

WARD: Altrincham

107465/VAR/22

DEPARTURE: No

Application for variation of condition 2 on planning permission 98607/VAR/19 (Application for variation of condition 2 on planning permission 93171/FUL/17 to vary the approved plans, to incorporate a glass roof on Block A atrium with associated minor amendments throughout Block A, Block B, Multi-Storey Car Park and external areas) for amendments to external materials and updates to elevations, landscaping and layout.

Regent Road Car Park, Altrincham,

APPLICANT: Citybranch Healthcare Ltd

AGENT: Avison Young

RECOMMENDATION: MINDED TO GRANT

The application has been reported to the Planning and Development Management Committee as the Multi-Storey Car Park will on completion be transferred to the Council who will operate and manage the car park and thus the Council has an interest in the application.

Executive Summary

The application site relates to the former Regent Road surface level car park in Altrincham Town Centre. The site has been redeveloped following planning approval in 2019 under planning reference 93171/FUL/17 to provide a new multi-storey car-park along with residential and commercial units. The development is now substantially completed.

The multi-storey car-park will be operated and managed by Trafford Council once completed, the Council will become the effective freeholder (999 year lease).

This application is made by the current owners under Section 73 of the Town and Country Planning Act 1990 to vary condition 2 (Approved Plans) of planning approval 98607/VAR/19. The applicant proposes a number of minor changes to the buildings, including changes to some external materials. A S106 legal agreement was attached to both previous planning approvals which secured a financial contribution towards public realm improvements in Altrincham and an affordable housing overage clause. This application includes a proposal to remove the overage clause following a financial viability review by the applicant.

The proposal is considered to be in accordance with the Development Plan, the NPPF and relevant local and national planning guidance.

Officers are satisfied that the proposed development is acceptable in planning terms subject to the imposition of the recommended planning conditions. As such the application is recommended for approval.

SITE

The application site is located within Altrincham Town Centre. The site area is approximately 0.6ha comprising an irregular form with vehicular access to the site from New Street. The site has historically been used as a surface level public car-park and also comprised a small two storey commercial office building (used by Shopmobility and Sale & Altrincham Chamber of Commerce) and public toilets.

Planning permission was granted in January 2019 (Ref: 93171/FUL/17) for the comprehensive redevelopment of the site to provide 70 residential apartments across two new principle buildings referred to as Block A and Block B along with mixed commercial use at ground floor level within both buildings. A new multi-storey car-park is also included within the approved development which adjoins Block B.

The application site is enclosed by predominantly commercial premises along Regent Road to the north and Railway Street and The Downs to the south. To the south east side of the site is Lloyd Square which is accessed from Regent Road and provides delivery access and parking to commercial premises along the back of Railway Street, Regent Road and Kings Court (a development of commercial and retail units accessed from Railway Street). Lloyd Square is at a lower level to the Regent Road car park. The Kings Court units can be accessed from Regent Road car park via a pedestrian stairway. One of the Kings Court businesses, Ki Day Spa, has its main entrance onto Regent Road Car Park.

To the north west and west side of the site accessed from New Street are four detached apartment blocks, three and four storeys in height with predominantly residential development beyond this side of the site. At the junction of New Street and Regent Road are a number of commercial premises including an antiques shop; a window blinds business and a residential apartment block.

To the south and south east of the site is the former Nicks Bar site. This site along with land to the rear of 16-24 The Downs is currently being developed for residential and commercial use.

Parts of the site at the northern corner with New Street and Regent Road and to the south east side within Lloyd Square are located within the Stamford New Road Conservation Area. The site is also located close to a number of other conservation areas including The Downs Conservation Area; The Old Market Place Conservation Area and the George Street Conservation area.

There are no listed buildings within the site, the nearest listed building is 32-34 Railway Street a three storey building (Grade II), in use as an art gallery. A blue plaque is sited

on the side elevation of the Phanthong Thai restaurant which is situated along Regent Road and shares a boundary with the application site. The blue plaque is in recognition of the men who volunteered to fight in World War One and who lived in Chapel Street which was demolished as part of post-war redevelopment of the site.

PROPOSAL

This application includes several requests for consideration by the Council:

- an application under Section 73 of the Town and Country Planning Act 1990 to vary condition 2 (Approved Plans) of planning approval 98607/VAR/19.
- approval of submitted details:
 - soft and hard landscaping proposals in compliance with condition 7 of permission 98607/VAR/19
 - external materials in compliance with conditions 5 and 6 and
- amendment to the S106 legal agreement to:
 - omit the affordable housing overage clause, citing viability reasons, further detail on this detailed under the Developer Contributions section of this report.

The changes proposed to the consented scheme are summarised as follows:-

Block A

- Omission of natural stone to ground floor elevations in lieu of approved facing brick (Colorado Red Multi Wienerberger in Flemish bond)
- Aluminium pressed band between ground and first floor around the entire building.
- Metal Grillage/Screens omitted from the end of the recessed areas between blocks A, B and C and which extended from first floor to roof level on the side elevations in. The grills have been removed for fire safety reasons to allow windows and AOVs (automated opening vents) to open unrestricted. The windows serve the end of the communal corridors between wings B and C and also habitable room windows to wing A.
- One of the two pairs of double doors serving the plant room area has been omitted from the New Street elevation and relocated on the south elevation facing towards the access road within the application site. The plant room doors on the south elevation will be bronze coloured ppc coated steel doors (louvered) in lieu of the previous grill frame doors. Electricity North West have requested the change to the sub-station doors in order that they comply with their requirements.
- It is proposed to have the brickwork return on the balcony reveals by 225mm and then continue with an aluminium panel which can be removed for easy maintenance access to the concealed rainwater pipes

Block B & Multi-Storey Car Park

- Ground floor elevation of Block B was approved to have a fair faced concrete finish with brickwork to the upper floors. In order to reflect the change to the ground floor elevations of Block A it is proposed to also finish the ground floor external elevations of Block B in the approved brick work for the upper floors of Block B (All White Bromo by Camtech stretcher bond).
- Aluminium pressed band between ground and first floor around the entire building.
- It is proposed to have the brickwork return on the balcony reveals by 225mm and then continue with an aluminium panel which can be removed for easy maintenance access to the concealed rainwater pipes.
- The ground floor elevation to the car park was approved originally as fair faced concrete panels and then subsequently as large format tiles. It is proposed to replace these with concrete render which is similar to the original external material as approved.

Landscaping

- Main square between Blocks A & B will have a number of changes to external levels with pedestrian steps introduced. A level access is still provided to allow for wheelchairs and prams to access the site unrestricted.
- Steps also provided to the northern boundary of the site at the junction with New Street and Regent Road.
- Ramp access from Lloyd square realigned.

Parking

- The applicant has recently obtained approval of cycle and motorcycle details that had been submitted as part of a discharge of conditions application (108469/CND/22). Reference to these approved details will be detailed within proposed condition 21 of this application.
- The 14 accessible spaces within the MSCP shall all be located on the ground floor, 11 of which will be managed by Trafford Council and three of which will be allocated for the residents of Block A and also the commercial uses.
- The residents of Block B will use the car-parking spaces within the panhandle external car-park area. Minor amendments to this car park have been approved under planning reference 108613/FUL/22 which was a standalone application to the car-park only.

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
L8 – Planning Obligations
R1 – Historic Environment
R2 – Natural Environment
R3 – Green Infrastructure
W1 – Economy
W2 – Town Centres and Retail

Relevant Strategic Objectives

SO1 – Meet Housing Needs
SO3 – Meet Employment Need
SO4 – Revitalise Town Centres
SO6 – Reduce The Need To Travel
SO8 – Protect the Historic Built Environment

PROPOSALS MAP NOTATION

Town & District Shopping Centres
Stamford New Road Conservation Area

Adjacent to The Downs Conservation Area
Adjacent to The Old Market Place Conservation Area
Adjacent to George Street Conservation Area

PRINCIPAL RELEVANT REVISED UDP POLICIES/PROPOSALS

ENV21 – Conservation Areas
S6 – Development in Altrincham Town Centre
T10 – Transport and Land Use in Town Centres
T18 – New Facilities for Cyclists

Altrincham Town Centre Neighbourhood Business Plan (ATCNBP) Adopted November 2017

Land Allocation Site F – Regent Road Car Park and adjoining land for mixed use purposes

Policy R – New Retail Development

Policy S – Main (Primary) Shopping and Mixed Use with Ground Floor Active Frontages

Policy H – Town Centre Housing

Policy CP – Town Centre Car Parking

Policy D – Design and Quality

Policy G – Green Infrastructure

Supplementary Planning Guidance/Documents

SPD5.4 - Stamford New Road Conservation Area Appraisal - October 2014

SPD5.4a - Stamford New Road Conservation Area Management Plan – March 2016

Altrincham Business Neighbourhood Plan (November 2017)

SPD1 – Planning Obligations – July 2014

SPD3 – Parking Standards and Design – February 2012

PG1 – New Residential Development – 2004

CIL Charging Schedule 2014

PLACES FOR EVERYONE

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

Emerging policies relevant to this application are:

Policy JP-H 1 – Scale, Distribution and Phasing of New Development

Policy JP-H 2 - Affordability of New Housing

Policy JP-S 1 – Sustainable Development

Policy JP-H 3 – Type, Size and Design of New Housing

Policy JP-H 4 – Density of New Housing

Policy JP-P1 – Sustainable Places

Policy JP-P 2 - Heritage

Policy JP-D2 – Developer Contributions

NATIONAL PLANNING POLICY FRAMEWORK (NPPF)

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

NATIONAL PLANNING PRACTICE GUIDANCE (NPPG)

DLUHC published the National Planning Practice Guidance on 6 March 2014, and was updated on 20th November 2023. The NPPG will be referred to as appropriate in the report.

RELEVANT PLANNING HISTORY

111034/VLA/23 - Variation of the original Section 106 Agreement dated 8th November 2019 between Trafford Borough Council and Citybranch Healthcare Limited linked with Planning Reference 93171/FUL/17 and the supplemental S106 Agreement dated 17th March 2020 between Trafford Borough Council and Citybranch Healthcare Limited linked to Planning Reference 98607/VAR/19, in order to amend the viability value contribution provisions referred to in these two agreements – Withdrawn 23rd January 2024.

108613/FUL/22 – Creation of new pedestrian and vehicular access to New Street for the external ground level ‘panhandle’ car park only with associated entrance barrier, amendments to floor levels, creation of two stepped flights of stairs with retaining wall, new lighting, landscaping and associated works – Approved 11th October 2022

103340/FUL/21 - Use of Block B commercial unit as a flexible use within the E Use Class (Commercial, Business and Service) and C2 (Residential Institution) – Approved 01/04/2021

102310/NMA/20 – Application for non-material amendment to planning permission 98607/VAR/19 to allow minor changes to the wording of conditions 5, 6 and 23 – Approved 11/02/2021

100721/NMA/20 – Application for non-material amendment to planning permission 93171/FUL/17 to allow for an alteration to the building line, change of direction of 2 ramps, minor reorganisation of the lower ground floor plan and an extension to the parapet wall – Approved 28/07/2020.

98607/VAR/19 - Application for variation of condition 2 on planning permission 93171/FUL/17 to vary the approved plans, to incorporate a glass roof on Block A atrium with associated minor amendments throughout Block A, Block B, Multi-Storey Car Park and external areas – Approved 17/03/2020

97478/NMA/19 - Application for a non-material amendment to planning permission 93171/FUL/17 to allow for the following amendments, Block A - Relocation of lift core, reconfiguration and increase to the internal residential and commercial floorspace and associated external alterations to the building. Block B - Reconfiguration of ground floor layout including relocation of entrances and cycle store area; increase to the internal

residential and commercial floorspace through introduction of internal mezzanine floor and internal reconfiguration and associated external alterations to the building – Approved 29.07.2019

93171/FUL/17 - Demolition of existing buildings and redevelopment to provide two buildings comprising 70no residential apartments (Use Class C3), flexible retail, restaurant and business (Use Classes A1-A5, D1 and B1), and a multi-storey car park, alongside new public realm, car parking and associated works – Approved 17/01/2019

APPLICANT'S SUBMISSION

The following information has been submitted in support of the application and are referred to as appropriate in this report:-

- Covering Letter
- Updated Plans
- Financial Viability Assessment
- Draft Deed of Modification (S106A Agreement)

CONSULTATIONS

Local Highway Authority (LHA) – No objections, comments detailed within Observations section of the report.

Lead Local Flood Authority (LLFA) – No objections

Heritage and Urban Design Manager – No objections, comments detailed within Observations section of the report.

Trafford Council Tree Officer – No objections, comments detailed within Observations section of the report.

United Utilities – No comments received at time of report preparation.

Altrincham Town Centre Business Neighbourhood Forum - No comments received at time of report preparation.

REPRESENTATIONS

None

OBSERVATIONS

PRINCIPLE OF DEVELOPMENT

1. A Section 73 application grants a new planning permission in its own right. In terms of decision taking, regard should be had to any changes on site or in the

surrounding area and any changes to planning policy that may have occurred in the interim.

2. In the period since planning permission was originally granted (January 2019) and the subsequent Section 73 application (March 2020), it is not considered that there have been any material changes in this regard which would justify a different approach being taken in respect of any planning matter relevant to this development as a whole. This conclusion also takes into account the publication of a revised NPPF in December 2023 and with subsequent updates to NPPG. It is recognised that PfE is now a material consideration in the determination of planning applications, however it is not considered that the PfE policies would have any significant implications for this application.
3. The application proposes the variation to the approved plans condition (Condition 2 of 98607/VAR/19) to facilitate the stated amendments to the approved development. When having regard to these key revisions in this proposal relative to the approved scheme, it is considered the most relevant policies are Policy L7 (Design) L8 (Planning Obligations); R1 (Historic Environment) and R3 (Green Infrastructure).
4. Although some aspects of relevant development plan policy are out of date (e.g. the requirement to 'enhance' in Policy R1 having regard for this proposal), in relation to this particular application, when considering the overall list of 'most important' policies the development plan is considered to be up to date for decision making purposes.
5. The main planning issues considered under the original application were:-
 - Principle of development
 - Housing Delivery
 - Residential Amenity
 - Highways
 - Trees & Ecology
 - Developer contributions
 - Heritage
 - Drainage/Flooding
6. No further information has been submitted in support of the planning application, save for the submission of revised plans and drawings. Information submitted in support of planning applications 93171/FUL/17 and 98607/VAR/19 remain relevant to the determination of this application.
7. There is no requirement to revisit these other issues through the determination of this application other than where they are affected by the proposed variation. The main change proposed under this application is the amendment to external materials as originally proposed to be used.

8. There are a number of minor internal and external changes to the approved buildings as listed earlier in this report along with landscaping details.

DESIGN & HERITAGE

9. As the proposal has the potential to affect the setting of a listed building, the statutory requirement under Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess must be taken into account.
10. The NPPF identifies the setting of a heritage asset 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'*.
11. Paragraph 196 of the NPPF calls on local planning authorities plans to take account of the desirability of new development making a positive contribution to local character and distinctiveness. Furthermore paragraph 201 states that local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.
12. Paragraph 205 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 (and the more important the asset, the greater the weight should be).
13. Paragraph 206 states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.
14. Paragraph 208 sets out that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
15. The NPPF sets out that harm can either be substantial or less than substantial and the NPPG advises that 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, which includes any archaeological, architectural, artistic or historic interest. The significance of a heritage asset also derives from an asset's setting, which is defined in the NPPF as 'the surroundings in which a heritage asset is experienced'.

16. 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. The requirement to enhance is not contained within NPPF policy and in this regard R1 is Inconsistent with the NPPF.
17. No less weight is to be given to the impact of the development on heritage assets as the statutory duties in the Planning (Listed Buildings and Conservation Areas) Act 1990 are still engaged. Heritage policy in the NPPF can be given significant weight and is the appropriate means of determining the acceptability of the development in heritage terms.
18. During the determination of the original application and subsequent Section 73 application a number of designated heritage assets were identified in the context of the site, as follows:-

Conservation Areas

- The Stamford New Road Conservation Area - (Part of the site is located within the SNRCA at the north-west side of the site, Apartment Block A is located in the SNRCA and part of Lloyd Square to the south east of the site is also within the SNRCA)
- The Downs Conservation Area - (A section of the application site to the south/south western extremity is adjacent to the boundary of the DCA)
- The Old Market Place Conservation Area – (A section of the application site to the northern extremity of the site shares a boundary with the OMPCA)
- The George Street Conservation Area – (The boundary of the George Street Conservation Area adjoins the boundary of the Stamford New Road Conservation directly opposite 9-15 Regent Road so it does not share an immediate boundary with the application site.

Listed Buildings

- 32-34 Railway Street – A three storey Grade II listed building, located in a south easterly direction from the application site, formerly a bank current in use as an art gallery. This was the nearest listed building to the application site
- 32-34 The Downs – A pair of Grade II listed dwellinghouses circa.1840
- 2-8 Normans Place – A Grade II listed residential terrace, four properties which originate circa. 1810.
- The Elms and Richmond House Normans Place – Two Grade II listed buildings

Scheduled Ancient Monument (Heritage Asset)

- The Downs Conservation Appraisal identifies a monument at a site (12-14 The Downs) close to the application site. The Aitkenites Chapel, the Historic Environment record states that the building has been destroyed, although the appraisal states that the building is still present with the top elevation still seen externally and internally.

Archaeological Significance (Non-Designated Heritage Asset)

- An archaeological desk based assessment was submitted during the determination of 93171/FUL/17. The assessment identified the archaeological interest as relating to remains from the industrial period, in particular potential buried remains of early to late 19th century housing and industrial structures along Hope Square, Albert Street and parts of Chapel Street and the late 18th century Wesleyan Chapel. A condition was attached on the original approval for submission of a written scheme of investigation (WSI), which was subsequently partly discharged. A condition was also attached on the subsequent Section 73 application 98607/VAR/19 requiring a completion report confirming the requirements of the WSI had been fulfilled. This condition was discharged in December 2021 in agreement with GMAAS.

19. It was concluded during the determination of 93171/FUL/17 that the proposed development would largely preserve the special architectural and historic interest and significance of the listed building. Any harm (a degree of which is accepted inevitable in response to any development) to its setting was considered to be less than substantial. With regards the Conservation areas it was considered that due to the scale and overall height of the development that there would be a degree of harm to the character and appearance and significance of the Stamford New Road Conservation Area, The Downs Conservation Area, The Old Market Place Conservation Area and the George Street Conservation Area. The level of harm was considered to be 'less than substantial harm'.

20. In line with advice within the NPPF the identified harm had to be weighed against the public benefits of the proposal. The public benefits identified included:-

- Securing a number of objectives identified in the Core Strategy and ANBP
- Redevelopment of a long term under used site which detracted from the character of the town
- Deliver a sustainable development of 70 new apartments on a brownfield site and making a significant contribution to the Councils housing land supply and the target of 550 new residential units in Altrincham Town Centre.
- Boost the town centre economy
- Provide new retail and commercial floorspace
- Providing a redeveloped car park as identified in the ANBP
- Establish a commemorative public space in Chapel Street

- Improvement to the public realm within Lloyds Square as identified in the ANBP
 - Secures financial contributions towards public realm improvements in the wider town centre, New Homes Bonus and CIL contributions.
21. The main changes to the scheme relate to the omission of the natural stone to the ground floor elevations of Block A, this is the only building within the development located within a Conservation Area (SNRCA). The applicant had advised the LPA that they had encountered difficulties in sourcing materials and also securing the services of construction companies to undertake the work. The issues related to Brexit and the pandemic have been highlighted as the two main difficulties leading to uncertainty, lengthy delivery dates, limited availability of materials and general erratic and uncertain pricing. The applicant has sought to consider revised materials/design approach to avoid costly and disruptive delays in delivering the development.
22. It was considered that the most appropriate material would be to finish the ground floor elevation in the previously approved facing brick for Block A (Colorado Red Multi Wienerberger) in Flemish bond. A number of the upper floor windows had projecting surrounds in natural stone. It is proposed to replace these surrounds with projecting aluminium stone effect, a sample of which was viewed by officers on site and considered an appropriate alternative, having rejected a number of other proposed cladding systems.
23. Block B, which is not within a conservation area, but is adjacent to the SNRCA was approved with a fair faced concrete finish to ground floor elevations and facing brick to upper floors. It is now proposed to also complete the ground floor elevations in the approved facing brick (All White Bromo by Camtech stretcher bond). The multi-storey car park which is also located adjacent to the SNRCA was approved with fair face concrete finish to ground floor elevation (predominantly the north elevation of the car park). It is proposed to change the material to a concrete render which has been viewed by officers on site and considered an acceptable alternative.
24. The Councils Heritage and urban Design Manager has been consulted on the proposals and has stated *'I note the revisions in comparison with the approved schemes 98607/VAR/19 & 93171/FUL/17. Whilst it is disappointing that the applicant is no longer pursuing the quality materials previously proposed, it is understood there have been detailed discussions regarding alternative materials. I am less convinced by the proposed cement panels to the carpark, however I would welcome landscaping to obscure this element of the building if possible. I confirm I have no objections on heritage grounds.'*
25. The additional minor changes (summarised earlier in this report) proposed across the development are not considered to result in any fundamental change to the scale, form and layout of the approved scheme.

26. Given the previous conclusions reached on heritage assets, it is considered the proposed amendments would not change this position in regards to the nearest listed building at 32-34 Railway Street and the Conservation Areas. The advice within the NPPF (Paragraph 207) in terms of the previously identified harm had to be weighed against the public benefits of the proposal and these benefits would still therefore apply in terms of outweighing the identified harm for the reasons stated.

External Materials

27. Condition 5 of planning approval 98607/VAR/19 required details of each window and balcony type in the development and the cladding system of the multi-storey car-park. The applicant as part of this application has provided a package of plans and information to address the requirements of the condition. In addition condition 6 of planning approval 98607/VAR/19 requires details and samples of the materials to be used on the external elevations of the buildings.

28. The applicant has provided a detailed materials schedule of all external materials along with relevant plans with samples of the materials viewed by officers both on site and a submitted materials sample plan. The external materials are all considered acceptable and appropriate for the development. A condition is proposed to ensure development is carried out in accordance with the approved details.

LANDSCAPING & TREES

29. Condition 7 of planning approval 98607/VAR/19 requires submission and approval of all soft and hard landscaping works prior to the first occupation of any part of the development. The applicant as part of this current application has submitted the details of the landscaping to reflect the current layout iteration of the site.

30. In terms of tree planting, 30 new trees are proposed and include as follows:-

- 1x Oriental Plane (semi mature)
- 6x Broad Leaved Cockspur Thorn (semi-mature)
- 1x Tibetan Cherry (semi-mature)
- 4x Callery Pear Chanticleer (semi mature pleached frame)
- 3x Sweet Gum
- 6x Apple serviceberry 'Robin Hill' (multi-stem)
- 1 x River Birch (multi-stem)
- 3x Cornelian Cherry (multi-stem)
- 5x Tibetan Cherry (multi-stem)

31. This level of tree planting reflects the suggested level of new tree planting anticipated at the time of the determination of the initial planning application

(circa.30 trees). A total of 10 trees were removed from within the site as part of the development works with an additional four trees just outside the site boundary removed to facilitate development, these four trees on Trafford Housing Trust and Council owned land. The applicant is also proposing 9 linear metres of common Alder hedgerow and 40 linear metres of Portuguese Laurel as part of the landscaping proposals.

32.The applicant is also proposing a significant level of shrub and herbaceous planting throughout the site. The landscaping plans also include a 'rain garden area' to the north side of Block B. The Councils tree officer has considered the soft landscaping proposals and has raised no objections. The new trees will be planted in a structural soil system (trees with hard landscaping surface above) which has been used in the public realm trees in Altrincham planted approximately seven years ago and thriving. The tree officer has no objections to this method.

33.The hard landscaping proposals includes natural stone paving around Block A and clay paving to the north side of Block B and extending up to Block A which will comprise a new public realm area referred to as Chapel square. The scheme includes raised planters, benches, cycle stands and associated step access and ramps to account for changes in levels. The area between Block A and the adjacent Thai restaurant will have a more formalised landscaped area by the existing memorial plaque commemorating the 'bravest little street'. The proposed soft and hard landscaping proposals are considered acceptable in this location and will contribute to a new vibrant public realm area as well as improving the visual amenity within the site. The LHA had asked for clarification that the accessible parking space on the lower ground level to Lloyd Square would have a ramp access up to the ground level of Block B, the applicant has confirmed that the accessible ramp is still provided and is completed on site.

OTHER MATTERS

34.It is understood that within the multi-storey car park there has been a number of elements of the building construction that have been identified by the Councils Estates section as being below the quality and finish that would be expected. These matters are being pursued directly with the applicant outside of the planning process by the Estates team albeit if becomes apparent that it is appropriate to use planning enforcement powers then it is open to officers to do so. The supporting drawings and plans submitted for consideration as part of this Section 73 application reflect how the development is proposed to appear when fully completed. Members should be mindful that they are making their decision based on the information on the submitted plans and not on the quality of the development on the ground.

35.It is also relevant to note that the Councils Planning Enforcement team served a breach of condition notice upon the applicant in November 2023. This was

specifically in relation to ensuring the applicant complete all the car parking, servicing and vehicular access arrangements within the development. Much of this work had not been completed in full despite cars parking within the ground floor area of the car park.

DEVELOPER CONTRIBUTIONS

36. A Section 106 legal agreement was attached to both previous Planning Permissions securing the following:-

- Public Realm Contribution of £250,000.00 towards works in Altrincham Town Centre (This contribution has been paid in full to the Council);

- An affordable housing overage clause (referred to as the viability value contribution VVC). This was included within the S106 in the event that the sales values of the development increased over and above what was suggested when the application was originally submitted. The applicant's viability submission at the time of the original planning application was accepted, mainly due to the costs associated with delivering the multi-storey public car-park on behalf of the Council. At the time it was considered that the provision of affordable housing as part of the development would render the scheme unviable. The S106 includes a formula setting out how the VVC payment is to be calculated in the event that the clause is triggered and would be a proportion (50%) of any additional profit uplift over and above a defined sale value per square foot. The S106 sets out that any contribution would be allocated towards affordable housing provision in the Altrincham area.

37. The applicant Citybranch Healthcare Ltd has advised that since the granting of Planning Permission there has been extreme economic turbulence and cost inflation in part caused by the Covid pandemic and other UK and global factors that have had a significant influence on the build programme and the costs attributed to the development. The wording of the VVC clause within each of the earlier S106 Agreements associated with the original permission and the last variation (which is sought to be varied in this Application) does not allow for such factors to be taken into account and only takes account of sales values. The applicant proposes therefore to amend the wording of the clause to allow for a review of the relevant viability inputs (to reflect the additional costs) through a refreshed viability assessment. Whilst it is accepted that the development has been subject to a number of abnormal events and factors over its duration, the revised viability assessment includes a number of elements and inputs on which the Councils viability consultant and the applicant disagree. In part there is some evidence of avoidable abortive costs however there is sufficient and compelling evidence that the economic climate, including the impact of the Covid 19 pandemic nationally and globally has significantly affected the delivery timetable and costs associated with development to a point at which the development has made a significant loss.

38. The updated revised viability assessment submitted sets out the actual sales values, with the development selling at values significantly above the values set out in the original viability assessment. The S106 set out a hurdle rate or upper threshold of £390 per sq/ft. At an average of £470 per sq/ft the actual sales values trigger the VVC clause and generate a VVC payment of £1.9m.
39. The applicant has set out that the VVC cannot be paid by this development, as the significant increased costs (including the cost of delays) of the development have cancelled out any additional profit borne from the increased sales values and has ultimately resulted in the scheme making a loss. The VVC calculation is based solely on sales values and does not allow for any other changes in inputs i.e. costs to be considered. Whilst the VVC calculation is based on only a 50% proportion of any uplift in sales values (in order to take account of other changes, such as cost inflation) in this case, this has not mitigated the impact of the uplifted costs and the scheme has made a loss even without the VVC payment being factored in.
40. If The Council were to maintain its entitlement to receive the VCC it is likely that there would be a dispute following the applicants submission of viability review information advising of significant losses. On that basis, it is highly unlikely that no agreement would be reached, or the result of that arbitration would decide in their favour taking into account the reality of the development values. This would impact on the long term delivery of the development and in particular the public car park. Of relevance is that this development delivers a public car park on behalf of the Council. This was recognised as a significant benefit (including income for the Council, provision of a public facility within the town centre and it was identified within the Altrincham Business Neighbourhood Plan) of the scheme when the planning application was originally considered. It is a material consideration, at this time, that the Council has an interest in ensuring the development is completed and accords with the original planning permission
41. Since the granting of Planning Permission L&Q Housing Association (who acquired Trafford Housing Trust in 2023) have acquired all the residential units within Block B (34 units) to form part of their portfolio of housing stock. These units are currently being used to accommodate their tenants and are utilised as social housing in a social rent tenure. They have specifically been utilised to decant tenants of the neighbouring L&Q apartment blocks on New Street (Chapel Court/Albert Court/Lloyds Court) to facilitate L&Q's proposals for the redevelopment of the New Street site. More recently L&Q have successfully secured grant funding from Homes England for 26 of the 34 units to be social rent. This equates to a minimum affordable housing provision of approximately 37% for the 26 grant funded units alone. This compares to a development plan policy requirement of 45% in the Altrincham area (Policy L2 of the Core Strategy). Of that 45% Policy L2 requires a 50/50 split between rented and

intermediate tenures. The provision of all of the 26 units as social rent is over and above the policy requirement.

42. The grant funding process through Homes England requires the affordable housing to be provided in perpetuity with the housing association having to pay a penalty should the units revert to the open market. This gives the Local Planning Authority confidence that the affordable housing on the site will remain available as such for at least the foreseeable future.
43. These are located in the centre of Altrincham, in a sustainable location to the benefit of existing Altrincham and Trafford residents. Whilst it is noted that these units are currently being used to rehouse tenants from the blocks on New Street to make way for a redevelopment scheme, that development is also proposed to bring forward new affordable homes in the centre of Altrincham. Officers consider it is unlikely that what has been delivered on site could have been secured through the planning permission given Homes England funding restrictions and is a more favourable outcome in terms of the affordable tenure of the units. The current situation on the ground is a positive addition to Altrincham giving comfort that affordable housing has been delivered. There is reference in the S106 to the VVC being used within the area of Altrincham specifically, and this provision of social rented units within the development aligns with this objective.
44. The applicant's proposal to rewrite the VVC section of the agreement to allow for viability to be reassessed in full at this time would not be appropriate in this case. The combined unique circumstances which are set out in this report are considered to demonstrate that the VVC cannot be paid, but the provision of affordable homes within the development is such that this offsets the harm. It is therefore considered appropriate to modify the existing S106 Agreements by deleting all the relevant planning obligations which require the Viability Value Contribution (VVC). The applicant has agreed to this alternative approach.
45. If the VVC clauses are deleted, the only remaining planning obligation would be the Public Realm Contribution. This contribution which totals £250,000.00 to be used specifically for public realm works in Altrincham which was payable prior to commencement of development. The applicant has paid this figure in full and it is understood that a significant amount has been spent already on public realm improvements within Altrincham, with an amount of approximately £51,500.00 still left to be committed or spent. The LPA considers there little or no chance of this money remaining unspent within the 10 years allowed for it to spend the contribution and as such the clause relating to the public realm contribution would no longer serve any useful purposes and in accordance with the provisions of Section 106a of the Town and Country Planning Act would be deemed to be discharged.

46. The Applicant has agreed that the reciprocal obligation for the Council to repay any unspent contribution may be deleted and the proposed modification is agreed under S106a of the Town and Country Planning Act 1990.
47. Noting that the two main planning obligations are discharged or no longer serve a planning purpose it is agreed between the Applicant and the LPA that the S106 overall would no longer serve a useful purpose. It is proposed that the agreement should be discharged by way of a Deed of Discharge under S106A Town and Country Planning Act 1990 (as amended).

CONCLUSION

48. The proposed amendments to the approved scheme are considered acceptable and would not fundamentally change the scale and form of the development as originally approved. The conclusion reached on the original application was that 'less than substantial harm' would arise to a number of designated heritage assets, however the public benefits identified on the original application assessment and listed earlier in this report which were considered to outweigh that harm, are still applicable in relation to the current proposal. No other significant issues are raised by the changes to the approved plans which would warrant a different outcome. The proposal complies with the relevant policies of the development plan.
49. The applicant is considered to have demonstrated that the development is not capable of providing the VVC given the issues discussed above. Officers conclude that whilst this is far from ideal the unique set of circumstances in this case, provide sufficient and compelling evidence to support the applicant's position. It is therefore proposed that the viability value contribution clause and other relevant sections of the S106, are deleted and that no Value Viability Contribution would be payable. This is considered to be counter balanced by the fact that 26 affordable homes within the social rented tenure (funded through Homes England grant) have been delivered on site which delivers the original planning purpose of the obligation to provide affordable housing within the Altrincham area. On balance, with the on-site provision of affordable housing (secured via Homes England funding) but without the VVC, the scheme is considered to comply with Policy L2 of the Core Strategy.
50. Taking all the matters raised by the application into account, including the amendments to the approved plans, the discharge of the planning obligations and the submission of details previously secured by condition, the scheme is considered to comply with the development plan when taken as a whole. There are no material considerations which would suggest a decision should be taken other than in accordance with the development plan. The application is therefore recommended for approval.

RECOMMENDATION:

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

- (i) To agree to the formal discharge of S106 Agreements dated 8 November 2019 and 17 March 2020 by way of a further Deed made under S106a of the Town and Country Planning Act 1990 (as amended) (hereinafter known as a Deed of Discharge)
- (ii) To carry out minor drafting amendments to any planning condition.
- (iii) That upon satisfactory completion of the above legal agreement that planning permission be **GRANTED** subject to the following conditions (unless amended by (ii) above):

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

- Drawing No:- 485-al(05)-001-[A] - Site Location Plan
- Drawing No:- 485-al(05)-200-[M] – Proposed Site Plan - Ground Floor Plan
- Drawing No:- 485-al(05)-201-[H] - Proposed Site Plan - First Floor Plan
- Drawing No:- 485-al(05)-202-[H] - Proposed Site Plan - Second Floor Plan
- Drawing No:- 485-al(05)-203-[H] - Proposed Site Plan - Third Floor Plan
- Drawing No:- 485-al(05)-204-[H] - Proposed Site Plan - Fourth Floor Plan
- Drawing No:- 485-al(05)-205-[G] - Proposed Site Plan - Fifth Floor Plan
- Drawing No:- 485-al(05)-206-[G] - Proposed Site Plan - Roof Plan
- Drawing No:- 485-al(05)-207-[E] - Proposed Master Plan Mezzanine Floor Plan
- Drawing No:- 485-al(05)-210-[I] - Block A - Proposed Ground Floor Plan
- Drawing No:- 485-al(05)-211-[G] - Block A - Proposed First Floor Plan
- Drawing No:- 485-al(05)-212-[G] - Block A - Proposed Second Floor Plan
- Drawing No:- 485-al(05)-213-[G] - Block A - Proposed Third Floor Plan
- Drawing No:- 485-al(05)-214-[G] - Block A - Proposed Fourth Floor Plan
- Drawing No:- 485-al(05)-215-[F] - Block A - Proposed Roof Plan
- Drawing No:- 485-al(05)-220-[L] - Block B - Proposed Ground Floor Plan
- Drawing No:- 485-al(05)-221-[F] - Block B - Proposed First Floor Plan
- Drawing No:- 485-al(05)-222-[F] - Block B - Proposed Second Floor Plan
- Drawing No:- 485-al(05)-223-[F] - Block B - Proposed Third Floor Plan
- Drawing No:- 485-al(05)-224-[F] - Block B - Proposed Fourth Floor Plan
- Drawing No:- 485-al(05)-225-[F] - Block B - Proposed Fifth Floor Plan
- Drawing No:- 485-al(05)-226-[F] - Block B - Proposed Roof Plan
- Drawing No:- 485-al(05)-227-[E] - Block B- Proposed Ground Mezzanine Floor
- Drawing No:- 485-al(05)-250-[F] - Block A Proposed Cross section A-A and B-B
- Drawing No:- 485-al(05)-251-[F] - Block A Proposed Cross Section C-C
- Drawing No:- 485-al(05)-252-[G] - Block A Proposed Cross Section D-D & E-E
- Drawing No:- 485-al(05)-253-[F] - Block A Proposed Cross Section F-F & G-G
- Drawing No:- 485-al(05)-254-[G] - Block A Proposed Cross Section H-H and I-I

- Drawing No:- 485-al(05)-260-[F] - Block B Proposed Section F-F and H-H
- Drawing No:- 485-al(05)-261-[G] - Block B Proposed Section A-A and G-G
- Drawing No:- 485-al(05)-262-[E] - Block B Proposed Section D-D and B-B
- Drawing No:- 485-al(05)-263-[F] - Block B Proposed Section E-E and C-C
- Drawing No:- 485-al(05)-280-[F] - Block A Proposed Elevations 01 and 03
- Drawing No:- 485-al(05)-281-[F] - Block A Proposed Elevations 02 and 04
- Drawing No:- 485-al(05)-285-[H] - Block B Proposed Elevations 01 and 03
- Drawing No:- 485-al(05)-286-[H] - Block B Proposed Elevations 02 and 04
- Drawing No:- 485-al(05)-231-[D] – Existing & Proposed Site Elevations Regent Rd/New Street
- Drawing No:-485-BA-AL(05)-R230-[P03] – Existing & Proposed Site Elevations Regent Road
- Drawing No:- 485 SK-400-[B] - Proposed Emergency Vehicle Access

Reason: To clarify the permission, having regard to Policies L1, L2, L3, L4, L5, L7, L8, R2, R3, R4 and R5 of the Trafford Core Strategy and the requirements of the National Planning Policy Framework.

2. The development hereby approved shall be carried out in accordance with the details approved under discharge of condition application 106542/CND/21 with regards Archaeological works.

Reason - To protect the significance of any archaeological remains on the site having regard to Policy R1 of the Trafford Core Strategy and the National Planning Policy Framework, and to disseminate the results for public benefit.

3. The development hereby approved shall be carried out in accordance with the external materials and building details specification detailed within Appendix A and B of the Design and Access Statement Addendum (January 2022).

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

4. The development hereby approved shall be carried out in accordance with the approved landscaping plans as follows:-

- Drwg No: 1669-PLA-XX-XX-DR-L-0001 Rev: P13 – Landscape General Arrangement
- Drwg No: 1669-PLA-XX-XX-DR-L-1000 Rev: P08 – Hardworks General Arrangement
- Drwg No: 1669-PLA-XX-XX-DR-L-2000 Rev: P05 – Softworks General Arrangement
- Drwg No: 1669-PLA-XX-XX-DR-L-3000 Rev: P07 – External Levels GA Sheet 1 of 3

- Drwg No: 1669-PLA-XX-XX-DR-L-3001 Rev: P03 – External Levels GA Sheet 2 of 3
- Drwg No: 1669-PLA-XX-XX-DR-L-3002 Rev: P03 – External Levels GA Sheet 3 of 3
- Drwg No: 1669-PLA-XX-XX-DR-L-4000 Rev: P05 – Furniture GA
- Drwg No: 1669-PLA-XX-XX-DR-L-0001 Rev: P05 – Tree Retention and Removal Plan

(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.

5. The landscape maintenance and management for the development shall be implemented and thereafter carried out in accordance with the timescales and specifications approved under condition discharge reference 109542/CND/22.

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

6. The development hereby approved shall be carried out in accordance with the details as approved under discharge of condition application 98608/CND/19 (Contaminated Land Remediation Strategy) and discharge of condition application 112314/CND/23 (Intrusive Contaminated Land Site Investigation).

Reason: To prevent pollution of the water environment and to ensure the safe development of the site in the interests of the amenity of future occupiers in accordance with Trafford Council Core Strategy Policies L5 and L7 and the National Planning Policy Framework.

7. The drainage for the development hereby approved, shall be carried out in accordance with the submitted Flood Risk Assessment Ref:' 884-01, Chapel Square, Regent Road' with a maximum surface water discharge of 37l/s

(Appendix C of FRA). The development shall be completed in accordance with the approved details.

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

8. The development hereby approved shall be carried out in accordance with the details as approved under discharge of conditions application 98717/CND/19 with regards the sustainable drainage scheme. The approved scheme shall be implemented during the course of the development, and thereafter managed and maintained in accordance with the approved details.

Reason: To prevent the risk of flooding by ensuring that surface water can be satisfactorily stored or disposed from the site having regard to Policies L4, L5 and L7 of the Trafford Core Strategy and the National Planning Policy Framework.

9. The development hereby approved shall be carried out in accordance with the details as approved under discharge of condition application 98978/CND/19 with regards the Construction Method Statement.

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.

10. The development hereby approved shall be carried out in accordance with the Travel Plan as approved under discharge of condition reference 109542/CND/22 and shall continue to be implemented throughout a period of 10 (ten) years commencing from 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.

11. The development hereby approved shall be designed and constructed in accordance with the recommendations contained within section 3.3 of the submitted Crime Impact Statement (Ref:2017/0732/CIS/01).

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

12. Within three weeks from the date of this approval an external lighting scheme shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the site shall only be lit in accordance with the approved scheme.

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

13. The car parking, servicing and vehicular access arrangements shown on the approved plans to serve the development hereby permitted shall be provided and made fully available for use at all times and shall be retained thereafter for their intended purpose only.

Reason: In the interests of amenity and in compliance with Trafford Core Strategy Policies L4 and L7 and the National Planning Policy Framework.

14. The development hereby approved shall be carried out in accordance with the car park lighting scheme approved under discharge of condition reference 108861/CND/22 and thereafter the car park shall only be lit in accordance with the approved scheme.

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

15. The development hereby approved shall be carried out in accordance with the details as approved under discharge of condition application 98717/CND/19 (noise mitigation measures) and discharge of condition reference 112314/CND/23 (noise mitigation completion report) and retained thereafter.

Reason: In the interests of the amenity of the future occupiers of the apartments hereby approved, having regard to Trafford Core Strategy Policies L7 and L5.13 and advice within the NPPF.

16. Servicing, waste handling and deliveries relating to the commercial uses within the application site shall only take place between the hours of 0700 and 1900h on Mondays to Fridays and 0800 to 1700h on Saturdays only.

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

17. The ground floor commercial premises within Block A and B hereby approved shall only be open for trade or business between the hours of 0800hrs - 2400hrs inclusive.

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

18. Within three weeks from the date of this decision a scheme detailing any external plant or machinery, lift overruns, extraction flues (including those for filtration of cooking odours), central heating vents, air conditioning units or other vents to either residential and commercial units or the multi storey car park, or other mechanical or engineering equipment shall be submitted to and approved in writing by the Local Planning Authority. The schemes shall include full details of the appearance of any equipment, manufacturer's operating instructions and a programme of equipment servicing and maintenance. Thereafter development shall proceed in accordance with the approved scheme and shall remain operational thereafter.

Reason: In the interests of residential amenity and to ensure to ensure that any plant, equipment, ventilation flues/ducting and other mechanical or engineering equipment can be accommodated without detriment to character and appearance of the host buildings and the surrounding area having regard to Policies L7 and R1 of the Trafford Core Strategy and the National Planning Policy Framework.

19. The development hereby approved shall be carried out in accordance with the details as approved under discharge of condition application 100485/CND/20 (noise mitigation commercial buildings and the multi storey car park) and discharge of condition reference 112314/CND/23 (noise mitigation completion report) and retained thereafter.

Reason: In the interests of the amenity of the future occupiers of the apartments hereby approved, having regard to Trafford Core Strategy Policies L7 and L5.13 and advice within the NPPF.

20. The development hereby approved shall be carried out in accordance with the approved Waste Management scheme under discharge of condition reference 109673/CND/22 and shall be retained at all times thereafter.

Reason: In the interests of the amenity of the area and to ensure that satisfactory waste management provision is made for the site having regard to Policies L5 and L7 of the Trafford Core Strategy and the National Planning Policy Framework.

21. The development hereby approved shall be carried out in accordance with the details as approved under discharge of condition application 108469/CND/22 with regards cycle and motorcycle provision and thereafter retained.

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

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

22. The development hereby approved shall be carried out in accordance with the car park management plan approved under discharge of condition reference 109542/CND/22. The approved scheme shall be provided and made available for the intended uses and thereafter shall not be used for any purpose other than the parking of vehicles.

Reason: In the interests of highway safety and residential amenity, having regard to Policies L4, L7 and R1 of the Trafford Core Strategy, the Council's adopted Supplementary Planning Document 3: Parking Standards & Design.

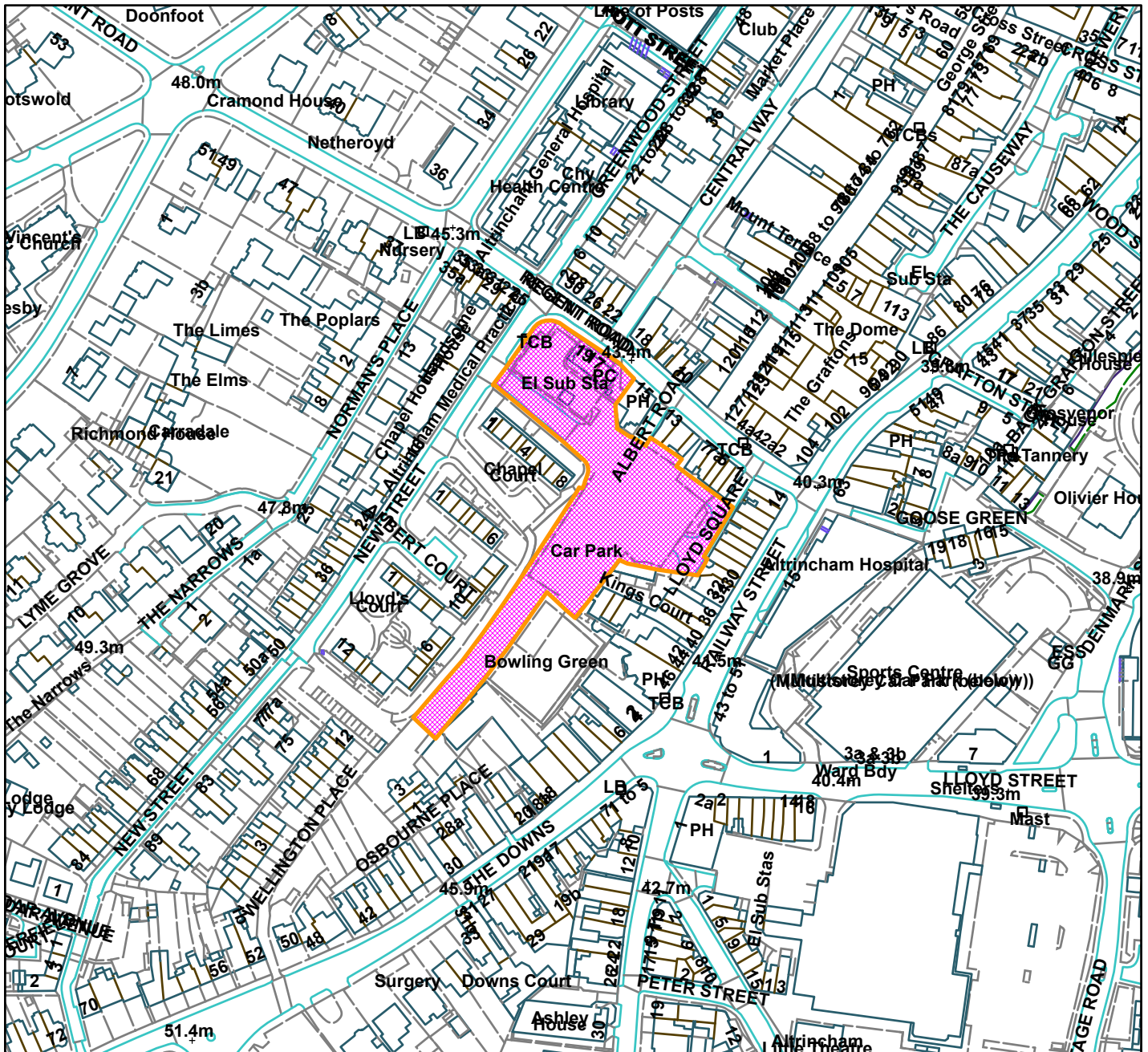
23. Within no less than 3 months but no more than 5 months following the opening of the multi-storey car park a further assessment of the operation of the traffic light signals at the A56/Regent Road junction shall be undertaken and the findings, including details of any necessary revalidation of the junction lights shall be submitted to and approved in writing by the Local Planning Authority, the submitted assessment shall also include a timetable for the implementation of any required revalidation works. . The changes shall be implemented and retained thereafter in accordance with the approved details.

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

CM



Regent Road Car Park, Altrincham (site hatched on map)



Scale: 1:2,500

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Organisation	Trafford Council
Department	Planning Service
Comments	Committee date 15/02/2024
Date	05/02/2024
MSA Number	AC0000809316 (2022)

WARD: Davyhulme

111866/FUL/23

DEPARTURE: No

Proposed two storey extension providing theatre and ancillary facilities at ground floor and plant and ancillary facilities at first floor and rooftop / landing area with external staircase to host further plant and access to adjacent roofs

Trafford General Hospital, Moorside Road, Flixton, Manchester, M41 5SL

APPLICANT: Mr Edwards

AGENT: Day Architectural

RECOMMENDATION: GRANT SUBJECT TO CONDITIONS

This application is being reported to the Planning and Development Management Committee due to more than 6 representations having been received contrary to the Officer recommendation.

SITE

The application site comprises land at Trafford General Hospital, which is located in the Davyhulme area of the Borough at the junction of Moorside Road with Bowers Avenue.

The hospital site is expansive and incorporates a number of different buildings and structures, characteristic of a modern hospital. Existing buildings are typically one to two storeys with both flat and pitched roofs. The main vehicular entrance is from Moorside Road.

The surrounding area outside the hospital grounds is predominantly residential in nature with a local centre to the south on Moorside Road and Davyhulme Park Golf Club to the west.

Trafford General Hospital has been identified as a non-designated heritage asset. It is widely regarded as the first National Health Service hospital and was officially opened in 1948. Despite its strong historical significance, only a small portion of the original hospital remains, including an entrance lodge, prominent clock tower and courtyard. The application site is positioned to the south-east of the clock tower and is separated from this structure by a number of buildings and extensions.

The area of the application site is located towards the Bowers Avenue frontage of the site and is surrounded on three sides by existing hospital buildings. At present, the site is in the main a vacant courtyard with windows and doors of the existing hospital building on the three surrounding elevations. On the south elevation there are some external flues. Within the site boundary there is an existing large (green) generator.

The Design and Access Statement advises that '*The site previously housed an Aseptic*

Pharmacy which was removed in 2022. An existing single storey structure containing redundant offices and a corridor linking the stroke ward (Ward 11)...'

PROPOSAL

Planning consent is sought for a proposed two storey extension. The external works include:

- A part two storey part single storey flat roof building with parapets, with external metal standing seam cladding system with aluminium capping
- External staircase at the first floor to the roof.
- The south elevation first floor includes a large exhaust louvre (3.6 x 1.2m) and an external aluminium double door.
- The south elevation ground floor includes two external aluminium double doors and six extract/supply louvres (0.4m x 0.25m).
- Bollards (along the pedestrian access to the extension)
- Delineation between pedestrian and vehicle surfaces.
- The remaining external area within the site boundary will be made good.

The ground floor is to accommodate:

- Two operating theatres
- Two anaesthetic rooms
- Two preparation rooms
- Two dirty utility rooms
- Two scrub bays
- 1 Disposal hold
- 1 equipment bay / touchdown bay
- 1 theatre store
- 1 cylinder store

The first floor is to accommodate:

- Plant rooms
- External plant deck
- External staircase to provide roof access

The Design and Access Statement and plans indicate that the roof deck is to be used to accommodate some items of plant. However the application does not provide details of any specific external plant equipment.

The Design and Access Statement and plans advise/indicate the existing large green generator is to be removed from the site.

The increase in floor space of the proposed development would be 840m².

Value Added

A document titled 'Design Ethos' was submitted further to officer concerns regarding the design and external façade. The document provides information in relation to the height and functional appearance of the building.

DEVELOPMENT PLAN

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

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

PRINCIPAL RELEVANT CORE STRATEGY POLICIES

L4 – Sustainable Transport and Accessibility

L5 – Climate Change

L7 – Design

L8 – Planning Obligations

R1 – Historic Environment

R2 – Natural Environment

R3 – Green Infrastructure

PROPOSALS MAP NOTATION

Flixton Neighbourhood Forum

Critical Drainage Zone

PLACES FOR EVERYONE (FORMERLY GREATER MANCHESTER SPATIAL FRAMEWORK 2020)

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

Consultation on the Main Modifications started on 11 October 2023 and closed on 6 December 2023. Consequently the plan is at a very advanced stage in the plan making process and substantial weight can be attached to its policies.

Relevant policies:

- Design: JP-P1
- Heritage: JP-P2
- Green infrastructure: JP-G2, JP-G6; JP-G7
- Planning obligations: JP-D1 and JP-D2
- Economy: JP-S9, JP-J1, JP-J2, JP-J3 and JP-J4
- Natural environment: JP-S13, JP-G1, JP-G3, JP-G4, JP-G7, JP-G9 and JP-G10

SUPPLEMENTARY PLANNING DOCUMENTS

Draft Trafford Design Code (2023)

Revised SPD1: Planning Obligations (2014)

SPD 3: Parking Standards and Design (2012)

NATIONAL PLANNING POLICY FRAMEWORK (NPPF)

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

NATIONAL PLANNING PRACTICE GUIDANCE (NPPG)

The DLUHC published the National Planning Practice Guidance on 6 March 2014, and was last updated in December 2023. The NPPG will be referred to as appropriate in the report.

RELEVANT PLANNING HISTORY

There are numerous historic applications in relation to Trafford General Hospital, the most recent and relevant are as follows:

109888/FUL/22 - Refurbishment of Block 14 to house 2 no. essential backup generators including associated plant. External alterations to include siting of exhaust silencers on roof top, installation of louvres, alterations to windows and doors, provision of a safety ladder and erection of security fencing. (Part Retrospective). Approved with conditions – 4 November 2023.

106792/FUL/21 - Removal of modular units and erection of two storey generator housing. Approved with conditions – 23 March 2022

102479/FUL/20 - Proposed ground floor extension to provide new twin theatre facility (Use Class C2), plus plant store area at roof level (following part-demolition of existing

vacant annex)
Approved with conditions - 05.02.2021

97771/FUL/19 - Construction of new air handling equipment, enclosure and associated duct work located externally to the Greenway building.
Approved with conditions - 15.07.2019

95302/FUL/18 - Construction of a 2.3 meter timber fenced compound and installation of a prefabricated cold store building on a concrete hardstanding within an existing goods yard/delivery bay. Approved - 30.10.2018

H/64974 - Alterations to existing car park to provide four additional car parking spaces.
Approved with conditions 14.08.2006

H/63275 - Erection of a single storey building to form pharmacy aseptic suite modular building.
Approved with conditions - 20.12.2005

H/55914 – Infill existing courtyard and erection of first floor extension to accommodate M & E Plant. Approved with conditions - 31.03.2003

APPLICANT'S SUBMISSION

Design and Access Statement
Design Ethos Statement
Proposed Cladding Specification

CONSULTATIONS

Heritage Development Officer – No objections

Local Highway Authority - No objections and recommend a CMS (Construction Method Statement)

Pollution and Licensing team (Nuisance) – Recommend two conditions to require:

- sufficient technical details to be submitted before the first use of any external fixed plant to confirm that the combined noise impact of the plant would not be of any significance.
- Construction Method Statement (CMS) to be submitted and agreed prior to development.

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

Waste Management – no objection.

Lead Local Flood Authority - There will be no significant change to the impermeable area and so little change to the surface water runoff generated by the site. Recommend an informative

- that permeable surfaces must be considered for the parking areas and no surface water should discharge onto the highway.

Greater Manchester Ecology Unit - The developer's ecological consultant identified no significant ecological issues. Issues relating to bats, nesting birds and biodiversity enhancement measures can be resolved via condition and / or informative.

Greater Manchester Design for Security Team – awaiting comments.

REPRESENTATIONS

Further to notification to neighbours and site notices, representations have been received from 8 neighbouring residential properties. The comments are summarised below:

- Not opposed to plans;
- Support improving facilities.
- Highway concerns regarding the access for the building work:
 - Bowers Avenue, is a residential street, with existing problems with drivers going the wrong way down the one way road, illegal manoeuvres;
 - Concern of use by heavy goods vehicles;
 - Will be a detriment to safety including school children
 - Preferable if access could be made via the main entrance on Moorside Road.
 - Area congested with hospital traffic
 - Would be detrimental to active travel (Bower Avenue Entrance key cycle and pedestrian entrance)
 - Concern on impact on parking in local area, resulting in damage to cars, unable to park close to home. (Existing parking issues with hospital, nursery and leisure centre)
- Amenity concerns:
 - regarding noise and timings of the building work
 - length of time of work and days of work
 - building work and HGVs visiting at weekends or evenings
- Issue of patients, visitors and staff smoking, can an area be provided for this?
- Concern of pollution from building work
- Existing issue of unofficial bus stops at anti-social hours and causing disturbance and air pollution
- Design and Access Statement incorrectly shows Bowers Avenue as two way. Access not adequate for service vehicles.

OBSERVATIONS

THE DECISION-TAKING FRAMEWORK

1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material consideration in planning decisions, and as the Government's expression of planning policy and how this should be applied, it should be given significant weight in the decision-taking process.
2. The Council's Core Strategy was adopted in January 2012, prior to the publication of the 2012 NPPF, but drafted to be in compliance with it. It remains broadly compliant with much of the policy in the 2023 NPPF, particularly where that policy is not substantially changed from the 2012 version.
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. The NPPF, at paragraph 11, introduces the 'presumption in favour of sustainable development.' For decision-taking purposes, paragraph 11 (c) explains that 'the presumption in favour' means approving development proposals that accord with an up-to-date development plan without delay. However, where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, paragraph 11(d) advises that planning permission should be granted unless:
 - i. The application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii. Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole (the 'tilted balance').
5. Policies 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. Policies L7 and L4 of the Core Strategy are up to date in NPPF terms in these respects. The tilted balance does not apply and the application should be determined in accordance with the development plan taking account of other material considerations in an unweighted balance.

THE PRINCIPLE OF DEVELOPMENT

6. The design ethos states *'This proposal aims to fulfil the Trafford General Hospital's requirements to open two new Ultra Clean operating suites designed to the latest Technical Health Standards to replace operating suites 5 & 6 which could not fulfil their function adequately and have been decommissioned.'*

7. The principle of the development, in providing an infill building to an established hospital facility and wholly within the existing curtilage, is considered acceptable. With reference to the Composite Proposals Map, there is no specific site allocation affecting the hospital site.
8. In addition, paragraph 100 of the NPPF states that *“To ensure faster delivery of other public service infrastructure such as further education colleges, hospitals and criminal justice accommodation, local planning authorities should also work proactively and positively with promoters, delivery partners and statutory bodies to plan for required facilities...”*

DESIGN AND VISUAL AMENITY

9. The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning process should achieve, according to the NPPF (paragraph 131). Within the statutory development plan this objective is expressed by means of Policy L7 of the Core Strategy, with the accompanying text similarly noting that *‘high quality design is a key element to making places better and delivering environmentally sustainable developments.’* It has been concluded that Policy L7 is consistent with the NPPF and thus it is up-to-date for the purposes of decision-taking.
10. The emerging PfE Policy JP-P1 states: *“all development, wherever appropriate, should be consistent with: 1. Distinctive, with a clear identity that: A. Responds to Conserves and enhances the natural environment, landscape features, historic environment and local history and culture; B. Enables a clear understanding of how the place has developed; and C. Respects and acknowledges the character and identify of the locality in terms of design, siting, size, scale and materials used.”*
11. The National Design Guide (C1) states that *development should understand and relate well to the site, its local and wider context. Well-designed new development responds positively to the features of the site itself and the surrounding context beyond the site boundary.*
12. The draft Trafford Design Code has been through public consultation and it is anticipated that it will be adopted in spring 2024. The draft Design Code sets out strategic principles including leading with landscape, responding to place and designing with character and beauty. In relation to non-residential buildings, including medical buildings, the Code states that sufficient space should be provided between buildings to allow for circulation routes and landscaping, that the scale and form of buildings (including roof form) and the materials should reflect the surrounding context, that buildings should provide active frontages and elevations that provide architectural interest and articulation and that plant and equipment should be acceptably integrated into the design.

13. The area of the development is located within the hospital grounds, surrounded on three sides by hospital buildings. It is a location set away from the primary frontages and main visitor entrances, it is 100m from Bowers Avenue and further screened from the street scene due to the siting of existing buildings and a strong boundary treatment including hedges and trees.
14. The proposed flat roof extension with exposed staircase would be functional in appearance. The building would be faced in a light grey standing seam cladding system with pressed aluminium PPC capping. The flat roof building would infill the space between existing hospital buildings. It would be approximately 9m high and would project higher than the eaves of the adjacent pitched roof building to the north and higher than the existing flat roof buildings to the south. There would also be no window openings within the facades with only limited door openings in the east and south elevations. At the eastern end of the building, the first floor section would be set back by 5.2m with an external staircase leading from the ground floor up to the first floor roof. Exhaust louvres would also be provided on the upper part of the building on this elevation.
15. The submitted Design and Access Statement and additional 'Design Ethos document' aim to justify the form and design. Within the documents the agent advises the following:
- *'the aim at Trafford General Hospital is to comply with the clinical design guidance as efficiently as possible. As such, the location of the theatres was chosen due to its proximity to the hospital street and the future location of the recovery suite.'*
 - *The heights of each of the spaces within the suite are a result for the requirements of the [NHS] Health Technical Memoranda's (HTM). For operating theatres, the ceiling height is required to be 3000mm. Above each operating theatre it is generally required to have a 1100mm void to allow for a fully functioning theatre canopy and the required Mechanic and Electrics (M&E) to service the theatre. This in addition to a structural zone of 775mm results in a minimum height of 4875mm from ground floor finished floor level to first floor finished floor level.*
 - *An element that could not be obscured on the first floor plant landing, is a utility stair for roof access. The requirement for the full utility stair is set by Trust and cannot be satisfied by the introduction of a ladder.*
 - *It is clear that the original building has a facade motif of merit, however, all the later additions dilute this motif. The elevations closest to the proposal are those least considered; with monolithic brick walls and hole punch windows. To bring some order and a tidy appearance to the area, it is proposed to approach the design using a single material with a repetitive vertical element.*

- *As this proposal is sited in what is referred to as the back-of-house part of the hospital and is not visible from the main road, the overarching requirements when considering materiality is practicality and endurance.'*

16. It is considered that the proposed development would fail to comply with many of the aspirations for new medical / institutional buildings set out in the draft Trafford Design Code (as referred to above). The building would be higher than surrounding buildings, the elevations would not provide active frontages and would have very limited architectural interest. The materials would also not reflect surrounding buildings and there would be no scope for landscaping around the structure. The scope for altering design and façade details was discussed with the agent including the roof height, screening or removing the staircase and altering the façade design/materials. However, as noted above, there are functional requirements in relation to the theatre suites and external staircase and there is a variety of existing forms of façade at this section of the hospital.

17. It is recognised that the building would be sited in a relatively discreet location within the wider hospital site. It would not be visible from the street scene, would be largely concealed from most public viewpoints within the hospital site and (as discussed further below) would have no significant impact on the important heritage aspects of the hospital. It is also recognised that many of the surrounding buildings and structures are also functional in appearance with varying materials and that the proposal to use a single cladding material seeks to provide a simple approach in order to minimise any conflict resulting from the juxtaposition of different styles and materials. It is also noted that the first floor section is set back by 5.2m on the east elevation (the most prominent elevation) and, as such, the height would be less imposing from this viewpoint. In addition, the parapet walls would potentially screen future proposed plant equipment on the roof. On balance, having regard to the specific context of the site and the clear need for the proposed facility in this location, it is considered that the development would be acceptable in terms of visual amenity and design in this case, subject to a condition to confirm the final finish of external materials.

18. It is therefore considered that the proposal would be acceptable in terms of design, having regard to Policy L7 of the Core Strategy, Policy JP-P1 of the emerging PFE Plan and the design policies of the NPPF.

Impact on Heritage Assets

19. Protecting and enhancing the historic environment is an important component of the NPPF. The document introduces the term 'heritage assets' which are defined (within the glossary) as: *'a building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions'*. Such heritage assets can be 'designated' or 'non-designated'. It is the conservation of heritage assets in a manner appropriate to their 'significance' (paragraph 190) which is the focus of the NPPF.

20. Paragraph 209 of the NPPF states 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.”*
21. Within the Core Strategy Policy R1 seeks to ensure that the Borough’s heritage assets are safeguarded for the future, where possible enhanced, and that change is appropriately managed and tested for its impact on the historic environment. The policy applies to locally significant historic buildings as well as to listed buildings and conservation areas. The policy is, however, inconsistent with the NPPF since it is reliant on ensuring the protection, preservation and enhancement of heritage assets and thus it seeks to avoid any harm arising.
22. Trafford General Hospital has been identified as a non-designated heritage asset. It is widely regarded as the first National Health Service hospital and was officially opened in 1948. Despite its strong historical significance, only a small portion of the original hospital remains, including an entrance lodge, prominent clock tower and courtyard. The application building is positioned to the southeast of the clock tower and there are a number of large modern buildings between the proposed extension and the clocktower. The proposal is not considered to compromise or harm the setting of the original entrance lodge, clock tower or courtyard or the significance of the non-designated heritage asset. The Heritage Officer has not raised objections to the proposal.
23. It is therefore considered that the proposed development would comply with Policy R1 of the Core Strategy, Policy JP-P2 of the emerging PFE Plan and the heritage policies of the NPPF.

RESIDENTIAL AMENITY

24. NPPF paragraph 135 also advises that planning decisions should ensure that development functions well and create places that provide a high standard of amenity. Policy L7 of the Core Strategy contains a similar requirement, and states that new development must not prejudice the amenities of neighbouring occupiers by reason of being overbearing or of overshadowing, overlooking, visual intrusion, noise/disturbance or in any other way.
25. The area of development lies some 100 metres from the nearest residential properties (on Bower Avenue). Given this separation distance, the fact that the height is limited to 9m (approx.) and that there are retained buildings in between, it is considered that there would not be any issues arising in respect of overlooking, overshadowing or overbearing impacts.

26. The Design and Access Statement indicates that the roof deck is to be used to accommodate some items of plant, although the details of the proposed plant are not provided. The Pollution and Licensing team commented that due to the distances to the nearest residential receptor it is anticipated that plant noise impacts would be low unless particularly noisy items of plant are to be installed. The proposal itself is not considered to cause a detriment to amenity and in principle the use of the flat roofs could accommodate plant equipment subject to noise impacts. However, as the application does not include details of the external plant equipment, it is considered that a condition would need to be attached requiring that, prior to the installation of any external plant, technical details are submitted to ensure that the noise impact of external plant would not have any unacceptable impacts on nearby sensitive receptors.
27. Neighbours have raised concerns regarding disturbance during the construction process particular in relation to the access and egress of construction vehicles onto Bowers Avenue. The Pollution and Control Team advise that these issues and any other environmental impacts that may arise during the construction phase should be addressed through the submission and implementation of a Construction Method Statement (CMS) prior to any works commencing. A condition is therefore recommended to require a Construction Method Statement to ensure the construction phase does not adversely impact on the amenity of surrounding residential properties.
28. The proposed extension would result in the blocking up of some existing windows within the adjacent buildings. However, whilst the loss of natural light is unfortunate, this would not affect any ward or surgery with the windows in the building to the north serving a corridor. It is therefore considered the proposals would not have any undue impact upon the patients / staff / visitors at the hospital.
29. Overall, it is concluded that, subject to appropriate conditions, the proposed development would have no unacceptable impacts on the residential amenity of the occupiers of nearby dwellings or on patients, staff or visitors at the hospital itself and would therefore comply with Policy L7 of the Core Strategy and the policies of the NPPF in this respect.

CRIME PREVENTION

30. Paragraph 135 of the NPPF states that planning policies and decisions should ensure that development proposals create places that are safe, and where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion and resilience. These objectives are supported by Policy L7 of the Core Strategy.
31. The hospital is a public building which is used intensively. Furthermore, the wider grounds of Trafford General Hospital are generally accessible and there

are a number of concealed external locations created by the network of buildings. The comments of GM Police Design for Security are awaited and this will be discussed further in the Additional Information Report.

HIGHWAY

32. Paragraph 115 of the NPPF states that *“Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe”*.
33. The NPPF explains that transport policies have an important role to play in facilitating sustainable development and in contributing to wider sustainability objectives (paragraph 115). Policy L4 of the Core Strategy is the relevant policy at development plan level. It has been concluded that the test for assessing cumulative traffic impact as contained within the NPPF (paragraph 109 and the reference to ‘severe’) is a more stringent test than that contained in Policy L4 (which refers to ‘significant adverse impact’), and thus Policy L4 is considered to be partially out-of-date for the purposes of decision-taking.
34. The Local Highway Authority (LHA) has been consulted and has advised that the existing service arrangements at the hospital will suffice in relation to this proposal and notes that the proposal is not considered to increase staff numbers or reduce parking capacity.
35. Neighbours have raised concerns regarding traffic and highway safety during the construction process particularly in relation to Bowers Avenue. The Local Highway Authority has commented that *‘It is considered the works associated with the construction of the development will result in a temporary increase in the number and type of activities that take place at this location on a day-to-day basis, including access by heavy duty vehicles. The LHA would therefore ask for a CMS (commensurate with the size of the development) to be provided.’*
36. Further to the above, it is considered that, subject to a condition to require a Construction Method Statement, the proposed development would not result in an unacceptable impact on highway safety or unacceptable traffic impacts, having regard to paragraph 115 of the NPPF.

LANDSCAPE AND GREEN INFRASTRUCTURE

37. In accordance with Policy L8 of the Core Strategy and the Revised SPD1: Planning Obligations, there is an expectation for development proposals to contribute on an appropriate scale to the provision of specific green infrastructure (SGI) which includes tree planting and other forms of soft landscaping.

38. The application site is infilling a gap between existing buildings on the hospital site. Given the siting and the nature of the development, it is considered that there would not be any scope for the provision for green infrastructure in this instance.

ECOLOGICAL MATTERS

39. Paragraph 180 of the NPPF states that planning policies and decisions should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures. Paragraph 186 continues, when determining planning applications, opportunities to improve biodiversity in and around developments should be integrated as part of their design. At the development plan level, Policy R2 (which is up to date) similarly seeks to ensure that new development would not have an unacceptable ecological impact.
40. The Greater Manchester Ecology Unit (GMEU) has reviewed the proposal and the submitted Preliminary Ecology Appraisal (which includes a Bat Report). The Ecology Appraisal states that there is no evidence of bats and the site has negligible bat roosting potential and no evidence of nesting birds. GMEU are satisfied with the report, however advise an informative to safeguard bats in the event that a bat does appear on site unexpectedly.
41. The Preliminary Ecology Appraisal also confirms that there are no wildlife issues associated with the development and GMEU advises that no mitigation is required. In regards to biodiversity enhancement, a condition is recommended to secure some form of appropriate measures to comply with the policy in the NPPF.

OTHER PLANNING CONSIDERATIONS

42. The Council's Waste team has been consulted, and has confirmed that it is satisfied that the proposed development would not impact upon existing waste storage and collection arrangements at the hospital. The proposal is therefore considered to be acceptable in relation to Policy L7 in this respect.
43. The Lead Local Flood Authority has raised no concerns in respect of surface water drainage or flood risk given the nature, location and scale of the development. The proposal is therefore compliant with this aspect of Policy L5 (which is up-to-date).
44. An informative is requested by Cadent Gas to advise of the presence of gas apparatus.

EQUALITIES

45. The public sector equality duty (PSED), contained in the Equalities Act 2010, requires public bodies to have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations between different people when carrying out their activities. Having due regard for advancing equality involves: removing or minimising disadvantages suffered by people due to their protected characteristics; taking steps to meet the needs of people from protected groups where these are different from the needs of other people; and encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low.
46. Section 149 – Public sector equality duty (PSED) of the Equality Act 2010 states
- i. A public authority must, in the exercise of its functions, have due regard to the need to—
 - a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- Disability is a ‘protected characteristic’ under the Equalities Act 2010 and the Act states that meeting different needs involves taking steps to take account of disabled people’s disabilities.

47. The scheme does not impact on the existing access to the building and would be purpose built for the benefit of patients and designed in accordance with relevant Building Regulations. No other benefits or dis-benefits are identified.

DEVELOPER CONTRIBUTIONS

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

49. No planning obligations are required.

PLANNING BALANCE AND CONCLUSION

50. The proposed development would accommodate two ultra clean operating theatres and associated accommodation/internal infrastructure to replace decommissioned operating suites which did not function adequately. The proposed extension is sited centrally within the hospital site. The proposal would improve the function of the existing community facility in accordance with local and national guidance.
51. The design is functional and driven by the requirements of the operating theatres and the need to access plant effectively. The development would not be visible

from the streetscene and public views of the building from within the hospital site would be limited. It would also result in no harm to the significance of the non-designated heritage asset. On balance, having regard to the specific context of the site and the clear need for the proposed facility, it is considered that the development would be acceptable in terms of visual amenity and design in this case, subject to a condition to confirm final finish of external materials. As a result, the proposed development would be acceptable in relation to Policies L7 and R1 of the Core Strategy, Policies JP-P1 and JP-P2 of the emerging PFE Plan and the policies of the NPPF in terms of design and heritage.

52. The proposal is considered to be acceptable in regard to local and national policy in all other respects, including residential amenity, highways and parking, landscape and green infrastructure, designing out crime, and ecology. Conditions are recommended to provide additional safeguards on certain matters where necessary including the provision of a Construction Management Statement prior to development.

53. The application would comply with the development plan when taken as a whole. The application is therefore recommended for approval, subject to conditions.

RECOMMENDATION:

GRANT subject to the following conditions:

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

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

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

- 222-42-DAY-66-00-DR-A-070101-S3 Rev.P03 – Location Plan (received by the local planning authority on 15 September 2023);
- 222-42-DAY-66-00-DR-A-070103-S3 Rev.P02 – Proposed Site Plan (received by the local planning authority on 15 September 2023);
- 222-42-DAY-66-00-DR-A-070104-S3 Rev.P02 – Proposed Level 0 GA Plan (received by the local planning authority on 15 September 2023);
- 222-42-DAY-66-00-DR-A-070105-S3 Rev.P02 – Proposed Level 1 GA Plan (received by the local planning authority on 15 September 2023);
- 222-42-DAY-66-00-DR-A-070106-S3 Rev.P02 – Proposed Roof GA Plan (received by the local planning authority on 15 September 2023);
- 222-42-DAY-66-00-DR-A-070109-S3 Rev.P04 – Proposed – Proposed East & North Elevation (received 15 September 2023);

- 222-42-DAY-66-00-DR-A-070110-S3 Rev.P04 – Proposed – Proposed South Elevation (received by the local planning authority on 15 September 2023);
- 222-42-DAY-66-00-DR-A-070111-S3 Rev.P04 – Proposed – Proposed West Elevation (received by the local planning authority on 15 September 2023).

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

3. Notwithstanding any description of materials in the application no works involving the use of any materials to be used externally on the building shall take place until samples and / or full specifications of all such materials [including cladding, doors, louvres, stairways and balustrades) have been submitted to and approved in writing by the Local Planning Authority. Such details shall include the type, colour and texture of the materials. Development shall be carried out in accordance with the approved details.

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

4. 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:
 - a) Parking arrangements for site operative and visitor vehicles.
 - b) The management of deliveries to including details of any proposed delivery booking system.
 - c) Loading and unloading of plant and materials to include vehicle access and egress arrangements.
 - d) Storage of plant and materials used in constructing the development.
 - e) The erection and maintenance of security hoardings including decorative displays and facilities for public viewing (where appropriate).
 - f) Wheel washing facilities and any other relevant measures for keeping the highway clean during the works.
 - g) Measures to control the emission of dust and dirt.
 - h) A scheme for recycling/disposing of waste resulting the works.
 - i) Days and hours of construction activity on site (in accordance with Trafford Council's recommended hours of operation for construction works).
 - j) Contact details for the site manager are to be advertised at the site in case of issues arising
 - k) site working hours to be restricted to between 07:30 -18:00 on Monday to Friday; 08:00 – 13:00 on Saturday, and no work permitted on a Sunday or a Bank Holiday.
 - l) measures to control the emission of dust and dirt during construction and pre-construction (including demolition) and procedures to be adopted in response to complaints of fugitive dust emissions

- m) a scheme for recycling/disposing of waste resulting from demolition and construction works (prohibiting fires on site)
- n) measures to prevent disturbance to adjacent dwellings from noise and vibration
- o) 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
- p) Site access and egress arrangements which minimise the potential for disruption to local residents

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.

5. The development hereby permitted shall not be occupied unless and until a scheme detailing measures to enhance biodiversity at the site together with a timetable for their provision, has been submitted to and approved in writing by the Local Planning Authority. The measures should include bat or bird boxes and/or native tree and shrub planting, and shall be provided in accordance with the approved scheme and timetable and retained thereafter.

Reason: To enhance the biodiversity value of the site, having regard to Policy R2 of the Trafford Core Strategy and the National Planning Policy Framework.

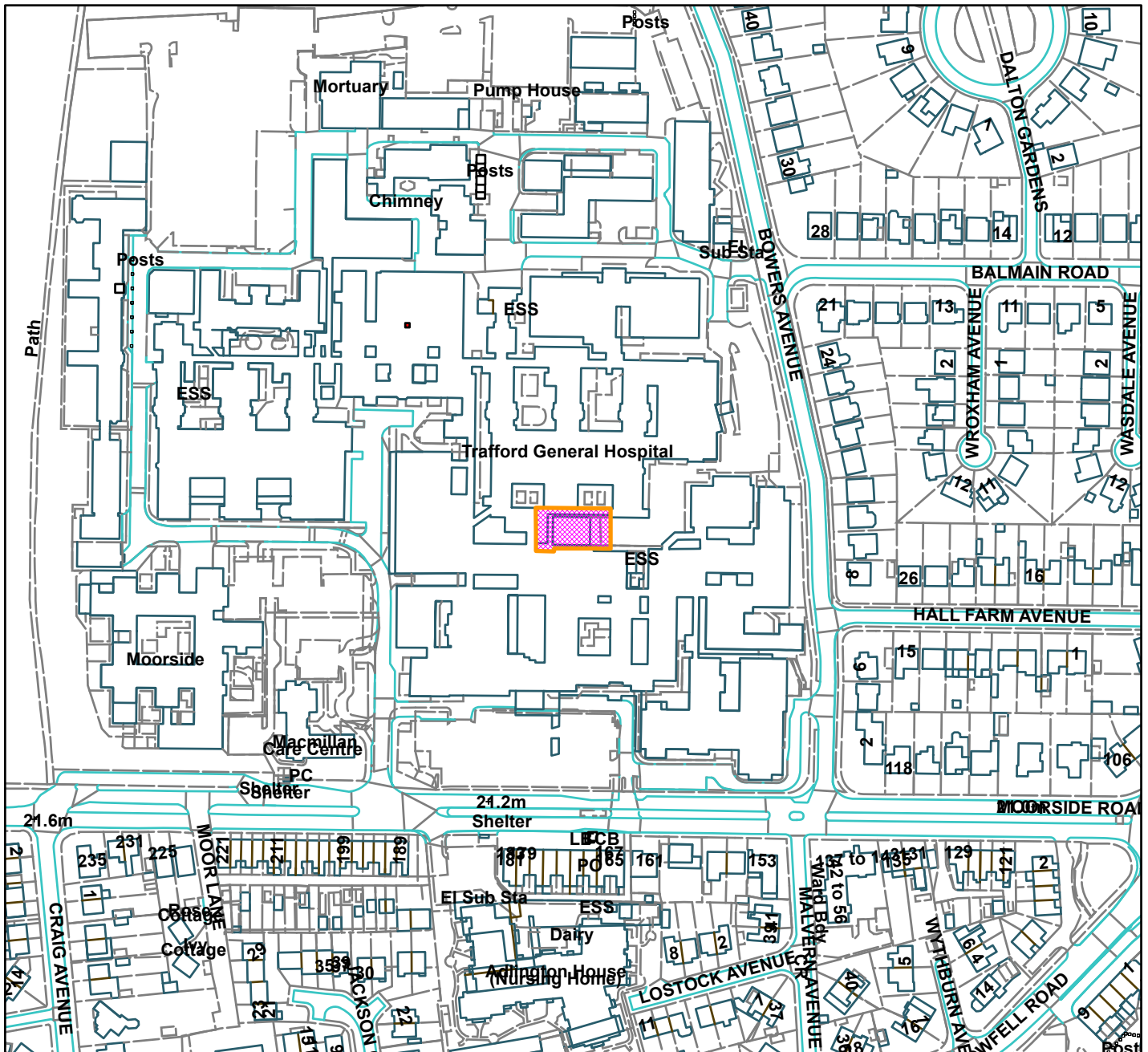
6. The noise level from any external plant to be sited on the application building (when rated in accordance with BS 4142: 2014) shall not exceed 35dB (LA_{r, 15 minutes}) at 1m from the façade of the nearest existing residential receptors. No external plant shall be provided within the site unless and until details of the plant (including scaled plans and elevations) and technical details to demonstrate compliance with the above noise limit have been submitted to and approved in writing by the local planning authority. The plant shall be implemented and operated in accordance with the approved details thereafter.

Reason: In the interests of residential amenity, having regard to Policy L7 of the Trafford Core Strategy and policies in the NPPF.

TMC



Trafford General Hospital, Moorside Road, Flixton (site hatched on plan)



Scale: 1:2,500

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Organisation	Trafford Council
Department	Planning Service
Comments	Committee Date 15/02/2024
Date	05/02/2024
MSA Number	AC0000809316 (2022)

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

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

APPLICANT: Mr Eckersley

AGENT: Cube Design Solutions

RECOMMENDATION: REFUSE

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

SITE

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

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

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

PROPOSAL

The application is seeking planning permission for the demolition of the attached garage and its replacement with a single storey side extension, raised rear patio, enlarged rear

lightwell and associated external alterations including roof lights, replacement of timber windows with uPVC windows to all elevations and demolition of the original stone gateposts (in connection with widening of vehicular access, new vehicular access gate and reinstatement of re-sized gateposts in a different position).

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

Value Added:

During the application process, planning officers outlined their concerns with the proposals. The applicant was subsequently provided with opportunities to amend the application to address each aspect of the proposal. Amended plans were received reducing the height of the reinstated gateposts and the proposed gates to a maximum of 1m in height but not reducing the width of the vehicular access. Some other relatively minor amendments were additionally received including the omission of the proposed pedestrian access gate and bin store. However, these alterations did not overcome officers' concerns – particularly in relation to the alterations to the windows and removal of the gate posts and the consequent widening of the vehicular access.

The applicant also requested that the proposed alterations to existing windows should not be assessed under this application. The applicant was therefore requested by officers to amend the submitted plans further to annotate specifically on the plan that the alterations to the existing windows do not form part of the application. However, no further amended plans have been received in relation to this. The new windows are shown on the proposed plans and are different from the windows shown on the originally submitted existing plans, and therefore, if the application were to be approved with no annotation on the plan specifically clarifying this, this would be considered part of the permission. It is therefore considered that, notwithstanding the applicant's request in relation to this, on the basis of the currently submitted plans, the proposed windows must be assessed as part of the current application.

It is noted that there are some discrepancies on the submitted plans including in relation to the detailed design of the front windows and position and design of the rear elevation windows. The applicant was requested to amend the plans to correct these details, however these amendments were not received.

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

R1 – Historic Environment

OTHER LOCAL POLICY DOCUMENTS

SPD4 – A guide for Designing House Extensions and Alterations

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

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

PROPOSALS MAP NOTATION

Bowdon Conservation Area

PRINCIPAL RELEVANT REVISED UDP POLICIES/PROPOSALS

ENV21 – Conservation 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). It identifies the quantum of new housing and employment development, supports the delivery of key infrastructure, and protects environmental assets. The Plan was submitted to the Secretary of State for Levelling Up, Housing and Communities in February, and its Examination in Public commenced on 02 November 2022. Hearings sessions concluded on 05 July 2023 and the Inspectors issued IN39 on 11 September 2023 advising that they are satisfied at this stage of the examination that all of the proposed main modifications are necessary to make the Plan sound and/or legally compliant, and would be effective in that regard. Consultation on the main modifications started on 11 October 2023 and will close on 6 December 2023. Consequently the plan is at a very advanced stage in the plan making process and substantial weight can be attached to its policies.

Emerging policies relevant to this application are:

JP-P1 – Sustainable Places

JP-P2 - Heritage

NATIONAL PLANNING POLICY FRAMEWORK (NPPF)

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

NATIONAL PLANNING PRACTICE GUIDANCE (NPPG)

DLUHC published the National Planning Practice Guidance on 6 March 2014, and was last updated on 5 February 2024. The NPPG will be referred to as appropriate in the report.

RELEVANT PLANNING HISTORY

None.

APPLICANT'S SUBMISSION

Design and Access Statement
Heritage Statement
Window Specification Report and Letter
Photographic evidence in support of the application

CONSULTATIONS

Heritage Development Officer: Objection

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

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

Local Highway Authority (LHA): No objection

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

REPRESENTATIONS

One representation was received in response to this application. The comments received raised concerns that there was a discrepancy between the red edged site boundary as shown on the submitted Ordnance Survey location plan for the application property and the land ownership boundaries as shown on the neighbouring property's Land Registry plan.

Planning officers have raised this matter with the applicant's agent, who has since confirmed that, after discussions with the applicant, they understand the boundary (as submitted) to be correct and that the correct ownership certificate has been submitted. For the avoidance of doubt, it is noted that it is the applicant's legal responsibility to ensure that the correct ownership certificate is served and this is otherwise not a material planning consideration and any concerns raised in this respect do not prevent the determination of this application.

OBSERVATIONS

PRINCIPLE OF DEVELOPMENT

1. The application proposal is for extensions and alterations to an existing dwelling in a residential area. The main issues for consideration are heritage concerns, design / appearance, impact upon neighbouring properties / residential amenity and highways/parking.
2. S38(6) of the Planning and Compensation Act 1991 states that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise.
3. The NPPF is a material consideration in planning decisions, and as the Government's expression of planning policy and how this should be applied, should be given significant weight in the decision making process.
4. 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. The application site is located with Bowdon Conservation Area. As such, the most important policies for determining this application are L7 'Design' and R1 'Historic Environment'.
6. Policies relating to design and heritage are considered to be most important for determining this application when considering the application against NPPF Paragraph 11, as they control the principle of the development. Whilst Policy L7 (Design) of the Core Strategy is up-to-date with the NPPF, Policy R1, relating to historic environment, does not reflect case law or the tests of 'substantial' and 'less than substantial harm' in the NPPF. Thus, in respect of the determination of

planning applications, Core Strategy Policy R1 is inconsistent in this respect. However, its primary focus, which is the protection of heritage assets, is aligned with the NPPF.

7. Although Policy R1 of the Core Strategy can be given limited weight, no less weight is to be given to the impact of the development on heritage assets as the statutory duties in the Planning (Listed Buildings and Conservation Areas) Act 1990 are still engaged. Heritage policy in the NPPF can be given significant weight and is the appropriate means of determining the acceptability of the development in heritage terms.

IMPACT ON DESIGNATED HERITAGE ASSETS

Legislation and Policy

8. 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.
9. The NPPF sets out in Chapter 16 of the document decision-making policies using different terminology, referring in particular to conservation of significance. It is important to note that conservation and preservation are concerned with the management of change in a way that sustains a heritage asset's special interest or significance. However, conservation has the added dimension of taking opportunities to enhance significance where opportunities arise and where appropriate.
10. Paragraph 195 of the NPPF states; *'heritage assets range from sites and buildings of local historic value to those of the highest significance... These assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations'*.
11. Paragraph 201 of the NPPF requires that *'Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal'*.
12. Paragraph 203 indicates that when local planning authorities are determining planning applications, they should take account of:
'a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;

- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and*
- c) the desirability of new development making a positive contribution to local character and distinctiveness’.*

13. Paragraph 205 of the NPPF states that *‘When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance’.*

14. Paragraph 207 of the NPPF states that *‘Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:*

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

15. Paragraph 208 of the NPPF requires that *‘Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use’.*

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

17. Policy R1 of the Trafford Core Strategy states that *‘Developers must demonstrate how the development will complement and enhance the existing features of historic significance including their wider settings, in particular in relation to conservation areas, listed buildings and other identified heritage assets’.*

18. 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’.*

19. Policy JP-P1 of the Places for Everyone Joint Development Plan states that developments should have a clear identity that, *‘respects and acknowledges the character and identity of the locality in terms of design, siting, size, scale and materials used’.*

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

Management Plan

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

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

Policy 9 - Where original timber doors and windows survive these should be retained. If refurbishment is required this should be done in a like-for-like manner and replacing the minimum amount of fabric necessary to make the repair. If thermal upgrading is required, secondary glazing with a frame that follows the glazing bars of the external window should be used.

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

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

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

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

Policy 27- Modern treatment such as high brick walls, modern timber panel fencing and tall metal railings are not acceptable.

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

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

Policy 44 - Buildings identified as positive contributors (see Map 3) should not be demolished, partially demolished or substantially altered in any way that dilutes their contribution to the Conservation Area unless public benefit can be demonstrated that outweighs the harm.

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

The Significance of the Affected Heritage Asset(s)

22. 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.'
23. The setting of a heritage asset is defined as the surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative

contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.

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

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

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

26. It is noted that the application property and other properties on the west side of Grange Road were taken into the Conservation Area in 2016 as part of boundary extension B. The Conservation Area Appraisal states that *“The row of semi-detached properties on Grange Road were built between 1910-1936; they are similar in scale and plots size to those already included in Grange Road.”* Nos 32 & 34 Grange Road although earlier in age were included in this extension and form the southern extent of the Conservation Area boundary up to York Road. Nos. 32 & 34 Grange Road are identified in SPD 5.9 as making a positive contribution to the Conservation Area for the following reasons *“These buildings reflect a substantial number of other elements in the conservation area in age, style, materials and form. These buildings as part of a group, illustrate the development of the settlement in which they stand. They reflect the traditional functional character and former uses in the area.”* The dwellings were erected between 1897 and 1908 as a pair of Cheshire interlocking semis and designed in the Arts & Crafts style. The dwellings display typical features found throughout the Conservation Area including prominent gables; steeply pitched roof, overhanging eaves, tall chimneys and distinctive half-timbered detailing. The principal elevation

of both properties has a strong sense of symmetry and enhanced by historic timber windows with an attractive curved transom detail. The setting of the dwellings is enhanced by a front garden with planting and a mature boundary hedge to Grange Road with a spacious rear garden.

27. As set out in Appendix 1 of SPD 5.9, the application property has also been identified as a non-designated heritage asset. *'The term positive contributor identifies a non-designated heritage asset which makes a positive contribution to the Conservation Area. These buildings, structures and sites are classed as heritage assets as they are identified by the local authority as having a degree of significance, meriting consideration in planning decisions, because of their heritage interest'*.

Proposal and Impact on Significance

28. The proposed development relates to the demolition of the attached garage; erection of a single storey side extension; raised rear patio; enlarged rear lightwell and associated external alterations including replacement windows as well as the demolition of the original stone gateposts (in connection with alterations to the vehicular access) and the addition of roof lights.
29. There is no objection to the proposed demolition of the existing garage as this extension is understood to be a later addition to the application property.
30. The replacement extension is to be of a similar footprint to the existing side garage, projecting 3m from the original north elevation of the application property and having a depth of 5m. The extension would feature a gable roof to complement the main dwelling. The proposal would result in the removal of part of the application property's original side elevation in order to open up the building's kitchen area, leading to some loss of historic fabric. It is noted however that this elevation is already obscured by the existing garage and the replacement extension is in a similar position. It is considered therefore that this element of the proposal will not result in harm to the significance of the positive contributor. The proposed extension would see a rear elevation constructed almost entirely of glass panes 2.25m tall and measuring 2.7m wide in total. There is a lack of detail in relation to the material finish of the windows/doors planned for this element of the proposal and, if the application were to be recommended for approval, a condition would be required in relation to this. Whilst there would be a large expanse of glazing with a largely horizontal emphasis to the fenestration in a modern style, it is considered that given the position of this at ground floor level on the rear elevation of the property, it would not result in harm to the character and appearance of the wider Conservation Area.
31. The proposals include a 0.76m high raised patio and retaining wall which would project 3.3m from the rear of the planned extension and would have a width of 4.2m. It is considered that this would not result in any harm to the character of the positive contributor. An enlarged rear lightwell would be positioned immediately

adjacent to the raised platform, where excavation works have already occurred in connection with the proposed installation of an outside shower. Given that this is at the rear of the property and partially screened by the proposed retaining wall, it is considered that this would also not result in harm to the appearance of the positive contributor and the wider Conservation Area.

32. The proposals also include the insertion of rooflights on the front and rear elevations. Policy 12 of the Management Plan states that roof lights should not be installed in locations that impact on the aesthetic value of the principal elevation or street scape and should not be disproportionately large compared to the established fenestration. Conservation roof lights should be installed rather than standard roof lights. It is considered that installation of roof lights on the principal elevation would not comply with this policy and would have a detrimental impact on the character of the property. Nevertheless, it is recognised that roof lights could be added to the front elevation under permitted development rights and that this represents a realistic fallback position, which must be taken into account. It is therefore considered that the proposed rooflights would be acceptable in this case, subject to a condition requiring that conservation style roof lights are used.
33. The replacement of the dwelling's historic timber windows with wood effect uPVC windows has resulted in harm to the character and appearance of the positive contributor. It is noted that all historic timber windows have been now removed from the property including the distinctive casement windows to the principal elevation and vertical sliding sash windows to the rear resulting in the loss of historic fabric. The historic timber windows were integral to the appearance of no.32 Grange Road and the positive contribution it makes to the Conservation Area.
34. The nature of uPVC results in thicker frames with a flat, uniform appearance and lack the finesse of the detailing found in the previous timber windows. In particular, the proposal's flush frame window design has an engineered appearance which is considered contextually inappropriate for this property and the Conservation Area. The combination of the uPVC frame and associated glazing also results in a glare to the windows which along with the introduction of trickle vents is visually detracting from the overall appearance of the heritage asset. This is exacerbated by introduction of a double cill detail, a lack of reveal and the thicker frames alter the proportions of the windows. The replacement of windows to the principal elevation has not sought to replicate the casement style of the previous historic windows in terms of the curved transom or method of opening and instead has introduced a vertical sliding sash which fails to replicate the symmetry of windows at no.34 Grange Road. The historic pattern of fenestration was a distinctive detail of the principal elevation which has now been removed and has impacted on the architectural significance of the heritage asset this also diminishes the appearance of no.34 Grange Road. As such, due to the style, design, method of opening and materiality, the works cause harm to the architectural and historic significance of the heritage asset and the contribution it

makes to Bowdon Conservation Area. The use of uPVC fails to maintain the character of the dwelling and is therefore contrary to Policies 9 & 10 of SPD 5.9a.

35. It is acknowledged that the pattern of fenestration to the rear of the dwelling would follow the design of the previous historic windows on this elevation. However, it is noted that the detailed design and materiality does not comply with Policy 10 of SPD 5.9a. The replacement of the larger first floor rear window with a more proportionate window to the application property is recognised and, in respect of this specific window, this is considered to be a benefit. Whilst there are concerns regarding some aspects of the design of the replacement windows, taking into account the improvement to the first floor window, it is considered that the works to the rear elevation have a neutral impact to the appearance of the positive contributor and the wider Bowdon Conservation Area.
36. The alterations to the windows on the front of the property are seen in the context of the original windows on the adjoining property (both properties having previously been uniform in this respect) and the visual contrast / interrupted symmetry that now exists between the windows on the two properties therefore diminishes the character of the principal elevations of No.32 & 34 Grange Road and exacerbates the visual impact on the street scene. During the application process, the applicant provided the Planning Authority with a Window Specification Report. The report argues that "The front windows were not original windows that were installed on the property and it is the rear windows that are the original". No evidence has been presented to support this statement and as such, the Local Planning Authority cannot afford any weight to this and in turn it is considered that the previous casement windows were historic given that they match those of No.34 Grange Road and form a pair of semi-detached properties.
37. It is acknowledged that the replacement windows would provide a benefit through improved energy efficiency. An argument has also been presented that the existing windows were in a poor deteriorated condition. However, there would be other ways of providing energy efficiency benefits and, if replacements were required, then, as outlined in the Conservation Area Management Plan, hardwood double glazed windows should be used, which would likely provided the same energy efficiency benefit whilst giving attention to the application property's aesthetic and historic context. It is important to note that the Conservation Area is largely comprised of historic properties utilising traditional materials appropriate to each dwelling and their age. Whilst it is recognised that some properties on Grange Road feature uPVC windows, it is important to recognise that this area was only added into Bowdon Conservation Area in 2016 and therefore it is likely that some development may have occurred prior to the area's adoption into the Conservation Area that would now be considered to have a harmful impact on the character and appearance of the Conservation Area. It is thus even more important to protect that historic fabric which remains to prevent further deterioration of the character of the area.

38. With regard to the removal of the original stone gate posts at the vehicular access onto Grange Road, this element is retrospective with both gate posts having been in situ in May 2022 as shown on Google Maps Street View, notwithstanding the fact that it is recognised that the gatepost on the left hand side of the access had already suffered some damage at that stage. The submitted plans have been amended to show the gateposts cut down in height to 1m and both reinstated in different positions to allow the creation of a wider vehicular access. The plans have also been amended to show the proposed sliding gate reduced to 1m in height. A brick wall of less than 1m in height is also shown along the remainder of the Grange Road frontage. It is recognised that the erection of a wall, gateposts and gates with a maximum height of 1m would not normally require planning permission in itself. However, the demolition of a wall, fence or gate of over 1m in height in the Conservation Area does require planning permission and therefore it is considered that the removal of the gateposts does constitute demolition that requires planning permission and that the proposed widening of the vehicular access could not take place without this.
39. It is recognised that whilst not completely uniform, the prevailing characteristic front boundary treatment for properties on Grange Road is partially hedged with a small open section for vehicular access and this is considered to contribute positively to the visual amenity of the area. It is considered that the widened driveway would be out of keeping with the general character of the surrounding area. The proposed access would be significantly wider than previously (total width 4.9m – a 1.2m increase in comparison with the original access) and would see a planned 1m high electric sliding access gate and 1m high brick wall, which would also appear out of character with the area (notwithstanding the fact that a 1m high gate and wall would not normally need permission in itself). The width of the access is considered excessive and has resulted in the removal of mature landscaping. The use of a sliding wrought iron gate is additionally not a characteristic of this part of Bowdon Conservation Area, with access gates at No.28 Grange Road considered to be a more appropriate design (timber, side hung gates, with a reduced height). Policy 27 of SPD 5.9a identifies that modern boundary treatments are not acceptable. It is noted that a brick boundary wall is not a traditional boundary treatment to the west side of Grange Road nor is the sliding metal gate.
40. Policy 26 of the Management Plan states that *“Gate openings should not be widened or re-positioned unless it can be proven that access is unsafe. Where gate openings are to be widened or re-positioned on the grounds of highway safety, such change should be restricted to the minimum amount necessary to ensure safe access. Trafford Council will require the applicant to submit a highway consultant’s report to demonstrate highway safety implications.”*
41. The application submission does not include a highway consultant’s report and it has not been demonstrated that the original access was unsafe. The LHA has also confirmed that whilst the new vehicular access would provide a betterment in comparison with the original access (prior to widening) in terms of improved

visibility, the previous access *“is not considered unsafe as it existed for many years and was being used without issues”*.

42. Whilst the applicant has highlighted the existence of other electric sliding gates on Grange Road, it is important to note that these gates have not been granted planning permission. In particular, the gates at No.14 (Mearside) and No.18 (Fieldside) are currently under investigation by the Council’s Planning Compliance Team. In any case, the Local Planning Authority has to consider each application on its own merits and in relation to the site specific circumstances. Paragraph 1.3.4 of the Conservation Area Management Plan states that *“For new planning applications it will not be acceptable to use inappropriate examples as a precedent to justify new proposals for development”*. In this case, the proposed widened vehicular access is considered to cause harm to the character and appearance of Bowdon Conservation Area.
43. In addition, it is considered that the cutting down of the original gateposts to 1m in height (together with their reinstatement in a new position) would have a harmful impact on historic fabric and the character and appearance of the property and would be contrary to policies in the Management Plan. In particular, Policy 24 states that original gateposts should be retained where possible and Policy 25 states that replacement gateposts should only be instated where the repair of the original is not feasible. Whilst the applicant has stated that the left hand gatepost is damaged, the proposal is to cut down the existing stone gate posts rather than to replace them completely and there is therefore no suggestion that the gateposts cannot be repaired.
44. SPD 5.9a (para 2.6.2) identifies the valuable contribution stone gateposts make to the Conservation Area and the harm caused; *‘There is a good proportion of surviving original gateposts throughout the Conservation Area. These are characteristically roughly-hewn local sandstone with a traditional carved element. In some instances these have been kept and a new gate opening positioned further back from the road; however this detracts from the original posts which mark the entrance point. Pressures for off-road parking and the subsequent widening and/or re-positioning of access onto new or existing driveways threaten the long-term survival of these historic gate posts and consequently the wider streetscape’*.
45. Policy 28 also states that boundary treatments and front gardens should not be removed to create additional hard standing, garaging or parking. It is considered that the significant increase in the area of hardstanding would add to the impact of the proposed works and would also be contrary to this policy.
46. In conclusion, it is considered that the proposal as a whole would have a detrimental impact on the application property’s architectural significance. In particular, the replacement of timber windows with uPVC windows to all

elevations and the proposal's widening of the driveway would appear out of character in the street scene.

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

Consideration of Harm

49. Whilst the planned demolition of the existing garage and the overall form of the proposed side extension is considered to be acceptable, the works including alterations to windows, demolition of the original gateposts and alterations to the vehicular access would not be in keeping with the host dwelling and would not be compliant with policies 9, 10, 26, 28 and 44 of the Conservation Area Management Plan.
50. Notwithstanding that there would be a minor benefit as a result of improvements to the first floor window on the rear elevation, the proposal overall is considered to cause harm to the character and appearance of the positive contributor (which is also a Non-Designated Heritage Asset as confirmed by the Conservation Area Appraisal) and the wider Bowdon Conservation Area. In NPPF terms, it is considered that this would constitute "less than substantial" harm.
51. NPPF Paragraph 208 states that; *'Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.'* Given that the development is a residential extension, it is considered that there are no public benefits of the proposal that would outweigh the "less than substantial" harm with any benefits for the applicant being private in nature. Whilst the agent has referred to the fact that there would be additional investment in the property, it is considered that any public benefit in this respect is negated by the fact that the proposed development would harm the character of the positive contributor. In principle, the

refurbishment of the property would be welcomed if this were proposed in a way that complied with the relevant Conservation Area Management Plan policies.

52. It is therefore considered that the development would result in harm to the significance of the designated heritage asset (Bowdon Conservation Area) and the NDHA (the property itself) and is not in accordance with Policy R1, emerging Policy JP-P2 of the PfE Joint Development Plan and the heritage policies of the NPPF. In terms of NPPF paragraph 11 d) i), this would provide a clear reason for refusal of permission.

DESIGN

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

keeping with this prevailing type of boundary. Any development proposal should as far as practicable retain as much as possible of existing characteristic boundary treatments and/or re-create the predominant type of boundary treatment. Where poor examples exist in the local area, these will not be sufficient reason for new proposals to not comply with these guidelines or an unsympathetic proposal to be approved by the LPA.”

57. Paragraph 3.12.4 states that *“The type, height, length, design and siting of a boundary treatment are all important considerations as to whether it would be acceptable. Good quality characteristic materials help to reinforce local character, particularly in areas of historic interest with distinctive qualities. Boundary treatments such as planting or low walls with planting, are considered more appropriate as they soften residential frontages and contribute to the street scene...Boundary treatments should not be so tall so as to over-dominate and have an overbearing impact on pedestrians and the street scene...Prominently sited and uncharacteristically tall boundaries are generally harmful to domestic character. Defensive, high gates, walls and fences will not normally be acceptable on street frontages, in particular to the front of properties.”*
58. The proposed extension and rear alterations are considered to be acceptable in design terms, given their position at single storey height on the rear elevation
59. The replacement of the dwelling’s timber windows with wood effect uPVC windows has resulted in harm to the character and appearance of the application dwelling due to their style, design, method of opening and materials. The alterations to the windows are seen in the context of the original windows on the adjoining property (both properties having previously been relatively uniform in this respect) and the visual contrast / interrupted symmetry that now exists between the windows on the two properties therefore exacerbates the visual impact of the development in the street scene.
60. In addition, the demolition of the stone gate posts and widened driveway would be out of keeping with the general character of the surrounding area. The proposed access would be significantly wider than the original access (total width 4.9m – a 1.2m increase in comparison with the existing) and would see a planned 1m high electric access gate. The width of the access is considered excessive, and has also removed mature landscaping. The cutting down of the existing access gates would also appear out of character with the property and incongruous in the street scene.
61. It is therefore considered that the proposed development would result in an incongruous and unsympathetic form of development that would be out of character with the existing property. The proposed development would have a detrimental impact on the visual appearance and character of the street scene and the surrounding area and would be contrary to Policy L7 of the Trafford Core

Strategy, Policy JP-P1 of the emerging Places for Everyone Plan and the design policies of the NPPF.

RESIDENTIAL AMENITY

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

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

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

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

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

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

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

PARKING AND HIGHWAY SAFETY

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

DEVELOPER CONTRIBUTIONS

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

PLANNING BALANCE AND CONCLUSION

69. It is considered that the proposed works would result in harm to the character and appearance of the Non-Designated Heritage Asset and the wider Bowdon Conservation Area. Applying the test in paragraph 208 of the NPPF, it is considered that there are no public benefits that would outweigh the "less than substantial" harm to the significance of the Conservation Area. The development would therefore fail to comply with Policies L7 and R1 of the Trafford Core Strategy, emerging Policies JP-P1 and JP-P2 of the PfE Joint Development Plan, and the heritage policies contained within the NPPF. In terms of NPPF paragraph 11 d) i), this would represent a clear reason for refusal of permission and the tilted balance is therefore not engaged.

70. The proposals would also not be acceptable in terms of design and impact on visual amenity contrary to Policy L7 of the Core Strategy and Policy JP-P1 of the PfE Joint Development Plan. It would harm the character and appearance of the Non-Designated Heritage Asset contrary to Policy R1 of the Core Strategy and JP-P2 of the PfE Joint Development Plan, and which also weighs against the proposal in the planning balance. The proposal is considered to be acceptable in terms of residential amenity and impacts on parking.

71. Overall the proposed development fails to comply with Policies R1 and L7 of the Trafford Core Strategy, Policies JP-P1 and JP-P2 of the emerging PfE Joint Development Plan, policies contained within the Bowdon Conservation Area Management Plan and the NPPF. No material considerations have been identified that would warrant a decision other than in accordance with the development plan. Therefore the application is recommended for refusal.

RECOMMENDATION: REFUSE

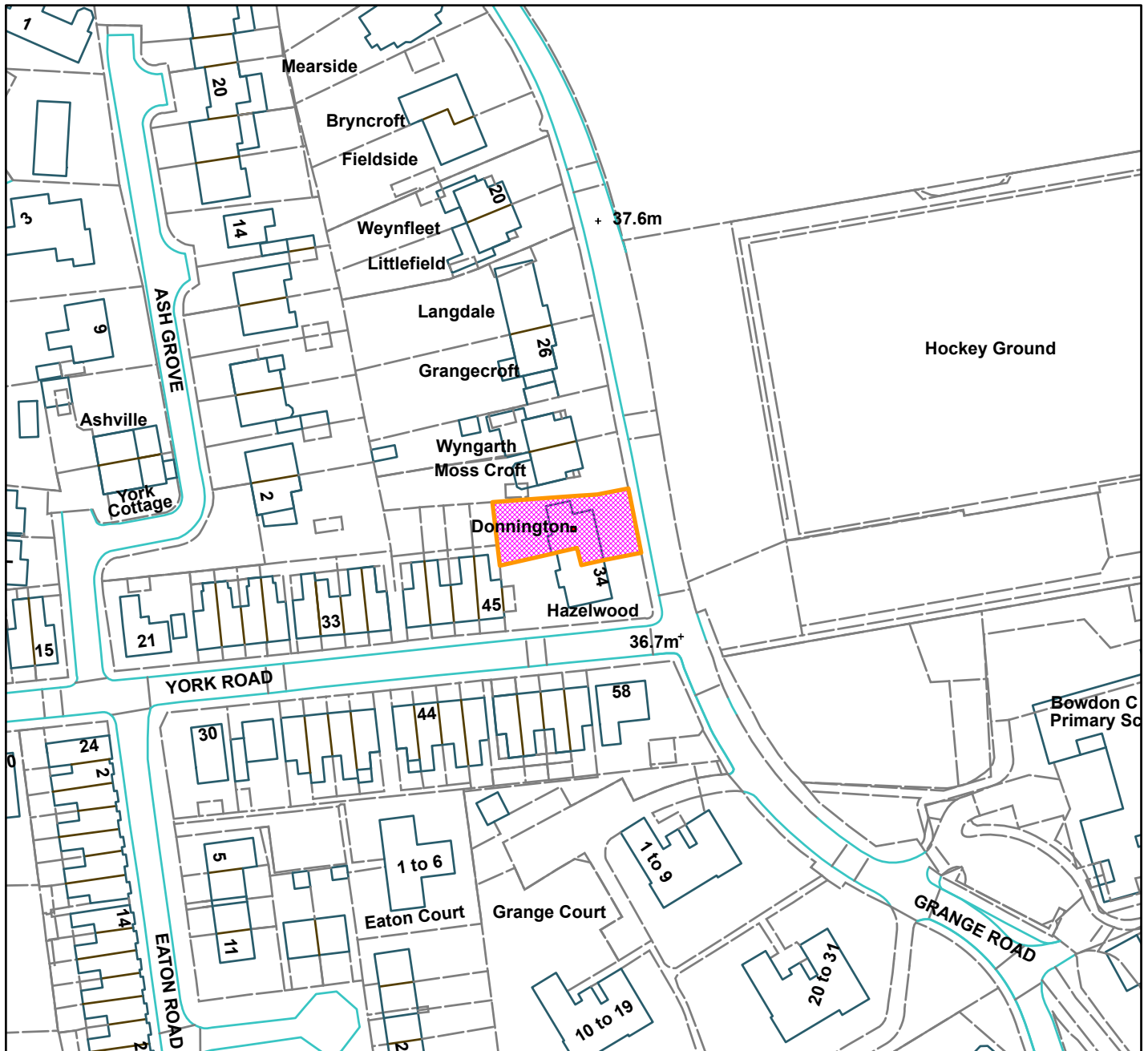
1. The proposed development, by reason of the demolition of the original stone gate posts and the widening of the vehicular access and the alterations to the

windows on the front (east) elevation including the design and materials of the new windows and the loss of historic fabric, would result in an incongruous and unsympathetic form of development that would harm the character of the positive contributor, the street scene and the surrounding area. The development would therefore cause “less than substantial” harm to the character and appearance and the significance of the Non-Designated Heritage Asset and the Bowdon Conservation Area. There are no public benefits that would outweigh the identified harm. As such, the proposed development would be contrary to Policies L7 and R1 of the Trafford Core Strategy, Policies JP-P1 and JP-P2 of the emerging Places for Everyone Plan, guidance in SPD5.9 and SPD5.9a – Bowdon Conservation Area Appraisal and Management Plan, the Council’s adopted SPD4: A Guide for Designing House Extensions and Alterations and the policies of the National Planning Policy Framework.

SAMP



Donnington, 32 Grange Road, Bowdon(site hatched on map)



Scale: 1:1,250

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Organisation	Trafford Council
Department	Planning Service
Comments	Committee date 15/02/2024
Date	05/02/2024
MSA Number	AC0000809316 (2022)

WARD: Timperley Central **112142/HHA/23**

DEPARTURE: No

Erection of a two storey side and a part single/part two storey rear extension, erection of an outbuilding to the rear garden.

93 Stockport Road, Timperley, WA15 7LH

APPLICANT: Lin and Samual Fan

AGENT: Mr Jeff Atkins

RECOMMENDATION: GRANT SUBJECT TO CONDITIONS

The application is reported to the Planning and Development Management Committee as it has received a total of six neighbour objections

SITE

The application site consists of a two storey semi-detached dwelling situated on the north side of Stockport Road, Timperley. The surrounding area is predominantly residential in nature, with mostly detached and semi-detached properties. The application dwelling has an existing single storey rear extension and detached garage.

PROPOSAL

Planning permission is sought for the erection of two storey side extension and a part single, part two storey rear extension alongside a detached outbuilding within the rear garden (replacing an existing outbuilding).

The side extension would project approximately 1.65m to the side, with a depth of 13.4m (12.5m at first floor level). It proposes pitched roofs with an eaves heights of 2.4m and 5.5m and ridge heights of 3.1m and 8.3m.

The ground floor rear extension would project 5m to the rear with a total width of 8.6m. It proposes a flat roof with a total height of 3.2m.

The first floor rear extension would project 4m in total to the rear and 4.85m across. It proposes a pitched roof with an eaves height of 5.5m and a ridge height of 7.3m.

The proposed outbuilding would measure 6m x 3.9m, proposing a pitched roof with an eaves height of 2.35m and a ridge height of 3.5m.

The proposal would be constructed with matching materials to the main dwelling and the increase in floor space of the proposed development would be less than 100m².

VALUE ADDED

Amended plans were received upon request in order to reduce the first floor rear extension in its rear projections, so to reduce the impact towards side and rear neighbours in respect of overshadowing and overbearing.

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 – Parking

L7 – Design

For the purpose of the determination of this planning application, these policies are considered 'up to date' in NPPF Paragraph 11 terms

OTHER LOCAL POLICY DOCUMENTS

SPD4 – A Guide for Designing House Extensions and Alterations

PROPOSALS MAP NOTION

None

PRINCIPAL RELEVANT REVISED UDP POLICIES/PROPOSALS

None

NATIONAL PLANNING POLICY FRAMEWORK (NPPF)

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

NATIONAL PLANNING PRACTICE GUIDANCE (NPPG)

The NPPG 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.

PLACES FOR EVERYONE (PfE)

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

Emerging policies relevant to this application are:

JP-P1 - Sustainable Places

RELEVANT PLANNING HISTORY

None

APPLICANT'S SUBMISSION

CIL Questions
Amended plans

CONSULTATIONS

None

REPRESENTATIONS

Seven neighbour representations have been received in response to the proposal, with objections from nos. 77, 81, 83, 85 and 91 Stockport Road, alongside nos.26 and 28 South Vale Close. Their comments are summarised below:

- The proposal would be out of character for the site, street scene and considering surrounding extensions.
- The proposal would impact upon the privacy of neighbours through harmful levels of overlooking. No.91 Stockport Road specified overlooking to their

driveway and their rear garden

- The scale of the proposal (including the gable roof of the rear extension) would appear overly dominant, incongruous and out of proportion with the existing dwelling and surrounding character.
- The proposal would harmfully overshadow neighbouring properties. No.91 Stockport Road specified overshadowing to their side facing kitchen window.
- The proposal would appear overbearing given the scale and proximity to boundaries / neighbouring dwellings.
- The proposal would cause a loss of light to surrounding gardens and overlook surrounding gardens
- The proposal would disrupt the rhythm of gaps between the dwellings, impacting upon the sense of spaciousness within the street scene
- The proposal (and increased bedrooms to the dwelling) would impact upon parking availability on site and highway safety for the site and street, causing cars to park on grass verge
- The proposal would set a precedent for similar extensions on street if approved
- The proposal would reduce house values given the impacts to neighbour amenity (overshadowing and overlooking)
- 91 Stockport Road – Certificate B was not submitted in relation to the proposed outbuilding and the neighbour considers that the foundations and roof of this structure would encroach their boundary. The neighbour does not give permission to enter the site of 91 Stockport Road.
- The proposal would fail to comply with policies of the NPPF, L7 and SPD4.

Officer Comments – concerns of house values and access to neighbouring sites during construction are not planning considerations that would be taken into account when assessing the application. For all other planning concerns please see the observations section below.

OBSERVATIONS

PRINCIPLE

1. Householder extensions and alterations are acceptable in principle subject to there being no undue harm to the character and appearance of the property or streetscene through unsympathetic design or unacceptable harm to the amenity of neighbouring properties and residential areas. Further to this, issues relating to

parking provision are also to be considered. There are no additional constraints in this instance. The proposal has been considered/assessed against Core Strategy with Policy L7 and guidance contained in SPD4 and the NPPF.

DESIGN AND VISUAL AMENITY

2. Paragraph 131 of NPPF states '*The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process.*'
3. Policy L7 of the Core Strategy states that in considering applications for development within the Borough, the Council will determine whether or not the proposed development meets the standards set in national guidelines and the requirements of Policy L7. The relevant extracts of Policy L7 require 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 proposed side and rear extension(s) although large, are considered to be appropriate in terms of design and scale, with appropriate heights so to appear subservient to the host and in proportion with the site plot. The side extension would retain a minimum 0.97m gap to the shared boundary with no. 91 Stockport Road which would avoid any terracing effect and allow access to the rear.
5. It is recognised that the 0.97m gap to the boundary is slightly less than the 1m value outlined in SPD4, however the 3cm shortfall is not considered significant as to cause visual harm and is therefore acceptable on balance. As such the side extension is not considered to disrupt uniformity within the street and would retain a suitable sense of spaciousness for the site and street-scene.
6. The side extension would project by 1.65m from the side elevation of the dwelling, this is significantly less than half the width of the host dwelling and is considered acceptable in scale. It would be set back from the main principal elevation by 0.25m at ground floor level and by 1m at first floor level, which would reduce prominence in relation to the street scene. The proposed hipped roof form would match the roof form of the host dwelling. It would be set down from the main ridge, with the eaves matching the eaves level of the host dwelling, to maintain a subservient and complementary appearance.

7. The rear extension has been amended so to reduce the rear projection to 4m at first floor level, being 5m at ground floor. Given that a sufficient garden space would still be retained, the overall scale, form and massing of the rear extensions are considered acceptable and would not dominate the original property. The rear projection of the extension would be similar to the neighbouring extension and outrigger situated at both sides and so is considered to be in keeping with the context of the area. The pitched roof 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. Although concerns relating to the gable roof form are noted, this is considered acceptable in appearance given the subservient height and rear siting, limiting the visual impact upon the street scene.
8. The proposed outbuilding is considered to be appropriate in terms of its design and scale given that it would be single storey and of a proportionate scale for the site. The outbuilding is considered to be of suitable height so to still appear subservient to the main dwelling. It would occupy a similar position to the existing outbuilding (to be replaced) with similar proportions and is adjacent to an existing outbuilding within the rear garden of no.91.
9. The proposed window design on the extension and outbuilding replicates the original windows of the host dwelling and is considered acceptable. Furthermore the extension would be constructed with matching materials and would appear in keeping with the character of the surrounding residential area.
10. Overall the neighbour concerns and relevant sections of SPD4 (including those raised in objections) are noted in the assessment of the proposal and it is considered that the proposal would be of an acceptable scale and design in relation to the existing dwelling and not harm the visual amenity of the application site, street scene and the surrounding area. Subject to conditions, the proposed development is considered acceptable in terms of design and visual amenity and would comply with Policy L7 of the Core Strategy and guidance in the NPPF in this respect.

RESIDENTIAL AMENITY

11. Policy L7 of the Core Strategy states that in relation to matters of amenity development must not prejudice the amenity of future occupiers of the development and/or occupants of adjacent properties by reason of overbearing, overshadowing, overlooking, visual intrusion, noise or disturbance, odour or in any other way.
12. The relevant guidance contained within SPD4 states the following:

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

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

Paragraph 2.16.1 states '*An extension positioned too close to a boundary, may cause a loss of sunlight and/or daylight to a neighbour's window or garden. An extension that would overshadow your neighbour to an unreasonable extent would not be considered acceptable. Care should be taken that the extension is not positioned in such a way as to cause unreasonable overshadowing to a*

Paragraph 3.4.2 states that "*normally, a single storey rear extension close to the boundary should not project more than 3m from the rear elevation of a semi-detached property. This projection can be increased by an amount equal to the extra distance from the side boundary.*"

Paragraph 3.4.3 states that "*For two storey rear extensions, normally extensions should not normally project more than 1.5m close to a shared boundary. If the extension is set away from the boundary by more than 15cm, this projection can be increased by an amount equal to the extra distance from the side boundary (e.g, if an extension is 1m from the side boundary, the projection may be increased to 2.5m).*"

Impact on neighbours to front and rear

13. The proposal would not project forward of the main dwelling. Furthermore no dwellings are situated directly to the front of the site within a 21m distance. Therefore no significant harm is considered to occur in this case.
14. The rear extension(s) would retain a distance of 16.3m to the rear boundary, whilst retaining a distance exceeding 21m in regards to the closest rear dwellings. These distances comply with the recommendations of SPD4 and so no significant harm is considered to occur in this case.
15. The proposed outbuilding would retain a distance of 8.9m to the rear boundary and 23m in regards to the respective rear dwellings. Therefore given the separation no significant harm is considered to occur in this case.

Impact on no. 95 Stockport Road

16. The majority of the side extension would be screened by the main dwelling in relation to the attached neighbour, no.95 Stockport Road and so no harm is considered in this regard.

17. The single storey rear extension would project approximately 5m in total to the rear along the shared boundary. This projection is 2m beyond the initial guidance of SPD4. It is however not considered to be harmful given the reasons outlined in the paragraph below.
18. No. 95 Stockport Road has a single storey rear extension that projects approximately 3.6m to the rear along the shared boundary. Therefore the proposed rear extension would only project 1.4m beyond the rear building line of this neighbour at ground floor level. This is in accordance with SPD4 and the proposal is not considered to result in harm to amenity in regards to overshadowing or by creating an undue sense of overbearing.
19. The first floor rear extension would project approximately 4m in total to the rear with a separation distance of 3.8m from the shared boundary with the attached neighbour, 95 Stockport Road. It would therefore be in accordance with the guidelines contained within SPD4 and is not considered to cause harm to amenity.
20. The proposed outbuilding would be of a modest scale, retaining a distance of approximately 5.4m to the common boundary with 95 Stockport Road. The side facing doors are not considered to harmfully overlook given the outbuildings study/gym use is non-habitable and is single storey. Therefore no significant harm is considered to occur in this case.
21. Given the orientation of the site, extension to no. 95 and siting and scale of the proposal the development proposed is not considered to result in harm to neighbour's amenity.

Impact on no. 91 Stockport Road

22. The two storey side extension would retain a gap of approximately 1m to the shared boundary with no.91, resulting in a total separation distance of approximately 3.65m between the proposed extension and of the side elevation no.91. This is only a reduction of 1.7m on the existing relationship.
23. There are several windows on the side elevation of no.91, whilst the first floor windows are obscure glazed, one of the ground floor windows is clear glazed and which, at least in part, serves habitable rooms. Towards the rear of the side elevation is a large window, which appear to serve a kitchen/dining room space. Whilst the outlook and light to this window would change and reduce, there is another window on the rear elevation of the neighbour's outrigger providing a secondary and alternative light and outlook source. Additionally it is noted that the neighbouring side window would already be obstructed in regards to sunlight by the existing carport of no.91. Therefore given the modest reduction in separation between the properties and available light from other windows, on

balance it is considered the proposal would not cause a harmful impact in regards to outlook or be unduly overbearing.

24. It is acknowledged that given the orientation of the site, the proposed side extension would cause some level overshadowing in the morning hours and due to the scale and proximity also cause some loss of light impacts to no.91's side windows. However, given the reasons outlined above, the proposed side extension is not considered to cause a harmful loss of light or overshadowing that would warrant refusal.
25. The overlooking concerns to the neighbouring drive from the proposed front window(s) are noted, however the proposed windows are not considered to offer significantly greater levels of additional overlooking compared with the existing front facing windows. Furthermore this area of the neighbouring site is not considered to be a primary amenity space compared with the rear garden. Therefore the overlooking to no.91's front drive is not considered significant as to warrant a refusal.
26. The ground floor side windows of the extension would occupy similar uses compared with the existing context and so are not considered to offer harmful levels of additional overlooking. The proposed first floor side windows serve bathrooms and secondary windows for a bedroom and as such can reasonably be conditioned as obscurely glazed and fixed shut to 1.7m (as indicated on the proposed plans) to avoid harmful overlooking and loss of privacy (the bedroom has a primary window on the rear elevation).
27. The 45 degree assessment as set out in the BRE's guidance for assessing daylight and sunlight and the concerns raised by no.91's objection are noted, however this guidance note is not specifically reference in the Core Strategy or SPD4 as a means in which to assess the overshadowing and overbearing impact upon a neighbouring site. Specifically to rear extensions, SPD4 section 3.4 is used to assess the amenity impact and is outlined below.
28. The proposed rear extension, at ground floor level, sited 1m to the shared boundary with no.91, would have depth of 5m. Although this is 1m beyond the initial guidance of SPD4, it is noted that the proposed extension only projects approximately 1.4m beyond the rear elevation of no.91, established by their rear outrigger. This projection of 1.4m is considered to be in compliance with SPD4. Therefore given the scale of this element and separation to the side boundary and the neighbouring rear addition, it is considered that the ground floor rear extension would not cause an overbearing or overshadowing impact on no.91.
29. The proposed first floor rear extension, sited 1m to the shared boundary with no.91, would have depth of 4m from the main rear wall, which would exceed the SPD4 recommended projection limit by 1.5m (guidance limit is 2.5m in this case). However, as outlined above, no.91 features a single storey rear outrigger of

approx. 3.6m in depth, therefore the proposed first floor extension would only project approx. 0.4m beyond the rear elevation of no.91.

30. Furthermore it is noted that the first floor rear elevation of no.91 does not accommodate a rear facing window on the side closest to the proposal. The closest first floor rear facing window is set approximately 7.35m from the proposed extension. Therefore the level of harm in regards to overshadowing and a sense of overbearing is considered to be less significant in this case.
31. As such, although the neighbour concerns of overshadowing to the windows and rear patio area are noted, the proposal is not considered to result in unacceptable levels of overshadowing or a sense of overbearing given the projections outlined above as to warrant a refusal.
32. Concerns have been raised that the proposed rear bedroom window would result in opportunities for undue overlooking to the rear garden of no.91 Stockport Road. These concerns have been noted and as such, the rear bedroom window was amended from a full length window to a standard window in order to reduce the level of perceived overlooking. The rear bedroom window would be set 2.25m from the shared boundary with no.91 and so some additional outlook towards the neighbouring rear garden would occur, views would however be partially screened by the two outbuildings situated either side of the shared boundary alongside the boundary fence and accompanying planting. Furthermore the rear facing window is not considered to offer any greater overlooking compared to a standard rear facing first floor window common within the surrounding area.
33. It is therefore considered that the proposed extension would not have an unacceptable impact on the residential amenity of any neighbouring properties and would comply with Policy L7 of the Core Strategy in this respect.
34. The proposed outbuilding would be predominantly screened by the existing neighbouring garage of 91 Stockport Road which is set along the shared boundary. Therefore no significant harm is considered in this case.

PARKING AND HIGHWAY SAFETY

35. The extension would remove potential parking space at the side of the dwelling. The proposal would create one additional bedroom for a total of four. Two off-street parking spaces would be retained at the front of the dwelling, whilst there is some scope for parking on street. It is therefore considered that there would not be an unacceptable parking impact.

DEVELOPER CONTRIBUTIONS

36. The proposed development increases the internal floor space of the dwelling by less than 100m² and therefore is below the threshold for charging. No other planning obligations are required.

PLANNING BALANCE AND CONCLUSION

37. The side and rear extensions would be large additions to the property, however given their massing and design in relation to the existing dwelling they are considered to be proportionate and not to cause harm to the character and appearance of the dwelling or street scene by reason and therefore considered appropriate within the site context.
38. The concerns and objections of neighbours have been considered and it is acknowledged that the proposal would have a degree of impact on the amenity of the properties at either side. However given the scale and design of the proposal, separation to the boundaries and orientation of the site this impact is not considered to be so severe as to be harmful and warrant refusal of planning permission.
39. All relevant planning issues have been considered and representations taken into consideration in concluding that the proposal comprises an appropriate form of development for the site, compliant with policy L7 of the Trafford Core Strategy, SPD4 and the NPPF. The application is therefore recommended for approval.

RECOMMENDATION: GRANT subject to the following conditions:-

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

Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990 (as amended).

2. The development hereby permitted shall not be carried out except in complete accordance with the details shown on plan numbers:
P2313 D01 REV:A; P2314 D05 REV:E; P2313 D06 REV:E; P2313 D07 REV:C;
P2314/ D08 B and the associated site location plan.

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.

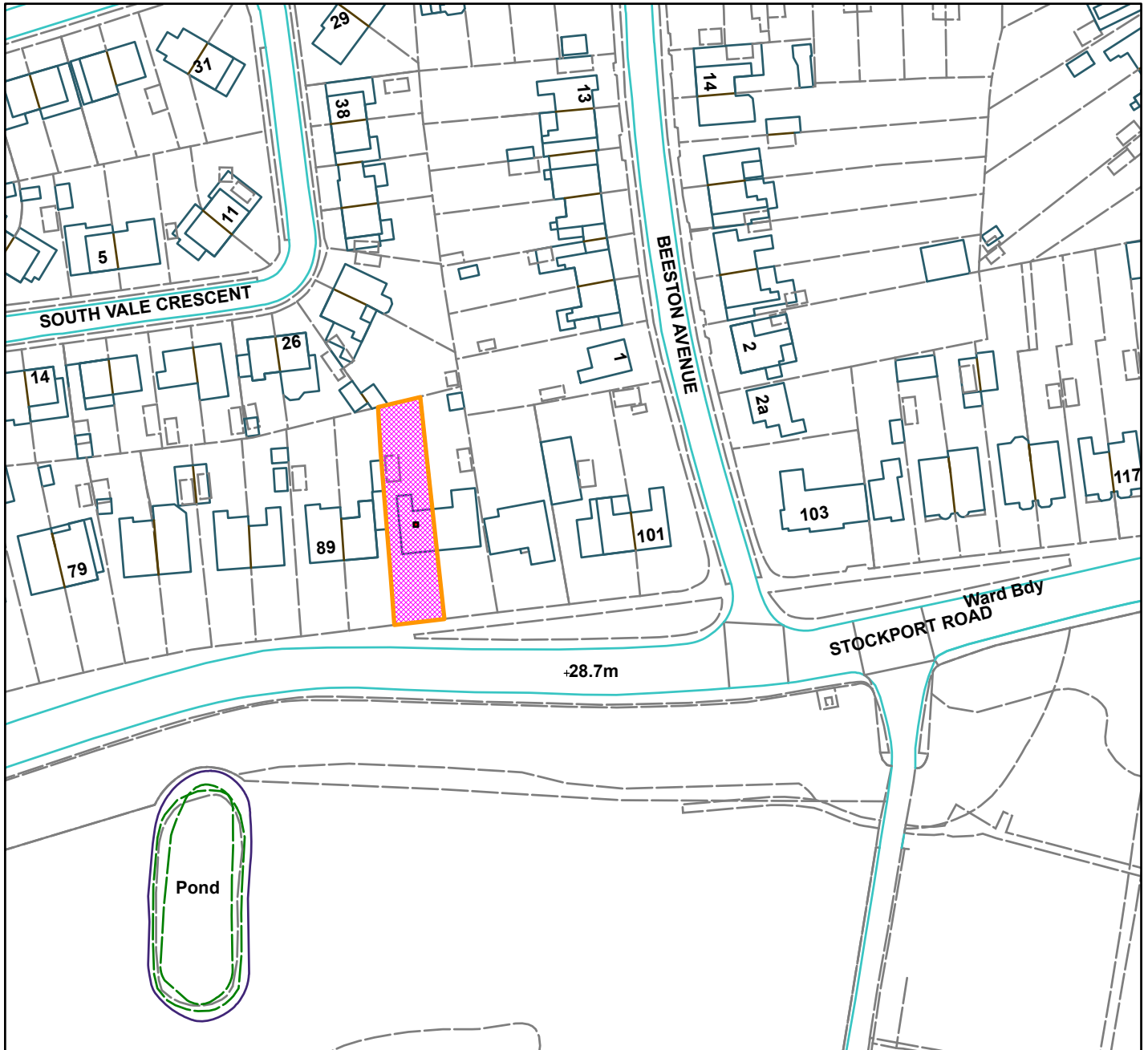
4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any equivalent Order following the amendment, re-enactment or revocation thereof) upon first installation the windows in the first floor on the west side elevation facing 91 Stockport 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.

MT



93 Stockport Road, Timperley (site hatched on plan)



Scale: 1:1,250

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Organisation	Trafford Council
Department	Planning Service
Comments	Committee Date 15/02/2024
Date	05/02/2024
MSA Number	AC0000809316 (2022)

WARD: Urmston

112242/FUL/23

DEPARTURE: No

Erection of apartment blocks containing 24no. affordable 2 bedroom apartments along with associated external works, car parking and landscaping.

Former 1-3 Old Crofts Bank, Davyhulme, Manchester, M41 7AA

APPLICANT: Branley Estates Ltd / Irwell Valley Homes

AGENT: Mr Matthew Gray

RECOMMENDATION: GRANT SUBJECT TO CONDITIONS

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

Executive Summary

This application seeks planning permission for the erection of 24 no. two-bedroom apartments available for either shared ownership or affordable rent which would be delivered by Irwell Valley Homes. These would be constructed on a vacant brownfield site, previously occupied by Urmston Social Club. The built form would comprise two three storey blocks of apartments linked at ground floor. Associated works include widening of the access, fifteen parking spaces (including two accessible spaces), and landscaping. There are no Tree Preservation Orders or designated Heritage Assets affecting this site.

A number of applications have been submitted on this site. The most notable of which is application ref. 100658/FUL/20 which proposed 24no. apartments for market housing within an almost identically designed building as that proposed in this application. This was refused on grounds of residential amenity, and lack of affordable housing. This was ultimately determined at appeal in which the Planning Inspector concluded that the impact on residential amenity was acceptable, but the lack of affordable housing alone justified dismissing the appeal. This appeal decision is a material planning consideration in the assessment of this application.

During the consideration of this application, amendments have been negotiated by Officers. These relate to the provision of external terraces, additional landscaping and greater communal space.

Letters of objection received relate primarily to the impact of overspill parking within the surrounding area, the height and massing of the building, its jarring appearance in the surrounding context, and harm to residential amenity. The representations received have been duly noted and the issues raised considered as part of the application appraisal.

Officers consider that the development is appropriately designed in its context. It would create acceptable living conditions for the occupants of the dwellings and is satisfactorily serviced with respect to on-site car parking. Substantial weight is attached to the provision of 24no. affordable homes on a sustainable brownfield site.

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

The Council cannot demonstrate a five year housing land supply and therefore paragraph 11(d) of the NPPF is engaged. When assessing the scheme against paragraph 11(d)(i) there is no clear reason for refusal. When the tilted balancing exercise is carried out, the adverse impacts do not significantly and demonstrably outweigh the benefits the scheme would deliver. The application is therefore recommended for approval, subject to appropriate conditions.

BACKGROUND

This proposed development has significant planning history, which is set out in the Planning History section of this report. Members should note that a scheme of an almost identical design (ref. 100658/FUL/20) was refused planning permission in 2021 on grounds of harm to residential amenity and lack of affordable housing. The applicants appealed this decision and the Planning Inspector concluded that the impact on residential amenity was acceptable. However the inspector agreed with the Council that the applicant had not demonstrated that they could not deliver affordable housing. Therefore the appeal was dismissed owing solely to a lack of affordable housing. Very substantial weight was attached to this harm.

The scheme before members now is predominantly different in that the applicant now proposes 100% affordable housing, with Irwell Valley Homes – a register provider, as joint applicants. Design amendments have also been secured on this application, including landscaping and amenity improvements, which is set out below.

SITE

The application site comprises a vacant parcel of land positioned at the junction of Old Crofts Bank and Crofts Bank Road on a key route into the designated Urmston Town Centre. The site was formerly occupied by Urmston Social Club, which was built to 3-storied and surrounded by extensive car parking. The building has since been demolished as of July 2018 and the site is now in a state of poorly maintained hardstanding and self-seeded vegetation. The site is also largely void of tree cover.

The site is bounded by residential properties immediately to the west and south of the site. Haylands Residential Home is located opposite Old Crofts Bank to the north. Some residential properties are located to the east, on the opposite side of Crofts Bank

Road. Beyond Crofts Bank Road is an area of Protected Open Space (Davyhulme Park) – approximately 75m east of the site. The build style varies within the area, including detached properties rising from bungalow to 3-storey, semi-detached properties and apartments. Residential gardens about the site boundary to the west and southern aspects.

The site is accessed from the north along Old Crofts Bank. Land levels appear to be fairly consistent within the area.

The site and wider estate is located within a Critical Drainage Area within Trafford Councils Strategic Flood Risk Assessment and is also identified as coming within Flood Zone 1 with regards Environment Agency Flood maps (lowest risk of flooding).

There are no designated heritage assets within the vicinity of the site. Davyhulme Park, however, is locally listed, which is located east of the site, on the eastern side of Crofts Bank Road. This is therefore a non-designated heritage asset.

PROPOSAL

The proposal seeks planning permission to erect 2x 3-storey apartment blocks that would comprise 24no. 2-bedroom apartments connected at ground floor through a secure bin and bike store. The blocks would reach a height of approximately 9.6m and are approximately 22.6m in width

The two blocks would front Old Crofts Bank with a footpath running across the front of the buildings. The access point would remain to the north leading to a 30 space car-park, providing 1.25 space per each 2-bedroom apartment. An area of private grassed amenity space is to be created between the proposed parking area and residential blocks. The indicative landscape plan shows that this would be soft landscaped.

The proposed apartments are to be affordable which would be delivered by a Registered Provider as affordable rent and/or shared ownership.

Amendments sought through this application include a reduction in the number of on-site parking spaces from 40 to 30. This allows for greater communal landscaping and amenity space. External terraces to all ground floor units are now also proposed.

DEVELOPMENT PLAN

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

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

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

PRINCIPAL RELEVANT CORE STRATEGY POLICIES

L1 – Land for New Homes
 L2 – Meeting Housing Needs
 L3 – Regeneration and Reducing Inequalities
 L4 – Sustainable Transport and Accessibility
 L5 – Climate Change
 L7 – Design
 L8 – Planning Obligations
 R1 – Historic Environment
 R2 – Natural Environment
 R3 – Green Infrastructure
 R5 – Open Space, Sport and Recreation
 W1 – Economy

PROPOSALS MAP NOTATION

None.

PRINCIPAL RELEVANT REVISED UDP POLICIES/PROPOSALS

None.

SUPPLEMENTARY PLANNING DOCUMENTS

PG1 – New Residential Development
 SPD1 – Planning Obligations
 SPD3 – Parking Standards and Design

OTHER RELEVANT DOCUMENTS

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

PLACES FOR EVERYONE (PfE)

Places for Everyone (PfE) is a joint Development Plan Document being produced by nine Greater Manchester districts (Bolton, Bury, Manchester, Oldham, Rochdale,

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

Emerging policies relevant to this application are:

JP-C7 – Transport Requirements of New Development
JP-G9 – A Net Enhancement of Biodiversity and Geodiversity
JP-H1 - Scale, Distribution and Phasing of New Housing Development
JP-H2 - Affordability of New Housing
JP-H3 - Type, Size and Design of New Housing
JP-H4 - Density of New Housing
JP-P1 - Sustainable Places
JP-P2 - Heritage
JP-S1 - Sustainable Development
JP-S6 – Clean Air

NATIONAL PLANNING POLICY FRAMEWORK (NPPF)

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

NATIONAL PLANNING PRACTICE GUIDANCE (NPPG)

DLUHC published the National Planning Practice Guidance on 6 March 2014, which replaced a number of practice guidance documents and was updated on 20th November 2023. The NPPG will be referred to as appropriate in the report.

RELEVANT PLANNING HISTORY

98110/FUL/19 - Erection of three storey apartment building containing 24no. 2 bedroom apartments along with associated external works, car parking and landscaping. *Withdrawn 08.11.19.*

100658/FUL/20 - Erection of 2No. three storey (linked) apartment blocks containing 24no. 2 bedroom apartments along with associated external works, car parking and landscaping. *Refused for the following reasons (29.01.21):*

(1) The proposed development, by reason of the siting, height, orientation and

fenestration of Block B, would significantly overlook the private garden and rear elevation of No. 7 Broadlea. The proposal would therefore establish an unacceptable relationship between the development and the neighbouring site having regard to visual intrusion and privacy. This would be significantly contrary to policy L7 of the Trafford Core Strategy (2012), the National Planning Policy Framework (2019) and the Supplementary Planning Guidance titled PG1 (New Residential Development) (2004).

(2) The proposal would fail to provide the required affordable housing, and the submitted financial viability appraisal has not adequately demonstrated that should affordable housing contributions be sought then the scheme would be undeliverable on viability grounds. The development would not, therefore, contribute to affordable housing needs and would not support the creation of mixed and balanced communities. The proposal would therefore be significantly contrary to policy L2 of the Trafford Core Strategy (2012), the National Planning Policy Framework (2019), National Planning Practice Guidance (2019) and SPD1: Planning Obligations (2014).

Appeal Dismissed (19.05.22). Inspector concluded impact on residential amenity was acceptable. However, the viability reason was upheld. Inspector questioned whether the inputs into the appellant's viability appraisal were reliable, and that the appellant had not demonstrated that on-site affordable housing provision would not be viable. The lack of affordable housing conflicted with the Development Plan.

104192/OUT/21 - Outline application with all matters reserved for erection of 6 no. dwelling houses with associated external works, car parking and landscaping. *Approved with conditions 14.07.21.*

108648/FUL/22 - Erection of 2No. three storey (linked) apartment blocks containing 24no. 2 bedroom apartments along with associated external works, car parking and landscaping. *Refused for the following reason (27.03.23):*

(1) The proposal would fail to provide the required affordable housing, and the submitted financial viability appraisal has not adequately demonstrated that the affordable housing contributions sought would make the scheme undeliverable on viability grounds. The development would not, therefore, contribute to affordable housing needs and would not support the creation of mixed and balanced communities. The proposal would therefore be significantly contrary to policies L2 and L8 of the Trafford Core Strategy (2012), the National Planning Policy Framework (2021), National Planning Practice Guidance and SPD1: Planning Obligations (2014).

APPLICANT'S SUBMISSION

Arboricultural Report

Carbon Budget Statement
Crime Impact Statement (CIS)
Design and Access Statement (DAS)
Drainage Strategy (Inc. SuDS Pro-Forma)
Ecological Survey and Assessment
Highways Technical Note
Housing Statement
Noise Impact Assessment
Phase 1 Desk Study and Phase 2 Geo-environmental Report
Statement of Community Involvement
Transport Statement
Tree Report Addendum
Waste Management Strategy

CONSULTATIONS

Environmental Health (Air Quality) – No objection subject to condition regarding EV Charging, and CEMP.

Environmental Health (Contaminated Land) – No objection subject to condition regarding verification report.

Environmental Health (Nuisance) – No objection subject to conditions regarding compliance with external noise mitigation scheme, exterior lighting scheme, and construction and environment management plan (CEMP).

Greater Manchester Ecology Unit (GMEU) – No objection subject to conditions regarding nesting birds, trees, biodiversity enhancement and update to the 2022 ecological survey.

Greater Manchester Police – No objection.

Lead Local Flood Authority (LLFA) – No objection.

Local Highway Authority (LHA) – No objection. Conditions requested regarding a construction and environment management plan (CEMP), and secure cycle storage

TBC Arboriculturist – No objection.

TBC Education – No contribution required.

TBC Heritage and Urban Design Manager – No harm identified.

TBC Housing Strategy and Growth – No objection. Scheme will bring much needed accommodation into Urmston.

TBC Strategic Planning – The scheme addresses a need for smaller family

accommodation but there is a lack of provision for larger homes. It may be considered that housing in this area would be preferable over apartments.

TBC Waste – No objection.

United Utilities – No objection subject to condition requiring compliance with submitted foul and surface water drainage design drawing.

REPRESENTATIONS

Letters of objection have been received from 13 surrounding properties, summarised as follows:

Design

- Building too tall, and the site would be overdeveloped.
- Design is of poor architectural quality, and out of keeping with the surrounding area.
- 2-storeys would be more suitable in this location.
- Boundary landscaping / fencing is only 3ft maximum, and not a 6ft fence or line of trees as previously stated.

Highways / Parking

- Insufficient parking proposed.
- Increased traffic on a narrow, yet busy road.
- Cars park on the pavement of Old Crofts Bank with people having to thereby walk within the road, which is dangerous and creates a highway risk
- New access will create a bottleneck and increase traffic in the area
- Double yellow lines should be provided along the road, and Old Crofts Bank should become a one-way route.
- Have costs for works to road and pavement reinstatement been agreed with the Local Highway Authority?
- Emergency vehicles struggle to access this area due to traffic in the area.
-

Housing

- Rental properties (rather than those for ownership) out of character with this part of Urmston.
- Clarification required on the type of affordable housing proposed.

Residential Amenity

- Loss of light to neighbouring properties
- Loss of privacy to neighbouring properties
- Adverse noise impact

Other matters

- Nothing substantial has changed since the dismissed appeal.
- Builder / house builder trying to maximise returns.
- Previous applications were refused, and one dismissed at appeal.
- Poor bus services in the area, which may be reduced or cancelled in the future.
- Behaviour of residents could be unpredictable, may not recycle, and may have noisy pets.
- Services in the area (for example doctor's surgeries) are overprescribed.
- Loss in property values in the area
- No site notices placed near to the site.
- Some rental properties can look worn down with poor maintenance.
- Why was the six house scheme not implemented?
- Increased air pollution
- Drainage will be inadequate and surplus water in heavy downpours will flood the site and surrounding area.

Officer response: All concerns are duly noted and have been considered. Please note that matters relating to property value is not a material planning consideration. Site notices have been placed immediately outside the site on Old Crofts Bank on 22nd November 2023. For consideration of the other points raised, please see the 'Observations' section of this report.

OBSERVATIONS

PRINCIPLE OF DEVELOPMENT

The Decision-taking Framework

1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF 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 2023 NPPF, particularly where that policy is not substantially changed from the 2012 version. Whether a Core Strategy policy is considered to be up-to-date or out-of-date is identified in each of the relevant sections of this report and appropriate weight given to it.
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. Paragraph 11 (c) states that development proposals that accord with an up-to-date development plan should be approved without delay. Paragraph 11 (d) states that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, planning permission should be granted unless:

- (i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
4. The Council's current housing land supply figure is 3.85 years and the most recent Housing Delivery Test figure (2022) is 65%. This housing supply and delivery position automatically triggers Paragraph 11(d) but does not automatically render development plan policies out of date. It is for the decision maker to determine what weight to give to development plan policies and this can take into account the specific characteristics of the housing land supply position such as the extent of the shortfall and the steps being taken to remedy it.
 5. As set out later in this report, there are no policies within the NPPF protecting areas or assets of particular importance which provide a clear reason for refusing the development proposed. Paragraph 11(d)(ii) of the NPPF – the tilted balance – is therefore engaged.
 6. Paragraph 11(d)(ii) requires that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole. This exercise is set out within the 'Planning Balance and Conclusion' section of this report.

Suitability of the Site

7. This site is not specifically allocated for residential development in the Core Strategy, nor is the site identified on Trafford's Brownfield Land Register as a site considered suitable for residential development. The NPPF at paragraph 109 directs the planning system to focus development in locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes.
8. Whilst the site resides on the edge of the settlement boundary, it is in close proximity to a number of bus services, Urmston railway station, areas of public open space (including nearby Davyhulme Park), and is within short walking distance of Urmston's designated town centre. Retail units, a supermarket, cafes, restaurants, leisure facilities, educational facilities and numerous areas of public open space are

located in the vicinity of the site. The site falls under Greater Manchester Accessibility Level 6 (with 8 being the highest). The location of this site is considered to be sustainable for housing development.

Proposed Residential Development

9. Policy L1 of the Core Strategy controls the number and distribution of new homes across the Borough. The latest housing land supply calculation suggests that the Council's supply is 3.85 years (which includes a 20% buffer for historic under delivery). Given the lack of five year housing land supply, and the age of this policy (including the need to use the more recent 'standard method' of calculating housing need), it is now out of date and should be given limited weight.
10. Policy L1 states that there is an indicative 80% target of new housing provision to use brownfield land and buildings. The NPPF also requires policies and decisions to support development that makes efficient use of land and states that planning decisions should "*give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs*" (paragraph 124c). The application site is previously developed land and would therefore contribute to the 80% target of new housing provision to use brownfield land.
11. Policy L2 of the Core Strategy indicates that all new residential proposals will be assessed for the contribution that would be made to meeting the Borough's housing needs. Policy L2 remains up to date in respect levels of affordable housing required and in terms of site specific requirements for development (L2.2). Full weight can be given to this part of the policy. Other parts of this policy, for example in relation to dwelling mix, are not up to date and should be given limited weight.
12. Emerging Policy JP-H1 outlines that a minimum 175,185 net additional dwellings shall be delivered across the PfE plan area (Greater Manchester, excluding Stockport Borough). The minimum delivery across the plan period for Trafford would be 19,077 net additional dwellings between 2022 and 2039. This would equate to an average minimum delivery rate of 1,122 dwellings per year.
13. The proposal would be developed at a density of 89 units per hectare. The site itself is located outside of any designated centre, albeit the site is located within 400m of Urmston Town Centre and within 800m of Urmston railway station which provides a frequent service between Manchester and Liverpool. PfE policy JP-H4 outlines that the minimum net residential density for this location (subject to an appropriate design) would be 50 dwellings per hectare. The proposal therefore exceeds the minimum standard and is in accordance with emerging policy JP-H4.
14. The Council cannot demonstrate a five year supply of deliverable housing sites. This site constitutes previously developed land in a sustainable location within a predominantly residential area, and therefore residential development on this site is

acceptable in principle and would make a positive contribution to the Council's housing land supply.

Housing Type and Mix

15. The NPPF at paragraph 63 requires the size, type and tenure of housing for different groups in the community to be assessed and reflected in planning policies. This approach is supported by Core Strategy Policy L2, which refers to the need to ensure that a range of house types, tenures and sizes are provided. Policy L2 indicates that the proposed mix of dwelling types and sizes should contribute to meeting the housing needs of the Borough as set out in the Council's Housing Strategy and Housing Needs Assessment. Policy L2.4 states that the Council will seek to achieve a target split of 70:30; small: large (3+beds) residential units. Policy L2 as a whole is generally consistent with the NPPF however references to housing numbers and housing land supply are out of date and less weight should be afforded to these aspects of Policy L2.5.
16. The proposed development would provide 24 new residential units; comprising entirely two-bedroom units. This equates to a 100% provision of small homes. It is noted that the Trafford Housing Need Assessment (2023) identifies a clear requirement for 2-bedroom affordable flats within both Urmston and across the Trafford Borough. The 2023 assessment outlines that 858 affordable units are required across Trafford. While the scheme doesn't fully reflect the target split of policy L2 it is considered appropriate for this location given that a need does exist in Urmston for this size of affordable housing and that this housing provides for a specific housing need. The Council's Housing Strategy and Growth Manager has reviewed the application and has raised no objection citing that the proposals will bring much needed accommodation into Urmston.
17. Core Strategy Policy L2.3 states that in order to meet the identified affordable housing need within the Borough, the Council will seek to achieve, through this policy, a target split of 60:40 market: affordable housing. Policy L2.14 states that the expected method of delivery for affordable housing will be on site. The application proposes 100% on site affordable housing provision. Emerging policy JP-H2 sets out that substantial improvements will be sought in the ability of people to access housing at a price they can afford, including through supporting the provision of affordable housing.
18. The NPPF defines affordable housing as: housing for sale or rent, for those whose needs are not met by the market (including housing that provides a subsidised route to home ownership and/or is for essential local workers). It includes affordable housing for rent (including affordable rented and social rented), starter homes, discount market sales housing, and other affordable routes of home ownership (including shared ownership and rent to buy).

19. There is no requirement for First Homes to be provided as part of the proposal as this is a 100% affordable housing scheme. The scheme would provide either affordable rent or shared ownership units. This would be determined by the Registered Provider, and it may be that there is a mixture of either affordable rent or shared ownership units, or alternatively delivered as one or the other.

Conclusion on the Principle of Development

20. It is considered that the proposals would make a much needed contribution to affordable and overall housing supply on a sustainable brownfield site within the settlement boundary. The proposed type and size of housing is greatly needed within the Borough, as set out within the latest Housing Needs Assessment 2023 and as confirmed by the Housing Strategy and Growth Manager. The affordable nature of this housing can be secured by way of condition to therefore meet an identified housing need and is given substantial weight. The proposed re-development of previously developed land for affordable housing would accord with Core Strategy Policies L1, L2, emerging PfE policies JP-H1 and JP-H2, and the NPPF.

HERITAGE

Heritage Policy and Guidance

21. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the Local Planning Authority to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess

22. The NPPF identifies the setting of a heritage asset 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'*.

23. Paragraph 209 states 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 assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

24. Policy R1 of the Core Strategy states that all new development must take account of surrounding building styles, landscapes and historic distinctiveness (R1.1) and that developers must demonstrate how their development will complement and enhance existing features of historic significance including their wider settings, in particular in relation to conservation areas, listed buildings and other identified heritage assets. However, Policy R1 does not reflect the tests set out at paragraph 209 of the NPPF

which relates to the scale of harm caused to a heritage asset and therefore only attracts limited weight.

25. Emerging PfE Policy JP-P2 emphasises the importance of conserving, sustaining and enhancing the historic environment and heritage assets and their setting. The policy states that development affecting both designated and non-designated heritage assets (and their settings) will be considered having regard to national planning policy.
26. Heritage policy in the NPPF can be given significant weight and is the appropriate means of determining the acceptability of the development in heritage terms.

Significance of Davyhulme Park

27. Davyhulme Park is included within the Council's Local List of non-designated heritage assets.
28. Davyhulme Park was created during the 1920's as part of a large scale investment in public facilities by the Local Authority at the time (Urmston Urban District Council (UUDC)). This investment was made at a time when there was an expansion in the area's population as the district became transformed into a popular suburb close to Manchester. This park, and the nearby Golden Hill Park provide an important green corridor close to the town centre ensuring that the area retains a leafy feel despite its role as a popular suburb near to Manchester.
29. This park marks the development of the Urmston district from a largely rural community, through the Victorian and Edwardian eras where the area was gradually opened up by means of the railway, to the popular green suburb of Manchester it became from the 1920's. When originally constructed the park incorporated a number of Art Deco design features including a series of looped arches and two matching/symmetrical lily ponds all built out of concrete. These stylish design features were accompanied by a bandstand in the shape of a shell, suitable for outdoor performances, and a range of area leisure facilities including bowling greens, and tennis courts, and a children's play area complete with a paddling pool. The park entrance from Winchester Road was through a rockery archway. Amenities of this quality helped to support the image of a modern town, close to a large city but confident of its own identity and sense of place. Although today both the rock tunnel entrance and looped arches have been removed, and the bandstand is no longer in existence, the park still retains its original layout and its stylish twin lily ponds which were recently renovated by Trafford Council.
30. Additionally the Council's website records that the park now includes sculpture by Mancunian graffiti artist Kelzo as a memorial to the 22 victims of the Manchester Arena attack. This website also confirms that the park has in the past been awarded 'Green Flag' status demonstrating its quality as a local facility. The park continues to be a popular location for local people and helps to maintain the green and leafy feel

of the area. The park's popularity with the local community is reflected in the establishment of a 'Friends of Davyhulme Park' group, which assists the Council in looking after the site. Overall, this park is of high quality with many distinctive features and is established as a landmark in the local scene.

Impact on Davyhulme Park

31. Davyhulme Park is located to the opposite side of Crofts Bank Road behind a row of detached and semi-detached properties, and tennis and basketball courts. The existing site is not prominent from within Davyhulme Park.
32. The existing site has been cleared with hardstanding partially covering the site, alongside self-seeded shrubbery. The site is bound by site hoardings in a poor state of upkeep. It is generally of a poor and unkempt appearance that does not positively contribute to the setting of Davyhulme Park.
33. The 3-storey development may be visible from parts of Davyhulme Park, however its prominence would be significantly reduced by the separation, and intervening buildings/landscaping including mature trees. Three storey development is also visible along Crofts Bank Road, including that which intervenes between the park and the application site. It is not considered that the proposal would detract from the character, historic layout or landscaped qualities of Davyhulme Park. The Heritage Development Officer has raised no concerns with regards to the impact of this development on Davyhulme Park.

Heritage Summary

34. Having regard to the above significance of Davyhulme Park, the development is not considered to cause any harm to its significance or its setting. The proposal is considered to comply with policy R1 of the Core Strategy, emerging PfE policy JP-P2, and the National Planning Policy Framework.

DESIGN AND APPEARANCE

Design Policy

35. Paragraph 131 of the NPPF states that 'The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities'.
36. 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.

37. The Core Strategy also attaches importance to the design and quality of the Borough's built environment. The text supporting Policy L7 advises that high quality design is a key factor in improving the quality of places and in delivering environmentally sustainable developments. Design solutions must: be appropriate to their context; and enhance the street scene by appropriately addressing scale, density, height, massing, layout, elevational treatment, materials, hard and soft landscaping, and boundary treatments, the policy is clear. Policy L7 is considered to be compliant with the NPPF as it comprises the local expression of the NPPF's emphasis on good design and, together with associated SPDs, the Borough's design code. It can therefore be given full weight in the decision making process.
38. Emerging PfE policy JP-P1 outlines an ambition to create a series of beautiful, healthy and varied places. Development should be distinctive, with a clear identity that respects and acknowledges the character and identity of the locality in terms of design, siting, size, scale and materials used.

Design Assessment

39. Members should note that the design of this development has been considered acceptable on the previous applications at this site. The Planning Inspector concluded that the development would '*cause no adverse effects on character and appearance of the local area*'. Places for Everyone can now be afforded substantial weight and the draft Trafford Design Code can now be afforded moderate weight. It is not considered, however, that the development proposed would significantly conflict with these policies.
40. The development comprises two 3-storey buildings partially linked at ground floor. The buildings would be of a block architectural form with flat-roofs, finished in facing brickwork (red and grey tones), with vertically emphasised windows. These buildings would actively front Old Crofts Bank with hedges indicated as the boundary treatment. Each building proposes a clearly defined entrance. The principal elevations are well fenestrated which would provide natural surveillance over Old Crofts Bank, and Crofts Bank Road.
41. At 3-storeys, and owing to the footprint, the development would appear slightly more imposing and taller than that of the immediate surrounding buildings. Whilst there are some 3-storey properties opposite Old Crofts Bank to the North, these are of traditionally designed with various punctuations within the roof and the 3rd level windows set in gables or dormers. It is noted that the previous building on-site was 3-storeys albeit this was demolished in 2018. Slightly to the south, towards Urmston Town Centre, 3-storey scale is increasingly prevalent.
42. Whilst the development would be prominent from Crofts Bank Road, it is not considered that the size would be unduly excessive in the context of this area. The contemporary style enables the development to juxtapose against the more

traditional forms of architecture, which allows the visual distinction of both types of building. As illustrated on the street scene drawing, the development would not be significantly overbearing to the adjacent building to the south. Further to this, due to the curvature of the road, there would be a break in perceptions when reading the street scene, and the bungalows behind the site would not be viewed directly in comparison.

43. The use of materials within the development are appropriate. The red and grey shades of brick interplay well providing some aesthetic interest to the elevations. These different shades coupled with the various reveals in the elevations, ensure a simple, articulated appearance to the development. The use of facing brick is also sympathetic to the appearance of the brick-built buildings within the sites immediate context. The use of a high quality brick within this development could be conditioned.
44. Private terraces are proposed to the front and rear of the site. Those to the front could provide an active residential setting to Old Crofts Banks and establish a more human scale to the development. Details of how these terraces would be treated, which is important to achieve the above, could be secured via condition.
45. The surrounding setting of the building, comprises surface parking, pathways and soft landscaping. A generous extent of openness is achieved which enables the 3-storey buildings to assimilate within the site without the site appearing over-developed. Landscaping is proposed to break up runs of parking spaces. A landscaping condition would be necessary to ensure that a suitable planting schedule and appropriate hard surfacing / boundary treatments is achieved.
46. The NPPF encourages both good design and increased density, particularly in sustainable locations. The development takes advantage of an opportunity to provide much needed affordable homes in the Borough with buildings of a height, massing and appearance that would broadly assimilate in this context. As per the NPPF, Officers attach substantial weight to the value of using this brownfield site to deliver these needed homes.
47. The proposal would accord with policy L7 of the Trafford Core Strategy, emerging policy JP-P1 of PfE and the NPPF.

LANDSCAPING / GREEN INFRASTRUCTURE

48. 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.

49. The indicated planting provision would exceed the requirements of SPD1 for on-site specific green infrastructure. 8no. trees would be planted, alongside 128m of native mix hedgerow, 169sqm of shrub planting, and 119sqm of wildflower meadow. This is likely to be enhanced further owing to the landscape amendments sought throughout this application.
50. The original landscape layout submitted with this application ensured hedge planting to the site boundaries, ornamental planting to the building edge and good amounts of communal amenity space (laid to grass). Trees would frame the vehicular access, wildflower meadows would bound the rear of the parking spaces. This plan is now out of date, owing to the revised site layout. However, it does demonstrate the applicant's commitment to deliver a well landscaped scheme. Additional details secured through this application include generous landscape breaks between parking spaces and larger areas of green space. Hedging or a knee rail fence could be used to bound landscaped areas to prevent informal parking. Full details of soft landscaping can be conditioned, which could also include additional tree planting.
51. A tree protection plan and method statement has been submitted demonstrating how the retained trees around the development site can be protected during construction works. This can be conditioned. Subject to this condition, the Council's Arboriculturist has raised no objection to the proposed works.
52. Limited information has been submitted with respect to hard landscaping. However, the indicative landscape layout does indicate that pathways and parking areas would be physically delineated through changes in surfacing. Limited information has been provided regarding boundary treatments. Details of soft and hard landscaping (and full details of the boundary treatments) can be dealt with via conditions to ensure an appropriate and quality mix of materials to promote navigation within the site and to secure an attractive layout and appearance.
53. Subject to the aforementioned landscaping and tree protection conditions, the proposal would accord with both policies R3 and R5 of the Core Strategy, emerging PfE policy JP-P1 and the NPPF.

RESIDENTIAL AMENITY

54. Policy L7.3 of the Trafford Core Strategy states that development must not prejudice the amenity of future occupants of the development and/or occupants of adjacent properties by reason of overbearing, overshadowing, overlooking, visual intrusion, noise and/or disturbance, odour or in any other way. As previously stated, L7 is considered to be up to date for decision making purposes and full weight can be attached to it.
55. Supplementary Planning Guidance - PG1 (New Residential Development) sets out the guidelines 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. PG1 states that 'Where three storey dwellings (houses or flats) are proposed, the minimum distances are increased by 3 metres over the above figures and for four or more storeys, the figures as for three storeys apply. Distances to rear garden boundaries from main windows should be at least 10.5 for two storey flats. Situations where overshadowing is likely with a main elevation facing a two storey blank gable, a minimum distance of 15m should normally be provided.

Impact on Future Residents of the Development

56. All of the units would comply with the minimum gross internal floor area for a 2-bedroom/3-person unit, as set out in the nationally described space standards (NDSS). It is understood that all the units would be occupied as such. This would accord with emerging policy JP-H3 of PfE. All ground floor units would be built to Building Regulations Approved Document Part M, Optional Requirement M4(2) - Accessible and adaptable dwellings which can be strictly conditioned.

57. The units themselves are generously fenestrated with good outlook from all habitable rooms to either the front of the site (facing Croft Banks Road, and Old Crofts Bank) or to the rear, overlooking the communal space at the rear of the site. Juliet balconies (incorporating glass balustrades) are proposed to each living space at 1st and 2nd floor. These would not provide any external platforms but do encourage both greater ventilation and outlook from the upper floors.

58. The amount of open space now proposed for future residents is approximately 523sqm, encompassing 158sqm of private amenity space (for ground floor units), and 365sqm communal amenity space. This space excludes the informal grassed areas to the rear of parking spaces, adjacent to the site entrance and hard surfaced areas. The 523sqm of communal space proposed significantly exceeds the requirements of PG1 (18sqm per apartment) which would equate to a total of 432sqm for this development.

59. Limited details have also been provided regarding any external plant proposed within the development. A condition can ensure that any fixed plant and machinery, when operating simultaneously, shall be selected and / or acoustically treated to achieve a rating level of 5dB below the typical background level at the nearest noise sensitive location. This would be in the interests of preventing any undue noise disturbances to residential amenity.

Impact on Residents of Surrounding Properties

Impact on No. 91 Crofts Bank Road

60. Between 5m and 7m would be retained between Block A and No. 91. Block A would not project further to the rear than No. 91 and only marginally to the front of No. 91.

There are a number of 1st floor and 2nd floor side elevation windows sought, which could be obscure glazed in the interests of protecting the privacy of No.91. This can be conditioned. The side elevation windows within No. 91 are formed within non-habitable rooms (study and bathrooms) as shown through planning application H/61131 and therefore the development would not be unduly dominant or overbearing to the amenity of this property. Subject to the aforementioned condition, the proposal would have an acceptable relationship upon No. 91.

Impact on nos. 1-5 Broadlea

61. An excess of 10.5m would be retained between the elevations of Block B and the rear boundary of the site (forming the boundary to the rear gardens of Nos 1-5 Broadlea). A minimum of 21m would be retained between the elevations of the Block B and the rear elevations of the properties on Broadlea. This separation is sufficient to prevent the development causing harmful losses of light to these properties or appearing significantly overbearing, and would comply with the PG1 standards in this regard. The proposed side elevation windows to Block B can be conditioned to be obscure glazed to prevent direct overlooking of neighbouring gardens. The windows proposed within the rear elevation would provide only a very oblique line of sight towards neighbouring gardens. This is not considered to have a significant harmful impact on the privacy of the gardens of nos.1-5, or upon the neighbours' living accommodation itself.

62. Vehicles would park perpendicular to the rear boundary which bounds the gardens of nos. 1-7. A condition can be attached to ensure that appropriate boundary treatments are erected along the site boundary to prevent glare from headlights and reduce noise of car doors shutting, and associated noise. It is not considered that the car park would be used intensively such that this would be harmful to the living conditions of the neighbouring properties.

Impact on No.7 Broadlea

63. A number of rear facing windows from Block B would face towards No.7 Broadlea. The majority of ground floor and first floor windows from Block B (and Block A) would be in excess of 27m (PG1 standard for ground floor, and 1st floor windows). Four 2nd floor windows within Block B and one first floor window within Block B would fail to meet the recommended separation distances in PG1 providing shortfalls of up to 6m (proposed 24m separation which is below the 30m PG1 standard for 3rd storey windows) in the worst instance. Some conflict is therefore identified with the PG1 standards.

64. Concerns were raised in terms of the relationship between the development and No.7 Broadlea with respect to privacy in assessing the previous application (100658/FUL/20). It is noted, however, that the Planning Inspector when assessing the associated appeal concluded that this relationship would be acceptable having regard to policy L7 and PG1. This previous decision is given very significant weight.

65. The inspector commented as follows:

'I have considered the proposal using the PG1 as the appropriate guidance to determine new residential development against, together with my own planning judgement based on what I viewed on site. I have taken account of its recommended separation distances from the habitable rooms to the boundary and am satisfied that an appropriate standoff to the party boundary can be achieved.

The manicured garden of Number 7 skirts around the rear and side of the property and, given what I viewed on site, I would consider it as one garden space of equal standing.

Overlooking would occur from the proposed flats to the private garden although given the proposed position, windows would directly overlook a small corner of the larger garden area at a range that would not lead to an adverse effect on the living conditions of the occupants. In addition, not all the windows of Block B identified by the Council would have the opportunity to significantly overlook the garden.

Turning to the matter of window to window and overlooking potential from the proposed scheme, the separation distance from flat windows to bungalow windows may not precisely meet the PG1 standards. This specifically advises an interfacing distance of 27m habitable room window to habitable room window (across private gardens with an additional 3m for storeys above two storey). However, taking into account the oblique angle of the development to these windows, it would not create direct overlooking. I consider that any loss of privacy that may ensue to No. 7 would not be so significant as to render the proposal harmful to their living conditions.'

66. It is also noted that the impact on the garden of No.7 can be further reduced by landscaping and fencing to the western site boundary.

67. Further to the above, it is considered that the separation between the development and neighbouring properties would result in an acceptable relationship having regard to dominance and light.

68. Whilst some conflict with the separation figures in Planning Guidance PG1 is acknowledged between Block B and No.7 Broadlea, the development would comply with PG1 as a whole in that the development would not adversely harm the living conditions of this property or its associated garden. On the basis of the above and subject to detailed landscaping and boundary treatment condition, the proposal would have an acceptable relationship with No.7.

Relationship between Block A and Block B

69. Subject to obscure glazing of the upper floor side elevation windows in each apartment block, the proposal would safeguard the residential amenity of the

occupiers in both buildings. The relationship between Block A and Block B is considered acceptable in respect of privacy, dominance and noise. The rooms affected by any such obscure glazing condition are dual outlook and would benefit from outlook either to the street frontage or amenity space at the rear.

Other properties

70. Gaps in excess of 30m are retained between the development and those dwellings located opposite both Old Crofts Bank and Crofts Bank Road. It is not considered that the development would appear significantly overbearing to these properties, nor compromise their light or privacy.

Residential Amenity Conclusion

71. Limited details of external lighting have been provided in respect of the impact on neighbouring properties. The submitted lighting plans demonstrate that the site can be adequately illuminated including the pathways around the site, but does not demonstrate the impact on the nearest residential properties. A condition can therefore be attached to any consent requiring full details of external lighting to be provided prior to their installation on site. This could ensure that any external lighting has an acceptable relationship in respects of both residential amenity and the appearance of the site.

72. Subject to the aforementioned conditions regarding external lighting, landscaping/boundary treatments, obscure glazing and fixed plant/machinery, it is considered that the proposal would have an acceptable impact on residential amenity having regard to policy L7 of the Core Strategy and the NPPF.

HIGHWAYS IMPACT AND SERVICING

73. Policy L4 of the 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”.

74. Paragraph 115 of the NPPF states that “Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe”. 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 inconsistent with the NPPF on this specific point.

75. Emerging PfE Policy JP-C7 advocates that safe and convenient access to the site and buildings should be provided for all users. Car parking provision is well

integrated and unobtrusive. Secure and covered cycle parking should be provided to meet long-term demand from occupiers and visitors in a convenient location that helps to maximise its use.

Access

76. The proposed plans illustrate that the existing site access (taken from Old Crofts Bank) will be widened to 6m allowing simultaneous access/egress from the site. Pedestrian dropped kerb crossings would be provided, and visibility splays in accordance with Manual for Streets would be achieved. The applicant has confirmed that these works would be undertaken via a S278 legal agreement. An informative can remind the application of this.

Car Parking and Motorcycle Parking

77. The car parking standards as detailed within Supplementary Planning Document 3 'Parking Standards and Design' (SPD3) state that for this location residential dwellings requires a maximum standard of two spaces per two-bedroom apartment. This would equate to a maximum standard of 48no. parking spaces.

78. Thirty parking spaces are proposed on-site (including two accessible spaces), located to the rear of the building, accessed from Old Crofts Bank. This equates to 1.25 spaces per 2-bedroom dwelling. Two accessible parking spaces are proposed in close proximity to the rear building entrances of Block A and Block B. The Local Highway Authority (LHA) have raised no objections to this parking provision which is based on the submitted Transport Statement (TS). The TS concludes that the thirty spaces proposed would be sufficient to accommodate this development without leading to significant overspill parking within the surrounding area. This is accepted by the LHA.

79. In this instance, there is justification for the proposed parking falling under the maximum standards. The site is located in very close proximity to Urmston Town Centre, which supports public parking opportunities and a range of public transport alternatives. Urmston Town Centre supports an extensive number of amenities and public spaces which can be reached via dedicated footpaths and demarcated cycle routes (integral with the highway). The sustainability of this location is reflected in the Greater Manchester Accessibility Level Score of 6 out of a maximum 8. The concerns from residents with respect to overspill parking are duly noted, however, it is not considered that this would justify a reason for refusal. The proposals would not result in an unacceptable highway safety impact nor would the cumulative impact on the road network be severe. The development is considered to be satisfactorily serviced with respect to private parking.

80. The reduction in on-site parking encourages alternative journeys to be made rather than by private car, and allows greater landscaping enhancements to the scheme.

This to the benefit of both creating an attractive residential environment, and enhancing residential amenity.

Cycle parking

81. A secure weatherproof cycle store is proposed, which would be within the 'link' between the two apartment blocks. The store appears to be of a sufficient size to accommodate 24no. cycles, plus 6 free standing stands to the front of the site. Exact details, including the provision of Sheffield stands can be conditioned. The LHA have raised no objections regarding the amount and siting of the proposed cycle parking.

Servicing

82. The plans show the provision of a secure integral bin storage area, which is sited between the two apartment blocks within the 'link'. The store is located approximately 4.6m from the highway edge. The applicant has confirmed that the bin store would be accessed via a keycode, which would be made available to Trafford Waste site operatives.

83. The bin store sizes have been assessed by the Councils Resources and Waste Manager who confirms that their size would meet the required bin allocations for a development of this size. A level surface would be required to the highway edge. The plans do indicate this, but this could be ensured through conditions requiring details of site levels, and hard landscaping.

84. It is considered that this arrangement is practical and would not result in a significant occurrence of pests.

Conclusion

85. The Local Highway Authority (LHA) have been consulted on the latest proposals, and have raised no objection to the development. The proposal, when operational, is not considered to result in an unacceptable impact on highway safety, nor would the cumulative impacts on the road network be severe. Subject to the aforementioned conditions, the proposal is considered to accord with policy L4 of the Core Strategy, emerging policy JP-C7 of PfE, and the NPPF.

FLOOD RISK / DRAINAGE

86. The NPPF outlines strict tests in order to protect people and property from flooding, through both sequential and exception tests. In summary, these tests are designed to ensure that if there are better sites in terms of flood risk, or if a proposed development cannot be made safe from the risks of flooding, then it should not be permitted. A similar approach is embodied in Core Strategy Policy L5 and thus this aspect of Policy L5 is up-to-date for the purpose of decision-taking.

87. The application site is located within a Critical Drainage Area within Trafford Councils Strategic Flood Risk Assessment and is also located within Flood Zone 1 with regards Environment Agency Flood maps (lowest risk of flooding). A Flood Risk Assessment (FRA) and Drainage Strategy (DS) accompany this application.
88. Given that the site is located in Flood Zone 1, the sequential test as outlined in the NPPF is passed and the exception test is not required. The proposed use is classed as more vulnerable (as defined in Annex 3 of the NPPF) with the NPPG defining this use as appropriate in Flood Zone 1. Nevertheless, the scheme has been designed to remain functional during any flood event for the lifetime of the development, incorporating the use of surface SuDS and sub-surface SuDS. SuDS measures which can be incorporated on the site include Geocellular storage, and large diameter pipes, conduits and tanks, and permeable surfacing. The applicant has confirmed that the above SuDS elements shall be used where appropriate and practical, and shall be maintained by a management company. The proposed surface water network has been designed for a 1 in 100-year flood event with an additional 45% allowance for climate change. This 45% is based on an increase in peak rainfall intensity.
89. The applicant proposes to discharge surface water flows into the public surface water sewer. Drainage to the nearest watercourse is located 85m to the southeast of the site and it is accepted that this would not be practical owing to the additional pipework required within a relatively congested area. Infiltration has been discounted owing to slow infiltration rates as a result of the soilscape. Drainage into the public surface water sewer would be restricted to a 5 l/s rate as agreed with United Utilities.
90. This development has been considered acceptable by the Lead Local Flood Authority. The SuDS suitability assessment, drainage plan and maintenance plan can be conditioned. Subject to these conditions, the proposal would accord with Policy L5 of the Core Strategy, emerging PfE Policy JP-S5, and the NPPF.

CONTAMINATION

91. Policy L5 states that 'Development that has potential to cause adverse pollution (of air, light, water, ground), noise or vibration will not be permitted unless it can be demonstrated that adequate mitigation measures can be put in place'. In respect of contamination, Policy L5 can be considered up to date, as it is consistent with NPPF paragraphs 124 and 191. Specifically the NPPF directs planning policies and decisions to ensure that new development is appropriate for its location and to decontaminate land in the interests of health, living conditions and the natural environment.
92. The application is accompanied by a phase I desk study and phase II geo-environmental report. The site walkover and the historical review did not identify any

significant risks of contamination affecting the site. Elevated levels of lead were identified within the superficial made ground at one location, which would be beneath the paved car park. Remediation is not required under proposed buildings or hard paving. In cultivated landscaped areas, the report advises that ground levels should be reduced to 200mm below the finished garden level. Levels should then be restored by placement of clean imported topsoil under a regime of validation testing.

93. Ground gas monitoring was undertaken and the results have been assessed in line with CIRIA C665, it was confirmed that ground gas level are within Characteristic Situation 1 and this classification does not require the adoption of remedial measures with respect to ground gas.
94. Environmental Health Officers have reviewed the phase I and phase II assessments and raise no objection subject to completion of the remediation works set out in section 20.0 of the phase II geo-environmental report. This can be strictly conditioned to ensure that these remediation works are carried out prior to occupation of the development. This would be necessary to ensure the safe development of the site.
95. Subject to the above conditions, the proposal would accord with policy L5 of the Core Strategy, emerging PfE policy JP-S1, and the National Planning Policy Framework.

ECOLOGY

96. Policy R2 of the Trafford Core Strategy seeks to ensure that all developments protect and enhance the Borough's biodiversity. In addition, paragraph 186 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". This policy is considered to be up to date in terms of the NPPF and so full weight can be afforded to it.
97. The applicant has submitted an Ecological Survey and Assessment, including a licensed bat survey, reasonable avoidance measures, and biodiversity net gain (BNG) measures. The bat survey identified that the trees adjacent to the site have negligible to low bat roosting potential. The surveyor recommends that the low roosting potential tree (Tree 2) be felled only following removal of Ivy and subsequent reassessment of bat roosting features (previously covered) by a licensed bat surveyor. This can be conditioned, which is recommended by the Greater Manchester Ecology Unit (GMEU).
98. Trees and shrubs will be lost as a result of the development which have the potential to accommodate bird nesting habitat. All British birds' nests and eggs (with certain limited exceptions) are protected by Section 1 of the Wildlife & Countryside Act 1981, as amended. A condition can state that no works to trees or shrubs shall

occur during the bird nesting seasons (1st March to 31st August inclusive), unless a survey has been submitted to the Local Planning Authority confirming that no active bird nests are present within the vegetation to be removed.

99. The submitted report outlines reasonable avoidance measures (RAMs) to ensure the protection of hedgehog (a Priority Species) and other wildlife. These measures seek to ensure that any harm to wildlife species is avoided during the construction phase. These measures can be strictly conditioned.
100. Biodiversity Net Gain (BNG) will become mandatory for major applications submitted from 12th February 2024. This application was submitted prior to this date and is therefore not subject to mandatory BNG. However, the NPPF advocates that planning decisions should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity. Emerging PfE policy JP-G9 expects developments to provide a measurable net gain of no less than 10%. The applicants have not submitted a Defra Metric demonstrating a measurable BNG (albeit they are not required to). However, the scheme does commit to the on-site installation of two bat access panels, sparrow nesting terraces, bird boxes, gaps in fencing (to allow habitat connectivity through the site) and native landscaping. These can be strictly conditioned.
101. GMEU note that the submitted survey was undertaken in September 2022 and itself is an update to survey work undertaken in 2019. GMEU request that an update to this survey is undertaken prior to the commencement of any works on site. The 2022 survey is less than 18 months old and is suitable to make a general judgement on this application with regards to the likely ecological impacts. However given the vegetated nature of the site, an update is required to ensure that any biodiversity, and associated habitats not previously identified, are protected. This survey can identify any ecological measures required in addition to those set out above. Any such additional measures should be accompanied by a timetable for implementation. This can be conditioned.
102. Informatives can remind the applicant of the protection afforded to bats under the Wildlife and Protection Act 1981 (as amended), and that it is an offence under the terms of the Wildlife and Countryside Act to cause any invasive species plants to grow in the wild. This includes Motbretia and Rhododendron, which were identified in the 2022 ecological survey.
103. GMEU have been consulted on the application and have raised no objection. Subject to the aforementioned conditions, the proposal would comply with policies R2 and R3 of the Core Strategy, and the NPPF.

CLIMATE CHANGE

104. The need to mitigate and adapt to climate change is key to the delivery of sustainable development. Policy L5 of the Core Strategy requires new development

to mitigate and reduce its impact on climate change factors and maximise its sustainability through improved environmental performance of buildings, lower carbon emissions and renewable or decentralised energy generation. It is considered that policies L5.1 to L5.11, which addresses the issue of carbon emissions, are out of date as they do not reflect NPPF guidance on climate change. Whilst policy L5 is out of date, this policy does require that development outside of 'low carbon growth areas' (LCGA) should achieve a 5% reduction in emissions of Carbon Dioxide (CO₂) below the 2013 Building Regulations. This site does not reside within an LCGA.

105. The Council has declared a Climate Emergency with a target to become a Carbon Neutral borough by 2038. As set out within policy JP-S 2 of PfE, there is an expectation that all new development will be net zero carbon in operation from adoption of PfE (anticipated in early 2024). In advance of this, however, the proposed climate change and energy impacts shall be assessed against policy L5 and the NPPF.

106. The development seeks to reduce the total carbon emissions through a fabric first approach. This involves reducing the u-value (thermal transmittance), incorporating energy efficient hot water cylinders within units, and providing low energy lighting across the development. The Carbon Budget Statement submitted concludes that these measures would secure an 8.44% reduction in carbon emissions over the 2013 regulations upon which policy L5 is based. In line with the NPPF, the development does identify suitable areas for renewable / low carbon energy sources and takes an opportunity to minimise carbon emissions and energy consumption. The renewable energy measures proposed in this report can be conditioned.

107. The proposed development and would be in accordance with Policy L5 of the Core Strategy and the NPPF.

AIR QUALITY

Context

108. Paragraph 192 of the NPPF advises that planning decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas (AQMA) and Clean Air Zones (CAZ), and the cumulative impacts from individual sites in local areas. Planning decisions should ensure that any new development in AQMAs and CAZ is consistent with the local air quality action plan (AQAP).

109. The Greater Manchester Combined Authority (GMCA) has published a joint Air Quality Action Plan (AQAP) (2016-2021) which seeks to improve air quality across Greater Manchester and to embed low-emission behaviours into the culture of organisations and lifestyles by 2025, whilst supporting the UK Government in

meeting thresholds for air pollutants at the earliest date to reduce ill-health in Greater Manchester. In managing new development the GMCA AQAP sets out a number of controls. Of relevance to this particular application are assessment of local air quality impacts from predominantly construction management. No parking is proposed for this development, and carbon saving measures such as biomass which can have an adverse air quality impact, have been discounted.

110. Policy L5 requires developers to adopt measures identified in the Greater Manchester Air Quality Action Plan, to ensure that their development would not have an adverse impact on the air quality. In this respect, L5 can be considered to be up to date for the purposes of decision making and full weight attributed to it. Emerging PfE Policy JP-S6 outlines measures to be taken to support improvements in air quality, in particular, where people live and children learn and play.

111. The application site itself partly resides within an Air Quality Management Area which extends along Crofts Bank Road to, and including the junction with, Moorside Road. There are a number of AQMAs within the area, largely following Crofts Bank Road, Moorside Road and Lostock Road.

Operational Phase

112. Parking is proposed on site, and the building itself would be designed to be energy efficient with carbon emissions below that set out in the 2013 Building Regulations. As per the latest Building Regulations, the development would be required to provide at least 24 electric vehicle charging spaces. It is not considered that this residential development would have a significant adverse impact on air quality in the surrounding or wider area.

Construction Phase

113. Without appropriate mitigation, dust emissions during construction works could have a significant adverse impact upon local air quality. A robust construction and environment management plan (CEMP) is considered to be necessary to manage this impact on the environment. This could include strict measures to control the emission of dust and dirt. No fires shall be ignited on-site, and a scheme for recycling/disposing of waste shall be required. Subject to these measures, it is considered that the development would result in an acceptable residual impact upon local air quality.

Conclusion on Air Quality Impact

114. The construction of this development, subject to the implementation of a robust CEMP, is not considered to have a significant residual impact upon air quality. Environmental Health Officers have assessed the development and raised no objection subject to the aforementioned condition. On this basis, it is considered, that the proposal would accord with the aims of the Greater Manchester AQAP in

protecting air quality, and would comply with policy R5, emerging policy JP-S6, and the NPPF.

CRIME PREVENTION AND SECURITY MEASURES

115. The NPPF, at paragraphs 92 and 130 direct planning decisions to create safe and accessible places so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience. Policy L7 requires development to be designed in a way that reduces opportunities for crime. This is reflected in emerging policy JP-P1 of PfE. A Crime Impact Statement (CIS), undertaken by Greater Manchester Police, has been submitted with the application.
116. The submitted Crime Statement sets out a number of measures to reduce opportunities for crime including CCTV, alarms, external doors (compliant with security standards), security lighting, access controlled gates and a fenestration which facilitates good levels of natural surveillance. A condition can ensure that the development is constructed in accordance with this statement. Details regarding boundary treatments, landscaping and external lighting shall be considered via separate conditions.
117. Greater Manchester Police have been consulted and have raised no objection. Subject to the aforementioned condition, the proposal would accord with Policy L7 of the Core Strategy, emerging PfE Policy JP-P1, and the NPPF.

EQUALITIES

118. 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.
119. 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.

120. Measures included within the development include level access into the ground floor units, and around the building including access to bin/cycle stores, areas of communal open space and to the wider community. Occupants will have suitable access to local amenities, and opportunities to interact with the wider community to avoid feelings of isolation. Details of lighting can be conditioned to ensure that external areas are adequately illuminated to assist those who may be partially sighted and pathways used to promote wayfinding around the site. Areas of open space around the site would benefit from varying degrees of sunlight/daylight at different times of the day, which can promote continual enjoyment of communal areas encouraging socialising between residents.
121. It is noted that only eight (33%) of the units are accessible via level access and that eighteen of the units would require access via one or two flights of stairs. Only six of the units could therefore achieve compliance with Building Regulations Approved Document Part M, Optional Requirement M4(2) - Accessible and adaptable dwellings) Of those eight M4(2) units that can achieve this standard, they can be conditioned to be built as such and retained in compliance with M4(2). The staircases to access the upper floor units would, however, be suitable for ambulant disabled persons.
122. The applicant has confirmed that they cannot provide a lift owing to viability reasons. In particular, the extra cost and surcharge on rents with the Housing Association would make the scheme, as 100% affordable, unviable.
123. The proposed buildings would be required to comply with the provisions of the Building Regulations Approved Document Part M4 (1) – Access to and use of buildings.
124. The measures proposed to provide access to all, including those with a protected characteristic, are considered to be, on balance, an appropriate, practical and reasonable response to the equalities impacts of the scheme. On balance, the provision of eight accessible and adaptable M4(2) units at ground floor level and the other planning benefits of the scheme (including that it is 100% affordable housing, managed by a Registered Provider, which in turn means that additional costs being passed onto future residents should be avoided as far as possible), means that in this instance it is considered that the upper floor units not being to M4(2) standard is not sufficient to warrant a refusal of planning permission.

DEVELOPER CONTRIBUTIONS

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

126. No other planning obligations are required.

OTHER CONSIDERATIONS

Construction

127. A detailed construction and environmental management plan (CEMP) can be conditioned to ensure an acceptable impact on the local highway network, environment (including air quality) and surrounding residential amenity. Officers recommend that any CEMP should be approved by the Local Planning Authority prior to any on-site works commencing, and that any approved CEMP should be in place for the duration of the construction works on-site. This condition has been recommended by the Local Highway Authority.

128. Subject to the implementation of an acceptable CEMP, and the aforementioned conditions, the proposal would accord with policies L4 and L7 of the Core Strategy and the NPPF.

SUMMARY AND PLANNING BALANCE

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

130. The NPPF is a material consideration in planning decisions, and as the Government's expression of planning policy and how this should be applied, should be given significant weight in the decision making process. As the Council does not have a five year supply of housing land, paragraph 11(d) of the NPPF is engaged. An assessment of the scheme against paragraph 11(d)(i) does not suggest that there is a clear reason for refusal of the application when considering the matters referred to in footnote 7. The application therefore falls to be considered against Paragraph 11(d)(ii): granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

Adverse Impacts

- A limited mix of unit sizes is proposed and no larger homes (3+ beds) would be provided that would contribute towards the 30% target referred to in Policy L2. Limited weight is afforded to this harm given that scheme would provide 100% affordable housing and address a specific housing need and that the 30% target in L2 is Borough wide rather than scheme specific.
- The level of car parking proposed is below the Council's maximum parking standards and may result in some additional on-street parking in the vicinity of the site to the potential inconvenience of existing residents and others who rely

on on-street parking. Limited weight is afforded to this harm as it is considered that the parking proposed is appropriate given the sustainability of this location and that the impacts would not be severe.

Scheme Benefits

- The delivery of 24 affordable homes, which exceeds the number required by policy and would help to meet an identified need for affordable housing in Urmston and the Borough. Substantial weight is afforded to this benefit.
- The delivery of 24 new homes which would contribute towards addressing the identified housing land supply shortfall generally. Substantial weight is afforded to this benefit.
- Re-use of previously developed land would contribute positively to the Council's policy aspiration to maximise the use of previously developed land for housing. Substantial weight is afforded to this benefit;
- Significant communal green space provided on-site for residents which would exceed the requirements set out in Trafford planning guidance for new residential developments. Moderate weight is afforded to this benefit.
- Economic benefits that will flow from construction and occupation. Additional expenditure into the local economy will support existing services in the area, limited weight is afforded to this benefit.

131. Members may note that the separation distances (window to window) between Block B and no. 7 Broadlea would in some instances fall below the recommended distances as set out in Trafford's Planning Guidance. However, this impact is not considered to adversely affect the living conditions of no.7, which has been supported through the Inspectors Appeal decision in determining the previous planning application ref. 100658/FUL/20. The Inspectors appeal decision and judgement in respect of residential amenity is given very significant weight. The minor conflict with PG1 guidance would therefore weigh neutrally in this instance.

132. The main adverse impacts relate to the limited housing mix which is proposed, and the provision of parking which is approximately 50% below the maximum parking standards set out in Trafford's Planning Guidance. Limited weight is attached to these harms. However the benefits arising from the scheme in the provision of 24 affordable housing units on a vacant brownfield site are afforded substantial weight. Moderate or limited weight is also afforded to the other benefits listed above.

133. Having carried out the weighted balancing exercise under Paragraph 11 (d)(ii) of the NPPF, it is considered that the adverse impacts of granting planning permission would not significantly and demonstrably outweigh the benefits of doing so. Indeed

the benefits of the scheme are considered to significantly outweigh the adverse impacts identified above. None of the adverse impacts are considered significant enough to generate a conflict with the development plan and the scheme would comply with the development plan when taken as a whole. The application is therefore recommended for approval.

RECOMMENDATION:

GRANT subject to conditions:

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

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

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

4138/001 rev.B - Existing Site Plan / Location Plan;
4138/101 rev.J - Proposed Site Plan;
4138/110 rev.E - Proposed Plans Block A;
4138/111 rev.E - Proposed Plans Block B;
4138/120 rev.D - Proposed Elevations Block A;
4138/121 rev.D - Proposed Elevations Block B;
4138/125 rev.B - Existing and Proposed Street Scene.

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

3. The residential units hereby permitted shall only be used for the purposes of providing affordable housing (as defined by the NPPF Annex 2, or any subsequent amendment thereof) to be occupied by households or individuals in housing need and shall not be offered for sale or rent on the open market. The units shall comprise 24 x 2-bed units for affordable rent and/or shared ownership. Any affordable housing units provided for affordable rent shall only be occupied by individuals from within the boundaries of Trafford Borough in housing need and Trafford Borough Council shall be given at least 75% nomination rights. Provided that this planning condition shall not apply to the part of the property over which:- (i) a tenant has exercised the right to acquire, right to buy or any similar statutory provision and for the avoidance of doubt once such right to acquire or right to buy has been exercised, the proprietor of the property, mortgagee and subsequent proprietors and their mortgagees shall be permitted to sell or rent the property on the open market; (ii) a leaseholder of a shared ownership property has staircased to 100% and for the avoidance of doubt once such staircasing has taken place the proprietor of the property, mortgagee and

subsequent proprietors and their mortgagees shall be permitted to sell or rent the property on the open market.

Reason: To comply with Policies L1, L2 and L8 of the Trafford Core Strategy and the Council's adopted Supplementary Planning Document 1: Planning Obligations and the National Planning Policy Framework.

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

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

5. No above-ground construction works shall take place unless and until a detailed façade schedule for all elevations of the building has first been submitted to and approved in writing by the local planning authority. The schedule shall be provided in tabulated form with cross referencing to submitted drawings, include the provision of further additional drawings and the building of sample panels on site as necessary and shall include:

- (i) All brickwork detailing and stone cills;
- (ii) all fenestration details and external reveals;
- (iii) all entrances into the buildings, and external reveals;
- (iv) the siting of any equipment on the roofs of the development;
- (v) the means of dealing with rainwater and any necessary rainwater goods that may be visible on the external façade of the building;
- (vi) the siting of any external façade structures such as meter boxes which shall have a suitable painted finish;
- (vii) the pergola roof indicated between the two apartment blocks.

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

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

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

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

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any equivalent Order following the amendment, re-enactment or revocation thereof) upon first installation the windows in the first and second floors on the side elevations of both Block A and Block B 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.

8. The ground floor dwellings hereby approved, as shown on Drawing No. 4138/110 (rev.E), and 4138/111 (rev.E) shall not be constructed other than in accordance with the Optional Requirement M4(2) 'Accessible and adaptable dwellings' of Part M of the Building Regulations 2010 (as amended). The dwellings shall be retained only in compliance with M4(2) 'Accessible and adaptable dwellings' thereafter.

Reason: To ensure that the development is fully accessible and useable by all section of the community, having regard to Policy L7 of the Trafford Core Strategy and the National Planning Policy Framework.

9. 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, boundary treatments, 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.

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

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

11. 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.

12. The development shall only be carried out in strict accordance with Section 6.0 (Method Statement) of the submitted Arboricultural Report (ref.PM/FULL/12/01/24).

Reason: In the interests of the amenity of the area having regard to Policies L7, R2 and R3 of the Trafford Core Strategy and the National Planning Policy Framework.

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

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

14. No development shall take place, including any works of demolition, until such time as 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:

- a) Parking arrangements for site operative and visitor vehicles;
- b) The management of deliveries to including details of any proposed delivery booking system. Best practice measures should be employed to restrict external construction traffic movements to off-peak traffic hours;
- c) Loading and unloading of plant and materials to include vehicle access and egress arrangements;
- d) Storage of plant and materials used in constructing the development;
- e) The erection and maintenance of security hoardings including decorative displays and facilities for public viewing (where appropriate);
- f) Wheel washing facilities and any other relevant measures for keeping the highway clean during the works;
- g) Measures to control the emission of dust and dirt;
- h) A scheme for recycling/disposing of waste resulting the works (and the prohibition of fires on site);
- i) Days and hours of construction activity on site (in accordance with Trafford Council's recommended hours of operation for construction works);
- j) Contact details for the site manager are to be advertised at the site in case of issues arising;
- 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; and
- l) information to be made available for members of the public.

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 and the National Planning Policy Framework.

15. The approved development shall comply with the external noise mitigation scheme detailed within Table 5.1 and Appendix 3 to the supporting Noise Impact Assessment prepared by Environmental Noise Solutions Limited (ref: NIA/8345/19/8249/v3, date: 4th June 2020). Sufficient technical details of the final glazing and ventilation products selected shall be submitted to, and approved in writing by, the Local Planning Authority prior to any construction commencing above ground level, in order to demonstrate:

- compliance with the minimum acoustic performance targets of the aforementioned Table 5.1 and Appendix 3,
- that the ventilation products can achieve suitable rates of room ventilation in accordance with current Building Regulations requirements, and
- that continuously running mechanical ventilation systems will not exceed the recommended maximum internal noise levels for dwellings of current Building Regulations.

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

16. No external lighting shall be installed on the buildings or elsewhere on the site unless a scheme for such lighting has first been submitted to and approved in writing by the Local Planning Authority. Thereafter the site shall only be lit in accordance with the approved scheme.

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

17. 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.

18. No building hereby approved shall be occupied unless and until a scheme for secure cycle storage for at least 30 bicycles has first been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented before the development is brought into use and shall be retained at all times thereafter.

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

19. The development hereby permitted shall not be occupied until a verification report demonstrating completion of remediation works set out in section 20.0 of the geoenvironmental report submitted with this application has been submitted to and approved in writing by the Local Planning Authority.

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.

20. The development hereby approved shall be carried out in strict accordance with the submitted Drainage Strategy (ref.7558/02, dated September 2022), and the Microdrainage calculation (ref. 7558 SW02.MDX, Network 2020.1.3). For the avoidance of doubt, surface water shall drain at the restricted rate of 5 l/s.

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

21. The development hereby approved shall be carried out in strict accordance with the physical security measures set out in Section 4 of the submitted Crime Impact Statement (ref: 2019/0573/CIS/01, version B) with the exception of the boundary treatments, landscape details, and external lighting, set out in sections 4.6, 4.7 and 4.8 of the submitted report.

Reason: In the interest of security and reducing opportunities for crime having regard to Policy L7 of the Trafford Core Strategy and the National Planning Policy Framework.

22. 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.

23. The development hereby approved shall only be carried out in strict accordance with Section 5.0 'Recommendations and Ecological Enhancement' of the submitted Ecological Survey and Assessment (ref. 2022-306), dated September 2022. The enhancement measures shall be carried out prior to first occupation of the development hereby approved and retained thereafter.

Reason: In order to secure biodiversity enhancement on-site having regard to Policy R2 of the Trafford Core Strategy and the National Planning Policy Framework.

24. The development hereby approved shall only be carried out in strict accordance with the reasonable avoidance measures set out in section 5.6.1 of the submitted Ecological Survey and Assessment (ref. 2022-306), dated September 2022.

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

25. Any felling of T2, as identified within the submitted Ecological Survey and Assessment (ref. 2022-306) dated September 2022, shall be carried out in strict accordance with sections 5.4.4 – 5.5.8 of this submitted report.

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

26. Notwithstanding conditions 23, 24 and 25 of this consent, prior to any development or works of site preparation taking place, an updated ecological survey and associated report shall be submitted to and approved in writing by the Local Planning Authority. Any additional ecological measures set out within the submitted report shall be accompanied by a timetable for implementation. The development shall be carried out in strict accordance with the approved ecological measures and timetable.

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

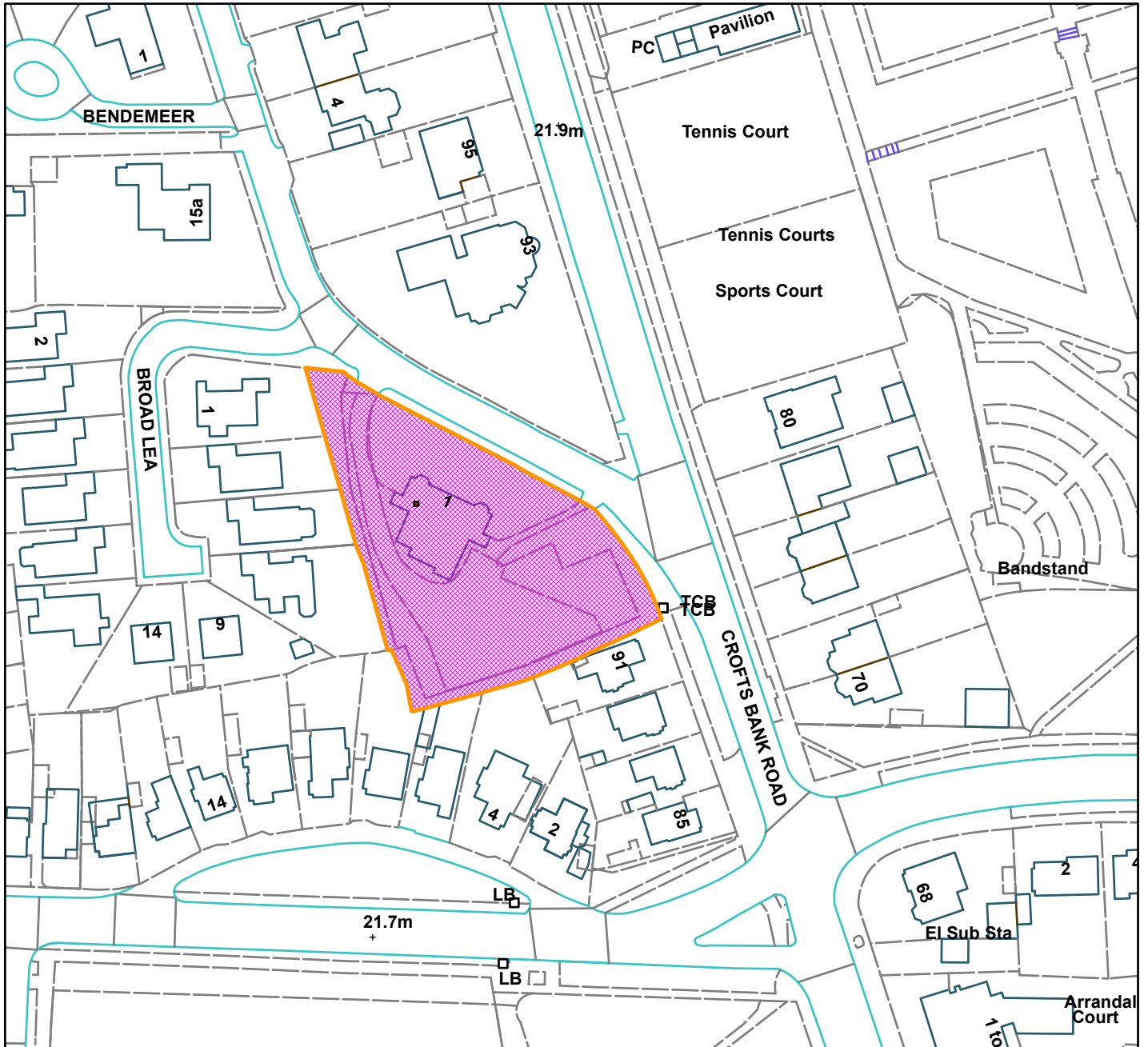
27. The noise rating level (LAeq,T) from all fixed plant and machinery associated with the development, when operating simultaneously, shall be selected and / or acoustically treated to achieve a rating level of 5dB (LAeq) below the typical background (LA90) level at the nearest noise sensitive location. Noise measurements and assessments shall be carried out in accordance with the latest published edition of BS 4142:2014+A1:2019 "Methods for rating and assessing industrial and commercial sound". Written validation shall be submitted to and approved in writing by the Local Planning Authority confirming that the criteria for fixed plant and machinery has been met prior to the first occupation of the development. Any mitigation measures required to achieve compliance with this requirement shall be retained thereafter in working order.

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

RCR



Former 1-3, Old Crofts Bank, Davyhulme (site hatched on plan)



Scale: 1:1,250

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Organisation	Trafford Council
Department	Planning Service
Comments	Committee Date 15/02/2024
Date	05/02/2024
MSA Number	AC0000809316 (2022)

WARD: Longford

112327/FUL/23

DEPARTURE: No

Erection of two storey detached dwelling with associated garage, parking/cycle store and landscaping.

Land Adjacent To 24 Erlington Avenue, Old Trafford, Manchester, M16 0FW

APPLICANT: Mr Ashraf

AGENT: Mr Falzon

RECOMMENDATION: GRANT

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

EXECUTIVE SUMMARY

The application relates to the development of land adjacent to 24 Erlington Avenue, Old Trafford. The site is currently vacant, comprising former garden land.

Planning permission is sought for the erection of 1 no. two storey detached dwelling with a detached garage accessed from Erlington Avenue. The proposed design would be in keeping with the immediate street scene.

The application has received letters of objection from 6 different addresses. The main concerns raised relate to the impact on residential amenity, parking and the likelihood of the dwelling being converted into an HMO. All representations have been duly noted and considered as part of the application appraisal.

The 'tilted balance' under NPPF paragraph 11d is engaged due to Core Strategy Policy L2 being out of date given the absence of a five year housing land supply. Substantial weight is given to the moderate contribution that the proposed 1 new family dwelling would make to the Council's housing land supply.

The proposal would furthermore achieve the Plan's Strategic and Place Objectives with regard to the Old Trafford Priority Regeneration Area.

Other benefits and harms have been taken into consideration as set out within the Planning Balance section of this report.

It is considered that when applying the tilted balance, there are no adverse impacts that would significantly and demonstrably outweigh the benefits of the proposed scheme. The proposal is considered to comply with the development plan as a whole and is therefore recommended for approval subject to appropriately worded conditions.

SITE

The application site consists of a currently vacant piece of land adjacent to (north of) 24 Erlington Avenue. To the north of the site is a garage which sits within the rear garden of the neighbouring property, 35 Rye Bank Road. This garage cuts into the site making it irregular in shape.

The properties along Erlington Avenue are generally uniform in type being semi-detached, bay fronted units consisting of brick and render finish and are typical of the wider suburban area.

The site is relatively level and open fronted to the road, the boundaries consist of brick walls and timber fence.

The application site is located within the Old Trafford Priority Regeneration Area.

PROPOSAL

Permission is sought for the erection of a 4 bedroom detached dwelling with detached garage. The dwelling would be of a traditional design with architectural detailing and materials reflecting the semi-detached dwellings within the street scene. A detached garage with pitched roof, is to be sited in the south east corner of the site, accessed by a driveway from Erlington Avenue passing down the side of the house adjacent to 24 Erlington Avenue.

Accommodation is to be provided over three storeys with Bedroom 4 situated within the roof space.

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
L3 – Regeneration and Reducing Inequalities
L4 – Sustainable Transport and Accessibility
L7 – Design
L8 – Planning Obligations

PROPOSALS MAP NOTATION

Old Trafford Priority Regeneration Area

PRINCIPAL RELEVANT REVISED UDP POLICIES/PROPOSALS

None

SUPPLEMENTARY PLANNING DOCUMENTS AND GUIDANCE

SPD3 – Parking Standards and Design
PG1 – New Residential Development

PLACES FOR EVERYONE

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

Emerging policies relevant to this application are:

JP-S1: Sustainable Development
JP-P1: Sustainable Places
JP-H1: Scale, Distribution and Phasing of New Development
JP-H2: Affordability of New Housing
JP-C7: Transport Requirements of New Development

NATIONAL PLANNING POLICY FRAMEWORK (NPPF)

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

NATIONAL PLANNING PRACTICE GUIDANCE (NPPG)

DLUHC published the National Planning Practice Guidance on 6 March 2014, and was last updated on 20 November 2023. The NPPG will be referred to as appropriate in the report.

RELEVANT PLANNING HISTORY

107942/FUL/22 – Erection of 2 no. 3 bedroomed semi-detached homes with associated parking.

Refused 5th December 2022 for the following reason:

- 1. The proposed development, by reason of its scale, siting and design would result in a cramped form of development that would be out of character with the street scene with inadequate space for soft landscaping to the front. As such the proposal would result in a development that is not well designed, does not add to the overall quality of the area and would have a detrimental impact on the visual appearance and character of the street scene and surrounding area. The proposed development would therefore be contrary to Policy L7 of the Trafford Core Strategy, the Council's adopted SPG1: New Residential Development, relevant sections of the National Planning Policy Framework, and the National Design Guide.*

The application was subsequently **dismissed** at appeal.

107009/FUL/22 – Erection of 2 no. 4 bedroomed semi-detached homes with associated parking and inbuilt garages.

Withdrawn

105454/FUL/21 – Erection of a 3 storey apartment block consisting of 2 no. apartments and 2 no. duplex apartments with a new vehicular entrance from Erlington Avenue

Withdrawn

103286/FUL/21 – Erection of a pair of two storey semi-detached houses.

Refused 24/03/21 for the following reason:

- 1. The proposed development by reason of its contrived layout, design and scale would fail to make best use of opportunities to improve the character and quality of an area, being detrimental to the street scene and local character. Therefore the development would be contrary to policy of the Trafford Borough Council Core Strategy Policy L7 and the NPPF.*

102177/FUL/20 – Erection of a pair of two-storey semi-detached houses.

Withdrawn

APPLICANT'S SUBMISSION

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

- Planning Statement
- Façade Design Analysis

CONSULTATIONS

Local Highway Authority – No objection subject to further clarification regarding garage dimensions, cycle and bin storage.

Lead Local Flood Authority – The site possesses no notable surface water flood risk and there are no records of flooding within 20m or Ordinary Watercourses within 5m. There will be no significant change to the impermeable area and so little change to the surface water runoff generated by the site.

In the interest of managing flood risk and promoting sustainable development, a full investigation of the hierarchy of drainage as set out in Part H of the Building Regulations as seen below should be conducted.

1. Into the ground (infiltration)
2. To a surface water body
3. To a surface water sewer
4. To a combined sewer

Any connection to a public sewer will require the appropriate permissions from United Utilities.

Pollution and Licensing (Nuisance) – No objection subject to conditions relating to site working hours, lighting, noise from plant and EVCPs.

Waste – No objection

REPRESENTATIONS

Letters of objection have been received from six different addresses. The main points raised are summarised below:

- Potential to create a fifth bedroom out of the study even before any future permitted development;
- Concerns the property will be converted into an HMO leading to a concentration within the immediate locality and associated increased parking and amenity impacts;
- Preference for the site to remain as gardens;
- Overlooking of neighbouring gardens and properties;
- Loss of light to neighbouring dwellings;
- Loss of light to neighbouring garden as a result of the siting of the proposed garage;
- Proposed house already extends beyond the rear of neighbours and it is therefore requested that permitted development rights are withdrawn;
- No soakaways;

OBSERVATIONS

THE PRINCIPLE OF DEVELOPMENT

The decision taking framework

1. S38(6) of the Planning and Compulsory Purchase Act 2004 states that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF at paragraphs 2 and 47 reinforces this requirement.
2. The NPPF, at paragraph 11, explains how the “presumption in favour” should be applied in the decision-taking process. It means approving development proposals that accord with an up-to-date development plan without delay, subsection 11c explains. Or, as advised by subsection 11d, where there are no relevant development plan policies or the policies which are most important for determining the application are out-of-date, granting planning permission unless:
 - i. The application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii. Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
3. The LPA cannot demonstrate that it has a five year supply of deliverable housing sites when assessed against its housing requirement. Paragraph 11(d)(ii) (the tilted balance) is automatically triggered by the absence of a five year housing supply, as confirmed by Footnote 8 of the NPPF. Whilst not a phrase used in the NPPF, the “tilted balance” refers to the presumption in paragraph 11(d)(ii) of the NPPF that, where the presumption applies, planning permission should be granted unless there are “adverse impacts which would significantly and demonstrably outweigh its benefits.” The exercise under the tilted balance is therefore carried out in the assessment of the proposed development.
4. There are no protected areas or assets affected by the proposals (in accordance with footnote 7 which excludes non-designated heritage assets) and therefore 11(d)(i) is not applicable.

Housing Land Supply

5. The NPPF places great emphasis on the need to plan for and deliver new housing throughout the UK. Local planning authorities are required to support the Government’s objectives of significantly boosting the supply of homes. With reference to paragraph 60 of the NPPF, this means ensuring that a sufficient amount and variety of land can come forward where it is needed, that the needs

of groups with specific housing requirements are addressed, and that land with permission is developed without unnecessary delay.

6. The site appears to comprise former garden land of neighbouring properties and whilst historically has included garages / outbuildings, it has mainly remained undeveloped. In accordance with the definition within the NPPF, 'previously developed land' excludes land in built-up areas such as residential gardens. Therefore, whilst the majority of the application site constitutes greenfield land and would not contribute towards the Council's indicative target of providing 80% of new housing on brownfield land, this does not alter the principle position of the development of this vacant site and its contribution to the Council's housing land supply. This is explored further in the following section of this report.
7. Policy L2 (Meeting Housing Needs) of the Core Strategy is clear that all new residential proposals will be assessed for the contribution that would be made to meeting the Borough's housing needs. The provision of 1 no. four bed dwelling would make only a small contribution to the overall housing supply but would nonetheless be a positive contribution providing additional housing suitable for families. The site is located in a sustainable urban location where there is good access to services and local shops and public transport with several bus stops and a tram stop within walking distance of the site.

Old Trafford Priority Regeneration Area

8. The application site lies within the Old Trafford Priority Regeneration Area. Within Regeneration Areas the Council will support appropriate developments which will reduce inequalities and secure regeneration benefits, create truly sustainable communities; and make a positive contribution(s) to achieving the Plan's Strategic Objectives and relevant Place Objectives. It is considered that the proposal is consistent with the Regeneration framework of the Core Strategy and specifically will make a contribution to the following Strategic Objectives:

SO1 – Meeting Housing Needs
SO2 – Regenerate
SO3 – Reduce the need to travel
9. More specifically the proposal will contribute towards the following Place Objectives:

OTO1 – To improve the quality, mix and type of residential offer
OTO2 – To maximise the re-use and redevelopment of unused, under used or derelict land.
10. The proposed residential development is therefore considered acceptable in principle subject to the design and its impact upon the street scene, residential amenity and highway matters.

11. The application under consideration relates to the development of a single family dwelling and therefore that is what should be considered within this assessment. Trafford Council has an Article 4 Direction in place that would prevent the change of use of a dwellinghouse to an HMO unless planning permission is granted.
12. Other matters to consider relate to design and visual amenity, residential amenity, parking and landscaping.

DESIGN AND VISUAL AMENITY

13. NPPF, PPG, the National Design Guide (NDG) and the National Model Design Code (NDC) set out the Government's planning policies and guidance on matters of design. The NDG is considered to be a material consideration in the determination of planning applications should be attributed significant weight. The current version of the NPPF (20 December 2023), highlights the increased importance given to the consideration of design by the Government. It is clear that a shortfall in housing land supply should not result in a 'development at any cost' approach to decision making.
14. Paragraph 131 of the NPPF states that "The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities." Paragraph 139 expands on this and is clear that "Development that is not well designed should be refused, especially where it fails to reflect local design guidance and supplementary planning documents such as design guides and codes. Conversely, significant weight should be given to:
 - a) Development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes; and/or
 - b) Outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings."
15. Policy L7 advises that, in relation to matters of design, development must be appropriate in this context, make best use of opportunities to improve the character and quality of the area and enhance the street scene or character of the area by appropriately addressing scale, density, height, massing, layout, elevation treatment, materials, hard and soft landscaping works and boundary treatment.

16. Emerging PfE Policy JP-P1 outlines an ambition to create a series of beautiful, healthy and varied places. Development should be distinctive, with a clear identity that respects and acknowledges the character and identity of the locality in terms of design, siting, scale and materials used.
17. The Council's Planning Guidelines within adopted "New Residential Development" paragraph 2.4, states that "Whilst the Council acknowledges that the development of smaller urban sites with small scale housing or flat developments makes a contribution towards the supply of new housing in the Borough, the way in which the new buildings relate to the existing will be of paramount importance. This type of development will not be accepted at the expense of the amenity of the surrounding properties or the character of the area. The resulting plot sizes and frontages should therefore be sympathetic to the character of the area as well as being satisfactorily related to each other and the street scene."
18. Paragraph 9.3 states that *"Residents parking should normally be behind the building line, capable of accommodating a garage and be within the curtilage of the dwelling or conveniently adjoining it. Residents' parking in front of the building line may be accepted if the need for this can be justified and if the result in terms of appearance is shown to be satisfactory and in character with the area."*
19. Great emphasis in the PPG and the NDG is placed on the importance of context and identity. This is of course set against the need to support development that makes efficient use of land taking into account inter alia the desirability of maintaining an area's prevailing character and setting.
20. The NDG repeatedly emphasises the importance of context and identity and at C1 and paragraphs 41-43 says that well-designed new development should understand and relate well to the site, its local and wider context, and respond well to the features of the site itself and the surrounding context beyond the site boundary.
21. The application site is viewed in the context of Erlington Avenue which largely comprises traditional, two storey semi-detached properties with two storey bay windows to the front with a gabled roof and timber detail. The ground floor and gabled site elevation are constructed of red brick with white render to the first floor front elevation. Boundary treatment to the frontage comprises low brick walls. Space between the pairs of semis is generally comprised of parking or a garage. Some properties utilise hardstanding to the front of the dwellings to provide additional off-street parking. The road is tree-lined however due to the restricted space within the front gardens of the dwellings, there is limited planting and additional greenery.

22. Design cues have been taken from the traditional semi-detached properties within the Erlington Avenue streetscene and the proposal includes many of the architectural features, including the timber gable, oriel window, arched front entrance and string course as well as matching materials.
23. Whilst the proposed streetscene shows the dwelling to be marginally taller than the adjacent pair of semis at 24 and 22 Erlington Avenue, the overall scale and massing is reflective of the street scene.
24. The proposal would represent a development that is attractively designed, incorporating interesting design features and is considered to be appropriate in its context. It is therefore considered to be in accordance with the principles of the NPPF, the draft Trafford Design Code and Policy L7.

RESIDENTIAL AMENITY

25. 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.
26. SPG1 New Residential Development sets out the guidelines that relate to all forms of new residential development. These are as follows:
 - 21m between facing habitable room windows across public highways (increased by 3m for three or more storeys);
 - 27m between facing habitable room windows across private gardens (increased by 3m for three or more storeys);
 - 15m between a main elevation with habitable room windows and a facing blank elevation;
 - 10.5m between habitable room windows and garden boundaries (increased by 3m for three or more storeys).
27. Consideration is given to the impact of the proposed development on neighbouring residential properties as well as the amenity for future occupiers of the development.

Impact on Adjacent Properties

28. At its closest point, the proposed dwelling would be approximately 5.5m away from the side elevation of 24 Erlington Avenue. The new dwelling would not project beyond the rear although the garage is sited on the boundary in the rear south east corner of the application site.
29. The proposed new dwelling is not considered to have an adverse impact on the amenity of the neighbouring dwelling by any loss of light or overshadowing.

30. There is a clear glazed window in the side of the single storey outrigger to the rear of 24 Erlington Avenue. It has not been ascertained whether this serves as a separate morning room or is a through room to the kitchen with a further window also on the rear. Nevertheless, it is considered that the proposal, with the proposed separation distance and the fact that the new dwelling would not project as far as this neighbouring projection, that there would be no unduly overbearing effect.
31. There are 5 windows proposed in the side elevation of the proposed dwelling facing towards the side of no. 24. However none of these windows serve habitable rooms and therefore with the exception of the ground floor window, which has no elevated viewpoint for overlooking, all the windows would be conditioned as obscured to protect privacy.
32. Existing boundary treatment between the sites comprises a low boundary wall with some missing fence panels. No new boundary treatment is shown on the proposed plans and a condition is therefore required to agree details.
33. The proposed garage would be sited to the rear of the garage within the rear garden of 24 Erlington Road. Given that it would be a single storey structure, it is not considered that there would be any undue impact on light to the neighbouring property or garden.
34. In relation to properties on Rye Bank Road, there would be a separation distance between the side of the proposal and the rear of properties on Rye Bank Road of approximately 21m. The only window in the side elevation facing these neighbouring properties is to the second floor bedroom. Given the lack of any meaningful distance to the rear gardens and rear elevations, it is considered that this window should be fitted with obscure glazing to prevent undue overlooking and loss of privacy. Given that this is the fourth bedroom and is also served by rooflights, this is considered acceptable in this instance.
35. To the rear of the proposed dwelling, a distance of approximately 16m is achieved.
36. Window to window distances between the new dwelling and the rear of facing properties east of the site also meet PG1 guidelines.
37. Conditions are recommended by the Council's Environmental Health Officer in relation to lighting, plant noise and electric vehicle charging points (EVCPs). EVCPs are now required by the Building Regulations and a therefore a planning condition would not be necessary in this case.
38. No plant is proposed as part of the application and therefore an informative would be more appropriate in this case.

39. Representations received have requested that permitted development rights are removed to prevent the property from extending in the future. Having regard to the restrictions under permitted development rights (for example in relation to side extensions and windows in side elevations) and the space maintained to the side of the site adjacent to 24 Erlington Avenue, it is not considered necessary to remove permitted development rights in this instance.

Amenity for Future Occupiers

40. The proposed development comprises 1 no. 4 bed dwelling. The property would have a good level of internal and external space and complies with the Nationally Described Space Standards for a 4 bedroom property. All bedrooms and main habitable rooms within the dwellings would be served by windows or rooflights that provide an outlook and would be afforded an acceptable amount of daylight.

Conclusion

41. The proposed development is considered to be acceptable in terms of residential amenity for both neighbouring occupants and future occupiers. It is therefore in accordance with Policy L7 of the Core Strategy and NPPF.

PARKING AND HIGHWAYS

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

43. Paragraph 115 of the NPPF states that “Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.”

44. The car parking standards as detailed within SPD3 state that for a four or more-bedroom dwelling unit, three off-street parking spaces are required. The plans demonstrate that these can be satisfactorily accommodated within the site including 1 no. space provided within the detached garage.

45. The minimum cycle parking standards as detailed within SPD3 state a four or more-bedroom dwelling unit requires two communal or four allocated cycle spaces. The proposed garage provides sufficient space for the parking of a car and the required cycle parking provision.

46. It is considered the works associated with the construction of the development will result in a temporary increase in the number and type of activities that take place at this location on a day-to-day basis, including access by heavy duty vehicles. The LHA therefore request a CEMP condition is attached to an approval.

TREES AND LANDSCAPING

47. Core Strategy 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.

48. Google Maps (2019) indicates that there was previously a garage on the site (there remains evidence of the hardstanding) and the frontage to Erlington Avenue was heavily planted. It is clear that the site contributed positively to the street scene through the presence of trees and landscaping. Notwithstanding this, no trees on site were protected by a TPO and the site is not within a Conservation Area. As such, clearance of the site in preparation for the submission of this planning application was undertaken lawfully.

49. It is considered that there is scope within the site for new on-site planting and landscaping. A condition is recommended to this effect.

ECOLOGY

50. The existing site has been cleared and therefore it contains limited biodiversity. In line with NPPF a condition is attached requiring biodiversity enhancement.

FLOOD RISK AND CLIMATE CHANGE

51. 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.

52. Having regard to consultation comments from the Lead Local Flood Authority, there are no drainage matters that need to be addressed.

EQUALITIES

53. 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.

54. 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.

55. 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 applicant has confirmed that the dwellings will comply with the Building Regulations Part M 4(1) (Visitable dwellings) which requires that reasonable provision should be made for people, including wheelchair users, to gain access to and use the dwelling and its facilities.

56. The proposal has been designed with a level threshold. 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.

DEVELOPER CONTRIBUTIONS

57. This proposal is subject to the Community Infrastructure Levy (CIL) and is located in the 'cold zone' for residential development, consequently private market houses will be liable to a CIL charge rate of £20 in line with Trafford's CIL charging schedule and revised SPD1: Planning Obligations (2014).

58. No other planning obligations are required.

PLANNING BALANCE AND CONCLUSION

59. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires applications to be determined in accordance with the development plan unless

material considerations indicate otherwise. That remains the starting point for decision making. The NPPF is an important material consideration.

60. NPPF Paragraph 11d sets out the 'presumption in favour of sustainable development.' To reiterate, paragraph 11d applies to the decision-taking process where there are no relevant development plan policies or the policies which are 'most important' are out of date. The effect of paragraph 11d is that planning permission should be granted unless either paragraph 11d(i) or paragraph 11d(ii) applies.
61. Paragraph 11d(ii) is engaged due to Core Strategy Policy L2 being out-of-date given the absence of a five year housing land supply. The engaging of paragraph 11d(ii) in these circumstances is to introduce a 'tilted balance' in support of residential applications unless 'any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.' The inference is that the lack of a five year housing land supply should be given significant weight by the decision-taker.
62. In weighing the planning balance, the benefits of the proposal need to be weighed against the adverse impacts.

Scheme benefits

63. The provision of 1 no. family dwelling is a small number but would nonetheless contribute in a meaningful and positive way to the Council's housing land supply and boost the supply of new homes in line with NPPF Paragraph 60. Even greater weight is attached to this benefit given that this is a Borough with an acknowledged shortage of housing. Furthermore, the proposed development is located within a sustainable location. In view of the Council's current position of housing delivery in the Borough, this carries substantial weight.
64. The scheme would bring about an appropriately designed scheme that is considered to be in keeping with the context and character of the streetscene and the surrounding area more generally.
65. There are also acknowledged economic benefits of the development through short-term temporary jobs during construction. Given the scale of the development, these benefits are afforded limited weight.

Scheme harms

66. The main scheme harms arise from the loss of trees and planting on the site and the contribution that this made to the street scene. Nevertheless, it is important to reiterate that site clearance took place lawfully and that there is scope for landscaping within the proposed scheme.

Conclusion

67. Substantial weight is given to the contribution the scheme would make to the Borough's housing land supply, in a situation where there is a shortfall below the 5 year requirement, albeit it is recognised that the proposal would only make a small contribution with the creation of 1 no. additional unit.
68. The exercise under the tilted balance has been carried out, and the harms arising from the proposal are considered to be outweighed by the benefits when tested against NPPF Paragraph 11d(ii).
69. The proposal is considered to comply with the development plan as a whole. No adverse impacts are identified that would significantly and demonstrably outweigh the benefits of the proposed scheme, when assessed against the policies within the NPPF. As such 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 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:

- 11151/2B
- 11151/3
- 11151/4A
- 11151/5A
- 11151/6
- Site Location Plan

Reason: In order to ensure a satisfactory appearance in the interests of visual amenity and protecting the character of the area having regard to Policy L7 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. All window and door openings shall be constructed with minimum 90mm deep external reveals.

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

5. 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.

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

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

7. 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:
- The parking of vehicles of site operatives and visitors;
 - Loading and unloading of plant and materials;
 - Storage of plant and materials used in constructing the development;
 - The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - Wheel washing facilities, including measures for keeping the highway clean;
 - Measures to control the emission of dust and dirt during construction;
 - A scheme for recycling/disposing of waste resulting from demolition and construction works;
 - Hours of construction activity;
 - 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;
 - 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.

8. 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.

9. 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.

10. No development shall take place until details of the bin stores, which shall include accommodation for separate recycling receptacles for paper, glass and cans in addition to other household waste, have been submitted to and approved in writing by the Local Planning Authority. The approved bin stores shall be completed and made available for use prior to the first occupation of the dwelling and shall be retained thereafter.

Reason: To ensure that satisfactory provision is made for refuse and recycling storage facilities at the design stage of the development, having regard to Policy L7 of the Trafford Core Strategy and the National Planning Policy Framework.

11. 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 and second floors on the north and south side elevations facing 33 and 35 Rye Bank Road and 24 Erlington Avenue, 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.

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

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

13. Notwithstanding the plans hereby approved and prior to the creation of the parking area, a scheme identifying a porous material to be used in the hard standing (for the car parking area) or a scheme directing run-off water from that hard standing to a permeable or porous area or surface within the curtilage of the dwellinghouse, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details prior to the first occupation of the development hereby approved.

Reason: To prevent localised flooding in accordance with Policies L7, R3 and L5 of the Trafford Core Strategy and the National Planning Policy Framework.

14. The development hereby approved shall not be occupied unless and until a scheme for biodiversity enhancement measures to be incorporated into the development (including bat boxes and bird boxes) have been submitted to and

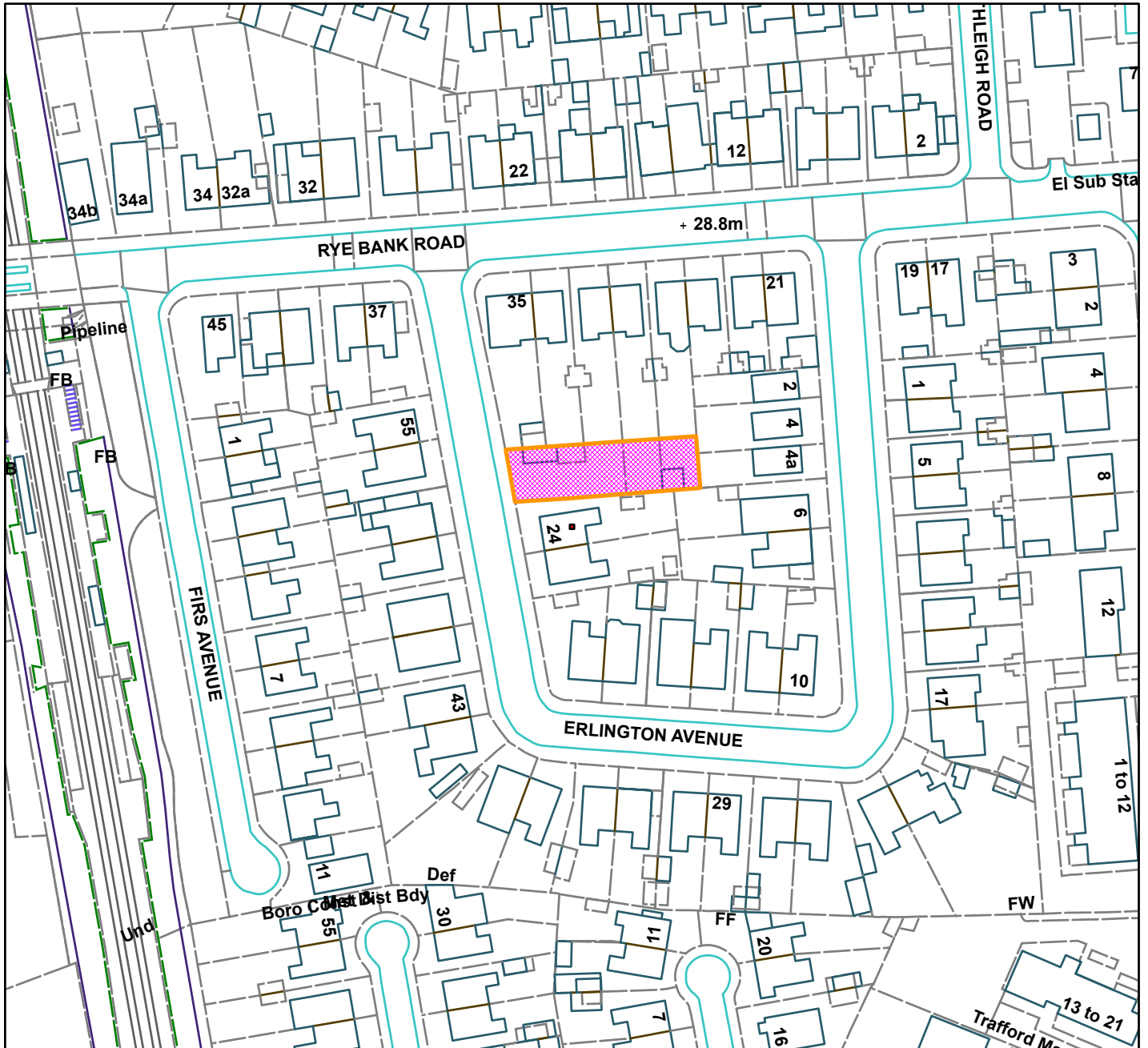
approved in writing by the local planning authority. The development shall be implemented in accordance with the approved measures.

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

JE



Land Adjacent To 24 Erlington Avenue, Old Trafford (site hatched on plan)



Scale: 1:1,250

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Organisation	Trafford Council
Department	Planning Service
Comments	Committee Date 15/02/2024
Date	05/02/2024
MSA Number	AC0000809316 (2022)

WARD: Timperley North

112334/FUL/23

DEPARTURE: No

Removal of existing rear covered yard, erection of single storey rear extension and alterations to elevations

203 Woodhouse Lane East, Timperley, Altrincham, WA15 6AS

APPLICANT: Trafford Liberal Democrats' Trust

AGENT: Prospetti

RECOMMENDATION: GRANT with conditions

This application is reported to the Planning and Development Management Committee as the applicant is the Lead Trustee of the Trafford Liberal Democrats Trust, and two of the trustees within the Trust are elected members, namely Councillor Jane Brophy and Councillor William Frass.

SITE

The application property is a brick built terraced building, located on Woodhouse Lane East. The building consists of office use at the ground floor. The unit above the offices is used as a flat. The wider row of terraces comprises a range of commercial units with ground floor frontages, with many supporting residential use at 1st floor

Bins are contained to the rear of the site, adjacent to the covered yard.

PROPOSAL

The application is seeking planning permission for the removal of the existing rear covered yard, erection of a single storey rear extension, and alterations to elevations of the dwelling.

The single storey rear extension would project approx. 3m from the rear elevation of the building, and would have an eaves height of 3m and ridge height of 3.3m. The extension would have a lean-to roof, with three rooflights. There would be two windows, and a set of doors within the rear elevation of the extension.

The windows and door within the front elevation would be altered from white UPVC to charcoal grey UPVC.

Value Added:

Following a request from the LPA, amendments have been made to ensure that the building would be more accessible. Level access, and an internal ramp have been provided to the front of the building.

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

L6 – Waste

L7 – Design

L8 – Planning obligations

W2 – Town centres and retail

For the purpose of the determination of this planning application, these policies are considered 'up to date' in NPPF Paragraph 11 terms.

PROPOSALS MAP NOTATION

Local and Neighbourhood shopping area

PRINCIPAL RELEVANT REVISED UDP POLICIES/PROPOSALS

S10 - Local and Neighbourhood Shopping Centres

S14 - Non Shop Uses Within Local and Neighbourhood Shopping Centres

PLACES FOR EVERYONE

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

Emerging policies relevant to this application are:

JP-P1 - Sustainable Places

NATIONAL PLANNING POLICY FRAMEWORK (NPPF)

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

NATIONAL PLANNING PRACTICE GUIDANCE (NPPG)

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

RELEVANT PLANNING HISTORY

112027/ADV/23: Display of non-illuminated fascia sign. Approved with Conditions on 05.12.2023.

APPLICANT'S SUBMISSION

CIL questions

CONSULTATIONS

Cadent Gas – no objection, informative.

REPRESENTATIONS

The application was advertised through notification letters sent to immediate neighbours. No representations were received in response to this application.

OBSERVATIONS

PRINCIPLE

1. Policies relating to the impact on the neighbourhood shopping centre, design and amenity are considered to be 'most important' for determining this application when considering the application against NPPF paragraph 11, as they are most relevant to the likely impacts of the proposed development on the surrounding area.
2. Policies L7 and W2 of the Core Strategy are considered to be compliant with the NPPF and therefore up-to-date as they comprise the local expression of the NPPF's emphasis on good design and, together with associated SPDs, and the Borough's design code; and the Council's support for retail and office use in appropriate locations such as Local and Neighbourhood shopping areas. Full weight can be afforded to these policies.

3. The policies which are most important for determining the application are therefore up-to-date. For reasons set out elsewhere in this report, the development proposals are considered to accord with the development plan and should be approved without delay; the 'tilted balance' referred to in NPPF paragraph 11(d)(ii) is not engaged.

IMPACT ON NEIGHBOURHOOD CENTRE

4. The extension would be used as an office, and the existing office space to the front would be used as flexible space. The ground floor of the building would remain within use class E.
5. The extension would simply offer additional office space. The proposal is not considered to undermine the function or character of this neighbourhood centre, or its ability to meet the needs of residents in the locality.
6. The proposal would accord with policy W2 of the Core Strategy. Therefore in principle the extension is acceptable, subject to the impact on visual and residential amenity.

DESIGN

7. The extension would project 3m from the rear elevation, and would only extend 1m wider than the existing canopy. The extension is considered modest in scale, and would form a proportionate addition to the building. It is noted that other buildings along this terrace row also have single storey rear extensions, demonstrating that the extension would form a characteristic addition.
8. The extension would contain two charcoal grey windows, and a door. These materials are considered to complement the main dwelling, and would be considered appropriate.
9. Bins would remain located to the rear of the site, not visible from the public realm. This is considered appropriate, and consistent with the adjoining terraces.
10. The windows and doors within the principal elevation of the building would be altered from white UPVC to a charcoal grey UPVC. The charcoal grey is considered to complement the brick-built building. It is acknowledged that the building is part of a wider terrace row, with all the terraces containing white UPVC windows/doors. The grey UPVC would differ from the surrounding window materials, but it is not considered that it would result in sufficient harm to the appearance of the terrace row, or the wider setting to warrant a refusal, so is therefore considered acceptable.

11. Overall, it is concluded that the proposal would not have a detrimental impact upon the appearance and character of the existing building and wider area. It is therefore considered that the proposal would be acceptable in design terms and in accordance with Policy L7 in this respect.

AMENITY

12. Impact on the amenity of neighbouring residents has been considered in line with Policy L7 and guidance contained in SPD4.

Impact upon the rear

13. The extension is positioned well over 10.5m from the rear boundaries of dwellings along Raven Road. Whilst not strictly relevant as this is not a house extension it would nevertheless be in accordance with SPD4 guidance.

Impact upon the no. 201 Woodhouse Lane East (adjacent) and no. 205 Woodhouse Lane East (adjoining)

14. There would be no windows within the side elevation of the extension facing no. 201 Woodhouse Lane East, ensuring there would be no impact to their privacy. The extension would be positioned approx. 8m from no. 201, ensuring no overbearing and/or loss of light impacts to this property.
15. The adjoining terrace, no. 205 Woodhouse Lane East contains a café. The rear door serves a food preparation room, and the windows serve a kitchen, and WC. The existing rear canopy projects 3m from the rear elevation, along the shared boundary with no. 205. The proposed extension would also project 3m from the rear elevation, along this boundary. The extension would have a slightly higher ridge height compared to the existing canopy, but is not considered to give rise to any undue impacts to the amenity of the adjoining terrace. There would be no windows within the side elevation of the extension facing no. 205.
16. The proposal would therefore comply with Policy L7, and would be considered acceptable on amenity grounds.

HIGHWAYS

17. The extension would have no impact on the existing parking arrangement.

WASTE

18. The existing bins are stored adjacent to the courtyard, outside of the site. It is noted that all the terraced units along this section similarly store waste outside of the site, which ensures that waste is screened from the streetscene. The development would not result in any change to this existing arrangement, with bins remaining

positioned externally to the rear of the site. Therefore, the extension would have no impact on the current waste arrangement.

EQUALITIES

19. 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.
20. 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.
21. 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.
22. The public would access the building through the front entrance. As part of the application, the applicant has removed the step from the front entrance, and made the door level with the external ground surface. There would be an internal, permanent ramp provided within the corridor, leading into the flexible space, which ensures that the building would be more accessible to those with mobility issues. Stepped access would also be provided, offering an alternate manner to access the flexible space.
23. The plans indicate that the doors to the rear would be exclusively used for deliveries, and would not be used by users of the building. These doors have stepped access, but the applicant has indicated that a temporary ramp could be installed, in the instance that an individual with mobility issues wanted to access

the building through this entrance. As such, space has been allocated within the rear extension for the storage of a temporary ramp.

24. An accessible WC would be created through the alterations to the ground floor layout, which would support the needs of individuals with protected characteristics.

25. To conclude, the development would provide level access to the building, with an internal ramp, and an accessible WC. It is considered that the applicant has taken appropriate measures, proportionate to the scale of the development, to ensure that the building would be more accessible.

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

DEVELOPER CONTRIBUTIONS

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

PLANNING BALANCE AND CONCLUSION

28. The proposed development would not cause any harm to the character and appearance of the application building, the street scene or the surrounding area by reason of its design and is considered appropriate in its context. In addition, the proposed development would not result in any undue impact on residential amenity or parking demand in the area. It therefore meets the aims of the Core Strategy, the emerging Places for Everyone and the NPPF in this respect.

29. All relevant planning issues have been considered in concluding that the proposal comprises an appropriate form of development for the site. The application is therefore compliant with Policies W2 and L7 of the Trafford Core Strategy, Policy JP-P1 of the emerging Places for Everyone, and national policy contained within the NPPF. The proposal complies with the development plan when taken as a whole. The application is therefore recommended for approval.

RECOMMENDATION: GRANT subject to the following conditions

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

Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990 (as amended).

2. The development hereby permitted shall not be carried out except in complete accordance with the details shown on plan number 0023-PR-B1-00-DR-0001 Rev 02, dated 31.01.2024.

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 main dwelling.

Reason: In order to ensure a satisfactory appearance in the interests of visual amenity having regard to Policy L7 of the Trafford Core Strategy, Policy JP-P1 of Places for Everyone, the Council's adopted Planning Guidance 1: Residential Development and the requirements of the National Planning Policy Framework.

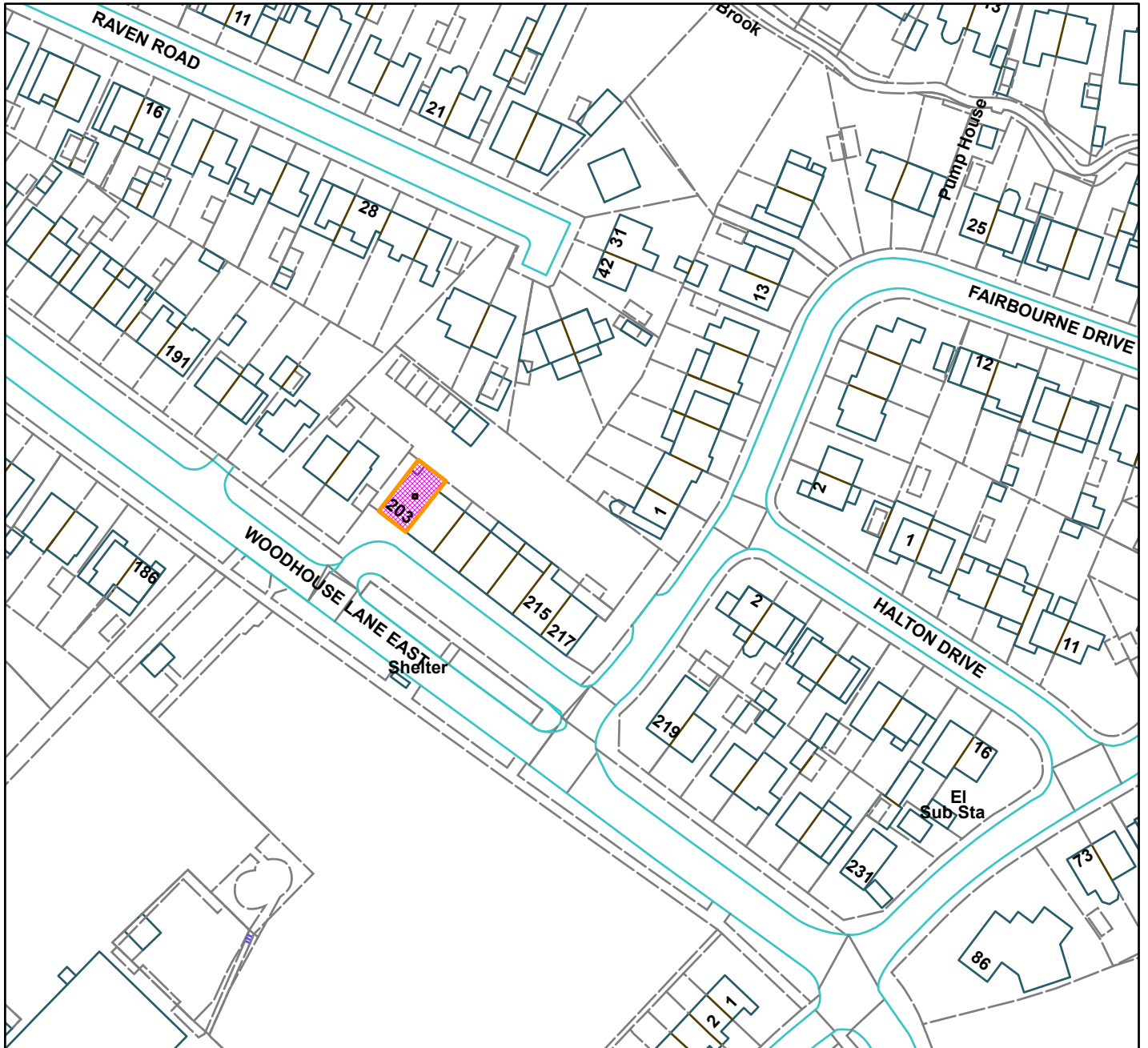
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112334/FUL/23



TRAFFORD COUNCIL

203 Woodhouse Lane East, Timperley (site hatched on map)



Scale: 1:1,250

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Organisation	Trafford Council
Department	Planning Service
Comments	Committee date 15/02/2024
Date	05/02/2024
MSA Number	AC0000809316 (2022)