDonalds restaurant is currently subject to an hours of operation condition (No. 4) attached to previous grant of planning permission reference 105637/FUL/21 (granted on 25 May 2022) which controls the hours as follows:

The main restaurant (not including the drive-thru facility) shall not be open to customers between the following times: 00:00 (midnight) to 05:00 on any day.

The drive-thru facility shall not be open to customers between the following times: 02:00 to 05:00 on any day.

PROPOSAL

The applicant has applied for a change to the hours of operation currently in force to allow for the drive-thru element to operate 24 hours a day.

The applicant has requested that the hours condition is amended to remove the second part relating to the drive-thru element. The applicant suggests that the amended condition would therefore simply state: -

The main restaurant (not including the drive-thru facility) shall not be open to customers between the following times: 00:00 (midnight) to 05:00 on any day.

The revised condition would therefore allow the continued operation of the drive-thru facility for an additional three hours per night – between 02.00 and 05.00.

The application submission includes a Site Management Plan setting out measures to seek to ensure that the proposed development does not result in any unacceptable impacts in terms of residential amenity or highway safety.

DEVELOPMENT PLAN

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

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

PRINCIPAL RELEVANT CORE STRATEGY POLICIES

L5 – Climate Change.
L7 - Design;
L8 - Planning Obligations;
W2 - Town Centres;

OTHER LOCAL POLICY DOCUMENTS

Revised SPD1 - Planning Obligations;
SPD3- Parking Standards & Design;
PG24 Crime and Security.

PROPOSALS MAP NOTATION

Retail Warehouse Park Development.

PRINCIPAL RELEVANT REVISED UDP POLICIES/PROPOSALS

None.

PLACES FOR EVERYONE (FORMERLY GREATER MANCHESTER SPATIAL FRAMEWORK)

Places for Everyone (PfE) is a joint Development Plan Document being produced by nine Greater Manchester districts (Bolton, Bury, Manchester, Oldham, Rochdale, Salford, Tameside, Trafford and Wigan). Once adopted, PfE will be the overarching development plan, setting the policy framework for individual district Local Plans. The

PfE Regulation 19 consultation concluded in Autumn 2021 and the Plan was submitted to the Secretary of State for Levelling Up, Housing and Communities on 14 February 2022. Independent Inspectors have been appointed to undertake the Examination in Public of the PfE Submission Plan and the timetabled hearings have now been completed. Given the advanced stage of PfE it now has substantial weight in the planning balance. The timing of this application means that it has not been appropriate/necessary to fully consider the PfE policies in the report, however a high level assessment has been undertaken and it is not considered that the PfE policies would have any significant implications for this application.

NATIONAL PLANNING POLICY FRAMEWORK (NPPF)

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

NATIONAL PLANNING PRACTICE GUIDANCE (NPPG)

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

RELEVANT PLANNING HISTORY

A number of planning applications are related to the application site and neighbouring sites, however the following are most relevant to this application:

106108/VAR/21 – Variation of Condition 13 of permission 98770/VAR/19 to allow the drive thru facility to operate 24 hours per day – Starbucks Coffee, Trafford Retail Park – Approved with conditions – 20 June 2022

105637/FUL/21: Application to extend the hours of use of the McDonalds drive thru restaurant. Approved 24 May 2022.

81466/VAR/2013: Variation of Condition 7 of planning permission H/65701 to extend the opening hours of the premises to 0500 – 0000 hours on any day. Refused 8 November 2013 for the following reason:

The proposed extension of opening hours, by reason of the noise and disturbance that would be created by additional pedestrian and vehicular activity late at night and early in the morning, and additional light pollution at these hours, would be unduly detrimental to the residential amenity and quietude that the occupiers of nearby residential properties could reasonably expect to enjoy. As such the proposal would be contrary to Policy L7 of the Trafford Core Strategy.

78030/VAR/2012: Variation of Condition 7 of planning permission H/65701 to extend the opening hours of the premises to 0600 - 2300 on any day. Approved 21 March 2012.

75629/VAR/2010: Variation of condition 7 of planning permission ref H/65701 to enable the MacDonalds Restaurant to open between the hours of 0600 hours - 2300 hours daily. Approved for a temporary period of one year 23 September 2010.

75060/VAR/2010 - Variation of Condition 7 of Planning Permission ref: H/65701 to enable the McDonalds Restaurant to open between the hours of 0500-2300 hrs daily Refused 20 July 2010 for the following reason:

The proposed extension of opening hours by reason of noise and disturbance created by pedestrian and vehicular activity and light pollution in the early hours of the morning would be unduly detrimental to the amenity and quietude that occupiers of nearby residential properties could reasonably expect to enjoy. As such the proposal is contrary to Proposal D1 of the Revised Trafford Unitary Development Plan.

H/65701: Variation of condition 7 of planning permission ref H/OUT/41895 to enable the restaurant to open between the hours of 06.30 and 23.00 hours on any day Approved 21 February 2007.

H/ARM/43901: Erection of fast food restaurant and formation of ancillary parking. Approved 4 July 1997.

H/OUT/41895: Demolition of existing buildings & redevelopment of the site for retail & business use including 9,290m² of non-food retail warehousing with 2,787m² garden centre (Class A1), business uses (Class B1 and B8); car showrooms and ancillary workshop(s), petrol filling station and shop, fast food restaurants (Class A3) and associated parking, servicing and landscaping; formation of new access to Barton Road including works to highway and construction of roundabout and redevelopment of bulwark road. Approved 3 May 1996.

APPLICANT'S SUBMISSION

The applicant has submitted a Site Management Plan in support of their proposal.

The applicant's covering letter sets out their arguments in support of the proposal:

Extending the drive-thru use to 24 hours a day would not result in an unacceptable amenity impact on local residents with the local area currently impacted by noise from the adjacent M60.

Most of the additional expected late night customers would be drawn from passing trade rather than be drawn to the area by the extended use. On the basis that these vehicles would already be on the roads the proposal would not result in an increase in vehicle noise or noise from additional movements.

A high proportion of customers who use the restaurant during night time hours are taxi drivers, shift workers, delivery vehicles and emergency service crews, none of whom

would cause anti-social behaviour or significant noise. The surrounding land uses to the south and west are predominantly commercial with the closest residential properties approximately 38m to the east on the opposite side of Barton Road and vegetation, which together dampen noise from the site.

The LPA has recently granted permission for the adjacent Starbucks to operate its drive-thru facility on a 24 hours basis, as per 106108/VAR/21, approved 20 June 2022. 106108/VAR/21 was supported by a Noise Impact Assessment which confirmed a 24 hour operation of the Starbucks drive-thru would not result in an unacceptable noise amenity impact on adjacent residential properties.

The McDonalds is located the same distance as the adjacent Starbucks from their respective closest neighbouring residential properties, whilst the McDonalds Customer Order Display (COD) is located further away from the closest residential property compared to the Starbucks COD, therefore the McDonalds COD results in less of a noise impact on residential properties compared to the Starbucks COD.

The physical characteristics of the McDonalds and Starbucks sites are similar and therefore the evidence set out in support of the Starbucks site also supports the current proposal.

The applicant has submitted a Site Management Plan containing measures which have either been or will be adopted to ensure the 24 hour operation of the drive-thru element does not result in an unacceptable impact.

CONSULTATIONS

Local Highway Authority: No objection.

Environmental Health (Nuisance): No objection subject to condition.

GMP Design for Security: No objection.

REPRESENTATIONS

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

- The proposal would increase the current noise/light impacts from the site.
- The proposal would attract anti-social behaviour.
- The extended use of the drive-thru would result in increased littering which currently attracts vermin.
- Trafford Council promised the hours would not be increased.
- There are currently two 24 hour McDonalds in the local area.
- Granting the current application will lead to the Starbucks and KFC on the retail park also applying for the same 24 drive-thru use.

- The site has been the venue for unauthorised 'car meets' and extending the hours could result in these starting again.

Councillor Cordingley has requested the application is called in to the Planning Committee should it be recommended for approval, the Councillor providing the following comments:

- Local residents are currently adversely affected by the late night operation of the wider retail park.
- Cars using the drive-thru cause light pollution.
- Drivers frequently drive to adjacent roads to eat within their cars, which results in persistent litter issues in these areas.
- 24 hour operation of the drive-thru will exacerbate this issue.
- At a minimum planning permission should be subject to a condition to control littering.
- A concern that the retail park is evolving into a motorway service station.

OBSERVATIONS

Section 73 Application

1. This is an application under s73 of the Town and Country Planning Act 1990 and it is noted that when deciding such applications the LPA should normally limit its appraisal to the relevant conditions, albeit it does result in the grant of a new permission. Should this s73 application be approved the other outstanding conditions attached to the original grant of planning permission will continue to be attached to the new permission.
2. When assessing this type of application the LPA does not only have the option of either approving or refusing the proposed condition wording, but also has the power to impose an amended condition, as well as the option of imposing additional conditions should this be deemed necessary.

THE DECISION MAKING FRAMEWORK

3. S38(6) of the Planning and Compulsory Purchase Act 2004 states that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF at paragraphs 2 and 47 reinforces this requirement and at paragraph 12 states that the presumption in favour of sustainable development does not change the statutory status of the development plan as a starting point for decision making, and that where a planning application conflicts with an *up to date* (emphasis added) development plan, permission should not normally be granted.
4. The Council's Core Strategy was adopted in January 2012, prior to the publication of the 2012 NPPF, but drafted to be in compliance with it. It remains broadly compliant

with much of the policy in the 2021 NPPF, particularly where that policy is not substantially changed from the 2012 version.

5. The NPPF is a material consideration in planning decisions as the Government's expression of planning policy and how this should be applied; it should be given significant weight in the decision making process.
6. Paragraph 11 c) of the NPPF states a proposal which accords with an up-to-date development plan should be approved.
7. Policies controlling the amenity and highways impacts of development proposals are considered to be relevant for determining this application when considering the application against NPPF Paragraph 11.
8. Policy L7 (Design – which includes amenity and highways/parking) is consistent with the NPPF and is considered up to date. Full weight should be afforded to this policy.
9. The tilted balance is not engaged.

IMPACT ON RESIDENTIAL AMENITY

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

Noise/Nuisance

11. The site is bordered by commercial premises to the north, west and south with the nearest residential properties approximately 38m to the east on the opposite side of Barton Road. The closest residential dwellings to the application site are Nos. 52-74 Barton Road, which are two storey houses located on the eastern side of Barton Road. These dwellings include main habitable room windows on the front elevation, which directly face towards the application site. To the north of these dwellings lie Nos. 1-15 Stroma Gardens, which form two rows of terraced properties orientated at 90 degrees to Barton Road. Bungalows and other two storey dwellings are located on Arran Gardens south of Shetland Way and on the other side of the roundabout.
12. The restaurant building sits close to the Barton Road frontage with outdoor seating on the southern side of the building. The drive-thru lane wraps around the building and there is a car parking area to the west (rear of the building).
13. The applicant states that the extension of the drive-thru use to 24 hours per day would not result in an unacceptable amenity impact with the local area already

impacted by noise from the adjacent M60. The applicant also states that most of the additional expected late night customers would come from passing trade rather than be drawn to the area specifically by the proposed extended use, and that the proposal would therefore not result in an increase in noise from additional vehicle movements.

14. The applicant refers to the fact that planning permission 105637/VAR/21 has recently been granted for the operation of the adjacent Starbucks drive-thru on a 24 hour basis. That application was accompanied by a Noise Impact Assessment (NIA) which confirmed that the 24 hour operation of the Starbucks drive-thru would not result in an unacceptable noise amenity impact on nearby residential properties. The applicant states that the McDonalds unit is located the same distance as the adjacent Starbucks from residential properties on the opposite side of Barton Road with the McDonalds Customer Order Display (COD) sited further away from the closest residential property than the Starbucks COD. The applicant states that the physical characteristics of the McDonalds and Starbucks sites are similar and therefore the evidence set out in respect of the Starbucks site also supports the current proposal.
15. The applicant has also submitted a Site Management Plan containing measures to ensure the 24 hour operation of the drive-thru element does not result in an unacceptable impact on the surrounding area, including through noise impacts. The Site Management Plan sets out that the COD unit is to be set to the lower night-time limit, that the site has a fully operational CCTV system that operates 24 hours per day, a litter collection protocol would include dedicated litter patrols every 30 minutes covering the car park and around the circumference of the building, all managers are to complete conflict management awareness courses to assist in dealing with any incidents of anti-social behaviour, and signage is to be placed around the building requesting customers to keep noise to a minimum, any incidents of anti-social behaviour are to be recorded within an Incident Log Book and the management is to work closely with the Police on crime and disorder, anti-social behaviour and licensing issues.
16. At the time of the previous application, the applicant submitted a Noise Impact Assessment (NIA) which concluded that, in respect of the operation of the premises between 0500 and 0200, the noise impacts from plant, people and vehicle noise would be unlikely to cause any impact on nearby residential amenity. The applicant also provided a Premises Noise Management Plan (PNMP) which set out measures that would be taken by staff to minimise vehicle noise (e.g. from loud music or revving engines) and anti-social behaviour, signage requesting that customers keep noise to a minimum and controls in terms of the level of the intercom system.
17. In addition, in relation to that application, the applicant provided details of a number of appeal cases where the site circumstances were considered to be similar to the current site in most respects. Whilst each site has to be considered on its own merits, it is acknowledged that, in these decisions, Planning Inspectors generally

noted that NIAs provided technical evidence that the proposals would not have an unacceptable impact on the living conditions of nearby residents in terms of noise and disturbance from plant, vehicles and people, whilst the implementation of Noise Management Plans was seen as a proactive approach which could be conditioned and enforced.

18. The applicant has not provided an updated NIA in relation to the current application proposals and has instead referred to the NIA submitted in relation to the adjacent Starbucks site. It is therefore necessary to consider the conclusions of the Starbucks NIA and the similarities and differences between the two sites.
19. It was noted in the Officer's report at the time of the consideration of application 105637/VAR/21 for the 24 hour drive-thru at Starbucks that this is not a town centre location with a busy evening economy; the majority of the premises within the retail park (with the exception of McDonalds and Starbucks) currently close by 2300 hours.
20. It was also noted that both the Starbucks and the McDonalds sites are located close to the Barton Road frontage with a similar relationship to residential properties on the opposite side of that road, and that the boundaries of the sites are relatively open with little screening to provide noise attenuation. The carriageway of Barton Road is of a width to accommodate two lanes of traffic (each way) in this location (on approach to the roundabout at the entrance to the retail park). The nearest properties to both sites (Arran Gardens in respect of Starbucks) and Barton Road and Stroma Gardens (in respect of McDonalds) are separated from Barton Road by an area of greenspace and planting. The houses at Arran Gardens are low-lying bungalows with their front elevations positioned away from the B5214 Barton Road. At Barton Road, they comprise two-storey properties with their front elevations orientated towards Barton Road (albeit with separating greenspace and vegetation).
21. In accordance with national standards and good practice documents, the NIA submitted in respect of Starbucks aimed to predict the noise impacts of the extended operating hours at the nearest noise sensitive receptors (identified as being residential properties at Arran Gardens and Rivers Lane). The NIA stated that the existing noise climate in these locations is dominated by distant road traffic on the motorway together with road traffic on Barton Road. When having regard to the nature of the changes sought (with the proposed new hours relating to the drive-thru facility only), the NIA identified that the most significant noise-generating element of the proposal would be amplified speech from the intercom system. In the context of the residual noise climate, the NIA concluded that the noise impacts would be low in magnitude. Further justification for this position was requested by the Nuisance team (to take account for changes in traffic noise associated with additional vehicles visiting the site, the impact of general customer activity, and changes in the operation of any fixed plant).
22. Following the updating of the NIA in these respects, the issue of potential noise from the customer intercom was the main outstanding concern. However, the

Nuisance team ultimately concluded that the potential for the intercom to cause nuisance was in fact likely to be relatively low. A Noise Management Plan (NMP) was submitted for the premises, prepared by the applicant in conjunction with the Nuisance team. This document set out a series of management protocols for the minimisation and avoidance of disturbances on the premises, including a strategy to control intercom noise. The NMP required a new assessment of noise impact from the intercom system to be carried out once the drive-thru facility was operational over the extended hours and required the implementation of any mitigation and control measures that might be recommended as a consequence of the assessment.

23. The NMP also explained the procedures that would be followed to tackle instances of customer noise, it outlined staff responsibilities for ensuring a neighbourly and orderly use, it provided for liaison with residents and authorities, and it detailed how any incidents of anti-social behaviour would be logged and actioned by the management team. The NMP also confirmed that the indoor restaurant and the external seating area would be not open to the public during 2300 to 0500 hours. On the basis of conditions requiring the implementation of the NMP for the lifetime of the unit's operation and a further noise assessment to verify the impact of the intercom system, the Nuisance team confirmed that it was satisfied that the proposed condition variation for Starbucks would not give rise to adverse noise impacts.
24. In relation to the current proposal for the 24 hour drive-thru at McDonalds, the Nuisance consultee has confirmed that they have not received any formal complaints alleging a noise nuisance since the premises were granted extended operating hours in May 2022 under planning reference 105637/FUL/21. In addition, no complaints have been received regarding the adjacent Starbucks drive-thru, which was granted a 24 hour permission on 20 June 2022. The Nuisance consultee notes that conditions on planning permission 106108/VAR/21 require the Starbucks premises to implement a Noise Management Plan and that the café/restaurant shall remain closed to the public between the 2300 and 0500 hrs.
25. The Nuisance consultee considers that the requirements placed on both premises for their restaurant spaces to be closed to the public during the most sensitive hours would continue to protect residents from undue noise impacts by negating the need for customers to vacate their vehicles, thus minimising noise associated with door slamming and raised voices.
26. The Nuisance consultee has therefore confirmed no objection to the proposed 24 hour operation of the McDonalds restaurant's drive-thru element subject to a condition reflecting the amended wording proposed by the applicant for the relevant hours condition.
27. It is recognised that, although the sites are similar in their layout and in their relationship to nearby residential properties, the results of the Starbucks noise

assessment cannot be assumed to precisely predict the potential noise impacts of the McDonalds site. It is noted that the houses on Barton Road opposite McDonalds are two storeys in height and directly facing the application site whereas the houses at Arran Gardens are bungalows set at a slight angle to Barton Road. In addition, it cannot be assumed that the number of vehicle movements to the two sites would be the same.

28. It is, nevertheless considered, on balance, that, given that the Nuisance team has not objected to the proposed 24 hour operation of the drive-thru, the proposal would be acceptable in terms of its noise impacts (including the cumulative noise impacts of the two sites operating together), subject to appropriate conditions. These would include conditions requiring that the use of the restaurant (and the external seating area) would continue to be restricted to the existing permitted hours (0000 (midnight) to 0500) and that the use should operate at all times in accordance with the Site Management Plan and the previously submitted Premises Noise Management Plan and Noise Impact Assessment.

Lighting

29. Officers note that the proposed 24 hour operation of the drive-thru element would result in the restaurant lights, including guide lights within the wider site, being in operation for 24 hours, as well as additional lighting impact from customer vehicles.
30. With regards to additional lighting impact to residents, the Nuisance consultee has stated that the illuminated signage would be switched on for an additional three hours during the night and whilst this would be visible to some residents in the locality, the signage is not of a design that would cause excessive glare and should therefore be satisfactory. Additionally the exterior lighting to the car parking area and the drive-thru lane is of a modern, enclosed design with minimal tilt, which should not present any issue with glare at any time. The Nuisance consultee has also stated that, whilst glare from vehicle headlights is not a matter that could be actioned under statutory nuisance legislation, they do not expect such impacts to be of any significance since (as stated within the cover letter) the bulk of trade between 0200 and 0500 would be drawn from passing traffic, which it is considered should be fairly minimal at that time. Therefore customer visits should be comparatively infrequent with little (if any) queueing necessary. In view of the above, the Nuisance consultee has stated that they have no objection to the variation of the condition.

Crime and Anti-social Behaviour

31. The GM Police Design for Security consultee has confirmed no objection to the proposal:

We would not have any major concerns with this change, most McDonalds franchises across the GM borough have adopted the 24 hour element to the drive thru, and they all have the necessary security measures in place to prevent crime.

It is also noted that this consultee confirmed in relation to the previous application that there were less than 10 crimes recorded as having taken place either within the restaurant or its car park within the 12 month period running up to that. Furthermore, the timing and nature of those crimes led the Design for Security team to conclude that amending the opening hours to allow the drive-thru to operate from 0500 to 0200 would not cause any significant difference to the type and volume of crimes committed at the premises. On this basis, GM Police Design for Security raised no objections to the previous application.

32. The Site Management Plan and PNMP include requirements relating to controlling anti-social behaviour. The Site Management Plan includes requirements in terms of 24 hour CCTV coverage, a requirement that managers complete conflict avoidance training, the recording of any incidents of crime or anti-social behaviour in an incident Log Book and the restaurant manager to work closely with local Police on all crime and disorder, anti-social behaviour and premises licensing issues. The PNMP sets out measures that will be taken in the event of customers creating unreasonable levels of noise in terms of requesting that they adjust their behaviour and minimise noise levels and requires that should such behaviour continue, this will be logged as an incident. The PNMP also requires the display of signage advising customers to keep noise to a minimum.
33. It is recognised that the McDonalds site is part of a wider retail site and therefore there may be the potential for people to drive off the McDonalds site elsewhere within the retail park. The applicant has stated in relation to the previous application that the PNMP will be implemented on the wider car parking area which is shared with Five Guys and that it relates to activities both inside and outside the red edged boundary.
34. It is therefore considered that, having regard to the previous comments of GM Police Design for Security and the requirements of the Site Management Plan and PNMP, the proposed 24 hour operation of the drive-thru facility would not result in unacceptable impacts in terms of crime or anti-social behaviour

Conclusion

35. Whilst it is recognised that previous applications for extensions to opening hours at this site have been refused on the grounds of noise and lighting impacts, the application has to be considered in the context of the current site circumstances, including the fact that there is an existing permission for a 24 hour drive-thru facility at the adjacent Starbucks site which was supported by an NIA, the fact that the current application site is similar to the Starbucks site in its layout and relationship to residential properties, and the fact that the Nuisance consultee has raised no objections subject to the retention of the condition restricting the operation of the internal restaurant to between 0000 and 0500.

36. Having regard to the above factors, it is therefore considered that, subject to appropriate conditions, the proposed extended operation of the drive-thru element to 24 hours a day would not result in any unacceptable impacts on the residential amenity of surrounding residential properties. As such, it is considered that the proposal would therefore comply with Core Strategy Policies L5 and L7 and the policies of the NPPF.

HIGHWAYS, PARKING AND SERVICING

37. Core Strategy Policy L4 states: *[The Council will prioritise] the location of development within the most sustainable areas accessible by a choice of modes of transport. Maximum levels of car parking for broad classes of development will be used as a part of a package of measures to promote sustainable transport choices.*
38. Core Strategy Policy L7 states: *In relation to matters of functionality, development must incorporate vehicular access and egress which is satisfactorily located and laid out having regard to the need for highway safety; and provide sufficient off-street car and cycle parking, manoeuvring and operational space.*
39. The LHA consultee has confirmed no objection to the proposal.
40. The proposals to extend the hours of use of the drive-thru element to 24 hours would have an acceptable highway, parking and servicing impact with reference to Core Strategy Policies L4 and L7, the Parking Standards and Design SPD and the NPPF.

OTHER MATTERS

41. Concerns have also been raised by nearby residents regarding potential problems in relation to littering. It is considered that there is no reason why the extension of opening hours of the drive-thru (for an additional three hours per day) should result in significantly greater problems in terms of litter over and above the impact during the current operating hours. The site management plan sets out that there are regular litter collection patrols and it is recommended that a condition is attached requiring the site to be operated in accordance with the site management plan.

DEVELOPER CONTRIBUTIONS

42. N/A.

PLANNING BALANCE AND CONCLUSION

43. It is considered that the proposed extended hours of operation of the restaurant's drive-thru element would not result in an unacceptable impact on residential amenity through noise or lighting disturbance and would not be unacceptable in

terms of its crime / anti-social behaviour impacts. It is also considered that the proposal would be acceptable in terms of highway and parking impacts.

44. The scheme complies with the development plan, the starting point for decision making, which would indicate in itself that planning permission should be granted.
45. All detailed matters have been assessed, including the impact on residential amenity and highways/parking impacts. These have been found to be acceptable, with, where appropriate, specific mitigation secured by planning condition. All relevant planning issues have been considered and representations and consultation responses taken into account.
46. The proposal is considered to be acceptable and in accordance with the development plan as a whole including Core Strategy Policy L7, the Planning Obligations SPD, the Parking Standards and Design SPD and the NPPF. As such, in terms of NPPF paragraph 11 c) the proposal should be approved without delay.
47. It is therefore concluded that the application should be approved subject to appropriate conditions.

RECOMMENDATION

GRANT subject to the following conditions:

1. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plan, number SAVHD01 - Site Location Plan, and (except in respect of any reference to the operation of the use at any hours other than those hereby approved), the submitted Noise Impact Assessment (MCDONALDS URMSTON (#829), Report No. 14-0167-83 R01, Sustainable Acoustics), received by the Local Planning Authority 20 August 2021, and the Site Management Plan, received by the Local Planning Authority 23 June 2023.

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

2. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987, (as amended) and the Town and Country Planning (General Permitted Development) (England) Order 2015 or any equivalent Order following the amendment, revocation and re-enactment thereof, the premises shall only be used as a restaurant (Class E (b)) and/ or as a hot food takeaway (sui generis) and for no other purpose, including any other purpose within Class E of the Use Classes Order.

Reason: In the interests of amenity, highway safety and the vitality and viability of nearby town centres, having regard to Policies L4 and L7 of the Trafford Core Strategy and the National Planning Policy Framework.

3. The main restaurant and external seating area (not including the drive-thru facility) shall not be open to customers between the following times: 00:00 (midnight) to 05:00 on any day.

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

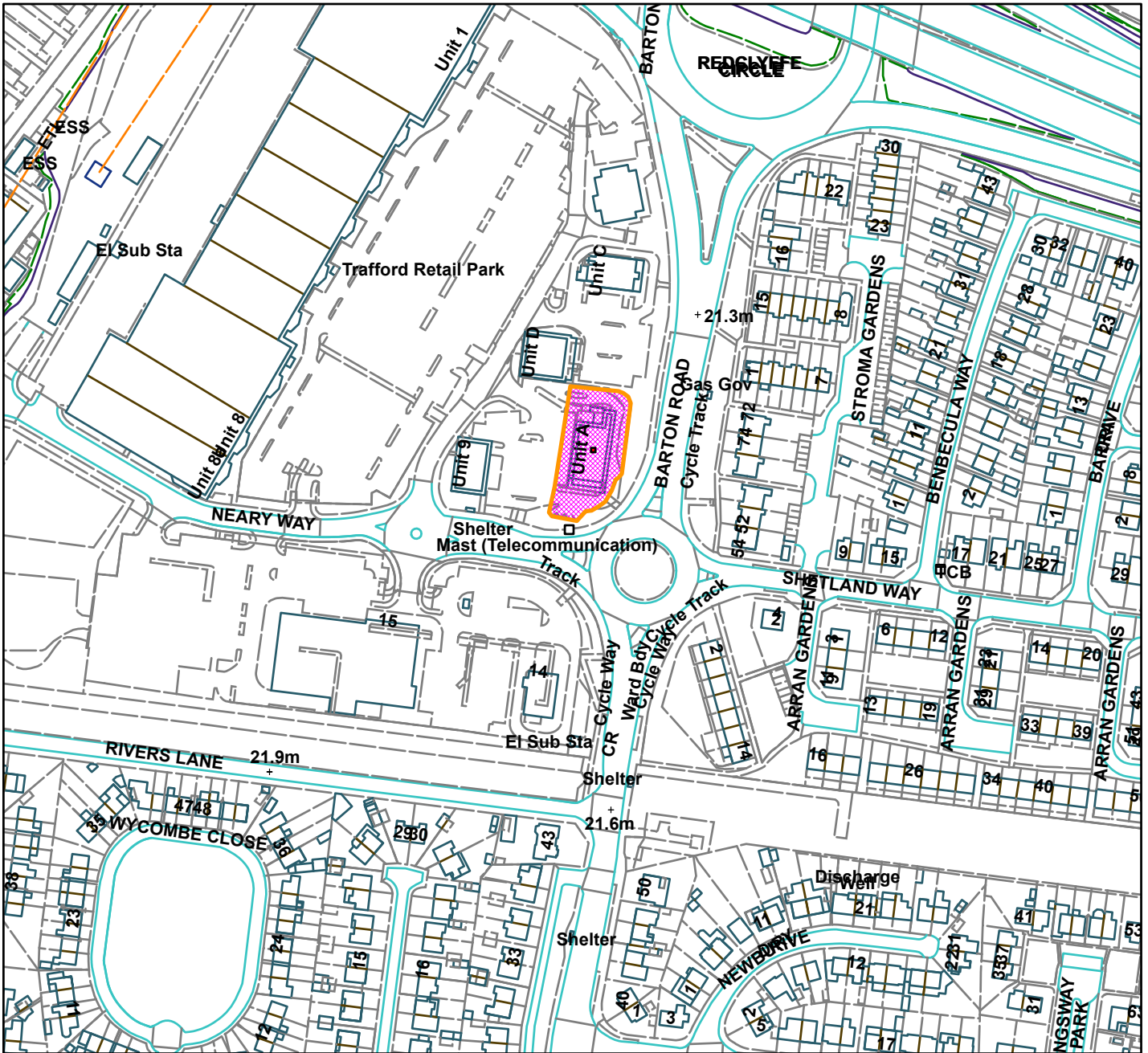
4. Except in respect of any reference to the operation of the restaurant use at any hours outside those set out in Condition 3 above, throughout the duration of the use of the premises, the restaurant and associated drive-thru facility shall be operated at all times in complete accordance with the Noise Impact Assessment Report No. 14-017-83-R01 and the Premises Noise Management Plan (PNMP) (Annex C of the Noise Impact Assessment Report Ref: 14-0167-83 R01, dated 29 July 2021, prepared by Sustainable Acoustics Ltd), received by the Local Planning Authority 20 August 2021, and the Site Management Plan, received by the Local Planning Authority 23 June 2023.

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

TP



Mcdonald's Restaurant, Neary Way, Davyhulme (site hatched on plan)



Scale: 1:2,500

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Organisation	Trafford Council
Department	Planning Service
Comments	Committee date -14/09/2023
Date	01/09/2023
MSA Number	AC0000809316 (2022)

WARD: Lostock & Barton

111318/FUL/23

DEPARTURE: No

Development of a Wellbeing Resort including logistics hub, vehicular and pedestrian accesses, multi-storey car parking, hard and soft landscaping, public realm and associated infrastructure and engineering works and other ancillary development including removal of residual slab.

Site of Former EventCity, Barton Dock Road, Trafford Park, M41 7TB

APPLICANT: Mr Richard Land, TG UKMP Limited

AGENT: Mr Matthew Hard, WSP

RECOMMENDATION: GRANT subject to conditions

The application has been reported to the Planning and Development Management Committee at the discretion of the Head of Planning and Development.

Executive Summary

The application relates to the former Event City site close to the Trafford Centre.

Planning permission was granted, but has now expired, for a wellbeing resort on this site in March 2020. The current application seeks to make a number of modifications to that scheme. The proposals still include a striking, largely glazed main building which would accommodate a variety of health and wellbeing facilities, including swimming pools, saunas, treatment rooms and waterslides. Externally the site includes landscaped areas, gardens, swimming pools, natural pools, whilst the rear of the site is to be opened up to the Bridgewater Canal.

Parking facilities would be accommodated in two areas within the site: a multi-storey car park to the north of the site accessed via Phoenix Way which accommodates 869no car parking spaces and 10no motorcycle spaces, and a further multi-storey car park to the east of Mercury Way which accommodates 730no car parking spaces.

The proposal is considered to be in accordance with the Development Plan, the National Planning Policy Framework and relevant local and national planning guidance, being acceptable with regard to matters of design, amenity, parking and all other material planning considerations. The application is considered to comply with the Development Plan and is therefore recommended for approval.

SITE

The application relates to approximately 14.4 hectares of land within Trafford Park, the majority of which is located between Mercury Way and Phoenix Way and comprises the brownfield site of the former EventCity conferencing and events facility, together with its associated former parking areas. The site also includes land to the south-east of Mercury Way which was formerly in use as a Transport for Greater Manchester (TfGM) compound in association with the construction of the Trafford Centre Metrolink line.

The application boundary also incorporates the section of Mercury Way linking the two main parts of the site, part of the Metrolink line and highway at the junction of Phoenix Way and Barton Dock Road, Phoenix Way itself and adjacent land, as well as a section of the Bridgewater Canal and part of the car park serving Trafford Palazzo.

Trafford Palazzo itself is situated just beyond the north-western boundary of the application site, whilst commercial units are located beyond the Bridgewater Canal to the north. Commercial properties including the Regatta headquarters are situated between the former EventCity/TfGM sites, whilst the parcel of land to the south-east of Mercury Way is bounded by Park Way (the A5081) to the south-east, by a Holiday Inn hotel to the south-west and by industrial/commercial units to the north-east.

Much of the former EventCity site is currently vacant, though land adjacent to the canal is currently in use as a car park. The canal itself is heavily vegetated, with limited visibility through this boundary; this constitutes a Site of Biological Importance (SBI).

The site is situated within the Trafford Centre Rectangle Strategic Location. The closest designated heritage assets are the Grade I listed Church of All Saints, the Grade II* listed Barton Bridge, Barton Aqueduct and Control Tower, the Grade II listed All Saints Presbytery and the Barton-upon-Irwell Conservation Area, situated approximately 1km to the north-west of the application site.

PROPOSAL

Planning permission is sought for the creation of a wellbeing resort, known as 'Therme'. This comprises the resort itself, along with a logistics hub, greenhouse, vehicular and pedestrian accesses, multi-storey car parking, hard and soft landscaping, public realm and associated infrastructure and engineering works, as well as the removal of the slab serving the now-demolished EventCity building.

The main building is located on the land between Mercury Way and Phoenix Way and comprises a series of interconnected pavilions enveloped by landscape, set around a central garden. Elements of the main building design include glazed roofs, curtain walling, green walls and timber-panelled spa pods to a terraced area, and has a maximum height of c.54.5m; this is intended to align with the general datum set by Trafford Palazzo. This would accommodate a variety of health and wellbeing facilities, including swimming pools, saunas and treatment rooms, together with waterslides and

associated changing facilities, lockers and showers. The proposed building would also accommodate ancillary food and drink facilities whilst submitted information indicates that a significant number of trees and other vegetation would be planted both internally and externally.

Externally, the proposal includes landscaped areas, gardens, a 'wellbeing terrace', swimming pools and natural pools, and it is intended that the boundaries between internal and external areas are 'blurred', with a coherent approach to surface materials and planting styles being incorporated. The proposal also includes substantial enhancements to areas of public realm, including at the boundary with the Bridgewater Canal, along Phoenix Way and at the 'south plaza' near the junction of Phoenix Way and Barton Dock Road.

The proposal also includes a logistics hub and greenhouse on land to the south-east of Mercury Way. The logistics hub has a footprint of 54sqm with a maximum height of c.4.5m and a grey 'sandwich panel façade system' to all elevations. This is intended to carry out a number of functions related to the operation and servicing of the resort, including the delivery of goods, the management of waste and recycling and the storage of food and other goods associated with the resort. The proposed greenhouse has a footprint of c.410sqm with a maximum height of c.10.5m and eaves height of 2.35m. This is largely glazed with some elements of the grey 'sandwich panel façade system' to the elevations and roof.

Parking facilities would be accommodated in two areas within the site: a multi-storey car park to the north of the site accessed via Phoenix Way which accommodates 869no car parking spaces and 10no motorcycle spaces, and a further multi-storey car park to the east of Mercury Way which accommodates 730no car parking spaces. The latter of these is intended to accommodate staff parking facilities as well as visitors during peak times. A total of 66no accessible spaces are proposed: 34no within the main multi-storey car park and 32no within the Mercury Way car park. 100no cycle parking bays are proposed to be provided in four locations across the site; these are proposed to be secure and sheltered.

Primary vehicular access to the facility would be taken from Phoenix Way, via Barton Dock Road. Access to the second parking area would be from Mercury Way, which also leads from Barton Dock Road. Three entrance points to the resort itself are proposed: one via a plaza in the south-western corner of the site, one near the canal in the northern part of the site and another for those using the second car park to the east of Mercury Way.

Planning permission has previously been granted for a similar facility generally within the same site boundary, under application ref. 99489/FUL/19. This consent has now expired.

DEVELOPMENT PLAN

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

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

PRINCIPAL RELEVANT CORE STRATEGY POLICIES

SL4 – Trafford Centre Rectangle
L4 – Sustainable Transport and Accessibility
L5 – Climate Change
L7 – Design
W1 – Economy
W2 – Town Centres & Retail
R1 – Historic Environment
R2 – Natural Environment
R3 – Green Infrastructure
R5 – Open Space, Sport and Recreation
R6 – Culture and Tourism

SUPPLEMENTARY PLANNING DOCUMENTS

Revised SPD1 – Planning Obligations
SPD3 – Parking Standards & Design
SPD5.6 – Barton Upon Irwell Conservation Area Appraisal
SPD5.6a – Barton Upon Irwell Conservation Area Management Plan

PROPOSALS MAP NOTATION

Sites of Importance for Nature Conservation

PRINCIPAL RELEVANT REVISED UDP POLICIES/PROPOSALS

ENV9 – Sites of Importance for Nature Conservation
E7 – Main Industrial Areas

PLACES FOR EVERYONE

Places for Everyone (PfE) is a joint Development Plan Document being produced by nine Greater Manchester districts (Bolton, Bury, Manchester, Oldham, Rochdale, Salford, Tameside, Trafford and Wigan). Once adopted, PfE will be the overarching development plan, setting the policy framework for individual district Local Plans. The PfE Regulation 19 consultation concluded in Autumn 2021 and the Plan was submitted to the Secretary of State for Levelling Up, Housing and Communities on 14 February 2022. Independent Inspectors have been appointed to undertake the Examination in Public of the PfE Submission Plan and the timetabled hearings have now been completed. Given the advanced stage of PfE it now has substantial weight in the planning balance. The timing of this application means that it has not been appropriate/necessary to fully consider the PfE policies in the report, however a high level assessment has been undertaken and it is not considered that the PfE policies would have any significant implications for this application.

NATIONAL PLANNING POLICY FRAMEWORK (NPPF)

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

NATIONAL PLANNING PRACTICE GUIDANCE (NPPG)

The National Planning Practice Guidance was first published in March 2014, and it is regularly updated, with the most recent amendments made in January 2023. The NPPG will be referred to as appropriate in the report.

NATIONAL DESIGN GUIDE

The MHCLG published the National Design Guide in October 2019. This will be referred to as appropriate in the report.

RELEVANT PLANNING HISTORY

111457/EIASC/23: Request for a screening opinion in respect of development constituting a leisure and wellness facility, including water-based wellness, leisure and entertainment facilities, ancillary retail and food and drink uses, new landscaped public and private realm, parking and associated infrastructure – Screening Opinion issued 16/08/2023.

111190/EIASC/23: Request for a screening opinion in respect of development constituting a leisure and wellness facility, including water-based wellness, leisure and entertainment facilities, ancillary retail and food and drink uses, new landscaped public and private realm, parking and associated infrastructure – Screening Opinion issued 14/07/2023.

99489/FUL/19: Demolition of existing exhibition centre and all associated structures; development of Wellbeing Resort including new accesses and service road, security

gates, new cycle and pedestrian accesses, basement and surface car parking, new hard and soft landscaping and associated infrastructure and engineering works including creation of lakes and any other ancillary development thereto – Approved with conditions 06/03/2020.

Land to west of Mercury Way:

86356/FUL/15: Construction of new surface water drainage scheme including underground pumping station to provide outflow into the Bridgewater Canal – Approved with conditions 17/12/2015.

81403/FULL/2013: Creation of 653 space surface level car park, associated lighting and landscaping – Approved with conditions 15/11/2013.

75459/CLOPD/2010: Application for Certificate of Lawfulness of proposed use of existing building as an exhibition hall with ancillary uses for food and drink catering to visitors of the building, temporary storage areas for exhibition before and after exhibitions, office administration and staff rest areas – Approved 13/07/2010.

H/70328: Change of use from existing distribution warehouse (Use Class B8) to a museum (Use Class D1) – Approved with conditions 17/02/2009.

H/50500: Change of use of vacant manufacturing factory (B2), in part or whole, to distribution/warehousing (B8) – Approved with conditions 23/03/2001.

H45187: Use of vacant land as car park – Approved with conditions 12/02/1998.

H38640: Erection of a cigarette manufacturing premises with an ancillary single storey office block, landscaping and car parking – Approved with conditions 28/04/1994.

Land to east of Mercury Way:

86837/FUL/15: The erection of a temporary site office and compound facility for a four year period for the construction of Metrolink Trafford Park Line – Approved with conditions 27/01/2016.

H/OUT/70189: Outline planning application for demolition of existing buildings and erection of two office buildings (maximum 27,870 square metres) falling within Class B1 together with associated car parking and ancillary structures. Consent sought for creation of access from Mercury Way with all other matters reserved – Approved with conditions 20/03/2009.

H/67264: Retention of use for recycling/regrading/processing of and storage and distribution of road construction materials (including soil screening and manufacture of foam base) for temporary period of two years – Approved 25/02/2009.

APPLICANT'S SUBMISSION

The applicant has submitted the following documents in support of the application:

- Air Quality Assessment
- Arboricultural Impact Assessment
- Arboricultural Survey
- Archaeological Desk-Based Assessment
- Carbon Budget Statement
- Crime Impact Statement
- Design and Access Statement
- Ecological Impact Assessment
- Economic Statement
- Equality Impact Assessment
- Environmental Noise Survey Report
- Flood Risk Assessment
- Foul Drainage Strategy
- Green Infrastructure Statement
- Heritage Assessment
- Initial Travel Plan
- North West SuDS Pro-Forma
- Pedestrian Level Wind Microclimate Assessment
- Phase 1 Geo-Environmental Assessment
- Phase 2 Geo-Environmental and Geotechnical Investigation and Assessment
- Planning Statement
- Statement of Community Engagement
- Surface Water Drainage Strategy
- Townscape & Visual Impact Assessment
- Transport Assessment

CONSULTATIONS

Active Travel England: No objection subject to conditions.

Arboriculturist: No objection, tree planting details should be conditioned.

Heritage and Urban Design Manager: No impact on significance of heritage assets. Sufficient details of work to canal should be provided.

Environment Agency: No objections, conditions recommended.

Environmental Protection (Air Quality): No objection, conditions recommended.

Environmental Protection (Contaminated Land): No objection, conditions recommended.

Environmental Protection (Nuisance): No objection subject to conditions.

Greater Manchester Archaeological Advisory Unit: No archaeological requirements.

Greater Manchester Ecology Unit: No objection, conditions recommended.

Greater Manchester Police – Design for Security: No objection subject to Crime Impact Statement recommendations being implemented.

Lead Local Flood Authority: Updated comments to be reported in Additional Information Report.

Local Highway Authority: Updated comments to be reported in Additional Information Report.

National Highways: No objection.

Salford City Council: No response received.

Transport for Greater Manchester (Highways): Issues raised, full assessment in main body of report.

Transport for Greater Manchester (Metrolink): No objections subject to recommended conditions.

Waste Management: No issues.

REPRESENTATIONS

Four representations have been received in objection to the proposed development. These raise the following concerns:

- Increased traffic would be destructive to businesses
- Filter lane for turning into Mercury Way from Barton Dock Road is not large enough
- Mercury Way cannot handle the amount of traffic the development will bring
- Car park should be sited where EventCity parking was originally located
- Object to use of the area off Mercury Way for parking and a drop off point
- The development requires access and changes to third party land, which will impact on operations of adjacent business. Consent will not be forthcoming for these works.
- Plans take no consideration of the impact and conflict of significant numbers of pedestrians being channelled into an area with regular vehicle movements and 40ft trailers to the neighbouring warehouse building.
- Conflicts arising at proposed pedestrian crossing on Mercury Way

- Inaccuracies and inconsistencies in transport surveys and data

OBSERVATIONS

PRINCIPLE OF DEVELOPMENT

Policy position:

1. Section 38(6) of the Planning and Compensation Act 1991 states that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF at Paragraphs 2 and 47 reinforces this requirement and at Paragraph 12 states that the presumption in favour of sustainable development does not change the statutory status of the development plan as a starting point for decision making, and that where a planning application conflicts with an **up-to-date** (emphasis added) development plan, permission should not normally be granted.
2. The Council's Core Strategy was adopted in January 2012, prior to the publication of the NPPF, but drafted to be in compliance with it. It remains broadly compliant with much of the policy in the 2021 NPPF, particularly where that policy is not substantially changed from the 2012 version.
3. The NPPF is a material consideration in planning decisions, and as the Government's expression of planning policy and how this should be applied, should be given significant weight in the decision making process.
4. Policies relating to town centre uses, the Strategic Location, design and highway matters are considered to be the 'most important' for determining this application when considering the application against NPPF Paragraph 11, as they control the principle of the development and are most relevant to the impact of the proposed development and surrounding area:
 - Policy W2 of the Core Strategy is considered to be generally consistent with the NPPF in supporting the growth of Trafford's town centres and the role they play in local communities.
 - Policy SL4 of the Core Strategy is generally in compliance with the NPPF in relation to the regeneration and provision of new sustainable communities. However the references to specific housing numbers and heritage are not consistent with the NPPF. In all other aspects this policy is consistent with the NPPF.
 - Policy L7 of the Core Strategy is considered to be compliant with the NPPF and therefore up-to-date as it comprises the local expression of the NPPF's emphasis on good design and, together with associated SPDs, the Borough's design code. Full weight can be afforded to this policy.
 - Policy R6 of the Core Strategy is considered to be compliant with the NPPF and therefore up-to-date as it supports culture and tourism uses

which can help to support the local economy. Full weight can be afforded to this policy.

- Policy L4 is considered to be out-of-date in that it includes reference to a 'significant adverse impact' threshold in terms of the impact of the development on the operation of the road network, whereas the NPPF refers to a 'severe' impact'.
5. Whilst some aspects of relevant development plan policy are out-of-date in relation to this particular application (for example the reference to Policy L4 noted above) and although the overarching policy is still considered 'most important' for decision making purposes, the aspects of these policies which are out-of-date are not determinative in the context of this application. Therefore, when considering the overall basket of 'most important' policies, the development plan is considered to be up-to-date for decision making purposes. The tilted balance in Paragraph 11 of the NPPF is not engaged and the application should be determined in accordance with the development plan unless material considerations indicate otherwise.

Strategic Location:

6. Core Strategy policy SL4 sets out a number of criteria required for development within the Trafford Centre Rectangle Strategic Location to be acceptable. These are as follows:
- Significant improvements to public transport infrastructure including an integrated, frequent public transit system;
 - The provision of the Western Gateway Infrastructure Scheme (WGIS);
 - A Flood Risk Assessment must demonstrate that the development will be safe, without increasing flood risk elsewhere, and that it will where possible reduce flood risk overall. Uses identified in national guidance as being more vulnerable to flooding such as residential, certain leisure uses, healthcare and educational facilities must be located outside Flood Zone 3;
 - Contribution towards the provision of additional utility capacity, including the reinforcement of the local waste water treatment works;
 - Improvements to both the physical and environmental qualities of the Manchester Ship Canal, the Bridgewater Canal and the Barton Bridge Swing Aqueduct;
 - Provision, where appropriate, to maintain, and/or enhance the Manchester Ship Canal and the Bridgewater Canal for leisure and transportation purposes; and
 - The preservation or enhancement of the Barton-upon-Irwell Conservation Area, and its wider setting.
7. The development is not considered to be at odds with the aims of the above criteria. For example, an appropriate Flood Risk Assessment has been provided and the development would not cause harm to the Barton-upon-Irwell

Conservation Area. In addition, the proposals are considered to represent an enhancement to the Bridgewater Canal. On this basis, the proposed development is deemed to be in accordance with Policy SL4.

Main town centre use:

8. Core Strategy Policy R6 states that the Council will encourage and continue to support the culture and tourism offer, and related developments where appropriate, that highlight and enhance the cultural heritage of the Borough, in accordance with national guidance and policies within the Development Plan for Trafford, in (amongst others) the Trafford Centre Rectangle Strategic Location. Policy R6 is generally in accordance with the NPPF in promoting and seeking to improve the tourism and culture offer within the Borough. It is therefore considered to be up-to-date for the purposes of this application.
9. Paragraph 87 of the NPPF states that local planning authorities should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan.
10. The proposed development constitutes a 'main town centre use' as defined by the NPPF (leisure/entertainment/sport and recreation/culture and tourism development) and falls within the D2 use class. The specific proposed use is deemed to comprise a tourism use which Core Strategy Policy R6 states is appropriate in this location. On this basis, the proposed development is considered to be in accordance with the Development Plan and a sequential test is not therefore required.

TOWNSCAPE IMPACT, VISUAL IMPACT AND DETAILED DESIGN

11. Policy L7 of the Trafford Core Strategy states that *"In relation to matters of design, development must: Be appropriate in its context; Make best use of opportunities to improve the character and quality of an area; Enhance the street scene or character of the area by appropriately addressing scale, density, height, massing, layout, elevation treatment, materials, hard and soft landscaping works, boundary treatment; and, Make appropriate provision for open space, where appropriate, in accordance with Policy R5 of this Plan"*. Policy L7 of the Core Strategy is considered to be compliant with the NPPF and therefore up-to-date as it comprises the local expression of the NPPF's emphasis on good design and, together with associated SPDs, the Borough's design code. It can therefore be given full weight in the decision making process.
12. Paragraph 126 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"*.

13. The National Design Guide (NDG) sets out ten characteristics which illustrate the Government's priorities for well-designed places, including identity, built form, movement, nature and public spaces.

Townscape and Visual Impact Assessment:

14. The application is accompanied by a Townscape and Visual Impact Assessment (TVIA) which considers in detail the impact of the proposed development with respect to its 'Townscape' effects and 'Visual' effects. 'Townscape effects' relate to the impact on the physical characteristics or components of the environment which together form the character of that townscape, including buildings, roads, paths, vegetation and water areas. 'Visual effects' relate to impacts on individuals whose views of that townscape could change as a result of the proposed development, such as residents, pedestrians, people working in offices, or people in vehicles passing through the area.
15. The study area used for the TVIA has been set at 3km around the application site, beyond which there is not deemed to be an impact on landscape character or visual amenity. A Zone of Theoretical Visibility (ZTV) has been modelled through a desktop study using digital terrain data to identify the areas from where the proposed development could potentially be visible. Buildings, trees and other tall vegetation in the study area have been taken into account to refine the ZTV and to identify suitable viewpoints for inclusion in the TVIA. A total of 13no representative viewpoints have been selected.

Townscape effects:

16. With regard to townscape designations, the TVIA notes that the proposed development would result in a major townscape effect to a localised section of Regional Cycle Route 82 (along the Bridgewater Canal). This goes on to conclude that the creation of a new cycle route through the site, connecting to RCR 82 will have a positive effect on the cycle route. All other impacts on designations within the study area have been determined to be negligible.
17. The TVIA concludes that at a national level, the effect of the development on landscape character will be negligible. At a local level, it is concluded that the development would result in a high magnitude of change on the townscape character. Given the low sensitivity of the prevailing townscape character however, the effect on townscape character at a local level is deemed to be moderate.
18. Embedded and further mitigation measures have been suggested in order to avoid or reduce any adverse effects. Specifically, it is recommended that the materiality of the built form and external elements should make reference to the surrounding context to further integrate the character of the proposal into its

setting, whilst the introduction of landscape treatments including earthworks, tree and hedge planting will soften the development visually. A detailed landscaping scheme should be conditioned as part of any consent issued which will provide the further mitigation recommended by the TVIA.

19. Given the above, the proposed development is not considered to result in any unacceptable townscape effects.

Visual effects:

20. The TVIA notes that the ZTV and visual assessment indicate that views of the development are afforded from around the study area. Generally, visibility is anticipated to be limited to within 500m of the development site. From viewing locations close to the site, the development will be visible but would be largely screened by built form within a short distance of the site.

21. The assessment concludes that the development would result in a major visual impact from one of the representative viewpoints (number 3: Mercury Way from Barton Dock Road) at year 15 post-construction, taking into account the proposed landscape mitigation measures. From this viewpoint, it is determined that the change in the view will be positive as the introduction of planting will improve the view from this location. The assessment also notes that large leisure and commercial facilities of this nature are not alien features in the surrounding area (for example the Trafford Centre and the Chill Factory). In relation to the other representative viewpoints, the development is either partially screened, having a moderate visual effect or otherwise is completely concealed.

22. Given the above, the proposed development is not considered to result in any unacceptable visual effects.

Detailed design:

23. The submitted Design and Access Statement advises that structural efficiency and the reduction in the use of materials has driven many of the changes to the architectural character of the scheme compared to the initial proposals. There has also been a development in the approach to circulation within the facility, an increase in the level of landscaping, as well as an alternative approach to car parking. The overall approach to the proposed building is a series of interconnected pavilions, incorporating several barrel-vaulted structures arranged around a central garden space. The undulating form of the building with structural arches and roofs is intended to break down the mass across the whole site area, creating the sense of a series of buildings within a landscape, rather than a single large building as was previously the case.

24. The building incorporates the use of steel, glass and tessellated tiles with a matte finish, whilst the lighter tone of the opaque elements is designed to respond to

the character of the generally industrial context, albeit in a more dynamic and organic form. The proposal seeks to 'mediate' between the language of the adjacent red brick Trafford Palazzo and its more functional context. Areas of glazing are positioned to respond to daylight, direct sunlight and views and generally comprise steel-framed primary and secondary structures, some spanning up to 60m horizontally, with solar-controlled glazing treated to temper the external environment. At street level, facades are integrated with greenery and landscaping which is intended to merge and soften the built form with the landscape. The architectural approach is distinctive and unique and is considered to produce a high quality building of character, which would be immediately recognisable in its surroundings.

25. Whilst it is acknowledged that the building has a large footprint and significant height (a maximum of 54.5m), its 'lightweight' design and undulating, organic form serves to reduce the impression of mass and scale. There are numerous other large buildings within Trafford Park and in relatively close proximity to the site, including industrial premises and Trafford Palazzo, which has a tower of 72.4m in height. The scale of the development is not therefore considered to be at odds with this prevailing character, despite the bespoke, unconventional approach taken to its design.
26. The building will have a height comparable to that of the main part of Trafford Palazzo and the Regatta building to the north-east, and is not considered to appear over-dominant or intrusive in this context. It is noted that the north-western elevation of the building is particularly close to Phoenix Way, however this route is proposed to be entirely redesigned to create a 'green boulevard', intended to welcome visitors arriving by car and encourage cycle and pedestrian connectivity to the Bridgewater Canal. This, together with the use of substantial soft landscaping and a building elevation comprising various curved and glazed elements, rather than a single solid wall of development will diminish how imposing it could otherwise feel to users of this route.
27. The multi-storey car park accessed via Phoenix Way will be screened from public view as far as possible through the use of a rain garden, and would be topped with a terrace providing views across the canal. In addition, vehicles entering this car park would take a subterranean route and would be hidden from views along the canal. This helps to ensure that this is not a visually intrusive structure, particularly in sensitive views from the canal. The interface of the site with the canal itself is also considered to be enhanced through the creation of a new public plaza at the northern boundary of the site, including steps and ramps extending down to the level of the canal towpath. This is considered to successfully integrate the canal with the development, helping the facility feel like a natural element in the landscape and enhancing access to this asset, rather than turning its back on it.

28. A cohesive and thoughtful approach has been taken to hard and soft landscaping within the site. A significant amount of tree planting and other vegetation is proposed, including along the boundary with Barton Dock Road, along Phoenix Way, within the 'Central Wellbeing Garden' and within and around the various gardens and terraces serving users of the facility. Whilst a fully detailed landscaping scheme has not been submitted at this stage and should be required by condition, the illustrative landscape masterplan indicates that substantial, high quality planting will be delivered, including within the building itself. Planting is proposed to be seasonal to create variety throughout the year, with elements of woodland, wetland and meadow planted areas delivered. The woodland areas include a mix of native and climate adaptive species throughout the site; wetland areas include marginal planting and aquatic habitats alongside various water retention ponds; meadow planting is intended to create a naturalistic garden experience and includes wildflowers, perennials and decorative grasses, with variety in height, colour, form and density. Details of green roofs and vertical planting are also provided. Only native planting should be used adjacent to the Bridgewater Canal SBI, as required by the Greater Manchester Ecology Unit. A landscaped embankment will be created adjacent to Barton Dock Road to ensure that any fencing required is not visually intrusive, whilst also providing delineation, security and privacy, as well as a sufficient degree of separation from the adjacent Metrolink line.
29. In terms of hard surfacing, a consistent, high quality and contextual palette of high-quality complimentary materials for paving, street furniture and lighting is proposed. Though a detailed scheme should be conditioned, the submitted information indicates that materials such as natural stone paving, clay brick pavers, resin bound gravel, timber boardwalks and ceramic tiles could be used across the site. This is considered to be an appropriate approach, which would ensure a high quality appearance and positive impact on the area as a whole.
30. Substantial works to public realm around the site are also proposed, with all interfaces at site edges having been given consideration. Other than the improvements to the canal boundary mentioned above, the proposals include a significant upgrade to Phoenix Way with the inclusion of new planting, paving, cycleways and pedestrian pathways to create a safer and more pleasant route past and through the site. Enhancements to Mercury Way and the access route to the adjacent Regatta building are also proposed, with the provision of a pedestrian crossing from the overflow car park to the western side of Mercury Way. A covered walkway will provide sheltered access to the building entrance whilst new landscaping and greenery will serve to enhance the existing character of the street. The area adjacent to the site boundary with the Regatta warehouse is proposed to provide access to the third building entrance from the Mercury Way car park and is the building's main service vehicle artery. These works will help to enhance accessibility not just to the site itself, but also to the canal and surrounding areas.

31. The main plaza within the south-western part of the site will be a raised area with steps, integrated ramps, planting, lighting and seating to encourage pedestrian movement and gathering. The Design and Access Statement also notes that a significant public artwork may be considered as a landmark to be seen from Barton Dock Road. A condition should be attached to any consent issued requiring full details of the final design of this area to be submitted, however the proposed details indicate this will be a high quality, welcoming environment which will offer a significant enhancement to the area as it currently exists.
32. The Design and Access Statement also makes references to 'Therme Art' and states that there are a number of concept projects which will inform the future Therme experience and wider initiatives. This goes on to say that Therme Manchester will deliver a home for inspirational artworks, created by some of the world's most respected artists with a curatorial programme guided by themes of interactivity, freedom, sustainability and wellbeing. It is understood that this would include both internal and external artwork which will enhance the overall experience of visitors to the facility and is welcomed by Officers.
33. In summary, the proposed development comprises a well-designed distinctive, unique building accompanied by high quality hard and soft landscaping which is considered to enhance the character and quality of the area. It is therefore considered to be in accordance with Core Strategy Policy L7, the NPPF and the principles of the National Design Guide, and is therefore acceptable in this respect.

HIGHWAY MATTERS

34. Policy L4 of the Trafford Core Strategy states that *"when considering proposals for new development that individually or cumulatively will have a material impact on the functioning of the Strategic Road Network and the Primary and Local Highway Authority Network, the Council will seek to ensure that the safety and free flow of traffic is not prejudiced or compromised by that development in a significant adverse way"*.
35. Paragraph 111 of the NPPF states that *"Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe"*. Given the more stringent test for the residual cumulative impacts on the road network set by the NPPF, it is considered that Core Strategy Policy L4 should be considered to be out-of-date for the purposes of decision making in this respect.
36. NPPG (Paragraph: 014, Reference ID: 42-014-20140306) states that it is important to give appropriate consideration to the cumulative impacts arising from other committed development (i.e. development that is consented or allocated where there is a reasonable degree of certainty it will proceed within

the next 3 years). The submitted Transport Assessment (TA) considers the transport-related impacts of the proposed development together with committed developments in the area, including those at Trafford Waters and the expanded Trafford Palazzo.

37. The Local Highway Authority (LHA), Transport for Greater Manchester (TfGM) and National Highways (NH) have been consulted on the application. Clarification and further information on a number of matters has been sought. Whilst some additional information has been received, further information is still required to update traffic modelling data.

Impact on highway network, including Strategic Road Network:

38. The submitted TA sets out the accessibility of the site by public transport and other means, considers the trip generation and distribution of the proposed development, and assesses this against the 'base traffic scenario' to establish what, if any transport implications would arise.
39. The TA states that the site is accessible by a number of pedestrian and cycle links, including along Barton Dock Road, the Bridgewater Way, the WGIS (Western Gateway Infrastructure Scheme) network and from the Trafford Centre. It is also noted that frequent bus services operate along Barton Dock Road whilst the Trafford Park Metrolink line has a stop immediately outside the site.
40. With regard to trip generation and distribution, a bespoke approach is taken within the TA given the unique nature of the development and lack of suitable sites within the TRICS database. The TA is therefore based upon a typical level of activity and uses data obtained from the operation of other Therme resorts in Europe, in particular that in Bucharest and undertakes a 'worst case' analysis of transport implications during weekday and weekend peak hours. Information such as customer activity, mode of transport, employee trips and trip distribution has been used to inform the assessment of these transport implications.
41. Traffic surveys have been undertaken at junctions surrounding the site during peak hours whilst committed developments (such as Trafford Waters and the expanded Trafford Palazzo) have been included within the 'base traffic scenario'. The TA concludes that all junctions assessed would continue to operate within capacity during peak hours following the application of trips from the proposed development.
42. The LHA notes that the TA incorporates traffic data from when the proposed Mercury Way car park site was used as a compound during the construction of the new Metrolink tram line (the compound is no longer in use) and is satisfied with the conclusions that whilst there is expected to be an increase in the number of vehicle movements for all three junctions modelled, they will all continue to operate within capacity. Whilst the proposed logistics hub will generate additional

vehicle movements along Mercury Way and at the Barton Road junction (this also being the busier of the two junctions for the development), servicing functions will take place 'out of hours' and the forecast number of trips is lower than that associated with the previous use; the LHA raises no objections in this respect.

43. TfGM has been consulted on the application and the key points of its response relating to impacts on the highway network are summarised as follows:

- It is unclear whether the Bucharest resort has similar characteristics to the development proposed at Trafford
- There is no distribution data included the TA and TfGM are unable to comment on the validity of the distribution
- There are a number of errors in the junction models which should be corrected.

44. The applicant's transport consultant has submitted a technical note to seek to address these concerns, in response to which TfGM advises that further modelling is still required. The applicant advises that this further information will be provided in advance of the committee meeting and an update on this matter will be provided to Members via an Additional Information Report. It is however considered unlikely that the additional information will result in 'severe' highways impacts, and is therefore unlikely to affect the recommendation for approval.

45. National Highways has been consulted in respect of the potential impact on the Strategic Road Network (SRN) and no objections have been raised.

46. Subject to the receipt of further traffic data and modelling information from the applicant, the proposed development is considered to be acceptable in terms of its impact on the highway network, including the Strategic Road Network.

Car parking and access:

47. Given the unique nature of the development, SPD3: Parking Standards and Design does not have adequate guidance pertaining to the required level of parking provision. The proposed plans indicate that a total of 1599no car parking spaces are to be provided within the application site. 869no of these are located within the multi-storey car park to the north of the main building, accessed via Phoenix Way with the remaining 730no spaces within an overspill multi-storey car park on the eastern side of Mercury Way. Of these spaces, 45no are to contain charging points for electric vehicles. A total of 70no accessible spaces are proposed: 35no within the main multi-storey car park, 32no within the Mercury Way car park, and 3 within the EV charging area.

48. The parking arrangements have changed from the previous application, with an increase in parking spaces and a change to how these spaces are distributed

across the two car parks. The overall difference in parking numbers is -35no spaces in the Phoenix Way car park and +70no spaces in the Mercury Way car park.

49. Primary vehicular access to the facility would be taken from Phoenix Way, via Barton Dock Road. Access to the overflow parking area would be from Mercury Way, which also leads from Barton Dock Road. A pedestrian and cyclist access route would be provided from the Bridgewater Canal, running adjacent to the western side of the building along Phoenix Way. Primary pedestrian access to the building itself would be via a plaza in the south-western corner of the site, as well as via an entrance in the northern part of the site and a third close to the site boundary with the Regatta building for use by visitors to the overflow car park.
50. Whilst the LHA deems the level of car parking provision to be acceptable, its initial response sought further detail in respect of the proposed Phoenix Way car park entrance, as well as the proposed internal route to be provided between the Phoenix Way car park and the secondary exit on Mercury Way. Concerns were also raised in respect of the proposed pedestrian crossing close to the Mercury Way car park, noting that there is a risk of conflict occurring between pedestrians and vehicles. It was requested that this crossing is set back further away from the junction and associated changes made to the car park layout.
51. In response to these comments, the applicant has provided further plans to include the detail required by the LHA. The LHA has reviewed this information and indicated it has no objections to the application in this respect, subject to a number of conditions.
52. TfGM advises that to help manage the car parking at the site, it would be expected that occupancy of the new car parks is included in the existing Trafford Centre car park guidance, including the overflow car park. The proposed development is not associated with the Trafford Centre and it is not considered necessary to require this by condition, however a condition requiring the submission of a Traffic Management Plan for the development itself is recommended. TfGM also requests a financial contribution from the developer towards the maintenance of any landscaping work affecting its infrastructure, as well as a contribution towards any 'joint ticketing' for Therme/Metrolink which the developer may provide. Officers consider that these matters can be dealt with through appropriately worded planning conditions, which are set out later in this report.
53. As noted above, a total of 70no disabled parking spaces are proposed across the two car parks (35no more than under the previous application). The Council's guidelines set out in SPD3 seek to achieve a minimum of four disabled bays plus 4 per cent of the total car park capacity, resulting in a total requirement of 67no spaces. The overall parking layout is in accordance with section 9 of SPD3 and is therefore acceptable in this respect.

54. The LHA and TfGM request that a Travel Plan is submitted to encourage the use of sustainable methods of transport to the proposed development site. This will include measures to increase cycle parking provision if necessary and should be conditioned as part of any consent issued. TfGM have also suggested that the applicant consider joint entrance and Metrolink ticketing arrangements. It is considered that this request can be included in the Travel Plan.

55. Subject to the above conditions, the application is considered to be acceptable in this respect.

Cycle parking:

56. There is not an appropriate cycle parking standard within SPD3, given the unique nature of the development. A total of 100no cycle parking spaces are to be provided across the site in four separate locations, and the LHA raises no objections to this approach. A condition requiring the submission of details of the design of these facilities should be attached to any consent issued. Subject to this condition, the proposed development is considered to be acceptable in terms of the level of cycle parking provision. The enhancement of cycle connections from the site to the canal and surrounding highway network would also encourage the use of bicycles as a means of accessing the proposed development.

Servicing:

57. The application indicates that a secondary underground service area will be provided in the main building which will be accessed from Mercury Way, but the main service area will comprise a dedicated servicing and logistics hub located to the south of the Mercury Way car park. Information provided in the Transport Assessment advises no articulated vehicles will require access to the site, and servicing vehicles are expected to be no larger than a medium sized goods vehicle. It is further noted that the majority of servicing activities will be planned to take place 'out of hours', and the frequency of associated vehicle movements it noted to be less than those associated with the now demolished EventCity.

58. The LHA recommends a condition requiring the submission of a detailed Servicing and Waste Management Strategy, and this should be attached to any consent issued. Subject to this condition, the proposed development is considered to be acceptable in terms of servicing arrangements.

Cumulative impacts:

59. As noted above, it is necessary to consider the cumulative transport impacts of the proposed development together with other committed developments in the area, including Trafford Waters and the extended Trafford Palazzo.

60. The submitted Transport Assessment considers the impacts of all committed developments in conjunction and the conclusions reached indicate that there are no transport-related reasons to prevent the granting of planning permission. National Highways do not object to the proposal on this basis, but the final comments of the LHA will be reported in the Additional Information Report following the submission of the additional information requested.

Summary of highway matters:

61. There is not considered to be any objection in principle to the proposal in relation to highway matters, subject to the receipt of additional information from the applicant and its acceptability to the LHA.

NOISE AND VIBRATION

62. Policy L7 of the Trafford Core Strategy states that *“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...noise and / or disturbance...or in any other way”*.

63. The application is accompanied by an Environmental Noise Survey Report. This describes the existing environmental noise conditions at the nearest noise sensitive receptor. Based on this information, noise level criteria for the control of plant and operational noise associated with the proposed development have been deduced. The Council’s Environmental Protection service has been consulted and advises that the submitted Report has been prepared in accordance with previous advice from the Service, along with relevant national standards and guidelines.

64. It is advised that further assessments of plant and operational noise propagation to the nearest noise sensitive receptor will be required once details of the plant schedule and building fabric are known, to ensure that relevant noise targets can be met. A condition has been recommended requiring these further assessments to be submitted for approval prior to the first operation of the development. This should be attached to any consent issued.

65. On this basis, the application is considered to be acceptable in this respect.

AIR QUALITY

66. Policy L5 of the Trafford Core Strategy states that *“development that has potential to cause adverse pollution (of air, light, water, ground), noise or vibration will not be permitted unless it can be demonstrated that adequate*

mitigation measures can be put in place". Policy L5 is considered to be up-to-date in this regard and so full weight can be attached to it.

67. Paragraph 186 of the NPPF seeks to ensure that opportunities to improve air quality or mitigate impacts are identified, with the presence of Air Quality Management Areas being taken into account. The application site is partly within the Greater Manchester Air Quality Management Area which is designated for the potential exceedance of the annual mean nitrogen dioxide (NO₂) air quality objective.
68. The application is accompanied by an Air Quality Assessment (AQA) which concludes that, with the implementation of dust management mitigation measures, the impact of construction phase dust emissions is 'not significant', in accordance with Institute of Air Quality Management guidance. In terms of air quality impacts of the facility during the operational phase of the development, a detailed emissions assessment was undertaken to consider the impact of development-generated road traffic and boiler plant emissions on local air quality at identified existing receptor locations. The impact of the development on local air quality is predicted to be 'negligible' overall in accordance with relevant guidance. Concentrations of NO₂ (Nitrogen dioxide), PM₁₀ and PM_{2.5} (particulate matter) are all predicted to be below the relevant short term air quality objectives and the AQA concludes that the site is considered to be suitable for the proposed development with regard to air quality.
69. The Council's Environmental Protection service has been consulted and advises that it is satisfied with the modelling, methodology and conclusions which have been confirmed within the AQA in relation to operational phase impacts. It is also noted that the modelling confirms that the development will not affect compliance with the Clean Air Plan for Nitrogen dioxide. A condition is recommended. In terms of construction-phase impacts, Environmental Protection is satisfied with the conclusions reached, subject to the imposition of a condition requiring the submission of a Construction Environmental Management Plan.
70. It has also been recommended that a number of electric vehicle charging points are provided as part of the development, in accordance with guidance produced by the Institute of Air Quality Management. This should be conditioned as part of any consent issued and subject to this, the application is considered to be acceptable with regard to air quality matters.

AMENITY

71. Policy L7 of the Trafford Core Strategy states that *"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”.

72. There are no residential properties which could reasonably be affected by the proposed development, the closest being those on Iona Way approximately 0.5km to the south-west on the opposite side of the M60.
73. There are a number of commercial premises in relatively close proximity to the site, including the Regatta head office immediately to the north-east, commercial/industrial units to the north of the Mercury Way car park site, the Holiday Inn hotel to the east of Mercury Way, Trafford Palazzo on the western side of Phoenix Way, car showrooms on the southern side of Barton Dock Road and a number of industrial units to the north of the Bridgewater Canal. Whilst the proposed building will have a substantial presence in the area, the nature of these businesses is such that there is not deemed to be an unacceptable impact on their amenity or functionality.
74. It is acknowledged that Regatta has a large extent of glazing to the south-east elevation, however the siting and orientation of the proposed building is such that this is not considered to result in any overshadowing of this neighbour. There would be a distance of approximately 90m between the proposed building and the Holiday Inn hotel, which is considered to be sufficient to ensure windows in the north-west elevation of the hotel are not impacted upon. Barton Dock Road and the Bridgewater Canal form strong boundaries to the site, across which impacts are deemed to be minimal.
75. Given the above, the proposed development is considered to be acceptable in terms of its impact on the amenity of surrounding properties.

FLOODING AND DRAINAGE

76. Policy L5 of the Trafford Core Strategy states that *“the Council will seek to control development in areas at risk of flooding, having regard to the vulnerability of the proposed use and the level of risk in the specific location”*. At the national level, NPPF paragraph 167 has similar aims, seeking to ensure that development is safe from flooding without increasing flood risk elsewhere. Policy L5 is considered to be up-to-date in this regard and so full weight can be attached to it.
77. The application site falls within Flood Zone 1 as defined by the Environment Agency, having a low probability of river flooding. The site also falls within a Critical Drainage Area. The applicant has submitted a Flood Risk Assessment and a Foul Drainage Strategy to accompany the application. The proposed use is considered to constitute a ‘less vulnerable’ use in flood risk terms, as defined by the NPPG. The flood risk vulnerability and flood zone compatibility table contained within NPPG identifies this form of development as being ‘appropriate’ in this location.

78. The Lead Local Flood Authority (LLFA) has been consulted on the application and has not raised any objections to the development, subject to the imposition of planning conditions relating to the submission of a detailed scheme to improve existing surface water drainage arrangements on site, along with the submission of a management and maintenance plan for the sustainable drainage scheme. Appropriate conditions relating to site drainage are recommended and should be attached to any consent issued.

79. Given the above, the application is considered to be acceptable in terms of flooding and drainage and compliant with relevant local and national planning policies and guidance.

TREES AND LANDSCAPING

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

81. The submitted Arboricultural Survey identifies that the existing site includes 33no individual trees and 14no tree groups, with hedgerows and other vegetation. None of these are classified as 'Category A' trees/groups, whilst 11no individual trees and 1no tree group are classified as 'Category B'. The remainder are assigned either category 'C' or 'U' status.

82. The submitted Arboricultural Impact Assessment (AIA) identifies that 13no individual trees, 3no groups and part of 2no groups require removal to facilitate the proposed development. The remaining trees and groups can be retained on site and protected during the demolition and construction phase of development. The AIA goes on to say that all tree removal must be mitigated for by significant replacement planting. The submitted indicative landscaping plans show a considerable amount of proposed planting which will increase canopy cover throughout much of the site. At present, canopy cover within the site is very limited and is confined to the periphery. The proposed tree planting will increase the area of future canopy across the site and improve longevity and density of canopy.

83. The Council's Arboriculturist has been consulted and does not raise any objections to the development, noting that the trees to be removed are of low to moderate value and are either young or semi-mature; they are not mature, prominent specimens of high quality. A robust, fully-detailed landscaping scheme is recommended via a planning condition.

84. It is also advised that suitable construction techniques (such as a support system) should be used for trees proposed to be planted within any areas of hard surfacing. This is in order to ensure that enough rooting volume, soil volume and soil quality is provided, enabling the trees to survive longer than would otherwise be expected. A condition is therefore recommended to require the submission of technical details of the type of system to be used for these trees, the area the system will cover and the type and volume of soil to be used.
85. It is acknowledged that the Council's adopted SPD1: Planning Obligations includes a figure of 1 tree per 30sqm of gross internal floorspace (or equivalent) as a suitable contribution towards on-site specific green infrastructure. For the proposed development, this would equate to over 3,300 trees. A detailed landscaping scheme is recommended via condition which will set out the exact level of green infrastructure to be provided and will allow a qualitative assessment of this to be made. Indicative landscaping plans show a considerable amount of proposed planting which will increase canopy cover within the central areas of the site whilst significant soft landscaping would also be provided adjacent to site boundaries, within the garden areas and within the building itself. Officers are therefore satisfied that the development is acceptable in this respect.
86. Subject to the above condition, a condition requiring the submission of a suitably detailed landscaping scheme and a condition requiring the submission of a landscape maintenance scheme, the proposed development is considered to be acceptable in this respect.

ECOLOGY

87. Policy R2 of the Trafford Core Strategy seeks to ensure that all developments protect and enhance the Borough's biodiversity. In addition, Paragraph 180 of the NPPF states that *"if significant harm to biodiversity resulting from a development cannot be avoided...adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused"*. Policy R2 of the Core Strategy is considered to be compliant with the NPPF and therefore up-to-date as it comprises the local expression of the NPPF's emphasis on protecting and enhancing landscapes, habitats and biodiversity. Accordingly, full weight can be attached to it in the decision making process.
88. The application is accompanied by an Ecological Appraisal dated June 2023. This makes a number of recommendations which should be implemented for the development to be considered acceptable on ecological grounds. These recommendations include the removal of Himalayan balsam from the site, the provision of updated mammal surveys prior to works commencing, the use of a sensitive lighting scheme, clearance of vegetation outside of the bird nesting season and in a sensitive manner, the use of bird boxes and the incorporation of

native flora within the landscape design. These could be secured through appropriately worded planning conditions should planning permission be granted.

89. The Greater Manchester Ecology Unit (GMEU) has been consulted and advises that issues relating to bats, nesting birds and invasive species can be resolved via condition or informative. It is recommended that measures to protect the Bridgewater Canal SBI during construction works are incorporated into any Construction Environmental Management Plan for the site and that only locally native species are planted along the boundary of the SBI. These can be secured by appropriately worded planning conditions. Other recommended conditions relate to a restriction on vegetation clearance within the bird nesting season, a lighting design strategy for biodiversity and a protocol for the removal of Japanese knotweed.

90. Subject to the above conditions, the proposed development is considered to be acceptable with regard to matters of ecology.

HERITAGE ASSETS AND ARCHAEOLOGY

91. Section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990 advises that *“In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority ... shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.”*

92. 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.

93. Policy R1 of the Core Strategy states that all new development must take account of surrounding building styles, landscapes and historic distinctiveness and that developers must demonstrate how their development will complement and enhance existing features of historic significance including their wider settings, in particular in relation to conservation areas, listed buildings and other identified heritage assets. This policy does not reflect case law or the tests of ‘substantial’ and ‘less than substantial harm’ in the NPPF. Thus, in respect of the determination of planning applications, Core Strategy Policy R1 is out-of-date and can be given limited weight.

94. Paragraph 199 of the NPPF establishes that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation. The NPPF sets out that harm can either be substantial or less than substantial. There will also be cases where

development affects heritage assets but from which no harm arises. Significance is defined in the NPPF as 'The value of a heritage asset to this and future generations because of its heritage interest. That interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset's physical presence, but also from its setting.' Setting of a heritage asset is defined in the NPPF 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'.

95. The closest listed buildings to the application site are the Grade I Church of All Saints, the Grade II* Barton Bridge, Barton Aqueduct and Control Tower and the Grade II All Saints Presbytery, situated approximately 1.1km to the north-west of the application site. These are within the Barton Upon Irwell Conservation Area, situated approximately 1km to the north-west of the application site at its closest point. The conservation area, including Barton Aqueduct and the Control Tower are significant for their industrial and engineering history, constituting a unique example of a surviving swing aqueduct and demonstrating a great feat of Victorian engineering and innovation. The area's ecclesiastical history is also highly important, having formerly contained two churches whilst All Saints Church is of high significance for its design by the architect Pugin.
96. The Council's Heritage and Urban Design Manager is in agreement with the conclusions of the Heritage Statement that there will be no impact on the significance of these designated heritage assets. In particular, the distance of the development from these assets, together with the presence of a number of intervening buildings of substantial height indicates that no harm will be caused to their significance.
97. Paragraph 203 of the NPPF identifies that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated 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.
98. The Bridgewater Canal, adjacent to the northern boundary of the site, is considered to constitute a non-designated heritage asset. This has significance as the first true canal in England, independent from any natural waterway and a vital watercourse which helped paved the way for the industrial revolution.
99. The Council's Heritage and Urban Design Manager notes that the application site includes a section of the towpath and the formation of a new pedestrian access to the Bridgewater Canal. It is also noted that the scheme opens up more of the frontage to the Canal compared to the earlier proposal, with the addition of an

accessible ramp and seating area. It is requested that sufficient details are provided to understand the works required to the canal in order to safeguard this non-designated heritage asset. Whilst the proposed building will have significant height in close proximity to the canal, the retention and improvement of landscaping adjacent to the canal will largely screen this in views from the towpath. A detailed landscaping condition should be required by condition to secure this. There will be a significant impact on views from the pedestrian access point, however this would not diminish the ability to understand or appreciate the significance of the canal and its role in Manchester's success. As such, the proposed development is not considered to result in any harm to the significance of this, or any other non-designated heritage asset.

100. The application is also accompanied by an Archaeological Desk Based Assessment. This establishes that there are no Scheduled Monuments, conservation areas, Registered Parks and Gardens or Registered Battlefields within the proposed development site. Within the wider study area (within 1km of the site) there are known, albeit limited, assets of prehistoric, Roman and medieval activity. Any assets that may have remained within the proposed development site are likely to have been compromised by extensive 20th Century development. The assets from the post-medieval period have been deemed to be of low significance and importance. The Assessment advises that given the limited scope for archaeological remains to survive and their low significance, no further archaeological works are required to be undertaken.
101. The Greater Manchester Archaeological Advisory Service has been consulted and advises that it is satisfied that the proposed development does not threaten the known or suspected archaeological heritage. On this basis there is no reason to seek to impose any archaeological requirements upon the applicant and the proposed development is considered to be acceptable in this respect.
102. In summary, the proposed development is considered to be acceptable in terms of its impact on heritage and archaeology.

ENERGY USE AND CARBON REDUCTION

103. The Policy L5.1 of the Core Strategy states that new development should maximise its sustainability through improved environmental performance of buildings, lower carbon emissions and renewable or decentralised energy generation. L5.4 goes on to say that development will need to demonstrate how it contributes towards reducing 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.
104. Paragraph 157 NPPF states that in determining planning applications, local planning authorities should expect new development to comply with any development plan policies on local requirements for decentralised energy supply.

105. The application is accompanied by a Carbon Budget Statement (CBS) which seeks to demonstrate that the development will achieve the Council's carbon reduction target of 15 per cent below the Building Regulations Target Emissions Rate. This notes that a reduction in excess of this target reduction would be achieved, largely through the use of heat pump technology and the capability to connect to district heat systems as and when they come online. This also complies with the NPPF requirement for decentralised energy supply. Whilst a final energy strategy is yet to be developed, the CBS also states that photovoltaic panels, or connection to geothermal energy sources could be used to achieve further reductions from target carbon emissions. Indeed, photovoltaic panels are proposed to the roof of the Mercury Way multi-storey car park.
106. Given the above, the application is considered to be acceptable in this respect. A condition should be attached to any consent issued requiring the submission of a final energy strategy for the proposed development.

OTHER MATTERS

Security and safety:

107. Policy L7.4 of the Trafford Core Strategy states that, in relation to matters of security, development must demonstrate that it is designed in a way that reduces opportunities for crime and must not have an adverse impact on public safety.
108. A Crime Impact Statement (CIS) has been submitted alongside the application and reviews the recommendations made by Greater Manchester Police in respect of the earlier application, providing updated where necessary in relation to the current scheme. These recommendations include the management of the entrance plaza at night, the design of footpaths and landscaping, access control and signage.
109. Greater Manchester Police's Design for Security section has been consulted and advises that it has had extensive pre-application discussions with the developer and security consultants on the project, and no concerns are raised. It is however recommended that the content of the submitted Crime Impact Statement should be implemented. A condition to this effect is therefore recommended.
110. On this basis, the proposed development is considered to be acceptable with regard to matters of security and safety subject to the condition requested above.

Contaminated land:

111. The application is accompanied by Phase 1 and Phase 2 Geo-Environmental Assessments to address matters of contaminated land. The Phase 1 report confirms that there have been a number of former industrial and commercial

uses located on and adjacent to the proposed development site, and these uses may have resulted in contamination occurring. The Phase 1 report recommends that site investigation is undertaken to assess potential risks to future site users.

112. The Phase 2 assessment includes soil sampling across the proposed development site and ground gas monitoring. The presence of made ground has been identified across the site and contamination associated with this has been confirmed in several locations, including asbestos contamination, which will require remediation to protect future site users. Ground gas monitoring has confirmed that ground gas protection measures will be required within the new building.
113. The Council's Environmental Protection service has been consulted and advises that both submitted reports are satisfactory. It is recommended that conditions are attached to any consent issued requiring the submission of a remediation strategy, verification plan and verification report in respect of matters of contaminated land. The Environment Agency has also been consulted and does not object to the application in this respect, subject to a number of conditions.
114. Subject to the imposition of appropriate conditions, the application is considered to be acceptable with regard to matters of contaminated land.

External lighting:

115. The application does not include full details of any proposed external lighting and as such, a condition should be attached to any consent issued requiring the submission of a lighting scheme. This will ensure there is no harm to amenity through excessive light levels and will also ensure that any external lighting does not cause disturbance to bats and other wildlife in the surrounding area. Subject to this condition, the proposed development is deemed to be acceptable in this respect.

Community use:

116. The applicant has advised that the intention is to progress discussions with schools and other organisations to enable and encourage community use of the facility. Whilst full details of these arrangements have not yet been finalised, the applicant indicates that a number of special offers will be available for both local workers and residents, and collaboration with schools will take place as it currently does at Therme's existing facilities in Germany and Romania. The applicant also advises that discussions with GMCA have commenced, with the intention of achieving an agreement for NHS use.
117. On this basis, a condition has been recommended which requires the submission of a Community Use Strategy to set out the measures which will be brought

forward to encourage the use of the development by schools, community organisations, the NHS and disadvantaged persons.

Representations:

118. A number of land ownership issues are raised in the letter of representation. Ownership of land is not a planning issue per se and the applicant has confirmed that appropriate certificates were served on all land owners within the application site boundary, including Regatta.
119. The applicant also advises there is a right of access across the land owned by Regatta, so access for service vehicles and vehicles using the egress ramp from the main car park can be provided. Officers are therefore satisfied that this is not a matter for which planning permission should be withheld.

EQUALITIES

120. 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.
121. 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.
122. 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.
123. The applicant has submitted an Equality Impact Assessment which sets out how the application impacts upon and addresses issues of equality and the Equality Act 2010.

124. This notes that the proposed development has been planned and designed to provide an inclusive environment with benefits for the local community, employees and visitors, including those with Protected Characteristics. It has been assessed that the proposed development has the potential to have some uncertain impacts on women, pregnant women and disabled people during the construction phase. These arise from possible exclusion from the temporary construction employment that will be created (given the low representation of these groups in the construction industry in Trafford and nationally), and a possible marginal increase in demand for GP services (arising from the potential for new employees registering with local practices). The Assessment does however identify mitigating actions which should be pursued to avoid these impacts. Specifically, these actions are as follows:

- The applicant should work with Trafford Council or the Delivery Partner on procurement to support local people to access new employment opportunities that are created as a result of the construction of the proposed development.
- Explore the opportunity to provide employment initiatives that help disabled people and women to access these opportunities e.g. by collaborating with the Women in Construction initiative.
- Consider measures to enhance health and wellbeing of local communities as part of the Social Value Strategy.

125. The proposed development also has the potential to have a minor positive impact on all priority groups, assuming the 2010 Equality Act requirements for hiring are followed. The enhanced green space and protected active travel routes provided by the proposed development were also assessed to have a minor positive impact on all priority groups but particularly children and older adults. Further impacts, such as a potential increase in the number of people with religious beliefs present in Trafford in the daytime, as well as the accessibility of the site and on-site facilities, were considered to have a neutral impact, due to presenting a negligible impact and proposed mitigating actions. The delivery of employment space and public realm will generate beneficial impacts for the local community, employees and visitors, including those who share Protected Characteristics.

126. The Assessment recommends that appropriate monitoring and review practice is put in place for the proposed development to avoid disproportionate negative impacts on Protected Characteristics.

127. On this basis, Officers are satisfied that the design of the proposed facility has appropriately addressed matters of equality.

CUMULATIVE IMPACTS

128. With regard to transport impacts, the NPPG states that it is important to give appropriate consideration to the cumulative impacts arising from other committed

development (i.e. development that is consented or allocated where there is a reasonable degree of certainty will proceed within the next 3 years). The submitted Transport Assessment considers the transport-related impacts of the proposed development together with other committed developments in the area, including those at Trafford Waters and the expanded Trafford Palazzo.

129. As has been concluded earlier, it is considered unlikely that there will be an unacceptable cumulative impact on the highway network, albeit further additional information is still required from the applicant which will be reported in the Additional Information Report. The same conclusion has been reached in relation to any other cumulative impacts that might result from the proposed development, including in relation to air quality. The application is therefore considered to be acceptable in this respect.

DEVELOPER CONTRIBUTIONS

130. The proposed development would be liable to a CIL (Community Infrastructure Levy) rate of £10 per sqm, constituting a 'leisure' use. No other developer contributions are necessary to make the development acceptable in planning terms.

OTHER SCHEME BENEFITS

131. The supporting information submitted with the application sets out the benefits associated with the scheme, including positive public engagement, other pre-application engagement, job creation and economic effects. It is noted that the development is expected to support more than 1,320 person-years of construction jobs and around 670no permanent full-time jobs once open. The development will also add approximately £97m gross value to the local economy during construction and £38m annually once operational.
132. Other benefits include improve connectivity for cyclists and pedestrians, the creation of new public realm, the regeneration of a vacant brownfield site in a sustainable location with a building of the highest design quality, biodiversity net gain and a substantial amount of new green infrastructure.
133. It is also acknowledged that the applicant has engaged positively with the Local Planning Authority, Trafford Council Members, the local community and other stakeholders at pre-application stage. The initial proposal was also presented to a Places Matter Design Review prior to the original application submission, following which a number of positive amendments were made to the scheme.
134. The above benefits all weigh in favour of the proposed development.

CONCLUSION AND PLANNING BALANCE

135. As the 'most important' policies for determining the application are up-to-date and, for reasons set out in the main body of this report, the proposals are in accordance with the development plan, the development should be approved without delay in accordance with Paragraph 11(c) of the NPPF.

136. All detailed matters have been assessed, including impacts on the highway network, air quality, heritage, noise and design issues. These have been found to be acceptable, with, where appropriate, specific mitigation secured by planning condition. All relevant planning issues have been considered and consultation responses taken into account in concluding that the proposals comprise an appropriate form of development for the site. The proposals are considered to be compliant with the development plan and where this is silent or out-of-date, national planning policy. It also largely complies with relevant adopted local guidance and where it does not the development is considered to be acceptable on its own merits for the reasons set out in the main body of this report. There are a number of other benefits associated with the development which are set out in full in the preceding section of this report.

137. Given the above, the application is 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).

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

- Site Location Plan (ref: ref: 311_ThARK Site Location Plan)
- Existing Site Plan (including topo survey) (ref: TTP-BWB-00-01-DR-G-0001_S2_Rev P7)
 - o Sheet 1 of 5
 - o Sheet 2 of 5
 - o Sheet 3 of 5
 - o Sheet 4 of 5
 - o Sheet 5 of 5
- Site Plan with topo survey (ref: 311_ThARK A.01 Rev 1)
- Site Plan (ref: 311_ThARK A.02 Rev 1)
- Basement (ref: 311_ThARK A.03 Rev 1)
- Lower Ground (ref: 311_ThARK A.04 Rev 1)
- Ground (ref: 311_ThARK A.05 Rev 1)

- Mezanin (311_ThARK A.06 Rev 1)
- Level 1 (311_ThARK A.07 Rev 1)
- Level 2 (311_ThARK A.08 Rev 1)
- Roof (311_ThARK A.09)
- Section 1 of 2 (311_ThARK A.10)
- Sections 2 of 2 (311_ThARK A.11)
- Elevations (311_ThARK A.12 Rev 1)
- Parking Deck Level 0 (311_ThARK A.100 Rev 1)
- Parking Deck Level 1 (311_ThARK A.101 Rev 1)
- Parking Deck Level 2 (311_ThARK A.102 Rev 1)
- Parking Deck Roof Level (311_ThARK A.103 Rev 1)
- Parking Deck Elevations (311_ThARK A.104 Rev 1)
- Logistics Site Buildings (311_ThARK A.200 Rev 1)
- Greenhouse (311_ThARK A.300 Rev 1)
- Illustrative Landscape Masterplan (ref: 981165-PL-10-001)

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

3. No development other than the demolition of buildings and structures down to ground level, site clearance works and the removal of the existing slab shall take place unless and until an invasive non-native species protocol has been submitted to and approved in writing by the Local Planning Authority. This shall detail the containment, control and removal of Japanese knotweed on site and the measures shall be carried out strictly in accordance with the approved scheme. The development hereby shall not be brought into use unless and until a Verification Report demonstrating completion of works set out in the non-native species protocol and the effectiveness of the works has been submitted to and approved in writing by the Local Planning Authority.

Reason: These details are required prior to commencement as removal of Japanese knotweed is essential before any development takes place. In the interests of removing an invasive non-native species which exists on the site in accordance with Policy R2 of the Trafford Core Strategy and the National Planning Policy Framework.

4. No development other than the demolition of buildings and structures down to ground level, site clearance works and the removal of the existing slab shall take place unless and until a scheme to improve the existing surface water drainage system has been submitted to and approved in writing by the Local Planning Authority.

The detailed scheme shall be produced in accordance with the outline details provided in the Sustainable Drainage Statement (ref. TTR-BWB-ZZ-XX-RP-CD-

0001_SDS, Revision P04, dated 14/01/2020). The key points from the document to be included in the scheme include:

- Limiting the surface water run-off generated by the QBar and above critical storm so that it will not exceed 667 l/s and will not increase the risk of flooding off-site.
- Provision of a minimum 565m³ interception flood storage on the site.
- Provision of sustainable drainage in the form of landscape ponds, swales, filter drains, permeable paving and rainwater gardens. No infiltration of surface water drainage into the ground where adversely elevated concentrations of contamination are known or suspected to be present shall be proposed, unless it has been demonstrated that there is no resultant unacceptable risk to controlled waters.

The submitted scheme shall be accompanied by a management and maintenance plan for the lifetime of the development, which shall include the arrangements for adoption by an appropriate public body or statutory undertaker, management and maintenance by a Management Company, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime.

The approved scheme shall be fully implemented in accordance with the approved details.

Reason: Such details need to be incorporated into the design of the development to prevent the risk of flooding by ensuring that surface water can be satisfactorily stored or disposed from the site and to ensure the safe operation of the adjacent Metrolink line, having regard to Policies L4, L5 and L7 of the Trafford Core Strategy and the National Planning Policy Framework.

5. No development shall take place unless and until a Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Plan shall provide for:
 - (i) the parking of vehicles of site operatives and visitors (all within the site)
 - (ii) the loading and unloading of plant and materials (all within the site), including times of access/egress
 - (iii) the storage of plant and materials
 - (iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
 - (v) wheel washing facilities, including measures for keeping the highway clean
 - (vi) measures to control the emission of dust and dirt during construction and procedures to be adopted in response to complaints of fugitive dust emissions

- (vii) measures to prevent disturbance to adjacent properties from noise and vibration, including any piling activity
- (viii) a scheme for recycling/disposing of waste resulting from construction works (prohibiting fires on site)
- (ix) 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
- (x) measures to protect the Bridgewater Canal from accidental spillages, dust and debris
- (xi) information to be made available for members of the public
- (xii) contact details of the site manager to be advertised at the site in case of issues arising.

The approved Plan shall be adhered to throughout the demolition and construction period.

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 Policy L7 of the Trafford Core Strategy and the National Planning Policy Framework.

6. No development shall take place unless and until a Construction Management Plan (CMP) for works in close proximity to Metrolink infrastructure has been submitted to and approved in writing by the Local Planning Authority. The CMP shall be formulated in discussion with TfGM (Metrolink) and include detailed method statements of demolition, construction, risk assessments and agreed safe methods of working adjacent to the Metrolink Hazard Zone. The CMP shall provide for:

- (i) The retention of 24hr unhindered access to the trackside equipment cabinets and chambers for the low voltage power, signalling and communications cables for Metrolink both during construction and once operational
- (ii) Construction and demolition methods to be used; including the use of cranes (which must not oversail the tramway)
- (iii) Confirmation that no excavation greater than 1m in depth within 1m of the Metrolink operational boundary will be carried out, and no piling works shall take place within the zone of influence, unless Metrolink has been notified of such works.
- (iv) Confirmation that any track monitoring required to be carried out as a result of the notification required by (iii) will be implemented before the commencement of these works
- (v) The erection and maintenance of security hoarding, (a 'mock up' security hoarding may be required to review and mitigate any hazards associated with positioning next to an operational tramway prior to permanent erection)

- (vi) Measures to control the emission of dust and dirt during construction
- (vii) Measures to control the spread of detritus onto the Metrolink track.

The approved CMP shall be adhered to throughout the construction period.

Reasons: To ensure that appropriate details are agreed before works start on site, in the interests of highway safety, to safeguard the amenities of the locality, to ensure that the developer complies with all the necessary system clearances and agrees safe methods of working to meet the safety requirements of working above and adjacent to the Metrolink system, having regard to Policies L4 and L7 of the Trafford Core Strategy and the National Planning Policy Framework.

7. No piling shall take place and no other foundation designs using penetrative methods shall be used unless and until it has been demonstrated that there is no resultant unacceptable risk to groundwater. These works shall only take place in those parts of the site where it has been demonstrated that there are no such risks.

Reason: To ensure that appropriate details are agreed before works start on site, for the future protection of the water environment from risks arising from land contamination, having regard to Policies L5 and L7 of the Trafford Core Strategy and the National Planning Policy Framework.

8. Demolition and construction work shall be limited to the following hours:

07.00-18.00 Monday – Saturday (no operation of heavy plant and equipment until 07.30)

No demolition or construction work shall take place on Sundays, Bank Holidays and Public Holidays.

Reason: To minimise disturbance and nuisance to occupiers of nearby properties and users of the highway, having regard to Policy L7 of the Trafford Core Strategy and the National Planning Policy Framework.

9. 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 and the National Planning Policy Framework.

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

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

11. No development other than the demolition of buildings and structures down to ground level, site clearance works and the removal of the existing slab shall take place unless and until a contaminated land Remediation Strategy for the site has been submitted to and approved in writing by the Local Planning Authority. The Remediation Strategy shall be undertaken by competent persons and shall include:

- i) An appraisal of remedial options and proposal of the preferred option(s) to form a remediation strategy for the site.
- ii) A remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
- iii) 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.

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 and the National Planning Policy Framework. The assessment is required prior to development taking place on site to mitigate risks to site operatives.

12. The development hereby approved shall not be brought into use unless and until a Verification Report demonstrating completion of works set out in the 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 and the National Planning Policy Framework.

13. No development other than the demolition of buildings and structures down to ground level, site clearance works and the removal of the existing slab shall take place unless and until a final strategy for energy efficiency and low/zero carbon technologies has been submitted to and approved in writing by the Local Planning Authority. This strategy shall demonstrate how carbon emissions of at least 15 per cent below the Building Regulations Target Emissions Rate shall be achieved. The approved strategy shall be implemented in full.

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

14. No development other than the demolition of buildings and structures down to ground level, site clearance works and the removal of the existing slab shall take place unless and until an assessment of the impact of glint and glare upon tram drivers and the neighbouring Regatta building has been submitted to and approved in writing by the Local Planning Authority. If identified as being necessary, a scheme to minimise dazzle to tram drivers and the Regatta building shall be included within the submitted assessment. The development shall be carried out in accordance with scheme approved under this condition.

Reason: In the interests of safeguarding Metrolink infrastructure, ensuring the safe operation of the tramway and in the interests of amenity, pursuant to Policies L4 and L7 of the Trafford Core Strategy and the National Planning Policy Framework.

15. No development other than the demolition of buildings and structures down to ground level, site clearance works and the removal of the existing slab shall take place unless and until an assessment of Electro Magnetic Compatibility impacts from the proposed development has been submitted to and approved in writing by the Local Planning Authority. Any Electro Magnetic Compatibility protection measures identified within this assessment shall be implemented in full prior to the development being brought into use.

Reason: In the interests of safeguarding Metrolink infrastructure and ensuring the safe operation of the tramway pursuant to Policies L4 and L7 of the Trafford Core Strategy and the National Planning Policy Framework.

16. The development hereby approved shall be carried out in accordance with the physical security measures set out within the submitted Crime Impact Statement (ref. 20231-TOREN-SY-ZZ-RP-Y-0005 Rev C, dated 30/06/2023, produced by R3S Global/Toren Consulting).

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

17. No works relating to the entrance plazas shall take place unless and until a detailed design of these plazas has been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

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

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

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

19. No above ground construction works shall take place unless and until details of the external appearance of all external fixed plant and equipment, including M&E equipment, details of the external appearance of such plant and equipment and an assessment of noise from that plant and equipment has been submitted to and approved in writing by the Local Planning Authority. The scheme shall demonstrate that the following noise criteria will be met:

(a) The noise level from all fixed plant items operating under normal conditions (when rated in accordance with BS 4142: 2014) shall not exceed 63dB (LA_r) between 07.00 and 23.00hrs and 47dB (LA_r) between 23.00 and 07.00hrs on any day at the nearest existing residential receptors.

(b) The noise level from the operation of emergency plant (when rated in accordance with BS 4142: 2014) shall not exceed 73dB (LA_r) between 07.00 and 23.00hrs and 57dB (LA_r) between 23.00 and 07.00hrs on any day at the nearest existing residential receptors.

(c) The operational noise level from all site activities (other than fixed/emergency plant) (when rated in accordance with BS 4142: 2014) shall not exceed 53dB (LA_r) between 07.00 and 23.00hrs and 37 dB (LA_r) between 23.00 and 07.00hrs on any day at the nearest existing residential receptors.

External plant and equipment and M&E equipment shall be installed in accordance with the approved scheme, and any mitigation measures required to achieve compliance with the above noise criteria shall be installed prior to the development being brought into use and retained thereafter.

Reason: To minimise disturbance and nuisance to occupiers of nearby properties, having regard to Policy L7 of the Trafford Core Strategy and the National Planning Policy Framework.

20. No changes to Metrolink infrastructure shall take place, including the addition of any landscaping, unless and until details of a design for such changes and details of funding arrangements for ongoing maintenance for these works have been submitted to and approved in writing by the Local Planning Authority. The submitted information shall demonstrate that these changes have been subject to TfGM's Metrolink Engineering Assurance and Change Processes, and have been agreed by Metrolink. The development shall be carried out in accordance with the approved details.

Reason: In the interests of safeguarding Metrolink infrastructure and ensuring the safe operation of the tramway pursuant to Policies L4 and L7 of the Trafford Core Strategy and the National Planning Policy Framework.

21. No external lighting shall be installed on the buildings or elsewhere on the site unless and until a lighting design strategy which shall take account of the impact of lighting on biodiversity and amenity has been submitted to and approved in writing by the Local Planning Authority. The Strategy shall:

(a) Identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and

(b) Show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications for the lights and any lighting columns) to enable the Local Planning Authority to consider the

appearance and impact of lighting and the lighting structures and so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

(c) Demonstrate that any impact upon windows of habitable rooms (including hotel rooms) would be within acceptable margins, with reference to the Institution of Lighting Professionals (ILP) Guidance Note 01/21: Guidance notes for the reduction of obtrusive light.

All external lighting shall be installed in accordance with the specifications and locations set out in the Strategy, and these shall be maintained thereafter in accordance with the Strategy. No external lighting other than that set out in the Strategy shall be installed

Reason: In the interests of amenity and protecting biodiversity, having regard to Policies L7 and R2 of the Trafford Core Strategy and the National Planning Policy Framework.

22. (a) Notwithstanding the details shown on the approved plans, the development hereby permitted shall not be brought into use unless and until full details of both hard and soft landscaping works have been submitted to and approved in writing by the Local Planning Authority. These details shall include the formation of any banks, terraces or other earthworks, hard surfaced areas and materials (including areas of the site designated for car parking), boundary treatments (including green walls), 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. These details shall also include a raft system to be used for trees planted within areas of hard surfacing. The raft system details shall include technical drawings of the type of system to be used, the area that the system will cover and the type and volume of soil to be used (structural soils will not be acceptable). The landscaping scheme shall only include native species adjacent to the Bridgewater Canal and shall ensure that there is no detrimental impact on the Metrolink line.

(b) The landscaping works approved under part (a) of this condition 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. All tree planting within areas of hard surfacing shall be implemented in accordance with the details approved under part (a) of this condition.

(c) Any trees or shrubs planted or retained in accordance with this condition which are removed, uprooted, destroyed, die or become severely damaged or become seriously diseased shall be replaced within the next planting season by

trees or shrubs of similar size and species to those originally required to be planted.

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

23. The development hereby approved shall not be brought into use unless and until a schedule of external 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. Maintenance shall be carried out in accordance with the approved schedule.

Reason: To ensure that the site is satisfactorily landscaped having regard to its location, the nature of the proposed development and having regard to Policies L5, L7, R2 and R3 of the Trafford Core Strategy and the National Planning Policy Framework.

24. The development hereby approved shall not be brought into use unless and until a Traffic Management Plan has been submitted to and approved in writing by the Local Planning Authority. This shall include the following:

- (i) Measures for the management of vehicles accessing and moving within the site, including details of a scheme of Variable Message Signs and details of the operation of the overspill parking area
- (ii) Measures for the management of pedestrians and cyclists accessing and moving within the site

The approved Plan shall be implemented and adhered to in full.

Reason: To ensure that satisfactory provision is made within and around the site for the movement and management of vehicles attracted to or generated by the proposed development and in the interests of pedestrian and highway safety, having regard to Policies L4 and L7 of the Trafford Core Strategy and the National Planning Policy Framework.

25. The development hereby approved shall not be brought into use unless and until a Servicing and Waste Management Strategy which shall include details of refuse and recycling facilities has been submitted to and approved in writing by the Local Planning Authority. The approved Strategy shall be adhered to at all times following the development being brought into use.

Reason: To ensure servicing and waste collections from the site can be appropriately managed and in the interests of highway safety, having regard to

Policies L4 and L7 of the Trafford Core Strategy and the National Planning Policy Framework.

26. The development hereby approved shall not be brought into use unless and until a scheme for secure cycle storage, which has regard to the national design standards in Chapter 11 of LTN 1/20 and Trafford Council's SPD3: Parking Standards and Design, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the location and design of cycle storage facilities and shall be designed to ensure that it does not impact upon access to any Metrolink or Electricity North West equipment. The approved scheme shall be implemented before the development is first brought into use and shall be retained at all times thereafter.

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

27. The development hereby approved shall not be brought into use unless and until a Full Travel Plan (in accordance with the principles set out in the submitted 'Initial Travel Plan', ref. M18120-05a TP, dated July 2023), has been submitted to and approved in writing by the Local Planning Authority. The Full Travel Plan shall include:

- Measurable targets for reducing car travel, that would contribute to the government's aim for half of all journeys to be walked, wheeled and cycled by 2030;
- Measures for monitoring the use of cycle parking facilities with mechanisms for increasing the level of cycle parking provision where necessary; and
- Details of any agreement with TfGM for joint ticketing, including funding arrangements.

On or before the first occupation of the development hereby permitted the Travel Plan shall be implemented and thereafter shall continue to be implemented throughout a period of 10 (ten) years commencing on the date of first occupation.

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

28. The development hereby approved shall not be brought into use unless and until a scheme for electric vehicle charging points (minimum 7kWh) and infrastructure has been submitted to and approved in writing by the Local Planning Authority. The scheme shall also include the provision of passive electric vehicle charging

infrastructure for all other car parking spaces, and measures for monitoring the use of the electric vehicle charging points with mechanisms for increasing the level of provision where necessary. The approved charging points and infrastructure shall be installed and made available for use upon the development being first brought into use and shall be retained thereafter.

Reason: In the interests of promoting sustainable travel and reducing vehicle emissions, having regard to Policies L4 and L5 of the Trafford Core Strategy and the National Planning Policy Framework.

29. The development hereby approved shall not be brought into use unless and until a Community Use Strategy has been submitted to and approved in writing by the Local Planning Authority. The Community Use Strategy shall include measures to encourage the use of the development by schools, community organisations, the NHS and disadvantaged persons and shall be implemented at all times following the development being first brought into use.

Reason: In the interest of inclusivity and to ensure a benefit to the local community, having regard to Policy L7 of the Trafford Core Strategy and the National Planning Policy Framework.

30. The development hereby approved shall not be brought into use unless and until the means of access and the areas for the movement, loading, unloading and parking of vehicles and bicycles have been provided, constructed and surfaced in complete accordance with the submitted plans. These areas shall thereafter be retained and not be put to any other use than their intended purpose.

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

31. The premises shall only be open to customers between the following hours:

09.30 – 22.30	Monday to Friday
08.30 – 00.00	Saturdays
08.30 – 22.30	Sundays and Public Holidays

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

32. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended) and the Town and Country Planning (General Permitted Development) (England) Order 2015, or any equivalent Order following the amendment, revocation and re-enactment thereof, the premises shall only be

used for the purposes defined in the description of development and for no other purpose.

Reason: For the avoidance of doubt and having regard to Policies L4 and L7 of the Trafford Core Strategy and the National Planning Policy Framework.

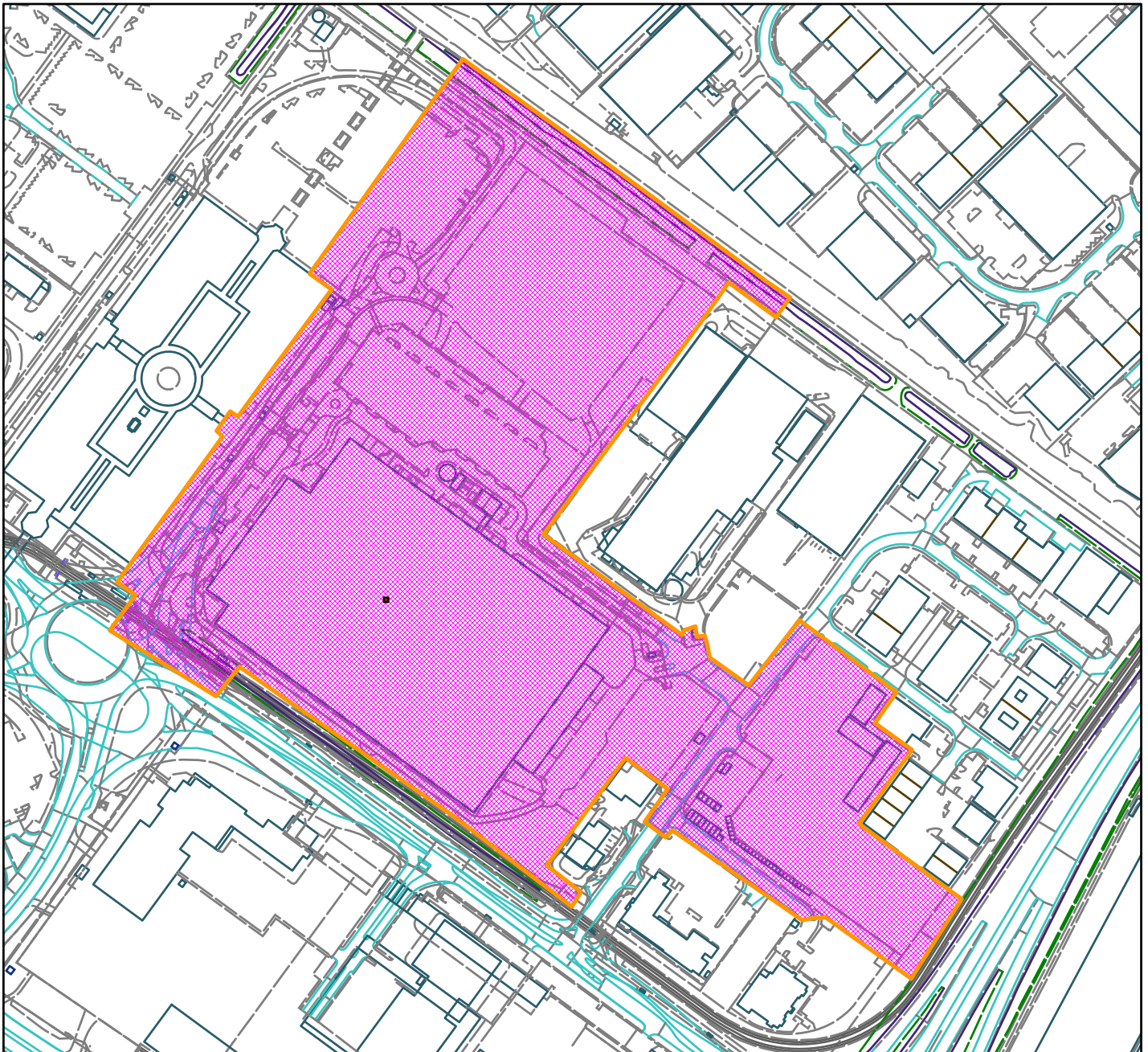
33. Prior to the development being brought into use, the applicant shall provide written confirmation to the Council that the CHP emission specification detailed within the approved air quality assessment has been installed in accordance with the submitted specification. Thereafter the CHP plant shall only be operated in accordance with the approved specifications.

Reason: To minimise the emissions from the site in accordance with Trafford Core Strategy L5.

JD



Site Of Former Eventcity, Barton Dock Road, Trafford Park(site hatched on plan)



Scale: 1:4,000

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Organisation	Trafford Council
Department	Planning Service
Comments	Committee date -14/09/2023
Date	01/09/2023
MSA Number	AC0000809316 (2022)

WARD: Ashton Upon
Mersey

111494/HHA/23

DEPARTURE: No

Erection of first floor side extension

9 Davenham Road, Sale, M33 5QR

APPLICANT: Mr Moran

AGENT:

RECOMMENDATION: GRANT

The application has been reported to the Planning and Development Management Committee as an officer of the Council has an interest in the application.

SITE

The proposed development site consists of a brick-built, semi-detached house. The site is located in a residential area of Sale, bounded by Davenham Road to the South and residential properties and rear gardens to all other aspects. The property currently benefits from an existing single storey side and rear extension, along with a detached garage to the rear.

PROPOSAL

Planning permission is sought for the erection of a first floor side extension.

The extension would be situated above the dwelling's existing ground floor side extension and see a 1.2m projection from the dwelling's west elevation. It would retain a 1m gap to the shared boundary with No.7 Davenham Road. A matching hipped roof connecting to the original dwelling is planned.

The extension would provide additional floorspace for the third bedroom at the front of the property.

Brickwork and roof tiles would all match the appearance of the existing dwelling's building materials.

DEVELOPMENT PLAN

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

- **The Trafford Core Strategy**, adopted 25th January 2012; The Trafford Core Strategy is the first of Trafford's Local Development Framework (LDF) development plan documents to be adopted by the Council; it partially supersedes the Revised Trafford Unitary Development Plan (UDP), see Appendix 5 of the Core Strategy.

- The **Revised Trafford Unitary Development Plan (UDP)**, adopted 19th June 2006; The majority of the policies contained in the Revised Trafford UDP were saved in either September 2007 or December 2008, in accordance with the Planning and Compulsory Purchase Act 2004 until such time that they are superseded by policies within the (LDF). Appendix 5 of the Trafford Core Strategy provides details as to how the Revised UDP is being replaced by Trafford LDF.

PRINCIPAL RELEVANT CORE STRATEGY POLICIES

L7 – Design

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

OTHER LOCAL POLICY DOCUMENTS

SPD4 – A Guide for Designing House Extensions and Alterations

PROPOSALS MAP NOTATION

None

PRINCIPAL RELEVANT REVISED UDP POLICIES/PROPOSALS

None

PLACES FOR EVERYONE

Places for Everyone (PfE) is a joint Development Plan Document being produced by nine Greater Manchester districts (Bolton, Bury, Manchester, Oldham, Rochdale, Salford, Tameside, Trafford and Wigan). Once adopted, PfE will be the overarching development plan, setting the policy framework for individual district Local Plans. The PfE Regulation 19 consultation concluded in Autumn 2021 and the Plan was submitted to the Secretary of State for Levelling Up, Housing and Communities on 14 February 2022. Independent Inspectors have been appointed to undertake the Examination in Public of the PfE Submission Plan and the timetabled hearings have now been completed. Given the advanced stage of PfE it now has substantial weight in the planning balance. The timing of this application means that it has not been appropriate/necessary to fully consider the PfE policies in the report, however a high level assessment has been undertaken and it is not considered that the PfE policies would have any significant implications for this application.

NATIONAL PLANNING POLICY FRAMEWORK (NPPF)

The DLUHC published the latest version of the National Planning Policy Framework (NPPF) on 20 July 2021. The NPPF will be referred to as appropriate in the report.

NATIONAL PLANNING PRACTICE GUIDANCE (NPPG)

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

84983/HHA/15. Erection of a single storey side/rear extension. Approve with Conditions. 12/05/2015.

APPLICANT'S SUBMISSION

None

CONSULTATIONS

None

REPRESENTATIONS

One representation was received in response to this application. The representation stated an objection to the proposal, outlining the following concern:

“The close proximity of the proposed first floor extension to my landing window ... will block a considerable amount of natural light entering from the small window we had to install due to the roof slope on the single storey side extension.”

OBSERVATIONS

PRINCIPLE OF DEVELOPMENT

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

DESIGN AND VISUAL AMENITY

2. Paragraph 126 of the NPPF states *‘The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.’*
3. Policy L7 of the Core Strategy requires that development is appropriate in its context: makes best use of opportunities to improve the character and quality of

an area by appropriately addressing scale, density, height, layout, elevation treatment, materials, landscaping; and is compatible with the surrounding area.

4. The design has been considered in line with Policy L7 and guidance contained within SPD4.
5. The proposed first floor side extension sited above the site's existing single storey side extension, is to project 1.2m beyond the original dwelling's west elevation. At this projection, a 1m separation distance to the shared boundary with No.7 Davenham Road is achieved, ensuring an appropriate level of separation to the adjacent dwelling is retained. As such, the proposal is not considered to unacceptably erode the sense of spaciousness between dwellings within the residential area.
6. The extension would be flush with the property's front elevation and have a depth of 3.7m. Whilst the Council's SPD4 guidelines suggest that side extensions should generally be set back from the front elevation to make them appear subservient and avoid the often unsightly joining of old and new brickwork, it is recognised that the proposed extension would be relatively modest in width and depth and would clearly appear subservient to the original property. The proposal also sees a matching hipped roof connected to the main dwelling with a reduced ridge height (1.2m lower) and eaves aligned to the main house. Acknowledgement is additionally given to properties in the site's immediate surroundings which have larger first floor / two storey side extensions that are not set back from the front elevation, in particular No.14 and No.16 Davenham Road (directly opposite the development site with the latter example post-dating the adoption of the 2012 SPD4 guidelines)
7. No windows are proposed to be installed on any of the extension's elevations. Whilst this would result in an area of blank brickwork on the front elevation, it is considered that, having regard to the modest width of the extension, this would not have an unacceptable impact on the character of the application property or the visual appearance of the street scene.
8. It is therefore considered that the proposed extension would be acceptable in design terms and would not have a detrimental impact on the visual amenity of the street scene or the surrounding area. As such, it is considered that the proposal would comply with Policy L7 of the Core Strategy and the NPPF in relation to good design.

RESIDENTIAL AMENITY

9. Policy L7 of the Core Strategy state that in relation to matters of amenity development must not prejudice the amenity of future occupiers of the development and/or occupants of adjacent properties by reason of overbearing,

overshadowing, overlooking, visual intrusion, noise or disturbance, odour or in any other way.

10. SPD4 also sets out detailed guidance for protecting neighbouring amenity (paras. 2.14 to 2.18) as well as under the relevant sections for particular types of development.

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

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

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

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

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

Impact upon 7 Davenham Road:

14. The proposed first floor side extension is to be set in from the shared boundary by 1m, where a sense of openness between the development site and this neighbouring property would remain.

15. It is acknowledged that this neighbouring property has windows located on its side elevation facing the development site. It is however recognised that 1no. window serves the dwelling's landing area (non-habitable room) and the other is a secondary bedroom window that is obscure glazed. These windows are also set in from the boundary, as well as already having a limited outlook due to being obscure glazed and positioned close to the development site's original side elevation. The landing window is also very small. It is important to note the proposed extension's depth is additionally limited, with it only being sited towards the front of the application property, and therefore the extension would not be directly opposite the bedroom window, although it is recognised that it would be relatively close to the landing window. Whilst it is recognised that there may be some additional impact on light to the landing window, this impact would be limited and, in any case, this window does not serve a main habitable room. It is

therefore considered that this would not have an unacceptable impact on the amenity of the occupiers of this dwelling.

16.No windows are planned to be installed on the side elevation of the side extension facing this neighbour.

17.As such, the proposal is not considered to result in any unacceptable impact on the residential amenity of this neighbouring property.

Impact upon 11 Davenham Road:

18.There would be no undue impact on this neighbour as the proposed development would be screened by the existing house.

Impact upon neighbouring properties to the front and rear:

19.No additional windows are planned on the extension's front and rear elevations thus no impact on the site's front and rear neighbours is anticipated.

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

PARKING

21.The proposed extension would not result in the creation of any additional bedrooms, but instead would provide further floorspace to the existing dwelling's third bedroom. The proposal would therefore not generate any additional parking requirement in relation to the SPD3 guidelines. Two parking spaces would additionally be retained on the site's driveway. It is therefore considered that there would not be any unacceptable parking impacts.

DEVELOPER CONTRIBUTIONS

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

PLANNING BALANCE AND CONCLUSION

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

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

RECOMMENDATION:

Approve Subject to Conditions:

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

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

2. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers 052023/4, 052023/5, 052023/6, 052023/7 (received by the local planning authority on 26/07/2023) and 052023/2A (received by the local planning authority on 08/08/2023).

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

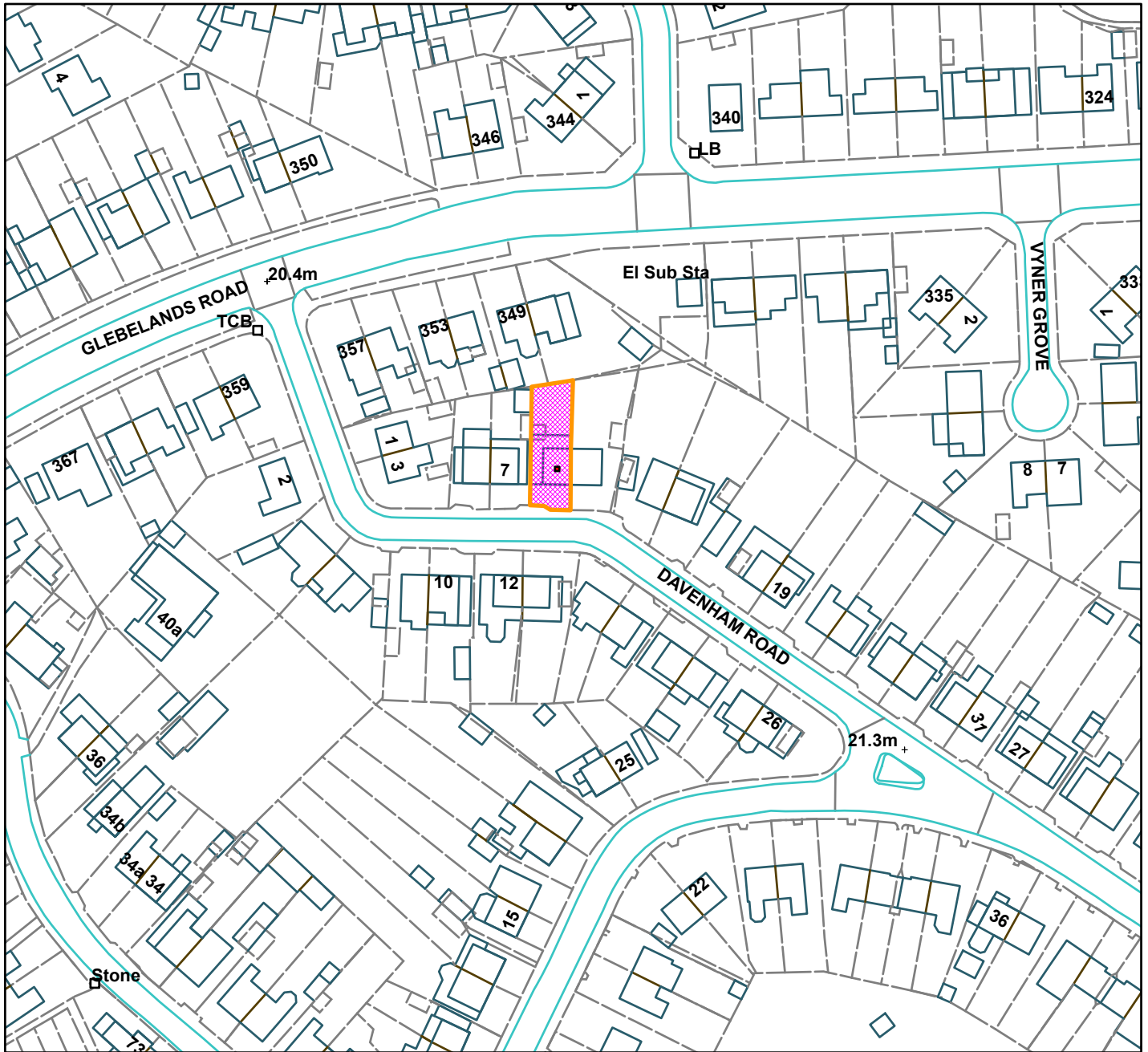
3. The materials used in any exterior work must be of a similar appearance to those used in the construction of the exterior of the existing building.

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

SAMP



9 Davenham Road, Sale (site hatched on plan)



Scale: 1:1,250

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Organisation	Trafford Council
Department	Planning Service
Comments	Committee date -14/09/2023
Date	01/09/2023
MSA Number	AC0000809316 (2022)