



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

Date: Thursday, 13 May 2021

Time: 6.30 pm

Place: TBC

AGENDA

ITEM

1. ATTENDANCES

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

2. DECLARATIONS OF INTEREST

Members to give notice of any Personal or Prejudicial Interest and the nature of that Interest relating to any item on the Agenda in accordance with the adopted Code of Conduct.

3. MINUTES

To receive and, if so determined, to approve as a correct record the Minutes of the meeting held on 8th April, 2021.

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4. QUESTIONS FROM MEMBERS OF THE PUBLIC

A maximum of 15 minutes will be allocated to public questions submitted in writing to Democratic Services (democratic.services@trafford.gov.uk) by 4pm two working days prior to the meeting. Questions must be within the remit of the Committee or be relevant to items appearing on the agenda and will be submitted in the order in which they were received.

5. ADDITIONAL INFORMATION REPORT

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

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

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

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Applications for Planning Permission	
Application	Site Address/Location of Development
101470/FUL/20	Land At The Rear Of 3 Cromwell Road/Edge Lane Stretford, M32 8GH
101651/FUL/20	Site Of Former MKM House, Warwick Road, Stretford, M16 0XX
102117/FUL/20	Bowdon Lawn Tennis Club, Elcho Road, Bowdon, WA14 2TH
102361/HHA/20	37 Tintern Avenue, Flixton, M41 6FH
102432/FUL/20	77 Lytham Road, Flixton, M41 6WJ
103162/HHA/21	9 Wilford Avenue, Sale, M33 3TH
103666/FUL/21	Stamford Square, Stamford Quarter Shopping Centre, George Street, Altrincham, WA14 1RJ

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

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

SARA TODD

Chief Executive

Membership of the Committee

Councillors A.J. Williams (Chair), B. Hartley (Vice-Chair), Dr. K. Barclay, D. Bunting, T. Carey, M. Cordingley, D. Jerrome, M. Minnis, D. Morgan, K. Procter, E.W. Stennett, S. Thomas and B.G. Winstanley.

Further Information

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

Michelle Cody, Governance Officer

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This agenda was issued on **4th May, 2021** by the Legal and Democratic Services Section, Trafford Council, Trafford Town Hall; Talbot Road, Stretford, Manchester, M32 0TH

PLANNING AND DEVELOPMENT MANAGEMENT COMMITTEE

8th APRIL, 2021

PRESENT:

Councillor Williams (In the Chair),
Councillors Dr. Barclay, Bunting, Carey, Cordingley, Hartley, Jerrome, Minnis, Morgan,
K. Procter, Stennett MBE, Thomas and Winstanley.

In attendance: Head of Planning and Development (Ms. R. Coley),
Major Planning Projects Manager (Mrs. S. Lowes),
Planning and Development Manager (West) (Mr. S. Day),
Major Planning Projects Officer (Mrs. B. Brown),
Senior Highways & Traffic Engineer (Amey) (Ms. E. Hendren),
Solicitor (Mrs. C. Kefford),
Senior Governance Officer (Mr. I. Cockill),
Governance Officer (Miss M. Cody).

47. DECLARATIONS OF INTEREST

No declarations were made.

48. MINUTES

RESOLVED: That the Minutes of the meetings held on 11th and 15th March, 2021,
be approved as a correct record and signed by the Chair.

49. QUESTIONS FROM MEMBERS OF THE PUBLIC

No questions were submitted.

50. ADDITIONAL INFORMATION REPORT

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

RESOLVED: That the report be received and noted.

51. APPLICATIONS FOR PERMISSION TO DEVELOP ETC

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

<u>Application No., Address or Site</u>	<u>Description</u>
103414/FUL/21 – Unit 1, Altrincham Retail Park, George Richards Way, Altrincham.	Extension and sub-division of existing Homebase store (Unit 1) to create two new retail units (Use Class E(a)) comprising a

Planning and Development Management Committee
8th April, 2021

retail warehouse unit and associated garden centre (Unit 1) and a discount convenience foodstore (Unit 1A), together with associated revised car parking arrangement, landscaping and formation of an additional site egress.

(b) Permission refused for the reasons now determined

<u>Application No., Address or Site</u>	<u>Description</u>
99561/COU/20 – 432 Flixton Road, Flixton.	Retrospective application for change of use from former café use to a drinking establishment (Sui Generis) with external seating area, installation of new door and bi-fold windows to front elevation and external cooler plant to rear elevation.

52. TOWN AND COUNTRY PLANNING ACT 1990 – SECTION 247 PROPOSED STOPPING UP OF HIGHWAY AT BRIGHTON GROVE, ASHTON LANE, SALE

A report was submitted advising Members of an Application made to the Secretary of State for Transport under S247 of the Town and Country Planning Act 1990 to stop up an area of highway in Sale to enable development to be carried out in accordance with planning permission granted under reference number 102822/FUL/20.

RESOLVED: That no objection be raised to the Application.

COUNCILLOR WHIT STENNETT MBE

The Chair reflected on the fact that this was Councillor Stennett's last meeting as he would be standing down from the Council at the forthcoming Local Elections. Councillor Stennett has been a longstanding Councillor for the Clifford Ward and has provided continual service as well as being a longstanding Member of the Planning Committee.

The Chair thanked Councillor Stennett for his service and his contributions and moreover his friendship and added on behalf of himself and the Committee that he will be missed.

Councillor Stennett remarked that it had been an interesting journey and in return expressed his thanks to all.

The meeting commenced at 6.38 pm and concluded at 8.09 pm.



PLANNING AND DEVELOPMENT MANAGEMENT COMMITTEE – 13th MAY 2021

REPORT OF THE HEAD OF PLANNING AND DEVELOPMENT

APPLICATIONS FOR PERMISSION TO DEVELOP, ETC.

PURPOSE

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

RECOMMENDATIONS

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

FINANCIAL IMPLICATIONS

None unless specified in an individual report.

STAFFING IMPLICATIONS

None unless specified in an individual report.

PROPERTY IMPLICATIONS

None unless specified in an individual report.

Further information from: Planning Services

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

Background Papers:

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

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

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

TRAFFORD BOROUGH COUNCIL

PLANNING AND DEVELOPMENT MANAGEMENT COMMITTEE – 13th MAY 2021

Report of the Head of Planning and Development

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

Applications for Planning Permission				
Application	Site Address/Location of Development	Ward	Page	Recommendation
<u>101470/FUL/20</u>	Land At The Rear Of 3 Cromwell Road/Edge Lane Stretford, M32 8GH	Longford	1	Grant
<u>101651/FUL/20</u>	Site Of Former MKM House, Warwick Road Stretford, M16 0XX	Longford	29	Minded to Grant subject to Legal Agreement
<u>102117/FUL/20</u>	Bowdon Lawn Tennis Club Elcho Road, Bowdon, WA14 2TH	Bowdon	86	Grant
<u>102361/HHA/20</u>	37 Tintern Avenue, Flixton M41 6FH	Flixton	111	Grant
<u>102432/FUL/20</u>	77 Lytham Road, Flixton M41 6WJ	Davyhulme West	120	Refuse
<u>103162/HHA/21</u>	9 Wilford Avenue, Sale M33 3TH	Brooklands	131	Grant
<u>103666/FUL/21</u>	Stamford Square, Stamford Quarter Shopping Centre, George Street, Altrincham, WA14 1RJ	Altrincham	140	Grant

WARD: Longford

101470/FUL/20

DEPARTURE: No

The erection of 1no. single-storey bungalow and widening of the existing access with associated parking (following demolition of garage)

Land at the rear of 3 Cromwell Road/Edge Lane, Stretford, M32 8GH

APPLICANT: Mr James Bromfield

AGENT: Pozzoni

RECOMMENDATION: GRANT, SUBJECT TO CONDITIONS

The application has been referred to the Planning and Development Management Committee following a call-in request by Cllr Anne Duffield (before she stood down from Council).

SITE

The application site, which extends to some 530 square metres, is located in the Stretford area of the Borough, close to Longford Park. It comprises land situated to the rear of residential properties on Edge Lane and also on Cromwell Road. It forms part of the rear gardens to nos. 105 and 107 Edge Lane. These properties comprise a pair of large, semi-detached Georgian properties which have been subdivided and converted into residential flats (which are understood to be rented, each providing 5 units). Nos. 109 and 111 Edge Lane, directly to the south, provide the same arrangement.

The plot is L shaped in its configuration and is accessed from Cromwell Road (via a gated vehicular access and an adjacent pedestrian access). It presently accommodates a single garage (towards the Cromwell Road frontage) and the remainder is characterised by vegetation and some mature trees. Whilst it is somewhat overgrown, parts of it are being used as small allotment plots (understood to have been created by the tenants of the flats). The northern, eastern and western boundaries of the site are defined by high brick walling and fencing, whilst the southern boundary is open in presently forming a continuation of the existing garden/back yard to nos. 105 and 107 Edge Lane.

The site's surroundings are principally residential. The former Union Baptist Church, which is still in use as a place of worship and spiritual study centre, is positioned to the south-west of the site (facing Edge Lane). It is Grade II listed. The nearby Longford Park is a designated conservation area (the Longford Conservation Area).

PROPOSAL

The application, which is made in full, proposes the erection of a dwelling on the site

following the demolition of the existing garage. A single-storey bungalow is proposed which would provide two bedrooms. No accommodation is proposed in the roof space. The dwelling, which is broadly rectangular in form with some small projecting elements, is proposed towards the southern part of the site, with a garden proposed to the north. The existing vehicular access would be utilised, albeit widened. Two off-site car parking spaces are proposed on the driveway (with this being the location of the existing garage).

The building is of a traditional design, incorporating gabled elevations, but with some more contemporary elements to its appearance. The proposed materials comprise a mixture of red and brown bricks (used for different elevations) and a blue roof tile. A different bonding pattern, incorporating projecting headers, is proposed in some areas.

The application has been submitted by Mosscafe St Vincents, a housing association. In proposing a single-storey bungalow, the application seeks flexibility in respect of the tenure of the unit, either for market sale or some form of affordable home.

This application follows the withdrawal in 2019 of a previous application (ref. 98159/FUL/19) in response to officer concerns regarding both visual and residential amenity. This proposed a pair of semi-detached residential units, comprising 1.5 storey bungalows.

Value Added

Amended plans have been submitted in response to the first-stage consultation response of the Heritage Development officer. These show a modified palette of materials, different boundary treatments, and the incorporation of brick lintels and stone cills to the windows and doors. The revised plans also respond to the comments of the local highway authority (LHA) in providing requested visibility splays, further information regarding car and cycle parking, and confirming that a dropped kerb would be installed and that vehicles could exit in forward gear. In addition, the amended plans also allow for the retention of the existing pedestrian access - adjacent to the vehicular access - to enable the Edge Lane flats to continue to wheel refuse bins to Cromwell Road. Previously this access was subsumed within the application site. The new plans also show an increased amount of soft landscaping to the driveway. Finally, an updated Design and Access Statement has been provided to justify the bungalow's proposed siting within the plot.

DEVELOPMENT PLAN

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

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

- the Core Strategy; and
- **The Revised Trafford Unitary Development Plan (UDP)**, adopted 19 June 2006. The majority of the policies contained in the revised Trafford UDP were saved in either September 2007 or December 2008 in accordance with the Planning and Compulsory Purchase Act 2004 until such time that they are superseded by policies within the LDF. Appendix 5 of the Trafford Core Strategy provided details as to how the Revised UDP is being replaced by the 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
R1 – Historic Environment
R2 – Natural Environment
R3 – Green Infrastructure

PRINCIPAL RELEVANT REVISED UDP POLICIES/PROPOSALS

None

PROPOSALS MAP NOTATION

Unallocated

SUPPLEMENTARY PLANNING GUIDANCE

SPD1 – Planning Obligations
SPD3 – Parking Standards and Design
SPD5.15 – Longford Conservation Area Appraisal and Management Plan

SUPPLEMENTARY PLANNING DOCUMENTS

SPG1: New Residential Development

NATIONAL PLANNING POLICY FRAMEWORK (NPPF)

The Ministry of Housing, Communities and Local Government published the current National Planning Policy Framework (NPPF) on 19 February 2019. The NPPF will be referred to as appropriate in the report.

NATIONAL PLANNING PRACTICE GUIDANCE (NPPG)

The National Planning Practice Guidance (NPPG) is a web-based resource which brings together planning guidance on various topics in one place. It was first launched by the Government on 6 March 2014 although has since been subject to a number of updates. The NPPG will be referred to as appropriate in the report.

GREATER MANCHESTER SPATIAL FRAMEWORK

The Greater Manchester Spatial Framework (GMSF) was a joint Development Plan Document being produced by the Greater Manchester districts. The first consultation draft of the GMSF was published on 31st October 2016, and a further period of consultation on the revised draft ended on 18th March 2019. The GMSF is now being progressed by nine GM districts as 'Places for Everyone' (PFE) and, once adopted, will be the overarching development plan for these districts, setting the framework for individual district Local Plans. PFE is not yet at Regulation 19 stage and so will normally be given limited weight as a material consideration. Where it is considered that a different approach should be taken, this will be specifically identified in the report. If PFE/GMSF 2020 is not referenced in the report, it is either not relevant, or carries so little weight in this particular case that it can be disregarded.

RELEVANT PLANNING HISTORY

H33413 – Erection of three single-storey one bedroom dwelling units with car parking and new vehicular access onto Cromwell Road
Refused – 17.05.91

H/65522 – Construction of parking and 4 garages on vacant land for use by occupants of adjacent flats
Approved with conditions – 03.11.06

98159/FUL/19 – Erection of two dormer bungalows and widening of access
Withdrawn – 25.10.19

APPLICANT'S SUBMISSION

The applicant has submitted the following documents in support of the application (in addition to plans and drawings):

Design and Access Statement
Tree Survey and Arboricultural Impact Assessment

CONSULTATIONS

Cadent Gas - No objection, subject to informative (to advise the applicant of the presence of apparatus)

Greater Manchester Ecology Unit – No objection, subject to condition/informative (to request biodiversity enhancement measurements, to restrict the timing of vegetation clearance, to manage any Japanese Knotweed, and to advise if bats are discovered)

Health and Safety Executive – No objection

Trafford Council Heritage Development Officer – No objection, subject to condition

(to request full design details of the windows and doors, to ensure conservation-style rooflights, to provide for overhanging eaves, and to require a brick sample panel)

Trafford Council Lead Local Flood Authority – No objection, subject to condition/informative (to advise on the use of permeable surfacing for areas of hardstanding)

Trafford Council Local Highway Authority – No objection, subject to condition/informative (to request a Construction Method Statement, to request cycle parking details, to ensure that gates would open inwards, and to advise in respect of the dropped kerb installation process)

Trafford Council Pollution and Licensing (Contaminated Land) – No objection, subject to condition (to request details of the foundation design)

Trafford Council Pollution and Licensing (Nuisance) – No objection

Trafford Council Tree Officer – No objection, subject to condition (to ensure that retained trees are protected, and to secure replacement tree planting)

Trafford Council Waste Management – No objection

United Utilities – No objection, subject to condition/informative (to encourage a sustainable surface water drainage strategy for the development)

REPRESENTATIONS

Objection

Three letters of representation have been received which object to the application. The key issues raised can be summarised as:

- The application is contrary to Trafford Council’s guidelines which do not support ‘tandem development’;
- The proposal would introduce development into a quiet garden area and would be detrimental to residential amenity on a number of grounds;
- The proposed dwelling would overlook my adjacent home and back garden;
- The neighbouring house and garden would receive less light as a result;
- There would be an increase in noise and disturbance through extra vehicles which would be a nuisance;
- The proposal would cause an increase in traffic and make accessing an adjacent driveway difficult;
- It is likely to result in more parked cars on Cromwell Road;
- The proposed vehicular access is very narrow and close to a junction;
- It would cause a pedestrian safety risk by introducing another vehicular access

- near to the entrance to Longford Park;
- The development would be visually obtrusive;
 - Bungalows are not the dominant house type in the area;
 - The plot is too small to contain a house which would be positioned close to boundaries;
 - The site has wildlife value with varieties of birds, bats, insects and frogs all having been recently observed (including some with red/amber conservation status and some recognised priority species);
 - The site contains attractive, mature trees;
 - The usage of the proposed dwelling is unknown; whether it is market housing or a form of affordable housing;
 - This small patch of wild land should be retained;
 - There is Japanese Knotweed on site which should be investigated and properly disposed of;
 - The site is currently well-used by the tenants;
 - It provides invaluable outdoor space and offers social opportunities for the residents which has been crucial over the last year;
 - The site is being used as an informal allotment;
 - The site produces fresh healthy foods; tenants' food growing initiatives should be encouraged;
 - Formal allotment waiting lists are extremely long; and
 - The area has suffered with flooding in recent months, and reducing the extent of permeable land would increase the risk.

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

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

- i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; 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. For applications involving the provision of housing, Footnote 7 confirms that 'out-of-date' includes situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites. This Council does not have a five year supply. Thus, paragraph 11d provides the decision-taking framework for this application and the tilted balance is engaged.

The Principle of Residential Development

4. With reference to the Proposals Map accompanying the statutory development plan, the application site is unallocated (consistent with other surrounding residential properties). It is situated within an existing built up area, close to local amenities and services as well as transport infrastructure (including public transport; both buses and the Metrolink). The site (historically) formed part of a residential garden (now utilised by the apartment tenants) and is located in an area where housing predominates. It is therefore considered that this is an area where a further residential use would be acceptable in principle.

5. That being the case, it is acknowledged that the application site is of an unusual configuration and that this is not a natural infill plot. The proposal essentially involves the erection of a dwelling on the back part of a long garden. The development of such sites is commonly known as backland or tandem development. The equivalent garden of the adjacent property (nos. 109 to 111 Edge Lane) was developed several decades ago (it is understood) and now accommodates a bungalow (at no. 3 Cromwell Road). This development benefits from a frontage to Cromwell Road. The application site, however, does not have this feature. The majority of the site is encircled by surrounding residential properties and their gardens. It has very limited street frontage with only a narrow driveway leading to Cromwell Road.

6. SPG1: New Residential Development (2004) refers specifically to backland or tandem development, described as the placing of one dwelling behind another within a single plot. The guidance note continues by identifying a number of problems with this type of arrangement, encompassing both residential and visual amenity issues. As a consequence, tandem development 'will not normally be acceptable,' the SPG advises. However, there can be some instances where this form of development could work and the harm that the SPG anticipates may not occur or may be satisfactorily reduced. This is a site where warrants this further exploration it is considered. The key factor in favour of this site is that it has its own dedicated access; there would be no shared access from the road. Moreover, this is an established driveway which, it is to be assumed, has been used over time for the parking of vehicles (although not recently observed, it is accepted).

7. Accordingly, the visual and residential amenity impacts of the development

have been very carefully considered and are covered elsewhere in this report. Central government's ambitions of significantly boosting the supply of housing are embodied in the NPPF. Policy L2 of the Core Strategy (which is generally regarded as being up-to-date) is clear that all new residential proposals will be assessed for the contribution that would be made to meeting the Borough's housing requirement. This objective is especially significant in the context of this Council not being able to demonstrate a five year housing land supply; latest monitoring indicates a supply of only 2.4 years. Whilst only providing one 2-bed dwelling (which could either be for market sale or some form of affordable housing), nonetheless the ability to contribute to the housing supply position is a matter which weighs in the application's favour.

8. Accordingly, whether the proposed development is wholly acceptable in principle in this case is contingent on successful conclusions being drawn on matters of visual and residential amenity. In signalling the outcome of these assessments, as described in detail in due course, it is concluded that the proposed development is within acceptable technical limits; thus, this is a suitable backland/tandem proposal *in this location and for this site*.

Design and Visual Amenity

9. The promotion of high standards of design is a central narrative within the NPPF. At paragraph 124 it is explained that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. In further promoting well-designed planning outcomes, in October 2019 the Government published its National Design Guide (NDG). 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, and therefore up-to-date for the purpose of decision-taking.

10. The NDG explains that a well-designed development is unlikely to be achieved by focusing only on the appearance, materials and detailing of buildings. Rather, it comes about through making the right choices on matters of layout, and of form and scale, it continues. Layout is a central consideration in the context of this proposal. One of the key visual amenity concerns arising from backland/tandem development is that it could undermine the character of a streetscene by not respecting the prevailing urban grain. It is noted that there is a strong grid-like structure to the residential streets including and surrounding the application site, with dwellings positioned towards each frontage on roads which run parallel to each other. There are very few examples of this being breached.

The proposed development, however, would be at odds with the established pattern of development blocks and plots. However, the next stage assessment is the extent to which this 'infringement' would be perceived, particularly from public view points. In the case of this proposal, this is reduced as a consequence of the proposed bungalow's form and scale.

11. The development has a modest footprint, reduced from the previous withdrawn proposal which provided for a pair of bungalows. In addition, it is low-lying in offering accommodation at ground floor level only. Indeed, it is considered that matters of form and scale have been used effectively in this case and that the proposal would not be unduly noticeable behind existing developments, being of low stature and being naturally set back. Whilst it is accepted that two-storey properties dominate in this locality, within this there is a range of building styles and eras and thus some variation in building height. Furthermore, there is in fact an isolated bungalow directly adjacent to the site (no. 3 Cromwell Road) and others along Cromwell Road., The proposed bungalow would not be unduly obtrusive and would have limited visibility in any event. At its most noticeable, in views down the driveway from Cromwell Road, it would be seen in the background of no. 3 Cromwell Road, although the existing garage is in fact more prominent from this aspect, it is considered.

12. It is also noted that the proposed development still allows for space to be retained at plot boundaries and would offer decent garden space for the prospective resident. The development would thus not be cramped within the plot or appear as an overdevelopment; a further common feature of backland/tandem development which can harm the character of an area.

13. Overall, it is maintained that backland/tandem development, from a visual amenity perspective, is not generally preferred and that in this case there would still be some departure from the locality's characteristics, particularly in terms of urban grain and house type. However, it is considered that some careful planning has been applied to this proposal with the effect being that the extent of tangible visual harm would be limited. This is as a consequence of the proposed development's small scale (particularly its height) and its naturally concealed positioning. A further improved arrangement, in visually amenity terms, would be an adjusted siting towards the northern part of the site, thereby better reflecting the layout of no. 3 Cromwell Road. However, this has been dismissed by the applicant since it would result in further tree loss, and it is accepted that the retention of trees is generally beneficial in further adding to the site's discrete character and providing some screening. Furthermore, it is recognised that there would be knock-on residential amenity impacts as a consequence of the two bungalows' more adjacent positioning.

14. In turning to matters of appearance, the proposed bungalow is of a traditional form and massing with a pitched roof and simplified openings. The proposal would provide a blue slate roof and red/brown brick throughout the elevations

and with this considered to be reflective of surrounding built form and respectful of the nearby Grade II listed building. Proposed computer-generated visuals illustrate the use of two brick types in contrasting, yet complementary, colours, and also projecting brick headers across some feature elevations. This approach is welcomed in enlivening the building and providing further visual interest. In addition, soldier course brick lintels to the windows and doors, and stone cills to the windows, have been incorporated as added architectural features and they further illustrate a quality of finish. Overall, it is considered that the proposed bungalow has drawn sufficiently on the architectural precedents in the area whilst creating a development with some contemporary influences and which would provide a quality, small residential development for this backland site.

15. With reference to boundary treatments, the proposal involves the retention of existing brick walling to the western and northern boundaries, and of the fencing to the boundaries with no. 3 Cromwell Road. Whilst the proposal has always allowed for the retention of a brick wall to the south at the boundary with nos. 109/111 Edge Lane, the new boundary treatment to be introduced to separate the proposed bungalow from nos. 105/107 Edge Lane was initially proposed as fencing. Concerns were raised by the Heritage Development officer regarding the use of fencing in this location, which was felt to have an unduly hard and unrelieved appearance which would be observed in views of the listed building from Edge Lane. It has since, however, been changed to a brick boundary to link up with existing walling to the north and east. Fencing is proposed to align the Cromwell Road driveway, however, and is considered acceptable in this location.

16. The proposed layout and form/scale of the building is considered to be of an adequate standard such that this backland/tandem development would not cause undue harm to the local, physical environment. The fact that the proposed bungalow is of a good design - in terms of materials, appearance and detailing - further supports this conclusion. However, it is considered crucial that this quality in design is not diminished. Thus, it is important to impose a series of design-led conditions, for example to secure full material samples (including for hard landscaping) and concerning window/door design, to guarantee a well-designed development on implementation.

17. To conclude on matters of design, it is considered that the proposed development as a whole satisfies the requirements of Policy L7 and is also compliant with the NPPF and NDG.

Impact on Heritage Assets

18. Protecting and enhancing the historic environment is an important component of the NPPF. It is the conservation of heritage assets in a manner appropriate to their 'significance' which is the focus of the NPPF, and with this significance

defined as: 'the value of a heritage asset to this and future generations because of its heritage interest. Significance derives not only from a heritage asset's physical presence but also from its setting'.

19. Within the Core Strategy Policy R1 seeks to ensure that the Borough's heritage assets are safeguarded for the future, where possible enhanced, and that change is appropriately managed and tested for its impact on the historic environment. However, Policy R1 is inconsistent with the current government guidance. This is because the policy does not reflect the NPPF's categories of 'substantial' and 'less than substantial' harm and their corresponding tests. In summary, these NPPF tests provide an opportunity for an applicant to demonstrate that there would be public benefits arising from a proposal which may outweigh heritage harm. Full weight cannot, therefore, be afforded to Policy R1, and the tests of the NPPF remain to be applied in the determination of applications in treating this guidance as a material consideration.

20. To reiterate, there are two heritage assets within the site's locality (both designated): the Grade II listed former Union Baptist Church and the Longford Conservation Area (LCA). The site is not within the latter but is a short distance from its western boundary. However, from the outset no issue has been raised in respect of the impact on the setting of the LCA in view of the lack of functional and aesthetic connectivity between the site and this heritage asset and that the proposed bungalow would not generally be observed in views towards or encompassing the LCA. However, concerns regarding the impact on the setting of the listed building did originally feature in the consultation responses of the Heritage Development officer.

21. The former Union Baptist Church is a large and prominent building, with its principal elevation facing Edge Lane. It dates from the 1860s and is constructed in brick with an ashlar stone façade to the front. It is of Classical style with substantial columns supporting a central pediment and a stained glass feature window. It sits adjacent to 105/107 Edge Lane, and an oblique view of the application site can be seen from Edge Lane provided by a gap in the built form. The trees within the site, and on an adjacent site, and the spaciousness of the application site form a backdrop to the listed building in this view. As has been reported, there were some initial concerns raised by the Heritage Development officer - focussed on the selection of materials – regarding the impact on this church's setting. These concerns have since been addressed through amendments to the building's elevations and the provision of an improved boundary treatment. The context to these concerns was some continued unease in respect of the proposed siting of the proposed bungalow which, it was felt, would be improved by a northwards shift within the plot in order to create further separation between the bungalow and the listed church. With this suggested amendment not pursued, an improvement to the materials palette would help to minimise and mitigate the impact on the church's setting, it was concluded. This was further achieved through the provision of more

architectural detailing in the form of brick lintels and stone cills. The final consultation response of the Heritage Development officer, in response to the amended plans, reports no impact on the significance of the Union Baptist Church.

22. As a consequence of this position, the proposal (as amended) is compliant with Policy R1 of the Core Strategy and no harm is identified to the heritage asset. There is no requirement to carry out the NPPF tests in seeking to establish whether any harm to significance is capable of being outweighed. The Heritage Development officer has, however, suggested some conditions in the interests of securing a quality finish and consistent with the aims of paragraph 16. This includes ensuring that the windows and doors would be set back within their openings, to secure an adequate overhang to the eaves, and to ensure the use of conservation-style rooflights.

Residential Amenity

23. Policy L7 of the Core Strategy is clear that development proposals must not prejudice the amenity of occupants of adjacent properties by reason of an overbearing impact, overshadowing, overlooking, visual intrusion, or noise/disturbance. The need to establish decent standards of residential amenity for prospective occupiers of new residential development is also referred to. That this site is bounded by residential properties has already been cited, together with the fact that backland/tandem development can often cause a range of residential amenity concerns.

24. In assessing amenity in this case, some reference is given at the outset to the unusual orientation of the proposed dwelling, in that its principal and side elevations are not so easily defined; it does not correspond with the alignment of the adjacent bungalow of no.3 Cromwell Road. This offers a standard arrangement of the front elevation addressing Cromwell Road and the rear elevation overlooking the private garden, and with these comprising the widest parts of the property relative to the shorter side elevations. The proposal's more unfamiliar layout is a consequence of the need to work around the site's constraints whilst seeking to protect and provide good levels of amenity.

25. The impact of the development itself on surrounding residents is covered first, and within this the issue of noise and disturbance. Advice on this topic has been taken from the Pollution and Licencing (Nuisance) team who has advised that, in general terms, the introduction of one residential unit to an existing residential area is unlikely to generate a level of activity that could be deemed unduly problematic. Any occupier-specific noise problem, if it did occur at a later date, could be dealt with under separate environmental health legislation. It is accepted that the other potential source of noise/disturbance issues could come from the use of the access, particularly when shared. However, the fact that the proposed development benefits from an established and dedicated means of

access significantly moderates this as a concern. The effect is there would be no apportioning of the access (typical of backland/tandem development), and the residential amenity problems associated with vehicles and residents using it, to access the rear-most property in close proximity to the frontage dwelling, would not occur. This conclusion is further reinforced by the scale of the development. However, a condition is recommended to secure the provision and implementation of a Construction Environmental Management Plan with the aim of minimising any adverse environmental effects (including noise and disturbance) during the demolition and construction process. This could restrict the hours of construction, for example.

26. With regard to overlooking from the development, the height of existing/proposed boundary treatments would prevent any direct overlooking in view of the single-storey nature of the development. Existing boundary treatments to the north, east and west are proposed to be retained, and with new walling introduced on the southern edge to demarcate the boundary between the new bungalow and the existing apartments. Indeed, the adjacent bungalow demonstrates the effectiveness of fencing (or an equivalent treatment) at this height in preventing any privacy issues at ground floor level (which this development would solely provide). That being the case, it is acknowledged that some surrounding residential properties – the Edge Lane flats and on Kenwood Road – extend to two storeys (plus) and there would be an opportunity for prospective residents to potentially obtain an upwards view. This could not occur in the direction of the Edge Lane apartments due to proposed windows in the south-facing elevation being limited to those of a very secondary nature and proposed to be obscurely glazed. The situation in respect of the west-facing elevation and the Kenwood Road properties is somewhat different. Whilst the application submission refers to this as a side elevation, it is an elevation where a large area of glazing serves the main living quarters. Some secondary windows in this location are shown as being obscurely glazed, but it is unreasonable to expect patio doors to be treated in this way. SPG1: New Residential Development advises that for new *two* storey dwellings there should be a minimum distance of 21 metres between properties which have major facing windows when across a public highway; this increases to 27 metres across private gardens. The figures further increase by 3 metres when three storey dwellings are proposed. No figures are provided for proposed single-storey developments (given the opportunities afforded by boundary treatments), although a distance less than 21/27 metres could be assumed as being appropriate. In considering the distance to the nearest houses on Kenwood Road (nos. 2 and 4), the respective elevations are (at the closest point) some 15.9 metres away. However, in view of the stepped nature of their rear elevations (which contain a series of outriggers), the actual distances at which windows are located are, firstly, 17.6 metres away and then extending to 24.9 metres. In the absence of an SPG guidance figure for separation distances between single-storey and two-storey dwellings, it is considered that this is a scenario where reasonable judgement has to be applied. Some views from the

proposed patio windows towards the windows in the nearest Kenwood Road properties (in their rear elevations) may be possible. This would be overlooking in an upwards direction. When having regard to the angles involved (with the view hindered by the boundary walling), the modest extent of glazing to the Kenwood Road properties at their rear and the separation distance achieved (at 17.6 metres minimum), it is not considered that the degree of overlooking would be unduly adverse.

27. In terms of whether the proposed development would be overbearing to neighbouring occupiers, again it can be commented that a height to eaves of 2.6 metres (and a maximum height to ridge of 4.5 metres) would reduce the potential for any adverse effects, particularly when seen in the context of the proposed and existing boundary treatments. Whilst the benefits of a more northerly siting of the bungalow in design/conservation terms have been reported, equally the siting *as proposed* would allow the open aspect to the rear of the existing bungalow at no.3 Cromwell Road to be retained, reducing any sense of enclosure and better preserving residential amenity. Where there would be some overlap in built form, the proposal allows for gaps to be retained at site boundaries (approximately 1.8 metres to the boundary with no. 3 Cromwell Road, for example) which would further help to avoid any undue overbearing relationships. It is acknowledged that the outlook from the rear of nos. 105/107 Edge Lane would change most significantly; the view over the existing open garden would be transformed, and in its place a 1.8 metre high brick wall some 5.4 metres from existing ground floor windows and the side elevation of the proposed bungalow a further 3 metres from that. However, a similar relationship already exists for nos. 109/111 Edge Lane, and residential amenity levels are not considered unduly jeopardised as a result.

28. For the avoidance of doubt, the summary described above, whilst referring to overbearing impacts, would also apply in respect of any potential for overshadowing, of either garden areas or internal rooms. The reason for this conclusion is again with reference to the proposal's low form, its siting within the plot, and adequate spaces to boundaries.

29. For the tenants of nos. 105/107 Edge Lane, it is accepted that there is a further impact associated with the loss of shared private amenity space. Proposals for backland/tandem development on long gardens are typically a product of the space being beyond the recreational needs or maintenance capabilities of the present occupiers. This is an unusual situation, however, since the applicant (the landlord) and some tenants (as reported in representations) have differing views on whether the site has value in its current form. The site is not formally laid out as amenity space but, it is understood, some tenants have worked together to improve its appearance and it is used for the growing of vegetables as well as providing opportunities for social gatherings. The apartments do not have balconies and, if the site were to be developed, the private amenity space would reduce to the retained rear yard area. Whilst there

is some lawn to the front, this has limited usability as private amenity space given the levels of vehicular and pedestrian activity on Edge Lane. However, it is considered that the site's value is a positive product of tenant collaboration (in recent years) in seeking to make best use of what is essentially vacant land. The site has not been formally laid out for the tenant's use and its size goes beyond what might reasonably be expected when renting an apartment. Nonetheless, it is clearly cherished by some tenants. Indeed, access to private outdoor amenity space is needed for a variety of functional and recreational requirements and it provides important amenity value. However, some space would be retained, immediately to the rear of the property. Whilst accepting that the quality and usability of this remaining space could be improved, its size is considered more commensurate with the flats to which it relates and the typical expectations of tenants. Similar space exists to the rear of nos. 109/111 Edge Lane.

30. Overall, the proposed development would undoubtedly have some impact on the living conditions of surrounding occupiers, this is especially so for no. 3 Cromwell Road and the occupiers of the flats, together with properties on Kenwood Road to the rear, all who have become accustomed to the site being in its present undeveloped state. However, it is evident that the proposal has been carefully thought through to the extent that these impacts are not considered to be significantly adverse or unduly harmful. They are not of the magnitude that would normally be concluded in standard backland/tandem development given the presence of an independent access. The single-storey nature of the development is further advantageous. The loss of valued space for the existing tenants is regrettable but it is considered that its enjoyment has been short term.

31. In turning to whether the proposed development would provide prospective occupiers with comfortable levels of residential amenity, the issue of overlooking in the opposite direction towards the proposed bungalow has been considered. In terms of the relationship between the application proposal and Kenwood Road, again whilst some views into the patio windows in the west-facing elevation may be possible, for the reasons previously stated it is not considered that the scale of overlooking would be overly detrimental. Again, this is in view of the angles available, the low quantities of glazing to the Kenwood Road properties, and the separating distance. A similar conclusion applies in respect of the extent to which the proposed bungalow's private rear garden would be looked over by the adjacent Kenwood Road property (no. 6). Whilst this would be possible, and again from a higher level, it is not considered to be of an order that would be particularly undesirable and indeed not dissimilar from what can typically be achieved – at first floor level – from adjacent properties in a built up area.

32. In turning to overlooking from the Edge Lane flats, the absence of habitable room windows in the southern elevation of the proposed bungalow would prevent any internal privacy problems, and the overlooking of the private amenity space

from upper levels is not considered particularly unsympathetic given that the area of space which could be viewed is of a more secondary use.

33. In noting that surrounding properties are taller, a further consideration has been whether those residing in the proposed bungalow would experience an uncomfortable sense of enclosure. However, it is considered that the separation distances to both the Edge Lane flats and the Kenwood Road properties (of 8.3 metres and 15.9 metres respectively) - and when bearing in mind the stepped nature of both rear elevations (such that these are the minimum distances) - would help to avoid unpleasant overbearing relationships in both cases. This conclusion has been further supported by the design and layout of the proposed development; the positioning of windows and the siting of the private rear garden particularly.

34. On the matter of private amenity space, SPG1 advises that whether the amount of proposed private outdoor amenity space is adequate will depend on the type and size of the residential unit and the nature of its surroundings. Around 80 square metres of garden space will normally be acceptable for a three-bedroom semi-detached house in an area of similar properties, the SPG continues, but smaller houses, such as terraced properties, may be acceptable with somewhat less. In providing some 150 square metres of private garden space in the northern part of the site – and for a two bedroomed bungalow - this development would exceed requirements, and with this supplemented by other, smaller areas of amenity space, particularly towards the driveway. Overall, it is considered that the judicious approach that has been followed in respect of the proposed bungalow's scale, layout and design has served to offer a reasonable standard of residential amenity on what is fundamentally a constrained site.

35. To conclude, it is evident that this is a proposal where residential amenity has been at the forefront of considerations. However, it is considered that the design process has been successful in satisfactorily reducing the impacts to neighbours and in ensuring that an adequate level of amenity is provided for new occupiers. Whilst some impacts to neighbouring properties are anticipated – over and above the existing arrangement – these impacts are not considered to be of a magnitude to trigger a conflict with Policy L7 and to warrant refusal of the application. However, it is accepted that the position is marginal and that if the proposed development were able, at a later date, to expand and alter (for example, through extensions and additions to the roof) then these impacts could increase to an order which would be unfavourable. It is for these reasons that it is considered justifiable in this case to impose a condition to remove certain permitted development rights in order that the Council can retain control over future development proposals and for these to be assessed on their merits at the time. With this in place, and with other conditions referred to previously, the proposal is considered compliant with Policy L7 and the NPPF on the matter of residential amenity.

Highways Matters

36. The NPPF explains that transport policies have an important role to play in facilitating sustainable development and in contributing to wider sustainability objectives (paragraph 103). Development should only be prevented or refused on transport grounds if there would be an unacceptable impact on highway safety, or 'the residual cumulative impacts on the road network would be severe', it continues (paragraph 109). Policy L4 of the Trafford Core Strategy is the relevant policy at development plan level. This is clear that planning permission will not be granted for new development that is likely to have a 'significant adverse impact' on the safe and efficient operation of the strategic road network (SRN), and the primary and local highway network. It has been concluded that the *severe* reference within the NPPF is a more stringent test for residual cumulative impacts, and thus Policy L4 is considered to be out-of-date for the purposes of decision-taking.

37. The site presently has a narrow, car-width access from Cromwell Road. It is gated, with brick piers and without a dropped kerb. Adjacent to it is a pedestrian-only access which, following an amendment, is now outwith the site. The proposal involves the widening of the existing vehicular access and the provision of new gates and brick piers. A series of concerns were initially raised by the LHA regarding this arrangement. It was noted that the proposed modified access (which would be used more intensively than at present) is located close to the junction of Cromwell Road and the A5145 Edge Lane, as well as being opposite to a parking area and pedestrian entrance to Longford Park. The plans - as originally submitted - indicated that vehicles may be required to reverse out of the proposed driveway onto Cromwell Road. However, an amended plan has subsequently been submitted showing a reconfigured driveway and demonstrating that vehicles could access and exit the site in forward gear. These plans also satisfied previous LHA concerns regarding the absence of visibility splays for both drivers and pedestrians, the continued lack of a vehicular crossover, and whether the car parking spaces were correctly annotated.

38. Subsequently, the LHA has confirmed its acceptance in regards to the proposed access/egress arrangements (subjects to new gates at the entrance opening inwards), and also with reference to the space provided for car parking and the number of cars that could be accommodated (two on site). In addition, it has been confirmed that the traffic impacts of a development of this small scale could be comfortably absorbed by the local highway network (and with no prospect of a 'severe' impact). It has been noted, however, that the plans – even when amended – do not make adequate provision for secured and sheltered cycle parking facilities on site. This could be addressed via condition, however, since there is adequate space within the curtilage. The LHA also supports the provision and implementation of a Construction Management Plan, (to manage material deliveries, for example). Overall, it is concluded that the proposal is acceptable when having regard to the requirements of Policy L4, of

SPD3: Parking Standards and Design, and also relevant guidance in the NPPF.

Landscaping and Green Infrastructure

39. The NPPF is clear that the creation of well-designed places is dependent on the incorporation of appropriate and effective landscaping (paragraph 137). In turn, the importance of quality landscape treatment in all new development proposals is further recognised by Policy L7 of the Core Strategy. Allied to Policy L7, there is a further policy requirement within the Core Strategy regarding on-site planting in particular. This is covered by Policy R3 (Green Infrastructure), and is complemented by SPD1: Planning Obligations. Policy R3 explains that new development will be expected to contribute on an appropriate scale to the provision of 'green infrastructure'. The aim is for a multifunctional network of green spaces, delivering benefits for people, the economy, and the environment, to be provided across Trafford, it continues.

40. The site, as a former garden, already contains some vegetation including mature trees, and there are further trees at its boundaries. The application submission includes an Arboricultural Impact Assessment (AIA) which details the effect the proposed development would have on trees on and near the site. The AIA, which has been reviewed by the Council's Tree officer, identifies one tree (a pear, T5) within the centre of the site which should be removed. Whilst this would facilitate the development, it is also recorded as being a tree in poor health and condition. An adjacent beech (T6) would not be affected. The AIA identifies some trees of high amenity value on the Cromwell Road frontage; the nearest being a lime (T1) just outwith the site at its south-eastern boundary. However, the AIA confirms that this tree, as with the other trees of the same status, would be retained. The Tree officer has confirmed acceptance with the findings of the AIA and of the proposal's impact on the existing tree stock in general. However, this is subject to a condition being attached to ensure that careful working practices would be employed during the construction process in order that T1, as well as T6, would be successfully retained.

41. A further condition is recommended in the interests of securing new quality landscaping in order to adequately compensate for those trees lost as well as providing new 'specific green infrastructure' of the type required by Policy R3/SPD1. Whilst a detailed landscaping scheme has not been provided, the site layout plan provides an indication of the proposed planting strategy. This allows for the planting of seven new trees within the site and for new areas of grass and shrub planting typical of a newly landscaped garden. An increased amount of new greenery in the area of the Cromwell Road driveway has been secured during the application process. A condition should be imposed, it is considered, to request full landscaping details which would build upon the information submitted to date to include planting plans, a schedule of plants, and an implementation programme.

42. Overall, the application's approach to soft landscaping is considered acceptable, in allowing for the retention of existing trees where possible and supplementing this with new planting. This would reflect the site's existing green character and would help integrate the development into its surroundings, thereby satisfying Policy L7. In addition, it is concluded that the quantity and type of green infrastructure provision (1 tree removed, to be replaced by 7) responds to the requirements of Policy R3 and SPD1.

Ecological Matters

43. As part of the planning system's role in contributing to and enhancing the natural and local environment, the NPPF advises that this includes minimising the impacts on biodiversity (paragraph 170). At the development plan level, this matter is covered by up-to-date Policy R2 of the Core Strategy which seeks to protect and enhance Trafford's ecological resources. When having regard to the site's characteristics – including the presence of a vacant building on site as well as mature trees and vegetation (the majority of which would be removed) – consultation has taken place with the Greater Manchester Ecology Unit (GMEU).

44. At the outset of such discussions it was made clear that the applicant's submission had not allowed for any ecological surveys. However, GMEU subsequently categorised the garage to be demolished as of 'very low risk' for bats, and hence there was no justification for a bat survey in any event. What has been suggested, however, is the imposition of an informative in the event that bats or their roosts were to be discovered during the demolition process (with a requirement for works to cease). In respect of the vegetation to be cleared, again GMEU has not objected to the principle of this, and with no good reason to request an ecological assessment. However, in recognition that the site is likely to have some wildlife value (as suggested in the letters of representation), a condition is recommended for the purpose of securing biodiversity enhancement measures, which could include native planting as part of the landscaping scheme or the installation of bird/bat boxes. Finally, a further condition is suggested in order to encourage vegetation clearance outside of the bird nesting season. With these safeguards in place, it is considered that the proposal is in compliance with Policy R2 and the NPPF on the subject of ecology.

Other Planning Considerations

45. In respect of the proposed bungalow itself, consultation with the Council's Waste Management team confirmed that adequate provision had been made on site for refuse storage, and that no concerns were anticipated in respect of waste collections. However, the plans as originally submitted removed the ability of the tenants of the Edge Lane flats to store refuse bins to the rear and to allow for collection on Cromwell Road. The plans have since been amended to show the retention of this important pedestrian route.

46. No concerns have been raised by the Lead Local Flood Authority on the matter of flood risk or drainage, although the consultation response advises the applicant to use a permeable surface for areas of hardstanding. United Utilities has similarly advised on the adoption of a sustainable approach in dealing with surface water drainage. These requirements would be most appropriately covered by informatives.

47. Consultation with the Contaminated Land team within the Pollution and Licencing Service refers to the site's presence within 250 metres of a landfill site, and a condition is recommended to ensure that the foundations of the development are designed to incorporate gas protection measures to prevent the potential ingress of landfill gas.

48. Accordingly, on these ancillary issues, compliance with Core Strategy policies L5 and L7 (which are up-to-date on these topics) has been demonstrated.

49. Any remaining matters raised in representations which have not been specifically identified have nonetheless been duly examined but are not considered determinative.

DEVELOPER CONTRIBUTIONS

50. The application proposal would be subject to the Community Infrastructure Levy if it were provided as private market housing. It would not, however, if it were an affordable unit.

51. The requirement to incorporate on-site specific green infrastructure, in accordance with SPD1: Planning Obligations and Policy R3/Policy L8, has been fulfilled, as previously explained.

PLANNING BALANCE AND CONCLUSION

52. The application site is located in the Stretford area of the Borough, close to the junction of Edge Lane with Cromwell Road. It comprises land which historically formed part of the garden of nos.105-107 Edge Lane (and which has since been converted into flats, consistent with nos. 109-111 Edge Lane). The planning application involves the provision of a new bungalow on the site, following the demolition of an existing single garage, to form a new, separate planning unit.

53. Section 38(6) of the Planning and Compulsory Purchase Act 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.

54. The decision-taking structure to be applied in the determination of this application is that set out at paragraph 11d of the NPPF as the Council does not have a five year supply of housing land.

55. The proposal comprises a form of backland or tandem development. Conclusions regarding whether this application proposal is acceptable in principle have been contingent on a successful assessment of the impact on the area's character, on neighbouring properties, and its ability to offer decent living conditions for prospective occupants. The fact that the application scheme can utilise an existing, dedicated access sets it apart from most backland/tandem proposals which seek to rely on access from a common driveway. Furthermore, it is evident that this proposal has been designed with some understanding of the importance of protecting this existing residential area and amenity as much as possible. A creative approach has been applied to the siting of windows and to the orientation of the principal elevations. The effect is a development which could satisfactorily fit onto the site without adversely affecting the character of the area to a significant degree. In addition, whilst the site's use and appearance would undoubtedly change relative to its present position, which in turn would have an impact on the enjoyment and experience of surrounding properties, it is not considered that this impact would amount to a significant reduction in residential amenity. Whilst some potential for overlooking - in both directions - has been identified, on balance this is not considered to be excessive; no policy guidance has specifically been breached, and the proposal is not considered contrary to Policy L7 on this basis.

56. The proposal has been found to be acceptable in all other respects and there would be no impact on the significance of designated heritage assets.

57. The proposal would deliver some benefits. These are chiefly derived from its ability to contribute to housing supply targets, albeit very modestly. The housing-led benefits could extend to the provision of one affordable unit, although this is unconfirmed and has not been assumed for the purposes of this planning balance exercise. The proposal is also in line with NPPF principles in promoting a more efficient use of land in a sustainable and accessible location.

58. It is accepted that some harm would arise from this application proposal; by not fully complementing the urban grain and the predominant house type, and by leading to some depreciation in the enjoyment of neighbouring residential properties (through the loss of amenity space and enabling some internal views between properties). However, in both cases it has been concluded that the harm would not of a magnitude to generate a development plan policy or NPPF conflict. Overall, it is considered that the adverse impacts arising would not *significantly and demonstrably* outweigh the benefits. Thus, it is recommended that planning permission, with conditions, is granted.

RECOMMENDATION:

GRANT subject to the following conditions:

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

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

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

Site location plan (ref. 4669_1100 C)
Proposed site layout (ref. 4669_1800 E)
Proposed ground floor and roof plans (ref. 4669_1200 E)
Proposed elevations (ref. 4669_1350 E)
Proposed access (ref. 4669_1355 E)
Proposed sections (ref. 4669_1400 C)
Proposed visuals (ref. 4669_1700 E)

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

3. With reference to the development hereby approved, upon first occupation and for the lifetime of the development, the permitted development rights under Schedule 2, Part 1, Classes A, B and E of The Town and Country Planning (General Permitted Development) (England) Order 2015 are expressly removed (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason: In order that the Council can retain control over future developments at the property in the context of its location and character, having regard to Policy L7 of the Trafford Core Strategy and the National Planning Policy Framework.

4. Notwithstanding the approved plans referred to at condition no.2, no above-ground construction works shall take place unless and until samples and full specifications of materials to be used externally on the development hereby approved 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, and the samples shall include constructed panels of all proposed brickwork illustrating the type of joint, the type of bonding and the colour of the mortar to be used. Development shall be carried out in full accordance with the approved details.

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

5. Notwithstanding the approved plans referred to at condition no.2, no works relating to new hard landscaping shall take place unless and until samples and full specifications of all hard landscape works to be used throughout the development hereby approved have been submitted to and approved in writing by the local planning authority. The details shall include: materials for vehicle and pedestrian routes; all other hard surfacing materials; means of enclosure/boundary treatments; and bin store(s). Development shall be carried out in full accordance with the approved details.

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

6. Notwithstanding the approved plans referred to at condition no.2, no above-ground construction works shall take place unless and until full design details of all (excluding rooflights) windows and external doors, which shall be constructed from solid timber, have been submitted to and approved in writing by the local planning authority. The submitted details shall demonstrate that the mouldings, timber sections, methods of opening and associated furniture shall be of a traditional design and profile. All joinery shall have a painted finish to a colour scheme that shall first be submitted to and approved in writing by the local planning authority prior to its use. The submitted details shall include sectional details at a scale of 1:10 which shall illustrate a minimum of 100mm recess to all (excluding rooflights) windows and external doors. Development shall be carried out in full accordance with the approved details.

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

7. Notwithstanding the approved plans referred to at condition no.2, no development involving the installation of rooflights shall take place until full specifications of the rooflights, which shall be of a conservation-type, have been submitted to and approved in writing by the local planning authority. Development shall be carried out in full accordance with the approved details.

Reason: In order to ensure a satisfactory appearance in the interests of visual amenity and of respecting surrounding heritage assets, having regard to Policy

L7 and Policy R1 of the Trafford Core Strategy and the National Planning Policy Framework.

8. Notwithstanding the approved plans referred to at condition no.2, no above ground-construction works shall take place unless and until full design details of the eaves to the development have been submitted to and approved in writing by the local planning authority. The submitted details shall include sectional drawings at a scale of 1:10 which shall illustrate an overhang to the eaves of a minimum of 250mm. Development shall be carried out in full accordance with the approved details.

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

9. No above-ground construction works shall take place unless and until full details of soft landscape works to be provided throughout the development have been submitted to and approved in writing by the local planning authority. The submitted details (which shall be based upon the details shown on plan ref. 4669_1800 E) shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants (noting species (which shall include native species), plant sizes and proposed numbers/densities (which shall be based on the provision of at least 7 new trees in addition to shrubs)); planting and soil conditions; and a planting implementation programme. The approved details shall be implemented in full and in accordance with the approved implementation programme.

Reason: In order to ensure that the development is satisfactorily landscaped and in the interests of enhanced biodiversity, having regard to Policy L7, Policy R2 and Policy R3 of the Trafford Core Strategy and the National Planning Policy Framework.

10. Any trees or shrubs planted or retained in accordance with the approved soft landscaping works which are removed, die, become diseased or seriously damaged shall be replaced with new trees or shrubs of a similar size and species in the next planting season.

Reason: In order to ensure that the development is satisfactorily landscaped, having regard to Policy L7 and Policy R3 of the Trafford Core Strategy and the National Planning Policy Framework.

11. The development hereby approved shall be implemented (including any works of demolition and site preparation) in full accordance with the measures and practices identified in the submitted Arboricultural Impact Assessment, prepared

by Amenity Tree Care (ref. 7770 Arboricultural Impact Assessment-Cromwell-24.12.2020-V1-SB), and with such measures and practices remaining in place throughout the demolition and construction processes.

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

12. Notwithstanding the approved plans referred to at condition no.2, the development hereby approved shall not be first occupied unless and until full details of cycle parking facilities to serve the development have been submitted to and approved in writing by the local planning authority. The submitted details shall include the type and specification of the cycle parking facilities (which shall be secured and sheltered) and the number of cycles that could be accommodated. The approved details shall be implemented in full prior to the development's first occupation and shall thereafter be retained.

Reason: To ensure that at adequate level of cycle parking is provided in the interests of sustainable travel, having regard to Policy L4 of the Trafford Core Strategy and the National Planning Policy Framework.

13. No development shall take place, including any works of demolition, unless and until a Construction Management Plan (CMP) has been submitted to and approved in writing by the local planning authority. The approved CMP shall be adhered to throughout the demolition/construction period. The CMP shall address, but not be limited to, the following matters:

- i. Suitable hours of construction and demolition activity;
- ii. The parking of vehicles of site operatives and visitors;
- iii. Deliveries to the site;
- iv. Loading and unloading of plant and materials;
- v. Storage of plant and materials used in constructing the development;
- vi. The erection and maintenance of security hoardings;
- vii. Wheel washing facilities and other measures to keep the highway clean;
- viii. Measures to control the emission of dirt and dust during demolition/construction processes;
- ix. A scheme for the recycling/disposing of waste resulting from demolition/construction activities (prohibiting fires on site); and
- x. Contact details of a 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 residential properties and users of the highway, having regard to Policy L4 and Policy L7 of the Trafford Core Strategy and the National Planning Policy Framework. The

details are required prior to development taking place on site as any works undertaken beforehand, including preliminary works, could result in adverse residential amenity and highway impacts.

14. 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 first 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 clearance or removal 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.

15. No above-ground construction works shall take place unless and until details of biodiversity enhancement measures to be installed within the development have been submitted to and approved in writing by the local planning authority. The submitted details shall comprise details of features that would provide nesting and roosting opportunities for birds and for bats, and shall include the type, specifications and dimensions of each feature to be installed, the quantities of each feature, and the proposed location. The approved details shall be installed prior to the development's first occupation and shall be retained thereafter.

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

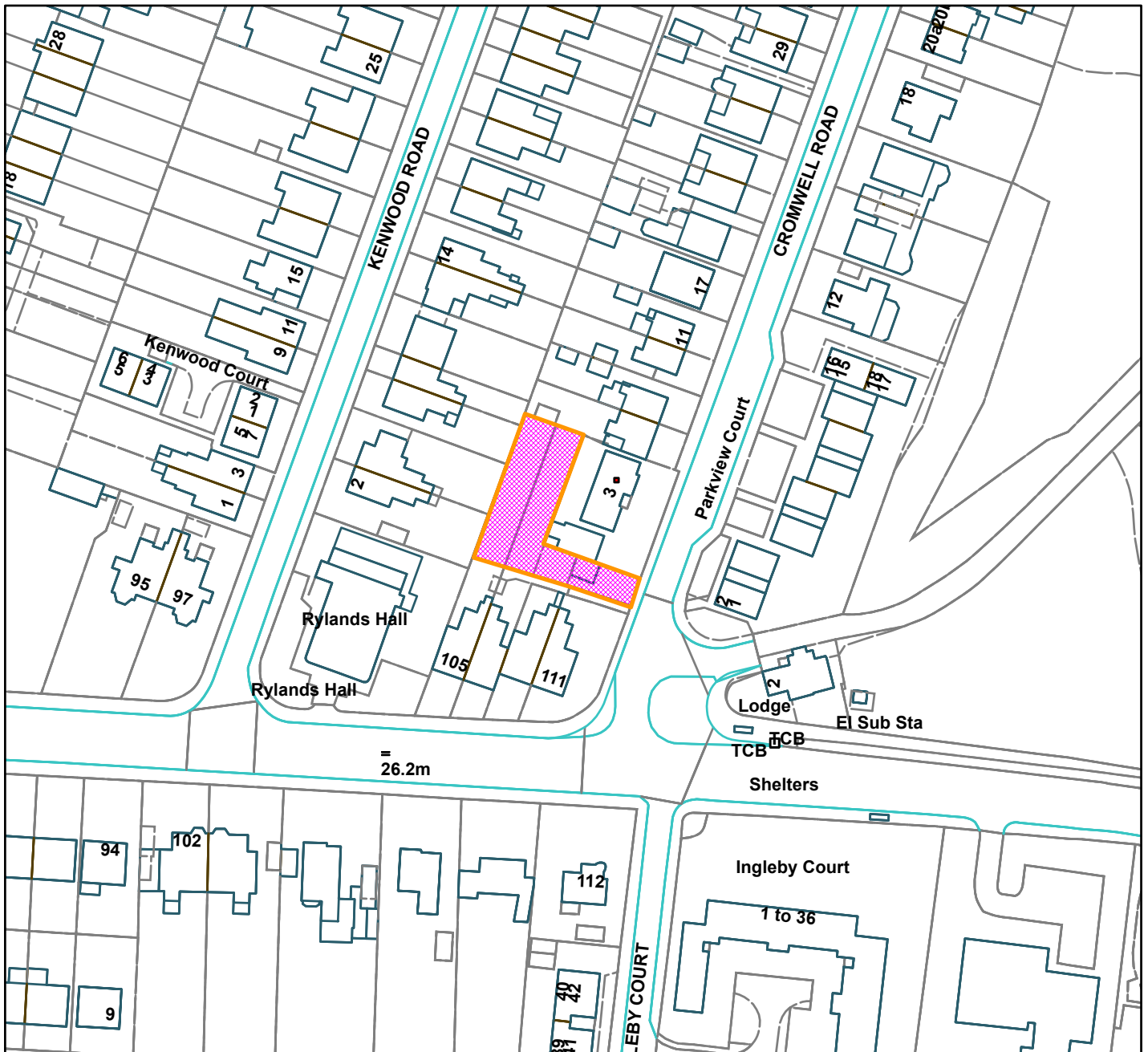
16. No development shall take place (excluding any works of demolition) unless and until details of the proposed foundation design have been submitted to and approved in writing by the local planning authority. The submitted details shall include gas protection measures to prevent the ingress of landfill gas and shall be designed in accordance with relevant government and industry guidelines (BS8485:2015 +A1:2019 Code of practice for the design of protective measures for methane and carbon dioxide ground gases for new buildings). The approved foundation design shall be implemented as part of the construction process and the gas protection measures shall be retained thereafter.

Reason: To ensure the safe development of the site in the interests of future site users, having regard to Policy L5 of the Trafford Core Strategy and the National Planning Policy Framework.

BB



Land at the rear of 3 Cromwell Road/Edge Lane, Stretford (site hatched on plan)



Scale: 1:1,250

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Organisation	Trafford Council
Department	Planning Service
Comments	Committee date 13/05/2021
Date	28/04/2021
MSA Number	100023172 (2012)

WARD: Longford

101651/FUL/20

DEPARTURE: No

Erection of a 13 storey building to provide 88 residential apartments (Use Class C3) with associated infrastructure and landscaping.

Site Of Former MKM House, Warwick Road, Stretford, M16 0XX

APPLICANT: Jumani Holdings Limited

AGENT: Avison Young

RECOMMENDATION: MINDED TO GRANT SUBJECT TO LEGAL AGREEMENT

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

SITE

The application relates to a vacant site situated on the east side of Warwick Road, Old Trafford, between Chester Road and Talbot Road. The site extends to approximately 0.12 hectares and comprises rough ground enclosed by heras and palisade fencing. There was previously a small two storey office building on the site and the site has since been used for car parking although is now unused. Groundworks were carried out in 2019 in respect of an earlier permission on the site. The existing access into the site is from Warwick Road.

The site is within a mixed-use area that comprises an eclectic mix of high and low rise residential and commercial developments. To the west, on the opposite side of Warwick Road and on Barlow and Hornby Roads, there are traditional two storey semi-detached residential properties. To the south, Warwickgate House is a former office building that has been converted and increased in height to provide 83 residential apartments. The car park for Warwickgate House extends to the front and rear of the building and wraps around the east boundary of the application site. To the north is a vacant parcel of land on which planning permission has previously been granted for an apartment building and a hotel (both permissions have since expired). To the rear of the site Bowden Court comprises four, 4-storey apartment blocks accessed from Montague Road. White City Retail Park is also to the rear on the other side of Montague Road.

Warwick Road forms part of the route that connects Old Trafford Metrolink station with Manchester United football stadium. On match days it is a busy pedestrian thoroughfare. Trafford Town Hall also fronts Warwick Road approximately 120m to the south of the application site and is a grade II listed building.

PROPOSAL

The application seeks full planning permission for the erection of a 13 storey building to provide 88 residential apartments with associated infrastructure and landscaping, including car and cycle parking, repositioned vehicular access along Warwick Road, new perimeter wall, railings and gates and an area of soft landscaping to the front. The proposed development comprises 26 one-bed and 62 two-bed apartments.

The proposed building would occupy most of the width of the site, extending 32m across and for a maximum depth of 21.5m from front to rear. It would be 13 storeys high with an overall height of 40.6m. The top three floors and part of floors 8 and 9 would be set back from the front and feature external terraces and brickwork in recessed alternating courses to some areas. The building would be of predominantly red brick construction with vertical sections of aluminium rainscreen cladding in olive green and PPC aluminium windows and glazed spandrel panels.

6no. car parking spaces are proposed, all to the front of the building with access from Warwick Road. A communal amenity space is also proposed to the front within which seating and landscaping is proposed. 104 cycle parking spaces and 3 motorcycle spaces would be provided internally on the ground floor. Internally the building also includes a reception/concierge area, amenity gym area, bin store and plant room on the ground floor and a communal amenity area and outdoor terrace on the top floor.

The site benefits from an implemented planning permission for a 12-storey development comprising of 89 apartments (ref. 88279/FUL/16) and which includes ground level and basement level car parking. The proposed scheme is similar in terms of its siting and footprint but adopts a different design approach, adds a further storey and omits the basement car parking.

The total floorspace of the proposed development would be approximately 6,701m².

Value Added – Amendments and further information has been submitted during the application process in response to officer comments and consultation responses. The amendments include a reduction in the overall height of the building (whilst still retaining 13 storeys); aluminium cladding panels introduced; larger windows; amended main entrance and service entrance on front elevation; and height of front boundary wall and railings reduced. The applicants' viability appraisal has also been challenged and the proposal now includes 9 affordable units (10%) as part of the scheme and all S106 contributions that are considered necessary.

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.

The **Draft Civic Quarter Area Action Plan** (Regulation 19 Draft – January 2021) forms part of the Development Plan. The CQ AAP was subject to consultation between 20 January and 5 March 2021 and will now be submitted to the Secretary of State for independent review at an Examination in Public. At this advanced stage, considerable weight can be afforded to the AAP in the determination of this application (with the exception of Policy CQ11 (Infrastructure and Obligations) which has been the subject of a number of representations and will need to be heard at the Examination in Public).

PRINCIPAL RELEVANT CORE STRATEGY POLICIES

SL3 – Lancashire County Cricket Club Quarter

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

PROPOSALS MAP NOTATION

Old Trafford Priority Regeneration Area

Main Office Development Area

PRINCIPAL RELEVANT REVISED UDP POLICIES/PROPOSALS

H10 – Priority Regeneration Area: Old Trafford

DRAFT/OTHER DOCUMENTS

Refreshed Stretford Masterplan (January 2018)

SUPPLEMENTARY PLANNING DOCUMENTS/GUIDANCE

PG1 – New Residential Development

Revised SPD1 – Planning Obligations

SPD3 – Parking Standards and Design

PLACES FOR EVERYONE (FORMERLY GREATER MANCHESTER SPATIAL FRAMEWORK 2020)

The Greater Manchester Spatial Framework (GMSF) was a joint Development Plan Document being produced by the Greater Manchester districts. The first consultation draft of the GMSF was published on 31st October 2016, and a further period of consultation on the revised draft ended on 18th March 2019. The GMSF is now being progressed by nine GM districts as 'Places for Everyone' (PFE) and, once adopted, will be the overarching development plan for these districts, setting the framework for individual district Local Plans. PFE is not yet at Regulation 19 stage and so will normally be given limited weight as a material consideration. Where it is considered that a different approach should be taken, this will be specifically identified in the report. If PFE / GMSF 2020 is not referenced in the report, it is either not relevant, or carries so little weight in this particular case that it can be disregarded.

NATIONAL PLANNING POLICY FRAMEWORK (NPPF)

The MHCLG published the revised National Planning Policy Framework (NPPF) on 19 February 2019. The NPPF will be referred to as appropriate in the report.

NATIONAL PLANNING PRACTICE GUIDANCE (NPPG)

The MHCLG published revised National Planning Practice Guidance (NPPG) on 29 November 2016, which was last updated on 08 February 2021. The NPPG will be referred to as appropriate in the report.

NATIONAL DESIGN GUIDE

This document was published by the Government in October 2019 to illustrate how well designed places can be achieved in practice. It forms part of the Government's collection of planning practice guidance.

RELEVANT PLANNING HISTORY

88279/FUL/16 - Erection of a 12 storey building with basement car parking (44 spaces), comprising a total of 89 residential apartments (Class C3), plus cycle parking facilities, associated landscaping, means of enclosure, with vehicular access from Warwick Road. Approved 06.10.16

The above permission has been implemented by virtue of the discharge of pre-commencement conditions and groundworks having taken place within 3 years of the permission date (comprising installation of drainage pipes).

84703/FUL/15 - Erection of 12 storey building with three basement levels to provide 89 apartments, basement car parking, cycle parking facilities, associated landscaping and vehicular access from Warwick Road. Approved 22.03.16

77878/FULL/2011 - Erection of seven storey hotel, comprising ninety eight bedrooms and car parking at ground floor level. Approved 04.07.14

H/70074 - Demolition of existing building and erection of a 12 storey building comprising commercial units on ground floor (13 sq metres) with an 'apart-hotel' above comprising 94 suites and studio apartments. Car parking for 94 vehicles within basement levels with access from Warwick Road. Associated landscaping and boundary treatment works. The Planning Development Control Committee resolved to grant permission on 11.12.08 subject to a legal agreement, however the agreement didn't progress to completion and the application was treated as 'finally disposed of' on 05.07.13

H/67590 – Demolition of existing building and erection of an 11 storey building comprising commercial units on ground floor (596 sq.m) and 70 no. residential apartments above. Car parking for 35 vehicles and associated landscaping work. Refused 17.10.07

APPLICANT'S SUBMISSION

The following documents have been submitted in support of the application and are referred to as appropriate in the report:

- Planning Statement including Heritage Statement
- Design and Access Statement
- Transport Statement
- Interim Travel Plan
- Financial Viability Assessment
- Drainage Strategy Report
- Air Quality Assessment
- Daylight & Sunlight Impact on Neighbouring Properties
- Carbon Reduction Statement
- MEP Outline Specification
- Noise Assessment
- Crime Impact Statement
- Phase II Site Appraisal
- UXO Risk Management Survey Report
- Equality Statement

The Planning Statement includes the following key points in support of the proposed development:

- The application follows a previous permission for residential development on the site which has been lawfully implemented and the proposed development is for a very similar scheme. The key changes which result in an improved, co-ordinated and deliverable scheme are as follows: -
 - an additional storey in height;
 - removal of basement car parking;

- improved architectural response, massing and detailing;
 - one less but larger homes which meet Nationally Described Space Standards;
 - inclusion of communal amenity space, communal garden, and outdoor terrace on the 13th floor; and
 - an active ground floor to provide animation to the Warwick Road street scene.
- The application proposals represent a sustainable development in a highly accessible location. This application will improve the local area and act as a catalyst for attracting further investment into the area in accordance with the vision of the emerging Civic Quarter AAP. The proposals will vastly improve the immediate appearance of the under-utilised site and add to the visual stimulus of the surrounding area.
 - Any conflict with any policies of the Development Plan is clearly outweighed by the substantial economic, social and environmental benefits. The proposed development represents a high quality sustainable form of development which will deliver much needed investment for Trafford.

The application includes a Statement of Community Involvement setting out public consultation carried out by the applicant prior to submission. This included leaflets delivered to circa 195 addresses in the vicinity of the site providing details of the proposal. The leaflet was also sent via email to Ward Members. A total of two responses were received requesting further details.

CONSULTATIONS

Cadent – There is Cadent and/or National Grid apparatus in the vicinity of the proposed development which may be affected. The response sets out the responsibilities and obligations for the developer when planning or undertaking works. Applicant to contact Cadent before any works are carried out and note the advice provided.

Education (Trafford Council) – The majority of Trafford primary schools in the Stretford area are full and any permanent vacancies at Stretford secondary schools have been allocated to other developments. As the proposed development will generate a pupil yield, a contribution is requested which would be used to expand existing schools in the first instance.

GMP (Design for Security) – Recommend a condition requiring the development to reflect the physical security specifications set out in the Crime Impact Statement.

Heritage Development Officer – Comments incorporated in the report.

Housing Strategy and Growth – No objections in principle, comments incorporated in the report.

LLFA – No objections subject to conditions requiring a scheme based on the submitted SuDS / Drainage Strategy and mitigation measures including limiting surface water run-

off and provision of attenuation flood storage; and a management and maintenance plan to secure the sustainable drainage scheme throughout its lifetime.

LHA – No objections subject to conditions. Given the sustainable location and package of sustainable travel measures put forward by the applicant, the LHA accept the shortfall in parking provision. Comments summarised within the Observations section of this report.

NHS Trafford CCG - It is not envisaged that 88 apartments would have a material impact on local health services.

Pollution and Housing (Air Quality) – No objections subject to vehicle charging points being provided and a condition requiring a Construction Method Statement to ensure suitable dust mitigation measures are put in place during the construction phase.

Pollution and Housing (Contaminated Land) – No objections subject to conditions requiring a remediation strategy and verification plan prior to commencement of development and a verification report prior to occupation of the development.

Pollution and Housing (Nuisance) - No objections subject to a condition requiring a scheme of sound insulation of the building envelope, including details of a scheme of ventilation to enable windows to be kept shut, to ensure suitable noise mitigation is installed within the development to protect residents.

TfGM – Comments and recommendations regarding pedestrian and cycling accessibility summarised below. A Full Travel Plan within 6 months of occupation should be required by condition.

United Utilities – The proposals are acceptable in principle and a condition is requested requiring that the drainage for the development shall be carried out in accordance with the principles set out in the submitted drainage drawing and surface water must drain at the restricted rate of 5 l/s.

Waste Management – In response to submission of further information recommend that a condition requiring a waste management strategy should be attached to any permission.

REPRESENTATIONS

Neighbours – 6 letters of objection received, including from the residents committee of Warwickgate House. The issues raised are summarised as follows: -

Car Parking

- Insufficient parking / concern over the reduction in parking to only 6 spaces which would not be adequate for the number of flats, particularly as it includes family sized flats.

- Residents of the development will have to park in the immediate surrounding area which is already restricted and difficult, especially on match days. This will place further strain on the limited parking in the area and have significant impact on parking in the neighbourhood.
- The reduced parking will increase an already occurring problem for residents of Bowden Court. Those without a space will park in the gated car park which is not managed by a warden.
- This will only add to the problem of parking on Montague Road when sporting events are taking place (parking on the pavement and double yellow lines).
- Guidance in the Council's Parking Standards and Design is not being adhered to.
- There needs to be one parking space per flat. The very poor ratio of flats to parking spaces would set a very poor precedent for other developments.
- Warwickgate House and Bowden Court have a space per flat at least.
- The explanation for reduced parking of encouraging walking and taking public transport is not a valid enough reason to reduce car parking spaces.
- The profits of the developer should not take away from the character of the area and create increased parking issues in an area already struggling.
- Bicycle racks are not a substitute.

Height and Residential Amenity

- The additional floor means the building will be higher than Warwickgate House. No need to make the already imposing building any taller which already stands to impact on the privacy and loss of light from residents at Bowden Court.
- Some living room and bedroom windows will overlook terraces at the front of Warwickgate House.
- The building should be no larger than those that surround it to not swamp the smaller residences in the area. It should be no higher than the neighbouring block of flats at 7 Warwick Road.
- The additional storey would restrict light to flats at Bowden Court and create potential rights of light issues.
- Bedrooms that face Warwickgate House are 4.5m away facing a blank gable which doesn't have much of an outlook.
- The 1 bedroom flats in particular are squeezed in and the ground floor plan overall, as well as the design of the two flats, is inadequate.

Design

- The elevations need more variation, especially the rear elevation which is a 13 storey brick wall with narrow windows and literally on the boundary of the Warwickgate House car park.
- Generally the building design is poor and the elevations are grim.
- The proposal is an over-development of the site.

Other Issues

- The proposals for window cleaning will need access to the car park at Warwickgate House or abseiling down which is a concern with the side and rear elevations. Cars will be driving out of the car park and cars will be parked

underneath. The access zones underneath aren't wide enough for the height of building without it impacting on car park spaces and the access road at Warwickgate House.

- Query boundary treatments with Warwickgate House. A lot of money has been spent on the fencing around Warwickgate House.

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 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 2019 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.
4. Paragraph 11 (c) of the NPPF 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.
5. Policies relating to housing supply, the Lancashire County Cricket Club Quarter Strategic Location, highway matters, 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 and

are most relevant to the likely impacts of the proposed development on the surrounding area:

- The Council does not, at present, have a five year supply of immediately available housing land and therefore the housing targets identified in Policies L1 and L2 of the Core Strategy are out-of-date in NPPF terms, albeit other aspects of the policies such as affordable housing targets, dwelling type, size and mix are largely still up to date and so can be afforded substantial weight.
 - Policy SL3 of the Core Strategy relating to the LCCC Quarter Strategic Location is out-of-date insofar as it refers to a specific number of residential units to be delivered in the Strategic Location but otherwise the policy is considered to be broadly compliant with the NPPF as it seeks to deliver a strengthened mixed use community centred around the existing sporting and community facilities.
 - Policy L4 of the Core Strategy relating to transport and accessibility is considered to be out-of-date but only so far as it includes reference to a 'significant adverse impact' threshold in terms of the impact of the development on the operation of the road network, whereas the NPPF refers to a 'severe' impact'. Other aspects of Policy L4 including in relation to car parking are considered to be largely up to date in that refers to the use of maximum car parking standards and so can be afforded substantial weight.
 - Policy L7 of the Core Strategy relating to design is considered to be compliant with the NPPF and therefore up-to-date as it comprises the local expression of the NPPF's emphasis on good design and, together with associated SPDs, the Borough's design code. Full weight can be afforded to this policy.
 - Policy R1 of the Core Strategy relating to the historic environment is not considered to reflect case law or the tests of 'substantial' and 'less than substantial harm' to the significance of heritage assets in the NPPF. It is therefore considered to be out of date in that respect and cannot be afforded full weight.
6. The footnote to paragraph 11 (d)(i) explains that the policies of the NPPF referred to include those which relate to habitats protection, heritage and flood risk. The assessment of the scheme on these areas and assets of particular importance does not lead to a conclusion that 'provides a clear reason for refusing the development proposed'. Paragraph 11(d)(ii) of the NPPF – the tilted balance – is therefore automatically engaged because of the absence of a five year supply of immediately available housing land. Planning permission should therefore 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.

Principle of Residential Development

Housing Land Supply

7. The NPPF places great emphasis on the need to plan for and deliver new housing throughout the UK. The Government's current target is for 300,000 homes to be constructed each year to help address the growing housing crisis. Local planning authorities are required to support the Government's objective of significantly boosting the supply of homes. With reference to Paragraph 59 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.
8. As indicated above, policies controlling the supply of housing are also considered to be 'most important' for determining this application when considering the application against NPPF Paragraph 11. The Council does not, at present, have a five year supply of immediately available housing land and thus development plan policies relating to the supply of housing are 'out of date' in NPPF terms.
9. Policy L1 of the Core Strategy seeks to release sufficient land to accommodate 12,210 new dwellings (net of clearance) over the plan period up to 2026. Regular monitoring has revealed that the rate of building is failing to meet the housing land target and the latest monitoring suggests that the Council's supply is in the region of only 2.4 years and a Housing Delivery Test output of 58%. Therefore, there exists a significant need to not only meet the level of housing land supply identified within Policy L1 of the Core Strategy, but also to make up for a recent shortfall in housing completions.
10. 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.
11. The proposed development will contribute towards meeting the Council's housing land targets and housing needs identified in Core Strategy Policies L1 and L2 and contribute to addressing the current identified housing shortfall.

LCCC Strategic Location

12. The site is situated within the Lancashire County Cricket Club Quarter Strategic Location, where Policy SL3 of the Core Strategy states that a significant opportunity exists to improve the visitor experience for its sporting attractions and to create a new residential neighbourhood. The Policy states major mixed-use development will be delivered to provide a high quality experience for visitors balanced with a new, high quality residential neighbourhood centred around an

improved stadium at Lancashire County Cricket Club. It states the location can deliver 400 residential units comprising predominantly accommodation suitable for families.

13. Policy SL3 indicates that the 400 residential units will be delivered between 2011 and 2026. The number of residential units built or granted planning permission within this Strategic Location has already exceeded 400, however the Core Strategy does not limit the maximum number of new dwellings to be provided within this location to 400. It should be noted that in March 2020, the 'residential allowance' attributed to SL3 was uplifted from the Core Strategy target of 400, to a total of 2,800 units. It was also assumed that for the purposes of this residential allowance, the boundaries of SL3 were effectively amended to match the Civic Quarter AAP boundary.
14. Residential development of the site complies with Policy SL3 and will contribute towards the objective of creating a major mixed-use development that includes significant residential development in the LCCC Strategic Location. Policy SL3 also sets out several objectives for this area and a number of requirements for development within this Strategic Location to be acceptable. These are considered further in this report.

Draft Civic Quarter Area Action Plan (AAP)

15. The Council has recently consulted on a Draft Civic Quarter Area Action Plan (AAP) for the area around the Town Hall. This is intended to establish a vision, masterplan and strategy for how the area could be revitalised and developed over the next 15 years and beyond. This will form part of the Council's Development Plan and includes policies on a wide range of matters relevant to the development management process. Given that this is at 'Regulation 19' draft stage, considerable weight can be afforded to the AAP in the determination of this application (with the exception of Policy CQ11 (Infrastructure and Obligations) which has been the subject of a number of representations and will need to be heard at the Examination in Public).
16. The site is within the 'Central Neighbourhood' identified in the AAP where the vision is to *"recast a residentially-led neighbourhood where people, place making, health and wellbeing, walking and cycling underpin the development"*. Within this area the Draft AAP seeks to realign development away from out of town car priority developments to well-connected sustainable and mixed-use communities. The AAP also identifies an opportunity to create new permeability to and through White City and towards the Salford area and into the heart of the Civic Quarter; this includes a new 'green route' identified adjacent to the north side of the site providing a link between Warwick Road and Chester Road to the east.

17. The proposed development is considered to be largely in accordance with the overarching vision of the AAP in that it would contribute towards the residential-led neighbourhood described in the AAP for this area.
18. The Refreshed Stretford Masterplan (January 2018) also extends to this area and states *“the redevelopment of the site for a high quality landmark residential scheme will provide a more attractive streetscape and support the delivery of the Processional Route”*.

Priority Regeneration Area

19. The application site also falls within the Old Trafford Priority Regeneration Area where Policy L3 of the Core Strategy states housing led redevelopment will be promoted which will improve the quality and diversity of the housing stock. This policy is generally consistent with the NPPF, however reference to housing numbers and housing land supply is out of date. The proposed development will contribute towards the regeneration of Old Trafford and is acceptable in principle having regard to Policy L3. It will secure the re-use of a previously developed site and deliver new homes that will contribute towards the policy aim of improving the quality and diversity of the housing stock in Old Trafford.

Suitability of the Site

20. The site is in a highly sustainable location, well served by public transport and close to a range of retail, community and leisure facilities. There are bus stops in close proximity on Chester Road and Talbot Road and Old Trafford Metrolink stop is approximately 500m from the site, providing frequent, quick and easy access to the city centre and surrounding centres including Stretford, Sale and Altrincham. Wharfside and Trafford Bar Metrolink stops are also within walking distance providing access to other tram routes.
21. Policy L1 of the Core Strategy sets an indicative 80% target proportion of new housing provision to use brownfield land and buildings over the Plan period and the NPPF also states that substantial weight should be given to the value of using suitable brownfield land within settlements for homes and other identified needs (paragraph 118c). The site is previously developed land and the proposed development will contribute towards this target.

Housing Type and Mix

22. The NPPF at paragraph 61 requires local planning authorities to plan for an appropriate mix of housing to meet the needs of its population and to contribute to the achievement of balanced and sustainable communities. This approach is supported by Policy L2 of the Core Strategy, which refers to the need to ensure that a range of house types, tenures and sizes are provided. 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 Market Assessment. Policy L2.4 states that the Council will seek to achieve a target split of 70:30; small:large (3+ beds) residential units, with 50% of the small homes being suitable for families. 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 Policy L2.5.

23. The proposed development comprises 1 and 2-bed apartments and therefore does not include any 'large' homes that would contribute towards the 70:30 target split referred to in Policy L2.
24. Policy SL3 of the Core Strategy states that within the LCCC Quarter Strategic Location, residential units should comprise predominantly accommodation suitable for families. Policy L2 provides a broad definition of family housing as including larger properties (three bedrooms and larger), as well as smaller two bedroom houses to meet a range of family circumstances. Although this only refers to houses and not apartments, the high proportion of two bedroom apartments (70.5% of the scheme) would nevertheless still contribute to this requirement. The proposed development is also a more favourable mix in terms of providing accommodation suitable for families when compared to the existing permission, with the previous scheme comprising a higher proportion of one bedroom units (46 x 1-bed and 43 x 2-bed compared to 26 x 1-bed and 62 x 2-bed now proposed).
25. Overall, whilst the scheme only includes 1-bed and 2-bed units and the mix of unit sizes is limited, it will nevertheless provide a range of new homes for small families and single and two-person households.

Affordable Housing

26. 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). Paragraph 63 states that affordable homes should be sought within all new residential proposals for major development (i.e. developments for ten units or more). Paragraph 64 indicates that with major developments, at least 10% of the homes should be available for affordable home ownership as part of the overall affordable housing offer. Policy L2 of the Core Strategy 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.

27. Old Trafford is a 'cold' market location for the purposes of applying Policy L2 and with the Borough now in 'good' market conditions, this relates to a requirement for 10% of the proposed residential units provided to be delivered on an affordable basis. Policy L2.12 goes on to explain however, that in areas where the nature of the development is such that, in viability terms, it will perform differently to generic developments within a specific market location, the affordable housing contribution will be determined via a site specific viability study, and will not normally exceed 40%. SPD1 states that this will apply in the case of most of the strategic locations (paragraph 3.14). It is considered that this is such a scheme by virtue of the fact that the site has an implemented planning permission for the erection of 89 apartments in a 12 storey building and because the alternative use value of the site assumed by the applicant in their submitted viability appraisal is significantly greater than the residual land value output.
28. The proposed development will provide 9 affordable units (10%) and an assessment of this level of provision having regard to the above policy is provided in the Developer Contributions and Viability section of this report.
29. Policy L2 states in terms of the required affordable housing provision, at least 50% will be required to be accommodation suitable for families whilst the recent Housing Need Assessment 2019 confirmed that the majority of the affordable accommodation required in Old Trafford is 2 or more bedroom flats. The proposed affordable units will comprise 4 x 1-bed (44%) and 5 x 2-bed (56%) apartments which is considered acceptable.
30. Policy L2 seeks a 50:50 split in the affordable housing units to be provided between intermediate (commonly shared ownership) and social/affordable rented housing units, unless exceptional circumstances can be demonstrated as set out in the Planning Obligations SPD. The recent Housing Need Assessment 2019 confirmed there is an annual net need of 165 new affordable housing units in Old Trafford, with 40% being intermediate tenure (shared ownership) and 60% being for affordable/social rent. The applicant has stated all the proposed affordable units are to be provided as shared ownership and that no affordable rented units are proposed due to the challenges of finding a registered provider for a small number of homes in this type of development. The applicant has advised they have held discussions with Trafford Housing Trust about the potential to take affordable units and they expressed concerns over the small quantum proposed, the fact that this is a single building which means the units can't be separately managed with a separate entrance, and the likely service charge associated with the on-site amenities and common parts in the building. The applicant states that these points raised by THT are common with other Registered Providers looking at providing rented accommodation in a single building shared with other non-affordable homes. The applicant's justification for providing no affordable rented units has been considered by the Council's Housing Strategy and Growth Manager and is accepted, although this is still considered an adverse impact of the scheme to be considered in the planning balance.

IMPACT ON VISUAL AMENITY AND STREET SCENE / DESIGN

31. Paragraph 124 of the NPPF states that *“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”*. Paragraph 127 requires planning decisions to ensure that developments, inter alia, will function well; are visually attractive as result of good architecture, layout and appropriate and effective landscaping; sympathetic to local character and history, establish a strong sense of place; optimise the potential of the site; and create places that are safe, inclusive and accessible, with a high standard of amenity for existing and future users.
32. 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. This states at paragraph 120 that *“Well-designed homes and buildings are functional, accessible and sustainable”* and goes on to state at paragraph 122 that *“Successful buildings also provide attractive, stimulating and positive places for all, whether for activity, interaction, retreat, or simply passing by”*.
33. Policy L7 of the Trafford Core Strategy states that *“In relation to matters of design, development must: be appropriate in its context; make best use of opportunities to improve the character and quality of an area; enhance the street scene or character of the area by appropriately addressing scale, density, height, massing, layout, elevation treatment, materials, hard and soft landscaping works, boundary treatment; and, make appropriate provision for open space, where appropriate, in accordance with Policy R5 of this Plan”*. 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. Policy L7 is considered to be compliant with the NPPF and therefore up-to-date for the purposes of determining this application 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.

Background and Context

34. The Council has stated in previous applications on this site that it has no objections to the introduction of high-quality tall buildings in appropriate locations that make positive contributions to the skyline and street scene. Permission has previously been granted on two occasions for a 12 storey building on this site (ref. 84703/FUL/15 and 88279/FUL/16) and the latter permission has been implemented and is capable of being built out. This permission is therefore a

material consideration in the assessment of this further application. Permission has also previously been granted on the adjacent site to the north for an 8 to 13 storey hotel (226 bedrooms) and prior to that a 12 storey apartment building (70 units) had been approved on appeal. Although there are no longer any extant permissions on that site, these previous permissions also suggest that buildings of this scale are appropriate in this location. These permissions were a material consideration in the previous applications on the MKM House site whilst they remained extant.

35. It is further acknowledged there are tall buildings in the immediate vicinity of the site including Warwickgate House which is 11 storeys. Charlton House to the north east is 6 storeys and City Point to the north west is 6 storeys whilst in the wider area, Alexander House, 86 Talbot Road and Oakland House on Talbot Road are 11, 10 and 15 storeys respectively. The Draft Civic Quarter AAP includes this part of Warwick Road within a wider area where height of up to 12 storeys is considered appropriate, although it also states that sensitive scale is required around historic assets and communities on Hornby and Barlow Road. Given the recent planning history on the application site and having regard to the surrounding context, there are no objections in principle to a tall building on this site subject to being of good design quality and having an acceptable impact on the character of the area and on surrounding properties.

Density

36. Policy L1 of the Core Strategy states that the Council will seek to ensure the efficient use of land, concentrating higher density housing development in appropriate and sustainable locations where it can be demonstrated that it is consistent with the provisions of L2. The NPPF states that where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that decisions avoid homes being built at low densities, and ensure that developments make optimal use of the potential of each site (paragraph 123). It states that minimum density standards should be used for locations that are well served by public transport and should seek a significant uplift in the average density of residential development within these areas, unless there are strong reasons why this would be inappropriate.
37. The density of the proposed development is particularly high, however it is considered that on this site high density is appropriate. The site is in a location well served by public transport and previous planning permissions on the site have demonstrated that high density can be achieved, including the existing permission which is essentially the same density to that proposed. A high density scheme will however, still need to take into account the desirability of maintaining an area's prevailing character and setting and the importance of securing well-designed, attractive and healthy places (NPPF paragraph 122).

Siting, Height and Massing

38. The proposed building would extend over a significant proportion of the site area, extending for a width of 32m across the site and for a depth of 21.5m at its fullest extent. This would retain gaps of 1.5m to the north boundary and 1.3m to the south boundary (both measured from the front corner), whilst at the rear the central section of the building would retain 1.2m to the boundary and the sections either side would retain 2.6m and 2.5m to the boundary. An overall gap of 4.5m would be retained between the building and Warwickgate House. In relation to Warwick Road it would be set back 10m, which places it forward of Warwickgate House to the south. The height of the proposed building would be 40.6m which is approximately 1.1m higher than Warwickgate House.
39. Having regard to its footprint relative to the site area, proximity to the side and rear boundaries, projection forward of Warwickgate House and its height, the proposed building would dominate the site and have significant impact in the street scene and the wider area. It would be highly visible along Warwick Road in both directions and from surrounding properties and roads, including from Hornby Road and Barlow Road opposite the site, Chester Road to the north and Montague Road to the east. In views north along Warwick Road the building would be seen in the context of Warwickgate House which is of comparable height, however as it would be set further forward it would be prominent in views. In views south towards Talbot Road and the Town Hall, the building would be particularly prominent given its height, proximity to Warwick Road and due to the adjacent site being vacant, resulting in the side elevation being exposed. There would also be views of the building from Chester Road in both directions given the absence of any intervening tall buildings and from the Warwick Road/Chester Road junction.
40. It is acknowledged that permission has previously been granted for a 12 storey building on the site with a similar overall footprint and in a similar position to that proposed and this permission has been implemented and is capable of being built out. It is therefore relevant to compare the proposed scheme to the implemented permission in terms of its height, scale and massing. The proposed building would be marginally wider than the approved scheme (32m compared to 30.3m), retaining less distance to both side boundaries, whilst at the rear it would take up a greater proportion of the site and extend closer to the boundary. In relation to Warwick Road it would be positioned between 300mm and 1.3m further back than the approved scheme although still forward of Warwickgate House. The overall footprint would be approximately 40 sqm larger and in terms of its height it would be an additional storey and 5.6m taller than the approved scheme (40.6m compared to 35m). The proposed building would therefore be taller and wider than the previously approved scheme, retaining less space to the side and rear boundaries, but set back further from the front.
41. It is important to note that the previously approved building is itself a significant development for this site and would have significant impact in the street scene as

noted in the committee report which stated *“Due to its width, height and projection forward of Warwickgate House the proposed building would dominate the site and be prominent in the street scene. However, the impact of the building would exactly match that of the most recent approval at this site”*. Given that there are concerns over the impact of the proposed building due to its scale and that it would be larger than the previous scheme in terms of its footprint and height, Officers have requested that the applicant amend the scheme to be no larger than that previously approved. The applicant has declined to reduce the scheme and considers the proposed scheme to be an improvement on the previously approved scheme, referring to it as an improved architectural response, it complies with the Nationally Described Space Standards (except for a minority of bedrooms) and a more active frontage would be provided. The applicant has also cited viability as a reason for not reducing the scheme. It is also acknowledged the proposed scheme would be set further back from Warwick Road than the approved scheme (albeit not significantly and still forward of Warwickgate House) and that the approved scheme includes a large stand-alone cycle store in front of the building close to the highway which is not the case with the proposed scheme. These are also considered improvements on the previous scheme.

42. The proposed building comprises a stepped form, with the upper floors set back from the front and the elements at each side also set back from the front, in order to avoid a flat 13 storey façade to the building and lessen its impact in the Warwick Road street scene. Articulation is provided to the elevations with punctuated openings, comprising groups of windows and cladding panels both recessed 200mm from the brickwork and the contrasting brick pattern to elements of the façade adds a further layer of detail and interest to the elevations. This stepped form and articulation assists in breaking up the massing of the building and adding depth and interest, nevertheless Officers remain concerned over the siting, height, massing and appearance of the proposed building and the impact it would have in the street scene. In this regard and when considered against the changing policy context in respect of design, as evidenced by the Government’s commitment to improved design quality through changes to the NPPF and the publication of the National Design Guide and draft National Design Code, the proposed development is considered to conflict with Policy L7 of the Core Strategy and Policies CQ2 and CQ6 of the Draft Civic Quarter AAP.

Design and Materials

43. Materials are proposed as predominantly red brick (indicated as being of three tones), with a contrasting red brick to some sections of the upper floors from the 8th floor upwards. Although the surrounding area comprises a wide range of building styles and materials, red brick is characteristic of the area and evident in the housing on the opposite side of the road and the original part of the Town Hall. The use of brick will give a quality and robust appearance as well as reflect

the typology of the surrounding area. The quality of the brickwork and aluminium cladding will be important in ensuring a high quality scheme and a condition requiring submission and approval of samples of materials is necessary should planning permission be granted.

44. The ground floor on the Warwick Road elevation includes a predominantly glazed and recessed main entrance, two apartments each with windows, doors and external amenity space, and a communal amenity area with landscaping to the front. These elements of the scheme ensure an active frontage to the ground floor and to the space in front of the building, although there are concerns over the proposed metal doors on the front elevation providing access to the cycle parking, refuse store and substation which are considered to have an industrial and solid appearance. It is noted however, that this part of the building is set back from the main entrance and the doors themselves would be recessed from the brickwork which will lessen their impact to some extent.

Landscaping and Public Realm

45. Policy L7 of the Core Strategy requires appropriate hard and soft landscaping works as part of the design to enhance the street scene or character of the area and the NPPF requires developments to be “*visually attractive as a result of...appropriate and effective landscaping*” (paragraph 127). SPD1: Planning Obligations sets out a guideline of 1 tree per apartment for new developments, which in this case would equate to a requirement to provide 88 trees. The SPD also states that the provision of alternative green infrastructure treatments could be provided in lieu of, or in combination with, tree provision including preferably native species hedge at a rate of 5m per 2 apartments.
46. Due to the footprint of the proposed building, soft landscaping is limited to areas to the front and perimeter of the site. This includes a small area of communal amenity space to the front within which 2no. trees, grass, seating and shrub planting to the perimeter are proposed; shrub planting to the front and rear; and hedge planting to enclose the front decking. A green roof is proposed on the 11th floor and small areas of soft landscaping/green roof are proposed adjacent to private terraces on the 10th and 12th floors. In this location and on this specific site it is acknowledged it would not be feasible to provide a number of trees (88) or quantum of green infrastructure in accordance with the above guidelines, nevertheless due to the footprint of the building relative to the site area there is very limited tree planting and other forms of green infrastructure proposed relative to the above guideline. A financial contribution towards off-site green infrastructure is considered necessary given this shortfall and is set out at paragraph 150 of this report.
47. The proposed boundary treatment to Warwick Road comprises a 450mm high brick wall with 800mm high railings above, giving an overall height of 1.25m which will allow views into the site and is considered an acceptable form of

boundary treatment. Shrub planting is proposed behind the wall/railings. The sliding gate to the vehicle access and a separate pedestrian gate would also be 1.25m high and of steel construction.

48. Policy SL3 of the Core Strategy identifies the potential to provide a strategic processional route along Warwick Road and Brian Statham Way, suitable for a variety of users with a high quality public realm area incorporating green infrastructure to enhance visitor experience and to link to existing and future public transport improvements. The redevelopment of this vacant site would contribute towards an improved appearance along the processional route. Policy SL3 states that in order for development to be acceptable a contribution to provision of this route will be required and this is considered below.

Sustainability and Energy Efficiency

49. Policy L5 of the Core Strategy states that “*New development should ...maximise its sustainability through improved environmental performance of buildings, lower carbon emissions and renewable or decentralised energy generation*” and that development will need to demonstrate how it contributes towards reducing CO₂ emissions within the Borough. For major development the policy states there is potential to deliver CO₂ reduction target of up to 5% above current Building Regulations. It is considered that Policies L5.1 to L5.11 are out-of-date as they do not reflect NPPF guidance on climate change, whilst the remainder of the policy is compliant with the NPPF and remains up-to-date.
50. The approach to energy efficiency and carbon reduction through integration of passive design and energy efficiency measures and low and zero carbon technology. The submitted Carbon Reduction Statement confirms that the scheme benefits from building fabric efficiencies that improve on the minimum energy efficiency standards set out in the Building Regulations and that high efficiency fabric, high specification services, heat pump technology to hot water services and a PV array on the roof enable the scheme to exceed the required reduction in CO₂ emissions and reduce emissions by an estimated 7%. As summarised at paragraph 129 below, a condition to require EV charging points is also recommended to comply with the NPPF and help meet the requirements of Policies L4 and L5 of the Core Strategy with regards sustainable transport and reducing carbon emissions.
51. While it is noted that Policy L5 is out of date in relation to NPPF guidance on climate change it is considered that the environmental efficiencies that the scheme seeks to achieve is in accordance with the general thrust of the NPPF guidance. To ensure that the final scheme incorporates the above measures, or in the event of subsequent alterations or different technologies being proposed, it is considered a condition requiring a strategy for energy efficiency and low/zero carbon technologies should be attached to any permission. Subject to this

condition the proposals are considered acceptable to ensure compliance with Policy L5 and the NPPF.

Crime Prevention and Security

52. Policy L7 of the Core Strategy states that in relation to matters of security, development must demonstrate that it is designed in a way that reduces opportunities for crime and does not have an adverse impact on public safety.
53. The application includes a Crime Impact Statement (CIS) prepared by GMP which has been submitted alongside the application and confirms that the proposed scheme has been found to be acceptable in principle, although recommends that further consideration should be given to a number of issues, including secure enclosure of the sides/rear of the building and clearly defined defensible space to the front; replace the external doors to the ground floor apartments along the frontage with windows or provide secure enclosure of the external terraces; and robust access controls into/around the building are essential. The proposals retain doors to the ground floor apartments rather than replace these with windows, although a fence and hedge are proposed to provide secure enclosure.
54. GMP's Design for Security section does not raise any objections to the development, subject to a condition requiring the implementation of the physical security specifications set out in section four of the submitted report. On this basis, it is considered that the proposed development would be acceptable with regard to matters of security and safety subject to the condition recommended.

IMPACT ON HERITAGE ASSETS

55. The site lies within the setting of Trafford Town Hall and the Entrance Portal and Lodges to the former White City Greyhound Track, both Grade II listed. The site also lies within the setting of several non-designated heritage assets; the early 20th century properties on Warwick Road, Hornby Road and Barlow Road opposite the site and the Trafford public house to the north are all identified as non-designated heritage assets in the Draft Civic Quarter AAP.
56. Section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990 requires the local planning authority in considering whether to grant planning permission for development which affects a listed building or its setting to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
57. Policy SL3 of the Core Strategy specifically requires that development will be required to protect, preserve and enhance the listed Trafford Town Hall and its setting.

58. 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. As indicated above this policy does not reflect case law or the tests of 'substantial' and 'less than substantial harm' to the significance of heritage assets in the NPPF. As Policy R1 of the Core Strategy is out of date for decision making purposes, the requirements of Paragraph 11 of the NPPF are engaged. In view of this, 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.
59. Paragraph 190 of the NPPF states that local planning authorities should take the particular significance of any heritage asset into account to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.
60. Paragraph 193 of the NPPF establishes that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The NPPF sets out that harm can either be substantial or less than substantial. There will also be cases where development affects heritage assets but from which no harm arises.
61. Paragraph 196 of the NPPF states that *"where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use"*.
62. Paragraph 197 identifies that the effect of an application on the significance of a non-designated heritage asset should also 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.

Significance of the affected Heritage Assets

Designated Heritage Assets

63. Trafford Town Hall is significant for its aesthetic, historical and communal values. The clock tower in particular is an important local and distinctive landmark and views of this contribute greatly to its aesthetic value. Its landmark quality orientates residents and visitors and provides a focal point within the locality. The clock face is intentionally visible on all four elevations of the tower emphasising the importance and visibility of this civic building at the time of construction in 1933 and this remains the case today. During this period Talbot Road was

extended to the west through the Clifford Cricket ground (immediately north of Old Trafford Cricket Ground) and Gorse Hill golf course to join Chester Road.

64. The Entrance Portal and Lodges to the former White City Greyhound Track date from 1828 and were originally designed as the grand entrance to the Royal Botanical Gardens, now White City Retail Park. The Gardens were subsequently converted to an amusement park, then a multi-purpose sports stadium before making way for the site's current retail use. The significance of this designated heritage asset derives from its connection with the history of the area as a large public garden, as the location of a number of exhibitions in the 19th century, and its association with later leisure activities during the 20th century. Whilst this original connection has been lost, it retains some communal and aesthetic value.

Non-Designated Heritage Assets

65. The semi-detached properties on Warwick Road, Hornby Road and Barlow Road opposite the site and the Trafford Pub to the north are considered non-designated heritage assets. The properties on Warwick Road, Hornby Road and Barlow Road date from the early 20th century and have a strong and unified sense of character. They make a positive contribution to the overall heritage significance and historic interest of the area, principally due to their illustration of the area's history and day-to-day life in the late 19th and earlier part of the 20th century.
66. The Trafford Public House dates back to the latter part of the 19th century and was formerly a hotel likely to have served the growing leisure and sports activities prevalent in the area at that time. It makes a positive contribution to the heritage interest and historic character of the area, principally due to its illustration of and link between historic and present day sport and leisure facilities in the area.

Impact of the Proposed Development

67. The application is supported by a Heritage Statement which has identified the heritage assets affected and assessed the potential impact on their significance. This states any impact on the setting of the identified heritage assets would be minor given the modern developments and landscaping on Warwick Road and White City Retail Park and that any impact would be alleviated through the proposals being of a high-quality design with materials that relate well to the local vernacular. It also states the proposals are an improvement in design terms compared to the extant scheme and therefore any impact would be better than could be introduced through the existing permission.
68. The Council's Heritage Development Officer has been consulted on the application and raises no objections in principle to the proposed residential development of the site, although has raised some concerns regarding the

height, massing and form of the building noting that the proposals seek an additional storey and marginally wider building than previously approved and it is considered these changes exacerbate the massing and scale of the development in the street scene. The siting of the development forward of Warwickgate House also increases its prominence and the relationship of the two buildings is uncomfortably close.

69. Whilst the applicant has provided a number of viewpoints to demonstrate the impact on the Town Hall, these do not enable a full assessment of the potential impact and it is considered there are some viewpoints where the development could impact on the silhouette of the Town Hall and therefore harm its significance as a landmark building. It is noted views between the Town Hall and the site are at a relatively oblique angle and partly obscured by the mature trees along the west side of Warwick Road, particularly when in leaf, and the presence of Warwickgate House closer to the Town Hall further reduces the impact the proposed building would have on the Town Hall's wider setting. Views of the clock tower from the north east are already impacted by other tall buildings in the vicinity (most notably Warwickgate House) and the proposed development would not obstruct any further viewpoints. It is concluded that the harm would be negligible to minor and at the lower end of the scale of less than substantial harm. In accordance with paragraph 196 of the NPPF this harm should be weighed against the public benefits of the proposal. There are considered to be a number of public benefits associated with the proposed development that would outweigh this harm, including the provision of 88 much needed residential units contributing towards meeting the Council's housing land targets and housing needs and the re-use of a long-standing derelict brownfield site will contribute to the regeneration of the area.
70. The Entrance Portal and Lodges is located approximately 300 metres north east of the site and is not visible from the site due to intervening development at the Retail Park. The proposed building would be visible from the Entrance Portal and Lodges given its height, however given the significant distance, the presence of intervening development and that the proposal would be seen in the context of other tall buildings, it is considered there would be no harm to its setting.
71. The proposed building would affect the immediate setting of the semi-detached properties on Warwick Road, Hornby Road and Barlow Road and the submitted viewpoint demonstrates the building will result in forming a backdrop to the dwellings. The proposed use of red brick as the predominant material would provide a visual link with these dwellings, however as the scale is markedly different between the buildings it is considered the development will result in minor harm to the non-designated heritage assets. It is acknowledged there is an existing permission for a 12 storey building in a similar position to the proposal and also that the Draft Civic Quarter AAP indicates up to 12 storeys will be acceptable in this area, although also states that sensitive scale is required around historic assets and communities on Hornby and Barlow Roads. The harm

to the significance of non-designated heritage assets requires a balanced judgement having regard to the scale of any harm or loss and the significance of the heritage asset in accordance with paragraph 197 of the NPPF. It is considered that in this case the scale of harm to the significance of these properties is outweighed by the benefits of the scheme.

72. A distance of approximately 48m would be retained between the proposed development and the Trafford Public House. There is also a likelihood that the intervening vacant site will be developed in the future and any building would further mitigate the impact of the proposed development on the setting of the public house. It is concluded the proposed development would result in no harm to the significance of this building.

IMPACT ON RESIDENTIAL AMENITY

73. Policy L7 of the Core Strategy states that in relation to matters of amenity protection, development must be compatible with the surrounding area and not prejudice the amenity of the future occupiers of the development and / or occupants of adjacent properties by reason of overbearing, overshadowing, overlooking, visual intrusion, noise and / or disturbance, odour or in any other way. As previously stated, L7 is considered to be up to date for decision making purposes and full weight can be attached to it.

74. In addition to ensuring that developments are designed to be visually attractive, the NPPF at paragraph 127 advises that planning decisions should create places that provide a high standard of amenity for existing and future users.

75. The Council's adopted guidelines for new residential development (PG1) doesn't include specific guidelines for tall buildings although provides guidance for development of 'four or more storeys'. This states where there would be major facing windows, development should retain a minimum distance of 24 metres across a public highway and 30 metres across private gardens and distances to rear garden boundaries from main windows should be at least 13.5 metres. In situations where overshadowing is likely a minimum distance of 15 metres should normally be provided. These guidelines provide a helpful baseline against which the proposal can be considered.

Impact on Surrounding Properties

76. There are a number of two storey residential properties (also with dormer windows to the front elevation) on the west side of Warwick Road opposite the site. The proposed building would retain a distance of between 30m and 32m to the front elevations of the properties directly opposite. Whilst this would comply with the 24m guideline referred to in PG1, it is acknowledged this guidance refers to development of 'four or more storeys' and clearly a 13 storey development would have significantly greater impact than a development closer to four storeys

given its height, massing and number of windows. Indeed, the potential overbearing impact on the surrounding residential properties formed one of the reasons the Council refused planning permission for an 11 storey development in 2007 (ref. H/67590). Since then however a number of applications for a tall building on the application site have been approved, including the implemented permission for a 12 storey apartment building which would retain 29.5m to the properties opposite if built-out (ref. 88279/FUL/16). The proposal would therefore retain a marginally greater distance to the properties opposite than previous schemes that were found to be acceptable and would not have a materially greater impact on those properties than the existing permission. Given that the interface distance also complies with the guideline in PG1, it is considered the development would not be unacceptably overbearing from inside these dwellings or result in unacceptable loss of privacy.

77. In relation to dwellings on Hornby Road and Barlow Road, the separation distance and orientation of these properties relative to the site are such that the proposed building would not result in overshadowing or overlooking. Whilst the proposed building would be visible from a number of rear gardens, it would not be overbearing given the distance and the intervening buildings on Warwick Road.

78. The proposed building would be erected 1.5m from the southern boundary shared with Warwickgate House. There are no windows in the side elevation of Warwickgate House facing the site, other than to the top floor which are set back from the main side elevation. The part of the proposed building directly opposite these windows on the 12th floor is also set back from the side elevation and includes windows to a communal 'home working lounge'. There would be a separation distance of approximately 15m between these windows, which in the context of high-rise buildings is considered acceptable and would not result in an unacceptable loss of privacy to the apartment at Warwickgate House. Other windows to the side elevation of Warwickgate House serve the fire escape stair only.

79. In relation to the rear of Warwickgate House, the proposed building would project approximately 3m beyond its main rear elevation and rear windows. This extent of projection combined with the 4.5m separation retained between the buildings ensures the proposed building would not impact on the rear of Warwickgate House in terms of loss of light or overbearing impact. At the front the proposed building would extend approximately 3.5m forward of Warwickgate House which, in combination with the 4.5m gap retained between the buildings, would not significantly impact on views from the front windows or balconies of those apartments nearest the development or impact on daylight.

80. With regards potential overlooking, the proposed living room windows in the side elevation and the balconies on the 8th, 10th and 12th floors would afford views towards balconies at the front of Warwickgate House, however a distance of

approximately 10m would be retained to the nearest balconies (on 4 of the floors) and it is considered at this distance the extent of overlooking would not be unacceptable. It is noted any potential overlooking from the front balconies would not be any greater than that which exists between existing balconies at Warwickgate House.

81. To the rear of the site, Bowden Court on Montague Road is a development of 4 storey apartment buildings, one of which is situated directly behind the site (No's 1-16). A distance of 46m would be retained between the rear elevation of the proposed building and the apartments directly behind which is similar to the previously approved scheme and complies with the above guideline. Although the guideline in PG1 refers only to development of 'four or more storeys' and the proposed building is 13 storeys, the separation distance would still be some 16m over and above the guideline. As such it is considered the building would be a sufficient distance away so as not to be overbearing from 1-16 Bowden Court or result in a loss of privacy. In relation to the other apartments at Bowden Court, these are positioned south east of the proposed building and combined with the separation distances it is considered there would be no significant loss of privacy or loss of light to these properties that would result in an unacceptable impact on amenity.

82. The application includes a Daylight and Sunlight Assessment which has assessed the impact of the proposed development on surrounding properties in comparison to that of the existing permission and against the Building Research Establishment (BRE) Guidelines '*Site Layout Planning for Daylight and Sunlight – A Guide to Good Practice (2011)*'. This includes assessment of the Vertical Sky Component (VSC) and No Sky Line (NSL) methods for determining potential daylight effects and the Annual Probable Sunlight Hours (APSH) for sunlight effects. In relation to all surrounding properties on Warwick Road, Hornby Road and Bowden Court, the assessment demonstrates that all windows and rooms would be compliant with the VSC, NSL and APSH guidance i.e. would not be adversely affected by the proposed development. In relation to Warwickgate House it identifies that windows to the top floor apartment would be affected, however these all serve the same room and when the room is considered as a whole it will meet the BRE Guidance. The assessment concludes that the impact on surrounding residential properties is acceptable and would not be noticeably different to the previously approved and extant scheme.

Amenity for Future Occupiers

Separation Distances

83. The proposed development includes windows to habitable rooms (bedrooms and living rooms) in the south elevation facing Warwickgate House, from the ground floor to the 11th floor inclusive. In the case of the bedrooms these would be the only window serving that room whilst the living rooms would also benefit from

windows to the front elevation. These windows would be at relatively close proximity to the side elevation of Warwickgate House and there is concern this would not provide an attractive outlook for future occupiers. Daylight and sunlight would also be restricted given that Warwickgate House is south of these windows. Whilst this is a concern it is noted that these windows all serve bedrooms within proposed 2-bed apartments (as opposed to 1-bed apartments), therefore these apartments would also have a bedroom to the front or rear with an unaffected outlook. Furthermore it is acknowledged that the existing permission includes a number of 1-bed apartments on this side of the building where the bedroom would not have a window. It is therefore considered the proposed development would be an improvement compared to the approved scheme in terms of living conditions for future occupiers.

84. The north side elevation of the proposed building facing the vacant site also includes windows to habitable rooms from the 1st to 11th floors that would be the only window to a bedroom. There is concern that reliance on these windows as the only windows to habitable rooms could impose a constraint on the potential redevelopment of the adjacent site since these windows would be an important source of light and outlook for future occupiers. Approval of the scheme with windows to habitable rooms facing this site is likely to influence the siting, height and form of development that may subsequently come forward on that site and could impact on realising the full potential of that site. Notwithstanding this concern it is acknowledged that any future development on the adjacent site could be sited and designed in such a way to avoid adverse impact on the amenity of the proposed development, should it be approved. It is also noted the Draft Civic Quarter AAP indicates a potential 'greenway' adjacent to the site on this side so there is a likelihood there would be separation between the proposal and any future building to the north.

Amenity Space

85. The guidance in PG1 states that most new dwellings should provide some private outdoor space and that this is necessary for a variety of functional requirements such as sitting out and children's play. The guidance states that for flats, 18 sqm of adequately screened communal area per flat is generally sufficient, with balconies contributing to this provision.
86. External amenity space for residents includes a small communal area at the front of the site (98 sqm) and a small external terrace on the 12th floor (42 sqm). 8 of the apartments would have private amenity space (decked area to the front of the 2 ground floor apartments and external balconies to 6 apartments on the upper floors). The total communal amenity space provided is approximately 140 sqm and the overall total amenity space is approximately 288 sqm with the private amenity space added. This provision is well below the PG1 guideline of 18 sqm of screened communal space per flat (and the equivalent total of 1,584 sqm) and will provide only limited outdoor amenity space for future occupants. This is

considered an adverse impact of the scheme to be considered in the planning balance. It is noted however, that the amount of outdoor amenity space would be greater than that of the previously approved scheme.

Noise

87. The site is in a location exposed to existing sources of noise, predominantly road traffic noise. Policy L5 of the Core Strategy states that where development is proposed close to existing sources of noise or vibration, developers will be required to demonstrate that it is sited and designed in such a way as to confine the impact of nuisance from these sources to acceptable levels appropriate to the proposed use concerned. Policy L7 also states that development must not prejudice the amenity of the future occupiers of the development by reason of noise and / or disturbance.
88. The Noise Assessment submitted with the application makes it clear that no on-site noise measurements have been possible in the production of the assessment due to Covid-19 restrictions and also that relevant noise sources in the area (predominantly traffic noise) have been reduced during the restriction period. The assessment makes use of previous survey data and national published information to derive the most likely noise regime around the proposed residential dwellings. The assessment confirms that noise levels at the façade of the development would be excessive and affect the amenity of the residents. To ensure that suitable noise mitigation is installed within the development to protect future residents it is recommended a condition is attached to any permission requiring a scheme of sound insulation of the building envelope, including details of a scheme of ventilation to enable windows to be kept shut.

HIGHWAYS MATTERS AND CAR PARKING

89. Policy L4 of the Core Strategy states: [The Council will prioritise] the location of development within the most sustainable areas accessible by a choice of modes of transport. The aim of the policy to deliver sustainable transport is considered to be consistent with the NPPF which states "*Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions, and improve air quality and public health*" (paragraph 103). The NPPF states that applications for development should, so far as possible, facilitate access to high quality public transport (paragraph 110a).

Traffic Generation

90. Policy L4 of the Core Strategy is clear that planning permission will not be granted for new development that is likely to have a significant adverse impact on the safe and efficient operation of the local highway network. Paragraph 109 of the NPPF states that "*Development should only be prevented or refused on*

highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe". Given the more stringent test for the residual cumulative impacts on the road network set by the NPPF, it is considered that Core Strategy Policy L4 should be considered to be out-of-date for the purposes of decision making.

91. The application includes a Transport Statement (TS) which states that the location has no capacity issues based on a review of up to date traffic flows and that no capacity issues are expected to arise with the adjacent junctions to the site. It is also recognised that given the low level of car parking proposed and the limited availability of car parking in the vicinity of the site (discussed further below), the proposed development is likely to have a relatively low level of car ownership and as such would not generate significant additional traffic on the adjacent road network. It is considered the volume of traffic generated by the proposed development would be modest and would not have a significant impact on the operation of the local highway network.

Access Arrangements

92. Policy L7 of the Core Strategy requires development to incorporate vehicular access and egress which is satisfactorily located and laid out having regard to the need for highway safety. The existing site access from Warwick Road is proposed to be closed up and a new vehicular access created further to the north. This is considered acceptable provided that the existing site access is permanently closed and the access crossing reinstated as footway with full height kerb.
93. Separate pedestrian access would be provided via a gate directly off Warwick Road whilst cyclists would utilise the vehicle access. The LHA comment that the proposed pedestrian and cycle access arrangements are acceptable.
94. TfGM advise that in order to maximise the benefits of the site's sustainable location, it should be ensured that the pedestrian and cycling environment within and around the site is designed to be as safe, attractive and convenient as possible and the applicant should ensure the provision of continuous 2m wide footways throughout and surrounding the development, reinstating any redundant vehicle access points, installing tactile paving at junctions/crossing points and renewing any substandard footways. The pavement adjacent to the site is more than 2m wide whilst the path provided within the site leading to the entrance is considered sufficient to provide suitable access for pedestrians and cyclists into the site.

Car Parking

95. Policy L4 of the Core Strategy states that *"Maximum levels of car parking for broad classes of development will be used as part of a package of measures to*

promote sustainable transport choices, reduce the land-take of development, enable schemes to fit into central urban sites, promote linked-trips and access to development for those without use of a car and to tackle congestion". The standards are set out in SPD3: Parking Standards and Design. Policy L7 requires development to provide sufficient off-street car and cycle parking, manoeuvring and operational space. The Council's parking standards are considered to be consistent with NPPF and therefore up-to-date.

96. The car parking standards as set out in SPD3 state that within this location, 1 bedroom dwellings require 1 car parking space and 2 bedroom dwellings require 2 spaces. For the proposed development this would generate a requirement for 150 spaces. This is a maximum standard and it is accepted that a lower level of provision would be appropriate in this sustainable location which is well served by public transport and provided that there will be no adverse impact on on-street parking arising from the development. SPD3 states that car parking below the maximum standard will only be allowed where there will be no adverse impact on on-street parking arising from the development and includes the following criteria where this may be the case: -

- *There is sufficient capacity for on-street parking without detrimentally affecting the safety and convenience of other residents and occupiers and road users.*
- *The developer can demonstrate that satisfactory sustainable travel measures including residential travel plans are proposed and how they will be implemented.*
- *There is no on-street parking permitted in the vicinity of the development (so there is no potential for on-street parking to detrimentally affect the safety and convenience of other residents and occupiers).*
- *The development meets other planning objectives and would not unacceptably worsen the parking situation.*

97. The previous permission for 89 apartments (ref. 88279/FUL/16) includes 44 parking spaces at basement level and also includes dual-use of 25 existing 'Pay & Display' parking bays on Warwick Road so they can function as resident permit parking outside the 'Pay & Display' hours of operation which is required by condition. Up to five additional on-street parking bays would also be created, between Hornby Road and the A56, providing a total of 30 on-street spaces available to residents of the scheme in addition to the 44 basement spaces.

98. The scheme now proposed seeks to reduce the level of car parking to only 6 spaces, inclusive of 1 disability space. This would be a shortfall of 144 spaces compared to the Council's maximum standards. The submitted TS seeks to justify this proposed level of car parking on the basis of this being a sustainable location, that the residents parking scheme will ensure overspill parking will not affect amenity and there is capacity on street for overnight parking, and census data shows lower car ownership in this location. The TS also provides examples of other developments where reduced parking levels have been accepted.

99. It is acknowledged that the site is within a highly sustainable location, close to public transport infrastructure and a range of shops and local services as well as being highly accessible for pedestrians and cyclists. As set out at paragraph 20 above, the site is within walking distance of Old Trafford Metrolink stop and bus stops on Chester Road and Talbot Road and there is a range of retail, community and leisure facilities close to the site such that walking and cycling would be a realistic travel option for some residents in addition to public transport. It is therefore likely that a high proportion of future residents would travel by tram, bus, cycling and walking rather than need to own a car.
100. Given the highly sustainable location it is accepted that a level of parking provision below the Council's maximum standard is appropriate. Nevertheless the provision of only 6 spaces is significantly below the standard and it is necessary to assess whether or not this is likely to result in additional parking demand on adjacent and nearby roads and, if so, whether sufficient capacity exists to accommodate that demand.
101. The streets within the immediate vicinity of the application site are the subject of parking restrictions. The eastern side of Warwick Road is occupied by 'Pay & Display' bays (Monday-Friday, 09:00-1700), whilst the western side and Barlow Road and Hornby Road have resident permit parking schemes in place (Monday – Saturday, 09:00 – 17:00). Parking on the A56 Chester Road and A5014 Talbot Road is prohibited at all times by the presence of double-yellow lines and parking on Montague Road to the rear of the site is also prohibited at all times.
102. The TS includes an assessment of parking availability in the local area and states the following: -
- Within 500m walking distance of the site there are approximately 106 'Pay & Display' on-street parking spaces, including in the region of 55 spaces along Warwick Road*. 25 of these spaces are enforced between the hours of 9am and 5pm Monday to Friday. Therefore it would be possible for residents and visitors to utilise this on-street parking as it would be suitable for people arriving during a weekend as well as guests who may arrive during a weekday afternoon and depart before 9am the next day.
 - A similar use could be made of the Pay & Display parking in the wider area, although some of this parking has differing time constraints in operation.
 - The site was surveyed at night time (10pm) which demonstrated that the area does not have an overspill parking issue.
 - Observations at 10pm on Hornby and Barlow Roads on a typical night (not a match night or no Council meetings taking place) confirmed some on-street parking on these roads but that space was available and the streets were not overly parked up.

*Although the TS refers to 55 parking spaces along Warwick Road there are in fact approximately 31 spaces, 25 of which could be available for use by residents of the development outside the 'Pay & Display' period.

103. The above restrictions are likely to deter some potential occupants of the development who own a car, since the lack of a space on site or on-street in the immediate vicinity during the daytime would not be acceptable to some car owners. Consequently a lower level of car ownership associated with this development can be expected in comparison to a development where more car parking is available either on-site or where unrestricted on-street parking is available in the vicinity.

104. Notwithstanding the above it is acknowledged that the provision of only 6 car parking spaces within the site and given the close proximity of this on-street parking, there is potential for overspill parking from the proposed development onto Warwick Road, Hornby Road and Barlow Road in the evenings, overnight and at weekends when the resident parking scheme is not in operation. This has the potential to inconvenience existing residents who rely on these spaces, since the potential demand from the development could be significant given the limited parking proposed. It is therefore considered that a review and extension of the operating hours of the existing Traffic Regulation Orders (TROs) is required in order to protect the availability of the existing on-street parking for use by existing residents. The applicant would be required to fund such an extension to the existing TROs. The TRO review and extension of its operation can be secured by a S106 agreement. Future occupiers of the proposed development would not be eligible for a parking permit on these roads to ensure there is no additional demand for the spaces.

105. The TS also includes a review of Census data for the local area, including 'Method of Travel to Work' data and car ownership levels which shows that for apartment residents in the local area, 75% live without a car. It also states it is likely that car ownership levels at the site will be lower due to socio-demographic effects. In summary the data shows that car use is noticeably lower in the Census area than the wider Trafford area; walking and cycling are much higher than the Trafford and north west figures; and bus use is almost double the Trafford figure. The TS states this data supports the lower use of cars as a mode of travel and there is no need to provide additional parking over that felt necessary.

106. The LHA note that the TS and Interim Travel Plan demonstrate that the site is in a sustainable location being accessible on foot, by cycle and public transport. The LHA also note the surveys carried out on Warwick, Hornby and Barlow Roads show a degree of spare on street capacity is available and that Census car ownership levels for apartments in the local area show that 75% of residents live without a car and that it is likely that car ownership levels at the proposed site will be lower. The Travel Plan also contains proposals to

implement several measures to promote alternative modes of transport to the car, including the provision of welcome packs, provision of tram/bus travel passes for residents and discounts on the cost of cycle purchases, which the LHA considers to be appropriate. Given the sustainable location of the site and the package of sustainable travel measures put forward by the applicant, the LHA accept the shortfall in parking provision.

107. Officers acknowledge that there is a need to encourage the use of more sustainable means of transport and for developments not to rely on the use of the private car. Given the highly sustainable location, evidence of lower car ownership for apartments in this area and the fact that potential future occupiers of the development would be aware there is limited on-street parking availability on site and in the immediate area thus may not be attracted to the development, it is considered that the significant parking shortfall relative to the maximum standard is acceptable in this case. Any potential adverse impact on existing on-street parking in the area can be mitigated by a review and extension of existing TROs. As such the proposal complies with Policies L4 and L7 of the Core Strategy and guidance regarding car parking standards contained within SPD3, subject to appropriate conditions. It is also acknowledged that a low level of car parking provision reflects the overall aims of the Draft Civic Quarter AAP which places emphasis on the use of sustainable transport modes and to reduce reliance on vehicular usage.

108. Concerns have been raised by some residents of Bowden Court that insufficient car parking provided for the proposed development will lead to parking at Bowden Court. The car park at Bowden Court is for resident's use only and there is a gate at the end of Montague Road preventing non-resident access so it is unclear how these spaces could be used by occupiers of the proposed development.

Accessible Parking

109. With regards accessible parking provision, SPD3 states for residential development that the level of disabled parking will be negotiated on a case-by-case basis. Only one accessible parking space is proposed which isn't considered sufficient for 88 apartments, therefore a condition is recommended to require a greater level of provision. 3no. spaces is considered appropriate. It is acknowledged this will be at the expense of other spaces which is already extremely limited, however it is considered that provision of a sufficient number of accessible parking bays should take precedence.

Cycle Parking

110. SPD3 sets out cycle parking standards for residential development and also contains guidance relating to the detailed design of cycle parking facilities to ensure these are accessible and secure in the interest of encouraging

sustainable travel. Where communal cycle parking is proposed the minimum cycle parking standards as detailed within SPD3 require one space each for a 1 or 2 bedroom dwelling unit. For the proposed development this equates to a minimum requirement of 88 cycle spaces. TfGM comment that current standards should be viewed as a minimum and that as much cycle parking as possible should be provided at the site.

111. The proposed development provides an internal, fully secure cycle store on the ground floor of the building providing 104 cycle spaces along with a workshop space for use by residents to maintain their bikes. Two visitor cycle stands would also be provided to the front of the building. This level of provision exceeds the SPD3 requirement and the application is therefore considered to be acceptable in this respect. A condition is recommended requiring that the 104 cycle spaces are provided prior to first occupation of the development and that spaces for visitors in a convenient location close to the building entrance are provided. The proposed development also includes 3 motorcycle spaces within the building.

Travel Plan

112. The application includes an Interim Travel Plan to encourage travel by non-car modes and sets out a range of measures to be implemented. These include the provision of welcome packs, provision of tram/bus travel passes for residents and discounts on the cost of cycle purchases, which the LHA considers to be appropriate. A condition requiring submission and approval of a Full Travel Plan prior to first occupation is necessary and to require the Travel Plan be implemented on or prior to first occupation and continue to be implemented for a period of ten years.

Servicing Arrangements

113. Servicing and refuse collection for the development would take place from Warwick Road. Refuse / recycling storage facilities are located internally at ground floor with access from doors to the front of the building. The LHA confirm that adequate and suitably located refuse / recycling storage facilities are provided whilst the Council's Waste Management section consider the proposals to be acceptable in principle, however a condition requiring a waste management strategy is necessary to confirm the arrangements and responsibilities for the taking out and return of bins so this coincides with collections and doesn't leave bins left on the highway for lengthy periods.

Construction Management Plan

114. A condition to require a Construction Method Statement will be necessary to ensure arrangements are put in place for the safety of residents, workers and

visitors during building works and to minimise disturbance and nuisance to occupiers of nearby properties and users of the highway.

LOCAL OPEN SPACE AND PLAY FACILITIES

115. Policy R5 of the Core Strategy states that all development will be expected to contribute on an appropriate scale to the provision of the standards referred to in that policy and the green infrastructure network (Policy R3), either by way of on-site provision, off site provision or by way of a financial contribution towards improving quantity or quality of provision. Such contributions will be secured in accordance with Policy L8 and Supplementary Planning Guidance linked to this policy. The Council's adopted SPD1: Planning Obligations further states that "*large residential developments of approximately 100 units, or that provide homes for 300 people or more, will need to provide new open space as part of the site design*". Policy R5 is up to date in that it seeks to ensure that residents have access to an appropriate range of green spaces and other recreational facilities to aid their health and well-being. The NPPF also states that planning decisions should plan positively for the provision of open space (paragraph 92) and that access to high quality open spaces is important for the health and well-being of communities (paragraph 96).

116. The proposed number of units and projected population of the proposed development is below the threshold within SPD1 for open space to be provided on-site. Nevertheless it is only slightly below the threshold of 'approximately 100 units' and development of this scale will create demand and place pressure on existing public open space and play facilities in the local area. A contribution towards local open space and children's play facilities is therefore considered necessary and this has been calculated as £65,332.41 based on the formula in SPD1, comprising £23,268.96 to local open space and £42,063.45 to provision for children/young people.

SPORT FACILITIES

117. SPD1 sets out that developments in the region of over 300 units will need to provide on-site sport facilities, whilst the cumulative impact of smaller schemes will be addressed through CIL funded projects. The NPPF also makes clear statements about the role sport and recreation plays in contributing to healthy communities and states that planning decisions should plan positively for the provision and use of community facilities including sports venues (paragraph 92).

118. As the proposed development is less than 300 residential units the provision of on-site sport facilities are not required, nevertheless the proposed development will create additional demand and place pressure on existing sports facilities in the local area. Although the SPD refers to the impact being addressed through CIL funded projects, this pre-dates the change to the CIL Regulations in 2019 which now allow the Council to take both S106 contributions and CIL

monies towards the same piece of infrastructure. A contribution towards outdoor sport facilities is considered necessary which has been calculated as £75,400 based on the formula in SPD1.

EDUCATION

119. Policy L2 of the Core Strategy states that all new development will be required to be appropriately located in terms of access to existing community facilities and/or delivers complementary improvements to the social infrastructure, including schools, to ensure the sustainability of the development. Policy SL3 also states that in order for development in the LCCC Strategic Location to be acceptable, the provision of community facilities to support the new community including school provision will be required.

120. The proposed 88 apartments include 62 x 2-bed units that could potentially be occupied by families with children of school age which will place additional demand on existing schools. The pupil yield of the proposed development has been calculated as 13 primary and 9 secondary school places.

121. The Council's Schools' Capital Projects Team has carried out an assessment of capacity at primary schools within a 1 mile walking distance of the site and the secondary schools nearest the site. In summary, as the majority of Trafford primary schools in the Stretford area are full and any permanent vacancies at Stretford secondary schools have been allocated to other developments it is considered a contribution is necessary to provide additional intake places. This would be used to expand existing schools in the first instance. Based on the pupil yield generated by the development and applying the DfE's 2019 School Places Score Card rate for a permanent new school place, this has been calculated as £204,581 towards primary schools and £196,848 towards secondary schools (for the avoidance of doubt this is based on the DfE's 2019 School Places Score Card which represents an uplift on the DfE Basic Need rate previously used).

HEALTH FACILITIES

122. Policy L2 of the Core Strategy states that all new development will be required to be appropriately located in terms of access to existing community facilities and/or delivers complementary improvements, including in respect of health facilities. Policy SL3 further states that in order for development in the LCCC Strategic Location to be acceptable the provision of health facilities will be required. In this case however, the NHS Trafford CCG comment it is not envisaged that 88 apartments would have a material impact on local health services. As such a contribution towards the provision of additional health facilities in the area is not required.

AIR QUALITY

123. Policy L5 of the Core Strategy states that development that has potential to cause adverse air pollution will not be permitted unless it can be demonstrated that adequate mitigation measures can be put in place. Within the Borough's Air Quality Management Zones, Policy L5 also 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 air quality. Policy L5 is considered to be up-to-date in this regard and so full weight can be attached to it.
124. Paragraph 181 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 and Clean Air Zones and the cumulative impacts from individual sites in local areas. Opportunities to improve air quality or mitigate impacts should be identified, such as through traffic and travel management and green infrastructure provision and enhancement. Planning decisions should ensure that any new development in Air Quality Management Areas and Clean Air Zones is consistent with the local air quality action plan.
125. The site itself does not lie within the GM Combined Authority Air Quality Management Area (AQMA) 2016, although Chester Road and part of Talbot Road in the vicinity of the site are within the AQMA.
126. The application includes an Air Quality Assessment (AQA) that has considered dust and fine particulate matter during the construction phase, and road traffic emissions during the operational phase.
127. The AQA confirms that the additional traffic generated by the development creates only a negligible impact on local air quality at nearby sensitive receptors and that annual levels of nitrogen dioxide at the site are well below national objective levels. The Council's Pollution and Housing Section raise no objections or comments in relation to the air quality impact on future site users and sensitive receptors from the operation phase of this development. It is recommended that electric vehicle charging points are provided to ensure that impact from vehicles associated with the development are minimised.
128. For the construction phase the assessment confirms that there is the potential for adverse air quality impacts as a result of fugitive dust emissions from the site and that dust mitigation methods will be required. To ensure that suitable mitigation methods are put in place a condition requiring submission and approval of a Construction Method Statement is necessary.
129. Paragraph 110 of the NPPF requires applications for development to be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations. At present, there is no specific local

policy requirement for EV charging points although Policy L5 of the Core Strategy states that new development should mitigate and reduce its impact on climate change, including through reduced carbon emissions. In order to comply with the NPPF and help meet the requirements of Policies L4 and L5 with regards sustainable transport and reducing carbon emissions, a condition is recommended to require the provision of EV charging points as part of the development

CONTAMINATED LAND

130. Policy L5 of the Trafford Core Strategy states that development that has potential to cause adverse pollution (of air, light, water, ground) will not be permitted unless it can be demonstrated that adequate mitigation measures can be put in place. The NPPF states that planning decisions should give substantial weight to the value of using suitable brownfield land within settlements for homes and support appropriate opportunities to remediate contaminated land (paragraph 118) and that decisions should ensure that a site is suitable for its proposed use taking into account ground conditions and any risks arising from contamination (paragraph 178).

131. A Phase II Site Appraisal has been submitted and has identified contamination present at the site which if not mitigated potentially may present an adverse risk to future site users. To ensure that the site does not pose a risk to future site users, conditions requiring submission and approval of a remediation strategy and verification plan prior to commencement of development and a verification report prior to occupation are recommended.

FLOOD RISK AND DRAINAGE

132. Policy L5 of the Trafford Core Strategy states that *“the Council will seek to control development in areas at risk of flooding, having regard to the vulnerability of the proposed use and the level of risk in the specific location”*. Policy SL3 requires a Flood Risk Assessment to demonstrate that the development will be safe, without increasing flood risk elsewhere, and that it will where possible reduce flood risk overall. At the national level, NPPF paragraph 155 has similar aims, seeking to ensure that development is avoided in areas at risk of flooding and at paragraph 163 ensuring that flood risk is not increased elsewhere. Policy L5 is considered to be up-to-date in this regard and so full weight can be attached to it.

133. The site falls within Flood Zone 1 (land with a low probability of flooding from rivers or the sea), where guidance in the NPPG in relation to locating new development identifies residential development as ‘appropriate’.

134. The application includes a Drainage Strategy Report that states infiltration drainage is not a viable option for the discharge of surface water and that

discharge to watercourse is impractical given the distance. It states the only practical solution is to discharge to the nearby combined public sewers.

135. The LLFA has assessed the proposed drainage strategy and advised that the proposed development will only be acceptable if the following measures as detailed in the Drainage Strategy Report and Surface Water Drainage Layout are implemented and secured by condition: -

- A scheme based on the submitted SuDS / Drainage Strategy to be submitted and approved and to include mitigation measures limiting the surface water run-off from critical storm events and provision of attenuation flood storage on the site; and
- A management and maintenance plan for the lifetime of the development to secure operation of the sustainable drainage scheme throughout its lifetime.

136. United Utilities advise that in accordance with the NPPF and NPPG, the site should be drained on a separate system with foul water draining to the public sewer and surface water draining in the most sustainable way. United Utilities confirm that the proposals are acceptable in principle and request a condition requiring the drainage for the development to be carried out in accordance with principles set out in the submitted drainage design drawing and requiring that surface water must drain at the restricted rate of 5 l/s, unless otherwise agreed. United Utilities also recommend a condition requiring a sustainable drainage management and maintenance plan for the lifetime of the development.

ECOLOGY AND BIODIVERSITY

137. Policy R2 of the Trafford Core Strategy seeks to ensure that all developments protect and enhance the Borough's biodiversity and Policy SL3 states that in order for development in the LCCC Strategic Location to be acceptable it will need to incorporate features to enhance the level of biodiversity in the area, such as green roofs and appropriate landscaping. The NPPF also states that decisions should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity (paragraph 170d) and opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity (paragraph 175d).

138. Policy R2 of the Core Strategy is considered to be compliant with the NPPF and therefore up-to-date as it comprises the local expression of the NPPF's emphasis on protecting and enhancing landscapes, habitats and biodiversity. Accordingly, full weight can be attached to it in the decision making process.

139. The site has been vacant for a number of years and comprises bare ground with no buildings, trees or vegetation present other than some scrub

vegetation and grass within the site and along the boundaries which is of low ecological / habitat value. There are no habitats or species of ecological importance present on the site.

140. Opportunities for biodiversity enhancement that could potentially be incorporated into the new development include bat boxes, bricks or tubes, bird boxes and the proposed green roof also provides scope to provide habitat for flora and fauna. It is recommended a condition is attached to any permission requiring submission and approval of details of biodiversity enhancement measures that will be incorporated into the development.

DEVELOPER CONTRIBUTIONS

Community Infrastructure Levy (CIL)

141. This proposal is subject to the Community Infrastructure Levy (CIL) and is located in the 'cold zone' for residential development, consequently private market apartments 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).
142. Developments that provide affordable housing can apply for relief from paying CIL on those affordable units. Subject to the relevant criteria being met, relief from paying CIL can be granted and the CIL payments will be reduced accordingly.

Developer Contributions and Viability

Affordable Housing

143. As summarised at paragraph 27 above, it is considered that the nature of the proposed development is such that in viability terms it will perform differently to generic developments within the market location. This requires a level of affordable housing to be determined via a site specific viability study and which will not normally exceed 40%. SPD1: Planning Obligations further confirms that the viability of planning obligations such as affordable housing will be negotiated between the Council and developers on a case by case basis. Where viability is an issue it states that the Council will consider potential benefits of a scheme by weighing these against the resulting harm from the potential under-provision or delayed provision of infrastructure. Based on independent financial viability findings and other evidence, planning obligations may be deferred, phased, or discounted, where this would not make the development unacceptable in planning terms. SPD1 further states that where a viability appraisal has been accepted by the Council, the S106 legal agreement may include provisions for overage and review mechanisms.

144. The applicant has submitted a Financial Viability Assessment (FVA) that includes an appraisal based on 10% affordable housing provision and an assumed Section 106 contribution of £154,203 (this being a contribution calculated by the applicant as being required by SPD1 towards Local Open Space, Children/Young People and Outdoor Sports). The FVA states that at this level of affordable housing and S106 contribution the scheme is not viable. The applicant's FVA further states that even when providing no S106 contributions or affordable homes the scheme produces a viability deficit, however, and notwithstanding this assessment, the Planning Statement states the applicant is willing to flex their own return below national policy guidance in order to deliver the scheme (without affordable housing or S106 contributions). A further response from the applicant in response to the Council's comments on the FVA has been submitted which adjusted some of the key inputs into the appraisal but which still seeks to demonstrate that the scheme is unable to support any affordable housing or S106 contributions.
145. The FVA has been independently reviewed by the Council's appointed viability consultants. The applicant's cost plan has also been independently assessed by a cost consultant. This review considers there is not a specific viability challenge at this site and that the viability challenge indicated in the applicant's FVA has been created by way of adopting build costs that are unable to be viably supported by sales revenue. The applicant's FVA is not agreed, with the key areas of dispute being build costs, sales values and Benchmark Land Value. The review concludes that the submitted FVA is not credible, in part because it shows the return from the proposed development is less than the actual price paid for the land, even when providing zero affordable housing and section 106 contributions. It is therefore considered that the applicant has failed to robustly demonstrate that it would not be viable for the proposed development to support a provision of affordable housing and the required S106 contributions. Consequently the viability case submitted by the applicant carries no weight in the determination of this application.
146. Notwithstanding the conclusions of the FVA as summarised in paragraph 144 above and following discussions with Officers, the applicant has subsequently offered 10% affordable housing (9 units) and all the required developer contributions set out below to be secured via a Section 106 agreement.
147. As the applicant has not submitted a robust viability appraisal to demonstrate a level of affordable housing that can be provided, the proposal fails to comply with Policy L2 and relevant national guidance. Nevertheless, the applicant's offer to provide 9 affordable units and the financial contributions below must be considered in the planning balance.

Education

148. Policy L2.2 states that new development will be required to be appropriately located in terms of access to existing community facilities and/or deliver complementary improvements to social infrastructure, including schools. Based on the Department for Education's School Places Score Card rate for a permanent new school place, as recommended by the DfE, the expected primary pupil yield of the development would equate to a contribution of £204,581 and the secondary pupil yield a contribution of £196,848. The applicant has agreed to meet the full education contribution of £401,429 to be secured via a section 106 legal agreement.

Local Open Space, Play Facilities and Sport Facilities

149. Policy L8 of the Core Strategy states that the Council will seek contributions towards Spatial Green Infrastructure, including parks, play areas and outdoor sports facilities. A contribution of £65,332.41 is required based on the formula in SPD1, comprising £23,268.96 to local open space and £42,063.45 to provision for children/young people, and a contribution of £75,400 towards outdoor sports facilities based on the formula in SPD1. The applicant has agreed to meet this contribution.

Specific Green Infrastructure

150. In accordance with Policy L8 of the Trafford Core Strategy and revised SPD1: Planning Obligations it is necessary to provide an element of specific green infrastructure. As set out above, the quantum of on-site tree planting and other forms of green infrastructure falls well below the guidance in SPD1. The SPD states that where it is not possible to implement a GI scheme on site, a contribution may be secured through the use of a S106 legal agreement to implement a scheme close to the development to make the development acceptable in planning terms and it is considered that a contribution should be secured in this case. Taking into account the tree, hedge and green roof to be provided a contribution of approximately £23,870 would be expected. The applicant has agreed to meet this contribution.

Processional Route

151. Policy SL3 states that development in the LCCC Quarter Strategic Location will be required to make a contribution to the provision of a strategic processional route, suitable for a variety of users with a high quality public realm area incorporating green infrastructure along Warwick Road and Brian Statham Way to enhance visitor experience and to link to existing and future public transport improvements. The design and implementation of the processional route is being led by the Council who have appointed external consultants to carry out initial design work which is ongoing. At present there is no clear methodology on how the contribution required by Policy SL3 would be calculated, however based on the total cost identified in the AAP Infrastructure Cost Plan for

the hard and soft landscaping required for the Warwick Road section of the processional route as a proportion of the overall S106 contributions identified in the AAP for the Civic Quarter, a cost of £18,759.80 has been calculated. The applicant has agreed to meet this contribution. It should be noted that this is an interim approach to calculating an appropriate contribution, which is based on the estimated cost of the Warwick Road section of the route and in the absence of an adopted methodology to calculate contributions at this time. This position will change in future once the AAP is adopted, which will include an approach to calculating S106 contributions.

Equalities

152. 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.
153. In addition to the duty under the Equality Act, Policy L7 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.
154. The application includes an Equality Statement which provides a summary of how the proposals have addressed matters of equality and Officers are satisfied that no adverse impact on protected groups will arise as a result of the development. With regards accessibility this states the proposals have been designed to create a welcoming and inclusive environment with minimal barriers to those persons with a physical or other non-visible disability. All apartments and amenity spaces will be accessed via a large passenger lift serving all floors. The amenity provision and apartments will fully comply with the requirements of Approved Document Part M and the Equality Act. All access controls to the building will be within reach to all users. An accessible parking space is included in the proposals located closest to the entrance, however and as summarised at paragraph 109 above, Officers do not consider this to be sufficient and a greater number of spaces is required which would be secured by condition.

PLANNING BALANCE AND CONCLUSION

155. Paragraph 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.

156. This report has identified the proposed development would result in some conflict with Policy L7 of the Core Strategy due to its siting, height, massing and appearance, however there would be limited harm given the fallback position of an implemented permission on the site that could be built. This is a material consideration that on balance outweighs the harm. The proposals comply with the development plan as a whole which would indicate that planning permission should be granted. There are no material considerations, either in the NPPF or otherwise which would suggest a different decision should be reached.
157. 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, the tilted balance in Paragraph 11(d)(ii) 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 habitat protection, heritage or flood risk.
158. However, as the tilted balance in Paragraph 11 of the NPPF is triggered it is necessary to carry out an assessment of whether the adverse impacts of the development would significantly and demonstrably outweigh the benefits.

Adverse Impacts

159. The following adverse impacts of granting permission have been identified: -
- The siting, height, massing and appearance of the scheme would result in a harmful impact in the street scene, although this harm is limited when taking into account the fallback position of the implemented permission for a building of similar overall scale on the site;
 - Limited on-site green infrastructure/soft landscaping provided and which is less than the Council's guidelines;
 - Less than substantial harm to the setting of Trafford Town Hall, identified as a designated heritage asset, but which is assessed as negligible to minor harm and outweighed by the public benefits of the proposal;
 - Minor harm to the setting of properties on Warwick, Hornby and Barlow Roads, identified as non-designated heritage assets;
 - A level of car parking significantly below the Council's maximum parking standards and which is likely to result in additional on-street parking in the vicinity of the site to the potential detriment of existing residents, although this harm can be mitigated through a proposed review and extension of the existing Traffic Regulation Orders;
 - Limited outside amenity space for future occupants and which is less than the Council's guidelines;
 - Restricted outlook from some of the apartment bedroom windows;

- Failure to demonstrate in a robust viability appraisal that the scheme is not able to deliver a level of affordable housing over and above the 9 affordable units to be provided;
- The proposed tenure of the affordable units doesn't reflect the principles set out in Policy L2;
- No 'large' homes provided (3-bed or greater) that would contribute towards the 70:30 small:large target split referred to in Policy L2.

160. These adverse impacts must be assessed as to whether they outweigh the benefits of granting permission when assessed against the policies in the NPPF as a whole.

Scheme Benefits

161. The main benefits that would be delivered by the proposed development are considered to be as follows: -

- The delivery of 88 no. new homes would contribute towards addressing the identified housing land supply shortfall and substantial weight has been given to this benefit;
- Re-use of previously developed, under-utilised land will contribute positively to the Council's policy aspiration to maximise the use of previously developed land for housing;
- Redevelopment of this long-standing derelict site will improve its appearance and contribute towards the regeneration of the Civic Quarter/LCCC Strategic Location;
- Economic benefits that will flow from construction and occupation. Additional expenditure into the local economy will support existing services in the area.

162. The provision of the full contributions towards the improvement of off-site primary and secondary education facilities, local open space, provision for children/young people, outdoor sports facilities, the strategic processional route and specific green infrastructure will mitigate the impacts of the proposed development. Moderate weight is attached to this as a benefit of the scheme given that the fallback position of the implemented permission would not provide these contributions, other than a contribution towards local open space and children's play provision (which itself is smaller than that now required).

163. Moderate weight is also attached to 9 affordable dwellings to be provided as a benefit of the scheme given that the fallback position of the implemented permission would not provide any affordable units. This is a limited rather than significant benefit given that a robust viability appraisal has not been submitted to demonstrate this is the maximum number of affordable units that is viable.

Conclusion

164. The proposed development would result in some limited conflict with Policy L7 of the Core Strategy, however when assessed against the development plan as a whole the proposed development is considered to be in compliance with it. Notwithstanding this conflict, the tilted balance is triggered and 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. 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 complete a suitable legal agreement / unilateral undertaking to secure :
 - An Affordable Housing Scheme to require 10% on site provision, comprising 4 x 1-bed and 5 x 2-bed units and all to be provided as shared ownership housing units;
 - A financial contribution of £401,429 contribution towards off-site education facilities, comprising £204,581 towards primary school places and £196,848 towards secondary school places;
 - A financial contribution of £65,332.41 contribution towards open space and play facilities, comprising £23,268.96 towards local open space and £42,063.45 towards provision for children/young people;
 - A financial contribution of £75,400 contribution towards outdoor sports facilities;
 - A financial contribution of £18,759.80 contribution towards the provision of a strategic processional route along Warwick Road and Brian Statham Way;
 - A financial contribution of £23,870 contribution towards off-site tree planting or other green infrastructure;
 - A commitment to undertake and/or fund parking surveys on surrounding streets and where necessary, to seek and fund Traffic Regulation Orders and extensions to resident parking schemes.
- (ii) To carry out minor drafting amendments to any planning condition.
- (iii) To have discretion to determine the application appropriately in the circumstances where a S106 agreement has not been completed within three months of the resolution to grant planning permission.

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

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

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, drawing numbers:

- J477 layout fig 1 – Proposed General Arrangement Plan Externals and Ground Floor
- M00280_L200 Rev B – Landscape Masterplan
- M00280_L201 Rev A – Levels and Grades
- B1_02_2200 Rev K – Proposed General Arrangement Plan Ground Floor
- B1_02_2201 Rev K – Proposed General Arrangement Plan 1st – 7th Floor
- B1_02_2208 Rev K – Proposed General Arrangement Plan 8th Floor
- B1_02_2209 Rev K – Proposed General Arrangement Plan 9th Floor
- B1_02_2210 Rev K – Proposed General Arrangement Plan 10th Floor
- B1_02_2211 Rev K – Proposed General Arrangement Plan 11th Floor
- B1_02_2212 Rev K – Proposed General Arrangement Plan 12th Floor
- B1_02_2213 Rev A – Proposed General Arrangement Plan Roof
- B1_04_2201 Rev D – Proposed Elevation A
- B1_04_2202 Rev D – Proposed Elevation B
- B1_04_2203 Rev D – Proposed Elevation C
- B1_04_2204 Rev D – Proposed Elevation D
- B1_04_2210 Rev B – Landscape Elevations Boundary Wall

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 above-ground construction works shall take place until samples and full specifications of all materials to be used externally on the buildings hereby approved have been submitted to and approved in writing by the Local Planning Authority. The specifications shall include the type, colour and texture of the materials. The samples shall include constructed panels of all proposed brickwork illustrating the type of joint, the type of bonding, the colour of the mortar to be used, reveal details, cills and header brickwork, with these panels available on site for inspection, and retained for the duration of the build. 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.

4. 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
 - ii. All fenestration details and recesses
 - iii. All entrances into the buildings
 - 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

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

Reason: In the interests of visual amenity and in protecting the original design intent and quality of the proposed development, having regard to Policy L7 of the Trafford Core Strategy and 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 a full specification of all boundary treatments across the site, 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) and which shall include details of the proposed tree, shrub and hedge planting indicated on drawing number M00280_L200 Rev B – Landscape Masterplan, 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 the lifetime of the development 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. 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.

7. Prior to the new vehicular access being brought into use, the existing site access shall be permanently closed and the access crossing reinstated as footway with full height kerb in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety and visual amenity 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.

8. 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, including the provision of the 6no. car parking spaces shown on approved drawing J477 layout fig 1 – Proposed General Arrangement Plan Externals and Ground Floor, have been provided, constructed and surfaced in complete accordance with the plans hereby approved and the hard surface materials approved under Condition 5 of this permission.

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.

9. Notwithstanding the details shown on the approved plans, 3no. accessible car parking spaces shall be provided in accordance with a scheme that has first been submitted to and approved in writing by the Local Planning Authority. The approved accessible parking spaces shall not thereafter be used for any purpose other than the parking of vehicles.

Reason: To ensure that satisfactory provision is made within the site for accessible parking, having regard to Policies L4 and L7 of the Trafford Core Strategy, Supplementary Planning Document 3: Parking Standards and Design and the National Planning Policy Framework.

10. Prior to the first occupation of any part of the development, 104 cycle spaces for residents, and spaces for visitors in a convenient location close to the building entrance, shall be provided in accordance with approved drawing no. J477 layout fig 1 – Proposed General Arrangement Plan Externals and Ground Floor. The cycle parking 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.

11. Prior to the first occupation of any part of the development hereby permitted, details of a Travel Plan, which shall include measurable targets for reducing car travel, shall be submitted to and approved in writing by the Local Planning Authority. On or before the first occupation of the development the Travel Plan shall be implemented and thereafter shall continue to be implemented throughout a period of 10 (ten) years commencing on the date of first occupation. The Travel Plan produced shall be in substantial compliance with the Interim Travel Plan submitted with the planning application (ref: J477/ITP, dated August 2020, prepared by DTTC), including the 'Initiatives and Mitigation' measures listed.

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

12. No development shall take place until the following has been submitted to and approved in writing to the Local Planning Authority:

- i) a site contamination remediation strategy giving full details of the remediation measures required and how they are to be undertaken
- ii) a verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

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

Reason: To prevent pollution of the water environment and to ensure the safe development of the site in the interests of the health of future occupiers in accordance with Policies L5 and L7 of the Trafford Core Strategy and the National Planning Policy Framework. The assessment is required prior to development taking place on site to mitigate risks to site operatives.

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

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

14. No development shall take place until such time as a scheme based on the SuDS / Drainage Strategy submitted with the application (ref. TVT-AJP-ZZ-XX-RP-C-3010 prepared by The Alan Johnston Partnership LLP dated 12/08/2020) and the following mitigation measures have been submitted to and approved in writing by the Local Planning Authority.

- Limiting the surface water run-off generated by the critical storm events up to the 1 in 100 year + 40% CC event so that it will not exceed 5l/s and not increase the risk of flooding off-site.
- Provision of a minimum 35.1m³ of attenuation flood storage on the site to a 1 in 100 year + 40% CC standard.

Thereafter the development shall be carried out in accordance with the approved scheme.

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

15. The development hereby approved shall not be occupied until a sustainable drainage management and maintenance plan for the lifetime of the development has been first been submitted to and approved in writing by the Local Planning Authority.

The plan shall include the arrangements for adoption by an appropriate public body or statutory undertaker, management and maintenance by a Residents' Management Company or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime. The development shall be managed and maintained in accordance with the approved details for the lifetime of the development.

Reason: To prevent the increased risk of flooding; to improve and protect water quality; and to ensure the future maintenance of the sustainable drainage structures having regard to Policies L5 and L7 of the Trafford Core Strategy and the National Planning Policy Framework and National Planning Practice Guidance.

16. Prior to the development being brought into use, a waste management strategy shall be submitted to and approved in writing by the Local Planning Authority. The submitted strategy shall include details of the arrangements for collection, including responsibilities for the taking out and return of bins into the site. The details / measures set out in the approved scheme shall be implemented and adhered to thereafter.

Reason: To ensure that satisfactory provision is made for refuse and recycling storage facilities and in the interest of highway safety and residential amenity, having regard to Policies L4 and L7 of the Trafford Core Strategy and the National Planning Policy Framework.

17. Before the development hereby approved is first brought into use, a scheme of sound insulation of the building envelope, including details of a scheme of ventilation to enable windows to be kept shut, shall be submitted to and approved in writing by the Local Planning Authority. The approved mitigation measures shall be completed prior to the first occupation of the development and shall be retained in good working order permanently thereafter.

Reason: To safeguard the amenity of future occupiers of the development in accordance with Policies L5 and L7 of the Trafford Core Strategy and the National Planning Policy Framework.

18. No apartment shall be occupied unless and until a post-construction verification plan to detail the mitigation provided for each residential unit in accordance with Condition 17 of this permission has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that acceptable mitigation has been provided to achieve appropriate internal sound levels within the development and to protect the amenities of future occupiers in accordance with Policies L5 and L7 of the Trafford Core Strategy and the National Planning Policy Framework.

19. Prior to any above-ground construction work first taking place a scheme for biodiversity enhancement at the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme may include, but not necessarily be limited to, the provision of bird boxes, bat boxes, bricks or tubes, and a suitable green roof specification that will provide habitat for biodiversity. The approved details shall be installed prior to the first bringing into use of the development and shall be 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.

20. No development shall take place until a strategy for energy efficiency and low/zero carbon technologies for the development has been submitted to and approved in writing by the Local Planning Authority. The strategy shall identify measures to reduce carbon dioxide emissions from the development and demonstrate a minimum CO₂ reduction of 5% above current Building Regulations. The approved strategy shall be implemented in full prior to first occupation of the development hereby permitted or in accordance with a phased approach that has first been submitted to and approved in writing by the Local Planning Authority and shall be retained thereafter.

Reason: To mitigate and reduce the impact of the development on climate change and in the interests of achieving a reduction in carbon emissions, having regard to Policy L5 of the Trafford Core Strategy and the National Planning Policy Framework.

21. No development shall take place 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) the parking of vehicles of site operatives and visitors;
- b) deliveries to site;
- c) loading and unloading of plant and materials including times of access/egress;
- d) storage of plant and materials used in constructing the development;
- e) the erection and maintenance of security hoardings 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 construction works;
- g) measures to control the emission of dust and dirt during construction and procedures to be adopted in response to any complaints of fugitive dust emissions;
- h) a scheme for recycling/disposing of waste resulting from demolition and construction 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 of site manager to be advertised at the site in case of issues arising;
- k) measures to prevent disturbance to adjacent dwellings from noise and vibration, including any piling activity; and
- l) site compound layout

Reason: To ensure that appropriate details are agreed before works start on site to minimise disturbance and nuisance to occupiers of nearby properties and users of the highway, having regard to Policies L5 and L7 of the Trafford Core Strategy and the National Planning Policy Framework. The details are required prior to development taking place on site as any works undertaken beforehand, including preliminary works, could result in adverse residential amenity and highway impacts.

22. The development hereby approved shall not be occupied or brought into use until full details of the provision of electric vehicle (EV) charging points has been submitted to and approved in writing by the Local Planning Authority. The EV charging facilities shall thereafter be installed in accordance with the approved details before the development is first occupied and retained thereafter in working order.

Reason: In the interests of sustainability and reducing air pollution having regard to Policies L5 and L7 of the Trafford Core Strategy and the requirement of paragraph 110 of the National Planning Policy Framework.

23. Prior to the first occupation of any part of the development details of any proposed external lighting, including any proposals to light the external façade of the building, shall be submitted to and approved in writing with the Local Planning Authority. Thereafter the site shall only be lit in accordance with the approved scheme.

Reason: In the interests of visual amenity, highway safety and residential amenity and having regard to Policies L5 and L7 of the Trafford Core Strategy and the National Planning Policy Framework.

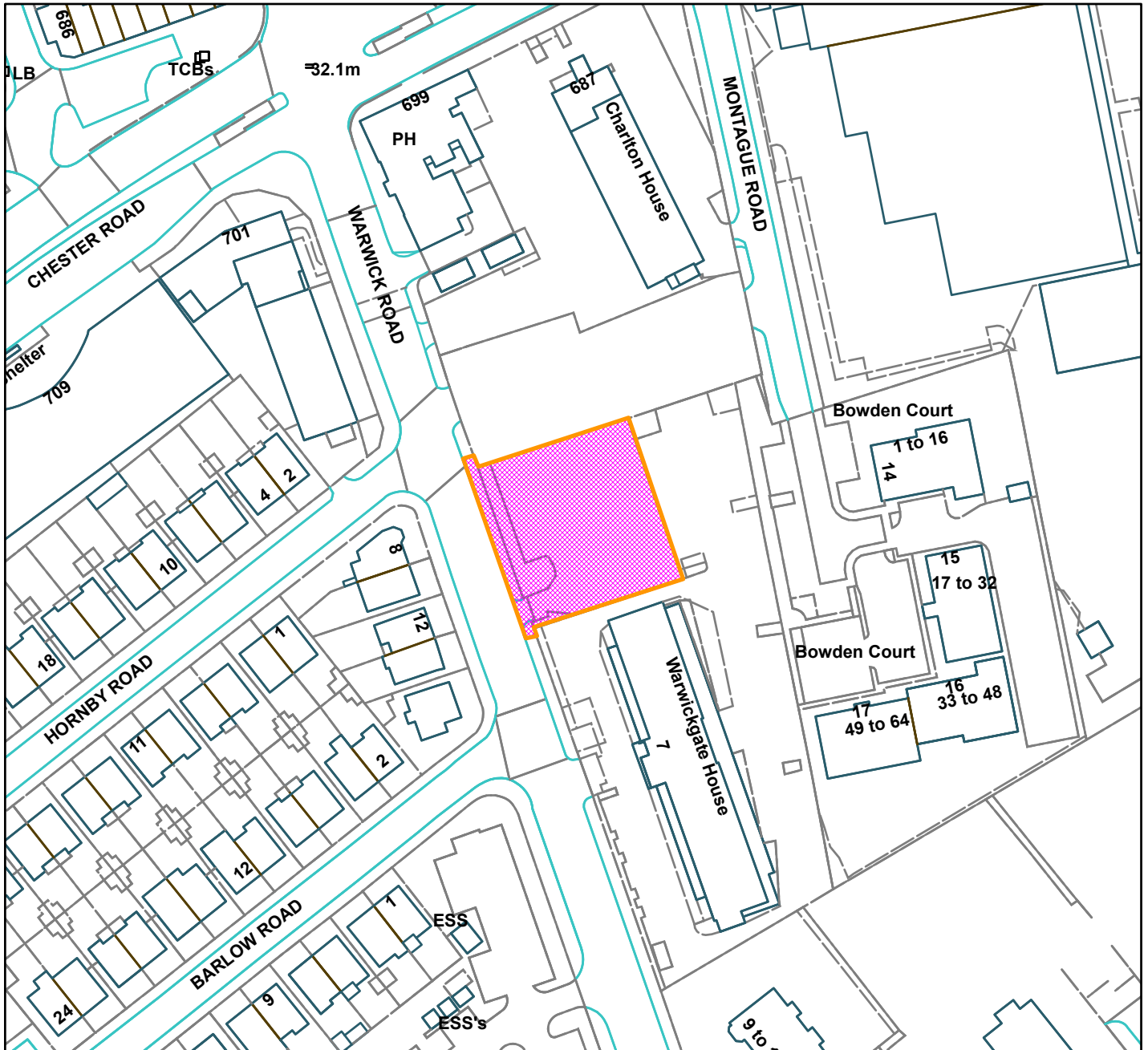
24. The development hereby approved shall be designed and constructed in accordance with the recommendations contained within section 3.3 of the submitted Crime Impact Statement Version B: 11/08/20 Reference: 2015/0063/CIS/02 and the physical security specifications set out in section 4 of that document. The approved measures shall be retained and maintained thereafter.

Reason: To reduce the risk of crime and in the interests of the enhancement of community safety pursuant to Policy L7 of the Trafford Core Strategy and to reflect the guidance contained in the National Planning Policy Framework and Trafford Council Supplementary Planning Guidance 'Crime and Security'.

RG



Former MKM House, Warwick Road, Stretford (site hatched on plan)



Scale: 1:1,250

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Organisation	Trafford Council
Department	Planning Service
Comments	Committee date 13/05/2021
Date	28/04/2021
MSA Number	100023172 (2012)

WARD: Bowdon

102117/FUL/20

DEPARTURE: No

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

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

APPLICANT: Mr David Kirkman.

AGENT: Mr Christopher Timothy, CT Planning.

RECOMMENDATION: GRANT

This application is reported to the Planning and Development Management Committee as the application has received 26 letters of objection contrary to the Officer recommendation of approval.

SITE

The application relates to Bowdon Lawn Tennis Club (the Club), with this application relating specifically to a 0.33ha plot forming the eastern part of the Club.

The application site comprises of a grassed area largely occupied by four full size grass tennis courts and four junior size grass tennis courts. There are three timber single storey outbuildings to the south-west of the tennis courts, the buildings comprising of a scorer's hut, groundsman's hut and storage shed, the latter two being on the site's main ground level, whilst the scorer's hut is built on raised ground adjacent to the common boundary with Heather Court to the south-west.

A pedestrian entrance is located at the south-east boundary where the plot meets the end of Elcho Road. Boundary treatments comprise of wire mesh and wood panel fencing to the south-east, wood panel fencing to the north-east, and a brick wall to the south-west. A private driveway runs along part of the south-east boundary with access taken from Elcho Road, the driveway separating the plot from dwellings to the east. The plot's south-west boundary is marked by several mature trees. Part of the north-west of the plot comprises of a relatively recently constructed single storey clubhouse.

The plot is bound by the remainder of the wider Club site to the north-west and west; sport pitches belonging to Altrincham Girls Grammar School (AGSG) to the north-east; mid-20th Century dwellings to the south-west and south; a pair of late Victorian/Edwardian dwellings to the south-east; and an early 20th Century dwelling to the east. The latter dwelling, Corrib Stable, is accessed via the above noted driveway running north-east from the end of Elcho Road along the plot's south-east boundary.

The site is located within Character Zone B 'The Devisdale' of the Devisdale Conservation Area. The Club forms part of the key open space within the Conservation Area.

The Club's hours are advertised as 0800 to 2100 Monday to Sunday however the applicant has confirmed that use of the courts is not actively controlled with members able to access the site at any time through the use of a coded key pad. The applicant has also confirmed that the current grassed courts, including the junior courts, are currently open for five months of the year from 1 May to 30 September during daylight hours (these courts not having artificial lighting) subject to these courts being dry and playable.

PROPOSAL

The applicant proposes to carry out the following works:

1. Resurface the four full sized grass tennis courts with green poraflex acrylic;
2. Resurface three of the current grass mini-courts in green astroturf and resurface and reposition the fourth mini-court adjacent to the plot's north-east boundary;
3. Carry out works to the Elcho Road boundary through the addition of a new double gated entrance for the use of emergency vehicles, a replacement pedestrian entrance, a disabled access gate, amendments to boundary treatments and installation of a new bin store. The existing earth bank to the front of the location of the proposed servicing and pedestrian gates and separating it from Elcho Road would be removed.
4. The new bin store would replace an existing bin store at this point with existing and proposed waste comprising of green waste from grass cutting, leaf removal and trimmed branches etc., together with a small amount of food waste and bottles/cardboard/recycling from the clubhouse;
5. Installation of 3.5m high tennis fencing along the plot's common boundary shared with the Altrincham Grammar School for Girls (AGSG) site to the north-east;
6. Installation of 3.5m high tennis fencing set in from and parallel to the plot's south-west boundary;
7. Installation of 2.7m high tennis fence set in from parallel to the north-eastern section of the plot's south-east boundary;
8. Installation of disabled access ramp;
9. Installation of steps with planters;
10. Installation of retaining walls;
11. Removal of steps;
12. Regrading of the site's north-east corner down to the ground level of the remainder of the plot.

The resurfaced courts will allow for their use throughout the year during daylight hours.

The applicant proposes to resurface the existing grass courts due to the fact they do not provide a reliable playing surface, including during the Summer months.

Value Added

Following Officer advice the applicant has amended their proposal to retain the existing timber scorer's shed and groundman's shed which were originally proposed to be replaced with new structures, as well as removed the originally proposed 3.5m high fencing along part of the plot boundaries.

The applicant has also unilaterally decided to retain the four larger courts at their current position, rather than move them towards the south-west boundary, as well as retain three of the current mini-courts at the plot's south-western boundary, and is no longer proposing to add an additional fifth mini-court.

DEVELOPMENT PLAN

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

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

PRINCIPAL RELEVANT CORE STRATEGY POLICIES

L4 - Sustainable Transport and Accessibility;
L5 - Climate Change;
L7 - Design;
L8 - Planning Obligations;
R1 - Historic Environment;
R2 - Natural Environment;
R5 – Open Space, Sport and Recreation.

OTHER LOCAL POLICY DOCUMENTS

SPD1 - Planning Obligations;
SPD3 - Parking Standards and Design;
SPD5.10 - Devisdale Conservation Area Appraisal;
SPD5.10a - Devisdale Conservation Area Management Plan;
SPG24 - Crime and Security.

PROPOSALS MAP NOTATION

Critical Drainage Area;
Devisdale Conservation Area.

PRINCIPAL RELEVANT REVISED UDP POLICIES/PROPOSALS

None.

PLACES FOR EVERYONE (FORMERLY GREATER MANCHESTER SPATIAL FRAMEWORK 2020)

The Greater Manchester Spatial Framework (GMSF) was a joint Development Plan Document being produced by the Greater Manchester districts. The first consultation draft of the GMSF was published on 31 October 2016, and a further period of consultation on the revised draft ended on 18 March 2019. The GMSF is now being progressed by nine GM districts as 'Places for Everyone' (PFE) and, once adopted, will be the overarching development plan for these districts, setting the framework for individual district Local Plans. PFE is not yet at Regulation 19 stage and so will normally be given limited weight as a material consideration. Where it is considered that a different approach should be taken, this will be specifically identified in the report. If PFE / GMSF 2020 is not referenced in the report, it is either not relevant, or carries so little weight in this particular case that it can be disregarded.

NATIONAL PLANNING POLICY FRAMEWORK (NPPF)

The MHCLG published the revised National Planning Policy Framework (NPPF) in February 2019. The NPPF will be referred to as appropriate in the report.

NATIONAL PLANNING PRACTICE GUIDANCE (NPPG)

The MHCLG published revised National Planning Practice Guidance (NPPG) on 29 November 2016, and it is updated regularly. The NPPG will be referred to as appropriate in the report.

RELEVANT PLANNING HISTORY

98788/FUL/19: Erection of 9 no. retractable floodlighting columns with a maximum height of 6.7 metres high supporting 11 no. luminaires with LED lamps; 3 no. luminaires to be attached to existing lighting columns to courts 9 and 10; all to provide lighting to courts 11-13. Pending.

- **The description of this application is to be amended following a re-numbering of the courts. For the avoidance of doubt this application refers to the old court numbering and would not provide lighting for the courts to which this application relates.**

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

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

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

84577/FUL/14: Resurfacing of courts 6-9 with an artificial grass surface. Approved 30 March 2015.

H/54978: Demolition of existing clubhouse and erection of new clubhouse comprising clubroom and bar, kitchen, changing accommodation and ancillary facilities. Approved 5 November 2002.

H27497: Erection of 9 ten metre high columns to floodlight two tennis courts. Refused 17 August 1988.

APPLICANT'S SUBMISSION

The applicant has submitted a Planning Statement including a Heritage Statement in support of their application.

CONSULTATIONS

Strategic Planning – No comment received.

Heritage Development Officer – Welcomes retention of Scorer's hut and Groundsman Shed, but objects to the re-surfacing of the courts with poraflex and the subdivision of the site to form the junior courts and concerned over proposed materials and boundary treatment. Consider that the works will cause minor harm to this area of open space and the contribution it makes to the wider Devisdale Conservation Area.

Local Highway Authority – No objection subject to conditions.

Pollution and Licensing (Contaminated Land) – No comment.

Pollution and Licensing (Nuisance) – No objection subject to condition.

Arboriculturist – No objection subject to condition.

GMEU – No objection.

GMP Design for Crime – No comment received.

Lawn Tennis Association – Letter of support received.

REPRESENTATIONS

Letters of objection have been received from 26 neighbouring occupants which raise the following concerns:

Noise/Nuisance

- The site has been transformed over the years from one with grass courts which could only be used for part of the year, to one with many hard surfaced courts, which has resulted in an unacceptable additional noise/nuisance impact.
- The reconditioned courts would result in an unacceptable noise impact on local residents with the resurfaced courts capable of being used throughout the year, whilst the current grass courts can only be used from May to September.

- The proposed artificial surfaces would result in an increased noise impact compared to grass courts. Noise impacts also include screams, shouts and grunts from players.
- The application does not include any assessment of how the proposal would result in an additional noise impact on local residents.
- The Club has decided to relocate the noisy junior courts adjacent to a neighbouring residential plot.
- The conversion of this part of the wider site would result in a change of this area from the least used part of the Club to its most intensively used part, with resulting damage to local residential amenity.
- The Planning Statement claims the proposal will not result in an unacceptable impact on neighbour amenity, which is in contrast to the Club's internal correspondence to its members in which it claims the new courts would increase court availability by 40% and up to 11,000 hours of playing time for members.
- The Planning Statement confirms the proposal aims to enable tennis being played throughout the year, whilst also claiming this would not result in any additional disturbance to local residents. These statements are mutually incompatible.
- The applicant will not stop at the current proposal but will eventually install flood lights at all courts throughout the site, leading to a further intensification of use.
- The applicant proposes to install floodlights which would unacceptably undermine local amenity and impact local wildlife, as well as distract aircraft using Manchester Airport.
- The current application is clearly part of a plan to incrementally increase on-site facilities to transform the club into an all-year all-weather facility, with an enlarged membership. The applicant should submit a statement of its future intentions for the site.
- The proposed use of Elcho Road by commercial vehicles and pedestrians would undermine the amenity of local residents.

Visual/Heritage Impact

- The application site and its setting within the Conservation Area has already been damaged through past inappropriate development and the proposal would result in further harm.
- The grass courts have a historic significance within the Conservation Area which should be maintained.

- The proposed artificial courts and high fencing, as well as the resulting loss of green open space, would result in an unacceptable visual impact on the local area.
- The proposed 3.5m high fencing along Elcho Road and the driveway access to Corrib Stable, which would replace the current 2m high fencing, would be too high, of an unacceptable utilitarian design and would result in an unacceptable visual impact. This fencing should not be located close to neighbouring boundaries.
- The proposed servicing gates at Elcho Road would be too large compared to neighbouring property accesses. This gate would be overbearing and result in an unacceptable visual impact.
- Replacement of the existing grassed tennis courts with synthetic surfaces would result in an unacceptable visual impact.
- Removal of the grassed bank at the end of Elcho Road and its replacement with a bin store would result in an unacceptable visual impact.

Amended Entrance/Impact on Elcho Road/Parking/Bin Store

- Uncertainty from neighbours regarding what the new Elcho Road entrance will be used for. Will it be used as an additional Club entrance and or for deliveries? Elcho Road is a private route as should only be used for the occasional delivery as at present.
- The proposed servicing gate onto Elcho Road would be at a crowded location adjacent to three other property entrances, as well as next to where the Club leave their refuse for collection. The combination of different proposed gate types on a blind bend would be a hazard.
- The applicant does not have access rights along Elcho Road and their application form states the proposal would not result in a new or amended vehicle access.
- Residents have not been informed of the amended access gates.
- The Planning Statement does not mention the new access gates on Elcho Road.
- The plans do not include dimensions to allow residents to check the size of the proposed accesses.
- Where will users accessing the new servicing gates and disabled access on Elcho Road park their cars? Properties fronting this private road would have their accesses blocked by cars parking here. The Club already has a separate car park and service access from Green Walk.
- Vehicles travelling along Elcho Road could cause accidents and would damage this private road's surface.

- Vehicles using the new servicing gates would block the adjacent property's (Corrib Stable's) driveway.
- The Club does not own the grassed area to the front of the proposed servicing gates at the Elcho Road frontage.
- There is no need for a new access at Elcho Road as the Club has a perfectly good access at Green Walk.
- Elcho Road is a private residential cul-de-sac and unsuited for use as an additional access route to the Club.
- The proposal to create a new disabled access point at the Elcho Road frontage appears to be an attempt to create a vehicular right of way where none currently exists.
- The existing pedestrian access at the Elcho Road frontage is sufficiently wide to accommodate wheel chairs.
- A suspicion that the amended accesses on Elcho Road would facilitate site access by construction vehicles and deliveries, as well as the future additional development of the site, leading to a further intensification of use.
- The need for an emergency services access point on Elcho Road should be supported by a statement by a member of the emergency services explaining why this is now required at this point.
- There is no need for the amended Elcho Road access points.
- Elcho Road as a private road is not surfaced to the standard of an adopted road and would become degraded if used by construction and delivery vehicles. Who would be responsible for the costs of resurfacing should this happen?
- The proposed use of Elcho Road by servicing vehicles would cause a traffic hazard.
- The proposal, through its resulting intensification of use, together with the recently approved two storey sports hall building at the adjacent school site, would exacerbate the current parking issues on surrounding roads. The Club currently has insufficient on-site parking.
- The proposed route for transporting materials off site would be unsuitable.
- Allowing the proposed changed access arrangements would set a precedent for other sports clubs to do the same.
- The applicant has not provided sufficient information regarding the proposed bin store's construction, together with its hygiene and noise impacts on neighbours.

Suggested Conditions

- Planning permission should be subject to a condition requiring the installation of improved landscaping which would limit the noise disturbance impact on neighbours and protect wildlife.
- Planning permission should be subject to a Construction Management Plan condition regarding approved hours of work and the approved route for transportation of top soil off site.
- Planning permission should be subject to a condition limiting early morning use of the courts to protect neighbour amenity.
- Planning permission should be subject to a condition stating the new vehicle gates should only be used by emergency vehicles.
- Planning permission should be subject to a condition preventing the use of Elcho Road by construction vehicles or for the dropping off of individuals using the Club.
- Planning permission should be subject to a condition to control hours of working and also the off-site transportation of top soil.

Other Matters

- The application is 'spurious' being the same as planning application reference 98788/FUL/18], the only difference being the court numbering.
- The application is incorrect in asserting the proposal would improve public access to and the enjoyment of an existing open space, as the site is private.
- The amended development description is incorrect in referring to amendments to the current site entrance on Elcho Road. The Club does not have a site entrance at this point. The advertised development description is incorrect in its reference to the impacted tennis court numbers. An allegation that the applicant has been deliberately deceitful through the incorrect numbering of the affected courts in an attempt to confuse local residents.
- Club members have voted against the proposal and therefore it should be withdrawn.
- The applicant has made no attempt to engage with local residential regarding their proposals.
- The money set aside for the current proposal should be spent on extending the existing car park and addressing the current site's unacceptable amenity impacts.
- The site plan includes areas not owned by the Club. No permission would be granted for the redevelopment of these areas.

- Occupants sharing two common boundaries with the site have not given their consent for anything to be attached to these boundaries.
- The submitted plans are unclear.
- The amended proposal differs too much from the original scheme and should therefore be dealt with through a new planning application.

None of these objections have been withdrawn following advertisement of the amended plans.

Letter of Support

A single letter of support has been received which supports the Club's proposal to improve its facilities.

OBSERVATIONS

PRINCIPLE OF DEVELOPMENT

1. S38(6) of the Planning and Compensation Act 1991 states that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF at paragraphs 2 and 47 reinforces this requirement and at paragraph 12 states that the presumption in favour of sustainable development does not change the statutory status of the development plan as a starting point for decision making, and that where a planning application conflicts with an *up to date* (emphasis added) development plan, permission should not normally be granted.
2. The Council's Core Strategy was adopted in January 2012, prior to the publication of the 2012 NPPF, but drafted to be in compliance with it. It remains broadly compliant with much of the policy in the 2019 NPPF, particularly where that policy is not substantially changed from the 2012 version.
3. The NPPF is a material consideration in planning decisions as the Government's expression of planning policy and how this should be applied; it should be given significant weight in the decision making process.
4. Paragraph 11 d) of the NPPF indicates that where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date, planning permission should be granted unless:
 - i. The application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii. Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

5. Policies seeking to protect heritage/design and local amenity are considered to be 'most important' for determining this application when considering the application against NPPF Paragraph 11.
6. Policy L7 of the Core Strategy, Design, which considers a proposal's design, amenity and highways/access impacts, is consistent with the NPPF and is considered up to date. Full weight should be afforded to this policy.
7. Policy R1 of the Core Strategy, relating to the 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 out of date. 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.
8. The tilted balance is not engaged and the application should be determined in accordance with the development plan unless material considerations indicate otherwise.

Heritage Impact

9. The site is located within Character Zone B 'The Devisdale' of the Devisdale Conservation Area. The Club forms part of the key open space within the Conservation Area.
10. Section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990 advises that "In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority ... shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."
11. 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 Conservation Areas when determining planning applications.
12. 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 (NPPF paragraph 193). 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 (NPPF paragraph 194).
13. Where a development would 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 securing its optimum viable use (NPPF paragraph 196).

14. The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation, together with the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality are matters that local planning authorities should take account of in determining planning applications (NPPF paragraph 192).
15. Policy R1 states that all new development must take account of surrounding building styles, landscapes and historic distinctiveness. Developers must demonstrate how the development will complement and enhance the existing features of historic significance including their wider settings, in particular in relation to Conservation Areas, listed buildings and other identified heritage assets.

The Significance of the Heritage Asset

16. Significance (for heritage policy) is defined in the NPPF as: The value of a heritage asset to this and future generations because of its heritage interest. The interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset's physical presence, but also from its setting.
17. 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.
18. The Conservation Area Appraisal SPD states the following about the special interest of this area [3.1]:
 - *The Conservation Area is named after The Devisdale, an historic area of unenclosed flat land on the summit of Bowdon Hill. The Conservation Area includes the steeper, more wooded north slope of Bowdon Hill and the gentler west slope descending towards Dunham Massey. The area was located within the township of Dunham Massey and its identity can be seen as an extension of Dunham Park.*
 - *The planning of the area was closely controlled by the Earl of Stamford to create an appropriate social neighbourhood to nearby Dunham Park. Its development in the second half of the 19th Century was characterised by houses on a grand scale, set in large plots at a low density with magnificent gardens, sweeping drives and coach houses for the 'Cottontots'. This development was a consequence of the advent of the railway to nearby Altrincham in 1849 and Hale in 1862, prosperity in Manchester and the desire to move to healthier surroundings among those who could afford to.*
 - *The area was from Victorian times characterised by a lively and vigorous social, sporting, intellectual and artistic community life. While there was extensive social mixing between Bowdon and Dunham, social events would have taken*

place in the large houses. The spacious grounds often included croquet lawns, later tennis courts – apparently at one time there were over 70 private croquet lawns in Bowdon. Bowdon Lawn Tennis Club was founded in 1877.

- The area is characterised by its gradients and associated views. There are important views out to the north across the Mersey Basin. Similarly St. Margaret's Church Tower is a landmark from outside and inside the area. The wide tree lined roads within the Conservation Area, such as St. Margaret's Road and Green Walk, also offer important views.
 - A much valued open space, The Devisdale was gifted by the Earl of Stamford to the people of Altrincham in the 1930s. Since then it has been sadly reduced in size but it is now a heavily used venue for dog walking, pedestrians and joggers, and accommodates sports pitches as well as community events, such as Diamond Jubilee celebrations. The Devisdale is also on a popular pedestrian route to Dunham Massey.
 - The Conservation Area provides numerous and varied habitats for wildlife.
19. This document also states the following with reference to the Club: *The adjacent Bowdon Lawn Tennis Club combines a car park screened by trees along the Green Walk boundary, with herbaceous borders in front of the courts and within the car park. Beyond this are five Astroturf courts surrounded by high green netting with a thick beech hedge separating them into two sections. Further north, the clubhouse is located in the middle of the grass courts, which are surrounded by a well-maintained leylandii hedge and timber fence on two sides. Although a private club, and part of a long history of local sporting clubs, it is also used by local schools and coaching camps are open to all children. [4.3.55].*
20. This document states the following regarding Character Zone B, 'The Devisdale': *This is comprised of The Devisdale and the properties and Tennis Club to the north of Green Walk, with the exception of the properties to the east of the Tennis Club. The character of this zone is one of community amenity and open green space, with sweeping views surrounded by trees. There is a strong historic and social significance to the area, as the land of The Devisdale has been used by the local community since the 19th Century for events such as the Altrincham Agricultural Show. The properties to the south of what is left of The Devisdale are included as they too reflect the open green nature [4.3.7].*
21. The Conservation Area Management Plan SPD includes policies which seek to ensure that adaptations to 21st Century uses are sensitive to historic character and appearance (Policy 5); each proposal should be informed by an assessment of the existing building and its wider context (6); mature trees should be retained (23); open spaces including the sports grounds are to be maintained and conserved (28); gate openings should not be widened or repositioned (34); modern/tall metal railings unacceptable (40); any new development should be of high quality (49); opportunities and proposals for reuse of redundant and vacant sites should be looked upon favourably, providing they respect the character and appearance of the Conservation Area (54).

The Proposal and Impact on Significance

22. The application site comprises of a largely grassed area forming the eastern part

of the wider Club site. This area is currently mainly occupied by four full size grass tennis courts, four junior grass tennis courts and sheds, a clubhouse and associated structures. The plot is bound by the remainder of the wider Club site to the north-west and west; sport pitches belonging to AGSG to the north-east; mid-20th Century dwellings to the south-west and south; a pair of late Victorian/Edwardian dwellings to the south-east; and an early 20th Century dwelling, to the east. The latter dwelling, Corrib Stable, is accessed via a driveway running north-east from the end of Elcho Road along the plot's south-east boundary.

23. The site is located within Character Zone B 'The Devisdale' of the Devisdale Conservation Area. The Club forms part of the key open space within the Conservation Area.
24. As noted above the applicant proposes to resurface the four full sized grass tennis courts with green poraflex acrylic and resurface three of the current grass mini-courts in green astroturf and reposition the fourth mini-court adjacent to the plot's north-east boundary. In addition the proposal seeks to provide a new double gated entrance for the use of emergency vehicles on to Elcho Road, a replacement pedestrian entrance, a disabled access gate, amendments to boundary treatments and installation of a new bin store, for which a tree is being removed. The existing earth bank to the front of the location of the proposed servicing and pedestrian gates and separating it from Elcho Road would be removed. Fencing is proposed across the site and site boundaries, up to 3.5m. Within the site changes are proposed to the area around the club house with the installation of disabled access ramp, new steps, this element including planters, and retaining walls and the regrading of the site's north-east corner down to the ground level of the remainder of the plot.
25. Officers have engaged with the applicant to seek amendments to the original proposal to ensure the original timber groundsman's shed and scorers hut are retained and secure amendments to the proposed changes to the Elcho Road entrance and fencing along the plot's south-east boundary, with original lower fencing along the south-east boundary now retained.
26. Whilst the scope of the proposed amendments has been reduced following Officer advice, it is recognised that the proposal would nevertheless result in the replacement of what is currently a largely grassed area with artificial surfaces, the installation of relatively high tennis fencing and changes to the Elcho Road entrance. These changes would be visible from surrounding plots and from the end of Elcho Road, especially high tennis fencing.
27. Officers nevertheless consider the scheme to be acceptably designed in terms of detail, in regards to the impact on the wider Club site and its location within the Devisdale Conservation Area. The development would essentially maintain the use of the site as a tennis club and retain current open space and still allow views across the resurfaced tennis courts. The addition of tennis fencing is commonly found at such facilities and it is noted that the adjacent AGSG plot has similar high fencing against which the new fencing will be read, with the new high level fencing set in from the south-west boundary in part screened by the retained mature trees

at this point.

28. The existing Elcho Road entrance is of a relatively utilitarian type and the replacement structures would not undermine the street scene and views at this point compared to what is currently in place, with the amended scheme including an extended portion of the existing mesh fencing at this point. The steps and access ramp, whilst again being of a relatively utilitarian appearance, are required to facilitate access, including disabled access, and would be relatively discreet structures not readily visible from outside of the plot.
29. The proposal would comply with most of the relevant Conservation Area policies within the CAMP, with the exception of policies 34 (gate openings should not be widened or repositioned); 40 (modern/tall metal railings unacceptable). However the proposed changes to the access gates/boundary support the ongoing use of the site and are not considered to result in harm to the significance of the area that warrants refusal, as discussed further below.
30. The Heritage Development Officer notes that the proposal has been amended to retain the scorer's hut and groundsman's shed which is welcomed, however this consultee objects to the resurfacing of the courts and the sub-division of the site to form junior courts which would result in the further development of the site which at present retains a natural and undeveloped appearance, including with reference to views from Elcho Road.
31. This consultee has also raised concerns regarding the proposed boundary treatments and structures within the site including the introduction of additional block work walls and planters, the proposed boundary treatments such as the retaining walls and 3.5 m high fencing and gates and the demarcation of the courts which would will impact on the existing soft landscaping.
32. The Heritage Development Officer concludes that the amended proposal would result in 'minor' harm to the area of open space and the contribution it makes to the wider Devisdale Conservation Area. The Heritage Development Officer goes on to propose a schedule of works and materials condition to secure the repair and refurbishment of the retained groundsman's hut and scorers hut should planning permission be granted. However there are no changes proposed to these buildings within the application and as such the condition is not considered necessary.
33. Officers accept the Heritage Development Officer's view that the proposal would result in minor harm to the significance of the Devisdale Conservation Area.
34. The minor harm outlined above is considered to result in "less than substantial harm" in NPPF terms at the lower end of the scale of less than substantial harm and this harm should be weighed against the public benefits of the proposal in accordance with paragraph 196 of the NPPF, which states that "Where a development would 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 securing its optimum viable use." The balancing exercise should be undertaken bearing in mind the statutory duty of Section 66 (1) of the

Planning (Listed Buildings and Conservation Areas) Act 1990.

35. Applying NPPF paragraph 196, Officers consider the “less than substantial harm” would be outweighed by the fact that the proposal would result in an enhanced provision of services at this important sports club, with the current grassed tennis courts partly redundant and unavailable for use for most of the year. The new courts would allow for an increased use with the public benefits including improved health and increased access to sport and improved inclusive access into and around the site with improved gates and provision of a ramp, notwithstanding the fact the Club is operated on a private basis. It is noted that the proposal has the support of the Lawn Tennis Association and that it would also include an improved provision for junior tennis players.
36. Planning permission would be subject to a hard and soft landscaping condition to ensure an acceptable level of vegetation is added along the plot boundaries to screen and soften the proposed tennis fencing. In addition a materials condition would be added to ensure the LPA has oversight of the finish of the external elements.
37. The proposal is therefore deemed to be acceptable with reference to the Devisdale Conservation Area SPDs, Core Strategy Policy R1, and paragraph 196 of the NPPF. In arriving at this decision, considerable importance and weight has been given to the desirability of preserving the setting of the impacted Conservation Area.
38. The proposal is therefore considered to be acceptable in principle with reference to Core Strategy Policy R1 and the NPPF.

DESIGN

39. Paragraph 124 of the 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. Paragraph 130 states: Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents.*
40. Policy L7 of the Trafford Core Strategy states: *In relation to matters of design, development must: be appropriate in its context; make best use of opportunities to improve the character and quality of an area; enhance the street scene or character of the area by appropriately addressing scale, density, height, massing, layout, elevation treatment, materials, hard and soft landscaping works, boundary treatment; and, make appropriate provision for open space, where appropriate, in accordance with Policy R5 of this Plan.*

Siting and Footprint

41. The siting footprint of the proposed structures is considered to be acceptable with reference to the existing building and plot layout and would not result in an overdevelopment of the site.

Scale and Massing

42. The proposed development would be acceptably scaled with reference to the existing elements on site and surrounding plots. Whilst it is accepted that some of the proposed tennis fencing would be relatively high at 2.7m or 3.5m, this fencing would be either be set in from common boundaries (the 2.7m high fencing set n from the south-east boundary and 3.5m fencing set in from the south-west boundary – the latter further screened by a line of retained trees), which would reduce its prominence, or installed along the north-east boundary shared with the adjacent AGSG site (3.5m high fencing proposed at this point), this neighbouring site having similarly scaled fencing set back from the common boundary. The amended proposed changes to the Elcho Road entrance are considered to be acceptably scaled.

External Elevations/Materials/Wider Plot Design

43. The proposal would include the installation of disabled access ramp, new steps with planters, retaining walls, and the regrading of the site's north-east corner down to the ground level of the remainder of the plot. The proposal would have an acceptable design and materials which would be of a type commonly found at such sports clubs. The proposed Elcho Road access amendments are considered to be acceptable in terms of their detailed design. Whilst the proposed steps would have a somewhat utilitarian design and finish this element includes planters within its side walls, which would soften its visual impact. As noted above planning permission would be subject to standard materials and landscaping conditions.
44. The development would be acceptably designed with reference to Core Strategy Policy L7 and the NPPF.

IMPACT ON RESIDENTIAL AMENITY

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

Privacy and Overlooking

46. The proposal would not result in an unacceptable additional privacy/overlooking impact on neighbouring occupants.

Overbearing/Overshadowing

47. As noted above in the design assessment, whilst it is accepted that some of the proposed tennis fencing would be relatively high at 2.7m or 3.5m, this is

nevertheless considered to be acceptable with reference to the fact it would be set in from common boundaries and partly screened from the dwellings to the south-west by a line of retained mature trees. Planning permission would be subject to a landscaping condition which could be used to ensure acceptable screening vegetation at these points.

48. The proposal would not result in an unacceptable overshadowing impact on neighbouring plots with the development located to either the north-east or north-west of the closest adjacent dwellings.

Noise/Disturbance

49. The proposal would result in the conversion of the existing full size and junior tennis courts from grass to poraflex/astroturf, together with the installation of an additional astroTurf junior court. It is noted that the applicant has confirmed the current grass courts cannot be used throughout the year, including for extended periods during the summer months, due to their condition. Permitting the proposed artificial surfaces would allow for these courts to be more intensively used, although this use would admittedly still be largely limited to the warmer months and could only take place during the hours of daylight as the courts do not have artificial lighting and this application does not propose to install lighting.
50. The current set up includes mini-courts adjacent to the residential plot to the south-west, which will largely be retained through the proposed amendments, albeit with one of the current mini-courts relocated to the north-east of the plot away from residential properties. As such it is not considered that this amended arrangement would result in an unacceptable additional noise/disturbance impact on residential properties.
51. Officers considered that the proposal would not result in an unacceptable noise/disturbance impact especially considering the fact the site is currently used as a tennis club, and also with reference to the fact that the reconditioned and additional courts would not have artificial lighting which would limit their use. Finally it is noted that the additional junior court would be located away from sensitive boundaries and adjacent to the AGSG site. The Nuisance consultee has confirmed no objection subject to a standard Construction Management condition.
52. Officers do not consider the amendments to the Elcho Road entrance would result in an unacceptable noise amenity impact on local residents due to resulting increased traffic along this road. The site is currently serviced at this point and the new arrangement would retain this set up. In addition as noted below planning permission would be subject to a condition that the new vehicle access gates are only used by emergency vehicles.
53. The development would not have any unacceptable impact on the residential amenity of the neighbouring residential properties. As such, it is considered that the proposed development would comply with Core Strategy Policy L7, PG1 New Residential Development and the NPPF.

HIGHWAYS, PARKING AND SERVICING

54. Core Strategy Policy L4 states: *[The Council will prioritise] the location of development within the most sustainable areas accessible by a choice of modes of transport. Maximum levels of car parking for broad classes of development will be used as a part of a package of measures to promote sustainable transport choices.*
55. Core Strategy Policy L7 states: *In relation to matters of functionality, development must incorporate vehicular access and egress which is satisfactorily located and laid out having regard to the need for highway safety; and provide sufficient off-street car and cycle parking, manoeuvring and operational space.*
56. The Parking SPD's objectives include ensuring that planning applications include an appropriate level of parking; to guide developers regarding the design and layout of car parking areas; to ensure that parking facilities cater for all users and to promote sustainable developments.
57. The development would include changes to the boundary facing the end of Elcho Road through the addition of a new double gated entrance for emergency vehicles, a replacement pedestrian entrance, a disabled access gate, amendments to boundary treatments and installation of a new bin store. The existing earth bank separating the boundary from Elcho Road would be removed to allow for the amended access.
58. The new bin store would replace an existing bin store at this point with existing and proposed waste comprising of green waste from grass cutting, leaf removal and trimmed branches etc., together with a small amount of food waste and bottles/cardboard/recycling from the clubhouse.
59. The LHA consultee has confirmed no objection subject to conditions securing full cycle parking details and a Construction Management Plan, as well as an additional condition restricting vehicle access at the amended Elcho Road entrance to emergency vehicles only.
60. The development would have an acceptable highway, parking and servicing impact with reference to Core Strategy policies L4 and L7, the Parking Standards and Design SPD3, the New Residential Development PG1 and the NPPF.

TREES AND ECOLOGY

61. The proposal would result the installation of new elements and boundary treatments, together with resurfacing of currently grassed areas and minor engineering works. The existing trees on site would be retained with the exception of the mature tree closest to the Elcho Road entrance which has been approved for removal through a separate application. It is noted that both the arborist and GMEU consultees have confirmed no objection, with the arborist's requesting a tree protection condition to protect the retained trees during construction. Planning permission, if approved, would be also subject to a standard landscaping condition.

62. The development would not result in harm to the natural environment with reference to Core Strategy policy R2 and the NPPF.

DEVELOPER CONTRIBUTIONS

63. This proposal is subject to the Community Infrastructure Levy (CIL) at a charge rate of £0 per square metre, in line with Trafford's CIL charging schedule and revised SPD1: Planning Obligations (2014).

OTHER MATTERS

64. In response to the other points raised in the neighbour objection/comment letters Officers would respond as follows:

65. The scope of any voluntary pre-application consultation carried out by the club is a matter for them.

66. The assessment is limited to the current proposal. Officers are unable to comment on the applicant's alleged future intentions for the site, or the linked application for floodlights outside of the area subject to the current application. The current proposal does not include floodlighting.

67. The applicant has confirmed they own all of the land required for the development.

68. The impact of additional vehicles on the condition of Elcho Road's surface is private legal matter and is not a planning consideration.

69. Access rights and matters relating to common boundaries are private legal issues and not a planning consideration.

70. The development description has been amended to include the original tennis court numbering.

71. The development description states the proposal would result in an amendment to the existing access at Elcho Road. It is clear that the Club currently has an access at this point.

72. The applicant's request for a vehicle entrance at Elcho Road to accommodate emergency vehicles should be taken at face value.

73. Objectors have stated that the current scheme has been amended so significantly from the original submission that a new separate planning application is required, however officers do not consider this necessary and have accepted amendments throughout the application to address concerns and provide clarification on the proposal details.

Equalities Considerations

74. The Equality Act 2010 (the Act) introduced a new public sector equality duty (the equality duty or the duty). It covers the following nine protected characteristics: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
75. In summary, the Council must, in the exercise of its function, have due regard to the need to:
- eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act;
 - advance equality of opportunity between people who share a protected characteristic and those who do not;
 - foster good relations between people who share a protected characteristic and persons who do not share it.
76. The duty is a “have regard duty” and the weight to attach to it is a matter for the decision maker bearing in mind the issues of relevance and proportionality.
77. The proposal includes enhanced access arrangements providing benefits to the proposal in relation to Protected Characteristic. Beyond this, Officers have not identified any specific benefits or dis-benefits of the proposal in relation to any Protected Characteristics.

PLANNING BALANCE AND CONCLUSION

78. It is considered that the proposed development result in ‘less than substantial’ harm to the character and appearance and the significance of the Devisdale Conservation Area. Applying the test in paragraph 196 of the NPPF, the public benefits associated with the development (through the provision of enhanced facilities which promote participation in sport and its associated health benefits) are considered to be sufficient to outweigh the identified harm to the significance of the heritage asset. As such, the proposed development would comply with the heritage policies of the NPPF and Policies L7 and R1 of the Core Strategy. In terms of paragraph 11 d) i), there would therefore be no clear reason for refusal of permission. The proposal therefore needs to be considered in relation to the test in paragraph 11 d) ii).
79. All other detailed matters have been assessed, including design and visual amenity, residential amenity, highway safety and tree and ecology impacts. The proposal has been found to be acceptable with, where appropriate, specific mitigation secured by planning condition, and the proposal complies with the development plan and guidance in the NPPF in relation to these matters. In terms of paragraph 11 d) ii), it is considered that there are no adverse impacts that would significantly and demonstrably outweigh the benefits of granting permission. It is therefore recommended that planning permission should be granted, subject to conditions.

RECOMMENDATION:

GRANT subject to the following conditions:

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

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

2. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, location plan received 26 February 2021; [1453] 02 Rev H, 03 Rev D, 04 Rev D, 05 Rev F, 06 Rev D and 08 Rev D, received 10 March 2021; and 07 Rev D, received 1 April 2021.

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 above ground construction works shall take place until samples of all materials to be used externally, including boundary treatments have been submitted to and approved in writing by the Local Planning Authority. Details shall include the colour finish of all external 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.

4. No development shall take place, including any works of demolition and site preparation, until a Construction and Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall address, but not be limited to the following matters:
 - I. Suitable hours of construction and pre-construction (including demolition) activity;
 - II. Details of construction traffic routes to access and egress the site;
 - III. The parking of vehicles of site operatives and visitors (all within the site);
 - IV. Loading and unloading of plant and materials (all within the site), including times of access/egress;
 - V. Storage of plant and materials used in constructing the development;
 - VI. The erection and maintenance of security hoardings;
 - VII. Wheel washing facilities;
 - VIII. Measures to control the emission of dust and dirt during demolition and construction and procedures to be adopted in response to complaints of fugitive dust emissions;
 - IX. A scheme for recycling/disposing of waste resulting from demolition and construction works (prohibiting fires on site);
 - X. Measures to prevent disturbance to adjacent dwellings from noise and vibration, including any piling activity and plant such as generators;
 - XI. 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;
 - XII. Information to be made available for members of the public

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

Reason: To ensure that appropriate details are agreed before works start on site and to minimise disturbance and nuisance to occupiers of nearby properties and users of the highway, having regard to Policy L7 of the Trafford Core Strategy and the National Planning Policy Framework. The details are required prior to development taking place on site as any works undertaken beforehand, including preliminary works, could result in adverse residential amenity and highway impacts.

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

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

6. 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. 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.

7. a) Notwithstanding the details shown on the approved plans, the development hereby permitted shall not be brought into use 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, boundary treatments, materials for all hard surfaced areas 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 and R2 of the Trafford Core Strategy and the National Planning Policy Framework.

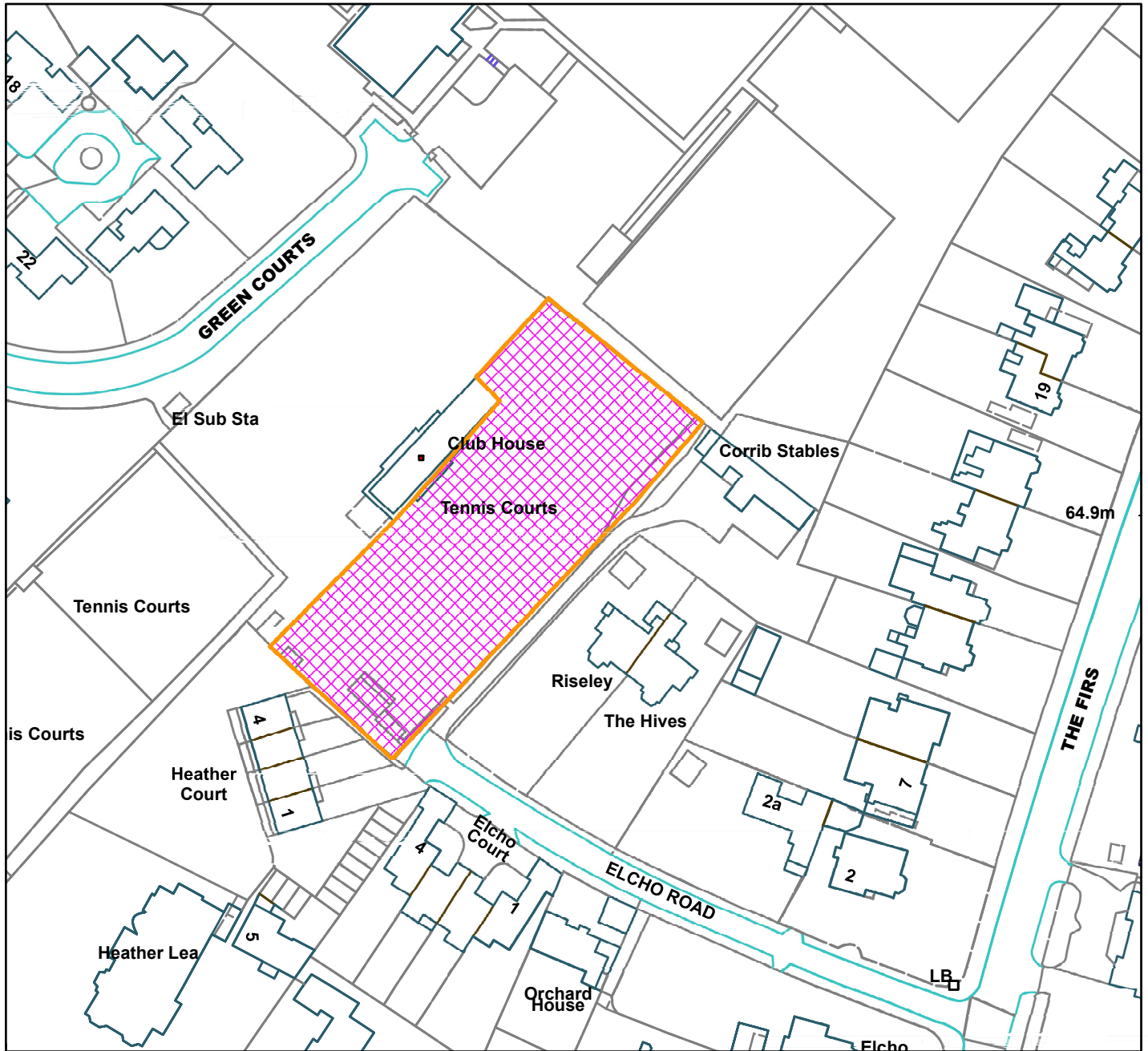
8. The use of the approved vehicle access onto Elcho Road shall be strictly limited to emergency vehicles and shall not be used for any other purpose including by servicing or construction vehicles.

Reason: To ensure the approved development does not result in an unacceptable highways or parking impact having regard to Policies L4 and L7 of the Trafford Core Strategy and the National Planning Policy Framework.

TP



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



Scale: 1:1,250

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Organisation	Trafford Council
Department	Planning Service
Comments	Committee date 13/05/2021
Date	25/03/2021
MSA Number	100023172 (2012)

WARD: Flixton

102361/HHA/20

DEPARTURE: No

Erection of part two storey side rear/front, part single storey rear extension including outbuilding at rear of garden

ADDRESS: 37 Tintern Avenue, Flixton, M41 6FH

APPLICANT: Mr Varsani

AGENT: BlueChip Architecture Ltd

RECOMMENDATION: GRANT

The application is reported to the Planning and Development Management Committee due to receiving 7 objections contrary to officer recommendation.

SITE

The application site comprises a two storey semi-detached dwellinghouse located on the east side of Tintern Avenue – a residential street within Flixton. The dwelling has a single storey rear outrigger, and hardstanding with space for at least two vehicles exists at the front of the property.

PROPOSAL

Planning permission is sought for the erection of a two storey side, part two part single storey rear extension and single storey front/side extension, and a flat roof outbuilding to the rear of the rear garden. The proposal would create a storage room, utility room and open plan kitchen/dining room at ground floor, enlarged bedrooms with en-suites and a dressing room at first floor, and a recreational space in the outbuilding.

VALUE ADDED

The proposal has been amended to remove a two storey porch, reduce the scale of the extension to the rear and change the materials to be more in-keeping with the surrounding area.

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

SPD3 – Parking Standards and Design;
SPD4 – A Guide for Designing House Extensions & Alterations

PROPOSALS MAP NOTATION

None

PRINCIPAL RELEVANT REVISED UDP POLICIES/PROPOSALS

None

NATIONAL PLANNING POLICY FRAMEWORK (NPPF)

The MHCLG published the National Planning Policy Framework (NPPF) on 19th February 2019. The NPPF will be referred to as appropriate in the report.

NATIONAL PLANNING PRACTICE GUIDANCE (NPPG)

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

PLACES FOR EVERYONE (FORMERLY GREATER MANCHESTER SPATIAL FRAMEWORK 2020)

The Greater Manchester Spatial Framework (GMSF) was a joint Development Plan Document being produced by the Greater Manchester districts. The first consultation draft of the GMSF was published on 31st October 2016, and a further period of consultation on the revised draft ended on 18th March 2019. The GMSF is now being progressed by nine GM districts as ‘Places for Everyone’ (PFE) and, once adopted, will be the overarching development plan for these districts, setting the framework for individual district Local Plans. PFE is not yet at Regulation 19 stage and so will normally be given limited weight as a material consideration. Where it is considered that a different approach should be taken, this will be specifically identified in the

report. If PFE / GMSF 2020 is not referenced in the report, it is either not relevant, or carries so little weight in this particular case that it can be disregarded.

RELEVANT PLANNING HISTORY

None

APPLICANT'S SUBMISSION

None

CONSULTATIONS

None

REPRESENTATIONS

Seven letters of objection have been received, relating to the proposed development, these are summarised below:

- Not being in-keeping with the surrounding character
Too large in scale/overly dominant
- Create excessive noise/disturbance
- Lead to loss of privacy/Overlooking of neighbouring properties
- Overbearing impact of neighbouring properties
- Overshadowing impact of neighbouring properties
- Overdevelopment of site
- Use of outbuilding not being ancillary to main dwelling
- Lead to loss of on-street parking
- Loss of trees

OBSERVATIONS

1. The proposal is for an extension to an existing residential property, within a predominantly residential area. Therefore, the proposed development needs to be assessed against the requirements and limitations of Policy L7 of Trafford's Core Strategy and SPD 4.

Design and Visual Amenity

2. Paragraph 124 of the NPPF states that *"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."* Paragraph 130 of the NPPF states that *"Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions."*

3. Policy L7 requires that development is appropriate in its context; makes best use of opportunities to improve the character and quality of an area by appropriately addressing scale, density, height, layout, elevation treatment, materials, landscaping; and is compatible with the surrounding area.
4. SPD 4: A Guide for Designing House Extensions and Alterations requires extensions to reflect the character, scale and form of the original dwelling by matching and harmonising with the existing architectural style and detailing and the SPD sets out specific guidance in order that proposals can successfully do this.
5. The proposed rear extensions at the first floor would project 1.7m from the rear elevation adjacent to No.39 (south) and retain 0.2m to the shared boundary with No.39, and project 2.6m adjacent to No.35 and retain 1m to the shared boundary with No.35. At ground floor, the proposed rear extension would project 6.3m from the original rear elevation at its furthest point, which is 3.3m further than the existing single storey rear extension at the property.
6. The single storey rear extension would extend the full width of the rear elevation and would have a splayed appearance. Adjacent to No.35, the extension would splay inwards at 45 degrees at a depth 4.2m from the original rear elevation of the dwelling and then extend a further 2.2m. Adjacent to No.39, the proposed side/rear elevation would splay inwards at 45 degrees at a depth of 3.4m from the original rear elevation and then extend a further 2.9m. The depth of the extension adjacent to no.39 would replicate the depth of an extension approved at this property under planning permission 102524/HHA/20. In this context, the proposed rear extension is considered to be acceptable in scale without harm to the visual amenity of the application site.
7. The rear elevation of the ground floor extension has been amended and would be 2.7m wide given the splayed features, and consist of glazed panels/sliding aluminium doors. On either side of this would be further glazing on both splayed elevations, comprising 1.5m wide glass panels which are considered to be of acceptable appearance.
8. The first floor rear extension would incorporate two hipped structures to tie into the main roof, whilst the ground floor rear extension would have a flat roof, 3.3m above ground level. The appearance is not considered to introduce unacceptable visual harm to the surrounding area and would satisfactorily reflect the character of the existing dwelling.
9. The proposed two storey side extension would retain a 1m gap to the shared boundary with No.35 and therefore is considered to retain an adequate sense of spaciousness within the area. The eaves and ridge height of the existing dwelling would be maintained and from the street-scene, the 2.3m wide two storey side extension is not considered to appear overly dominant.

10. Whilst the first floor side extension would not be setback from the front elevation, the dwelling would be finished in white render so there would not be unsightly brick teething – the white render finish to the existing front elevation is in-keeping with the local character.
11. The front porch and front extension would project 0.9m from the front elevation and would appear acceptable within the street-scene. In addition the amended brick construction of the porch and front elevation, and amendment from grey to red roof tiles, is in-keeping with the character of the surrounding area and welcomed.
12. The proposed outbuilding would be approx. 7.5m wide by 7.5m deep, have a flat roof approx. 2.5m above ground level, and would be finished in timber cladding. The outbuilding is not considered to introduce unacceptable visual harm to application site or the surrounding area.
13. There would be slate used on the elevations of the single storey rear extension and a small section of timber cladding at first floor on the rear elevation – the contemporary appearance of these proposed materials would be hidden from the street-scene and it is considered that they would not introduce an undue impact upon visual amenity within the surrounding area, particularly given the relatively long rear garden.
14. As such, it is considered that the proposal would be acceptable in terms of design and visual amenity and would comply with Policy L7 of the Core Strategy and the NPPF in this respect.

Residential Amenity

15. Guidance contained within SPD4 states it is important that extensions or alterations do not impact adversely upon neighbour amenity.
16. Given that the proposed ground floor rear extension would project 3m beyond the existing rear elevation of the conservatory at No.35 before splaying at 45 degrees, and that the first floor would project 1.6m with a 1m gap retained, the proposal is not considered to cause an unacceptable overbearing or overshadowing impact upon No.35.
17. The proposed ground floor rear extension has been amended so that it would project 3.4m beyond the existing rear elevation of No.39 with a 0.2m gap retained to the common boundary. The proposed rear/side elevation would then splay at a 45 degree angle 3.4m from the original rear elevation. Whilst the proposal falls just short of SPD4 guidelines by 0.2m, on balance the single storey rear extension is not considered to cause an unacceptable overbearing or overshadowing impact upon No.39. It is also worth noting than an extension has been approved at the

neighbouring property No.39 for a single storey extension of 3.4m depth.

18. The first floor rear extension would project 1.7m from the existing first floor rear elevation with a 0.2m gap retained to the common boundary with No.39. Therefore this element of the proposal is in accordance with the SPD and would not result in an undue overbearing or overshadowing impact upon No.39.
19. The centre of the amended ground floor splayed elevation windows would be located 2.7m to the common boundary with No.35 and 2.6m to the common boundary with No.39 – their impact is considered to be no greater than that of a conservatory and screening is afforded by an approx. 1.9m tall boundary fence. As such it is considered that there would be no undue overlooking or impacts on privacy.
20. The proposed first floor rear elevation windows would retain over 21m to the rear boundary and are therefore not considered to cause an unacceptable overlooking impact to properties located to the rear of the application property.
21. The proposed outbuilding would be located approx. 1m from the rear boundary and shared boundaries with No.35 and No.39. Given that it would have a flat roof, approx. 2.5m above ground level, it is not considered to cause an unacceptable overbearing or overshadowing impact. Whilst the outbuilding has a significant floor space, there would be 10m of garden space retained between the outbuilding the proposed rear elevation of the rear extension, and is therefore not considered to represent an overdevelopment of the site.
22. The proposed front elevation windows would retain over 25m to the front elevation windows of properties on the opposite side of Tintern Avenue, and are therefore not considered to cause an unacceptable overlooking impact to at the front of the application property.
23. As such, the proposal would not have any unacceptable impact on the residential amenity of any neighbouring dwellings and would comply with Policy L7 of the Core Strategy and guidance in the NPPF.

Parking

24. The proposal would result in the loss of parking space to the side of the property, though the number of bedrooms is not proposed to increase. Therefore this does not generate any additional parking requirement in terms of the Council's adopted SPD3 parking standards. Space exists for at least two vehicles on space to the front of the property, and unrestricted parking exists on Tintern Avenue. It is considered that the loss of one off street parking space would not have a significant additional impact in terms of on-street parking such as to justify the refusal of the application on the grounds of impact on either highway safety or residential amenity. It is therefore considered that the proposed development is acceptable

in terms of its parking impacts.

DEVELOPER CONTRIBUTIONS

25. The proposed development will increase the internal floor space of the dwelling by less than 100m² and therefore will be below the threshold for charging. No other planning obligations are required.

PLANNING BALANCE AND CONCLUSION

26. The proposed development is not considered to cause harm to the character or visual appearance of the street scene or the surrounding area by reason of its design, scale and materials, and therefore it is considered acceptable within its context. In addition, the proposed development would not have any unacceptable impacts on the residential amenity of any neighbouring properties. It is therefore considered that the proposal would meet the aims of SPD4, the Core Strategy and the NPPF and it is recommended that planning permission should be granted, subject to conditions.

RECOMMENDATION:

GRANT subject to the following conditions

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

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

2. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted drawings, "202", received by Trafford Planning Authority on 3 December 2020, "220A", received by Trafford Planning Authority on 16 February 2021, and "201G", received by Trafford Planning Authority on 14 April 2021, and "210F", received by Trafford Planning Authority on 29 April 2021.

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.

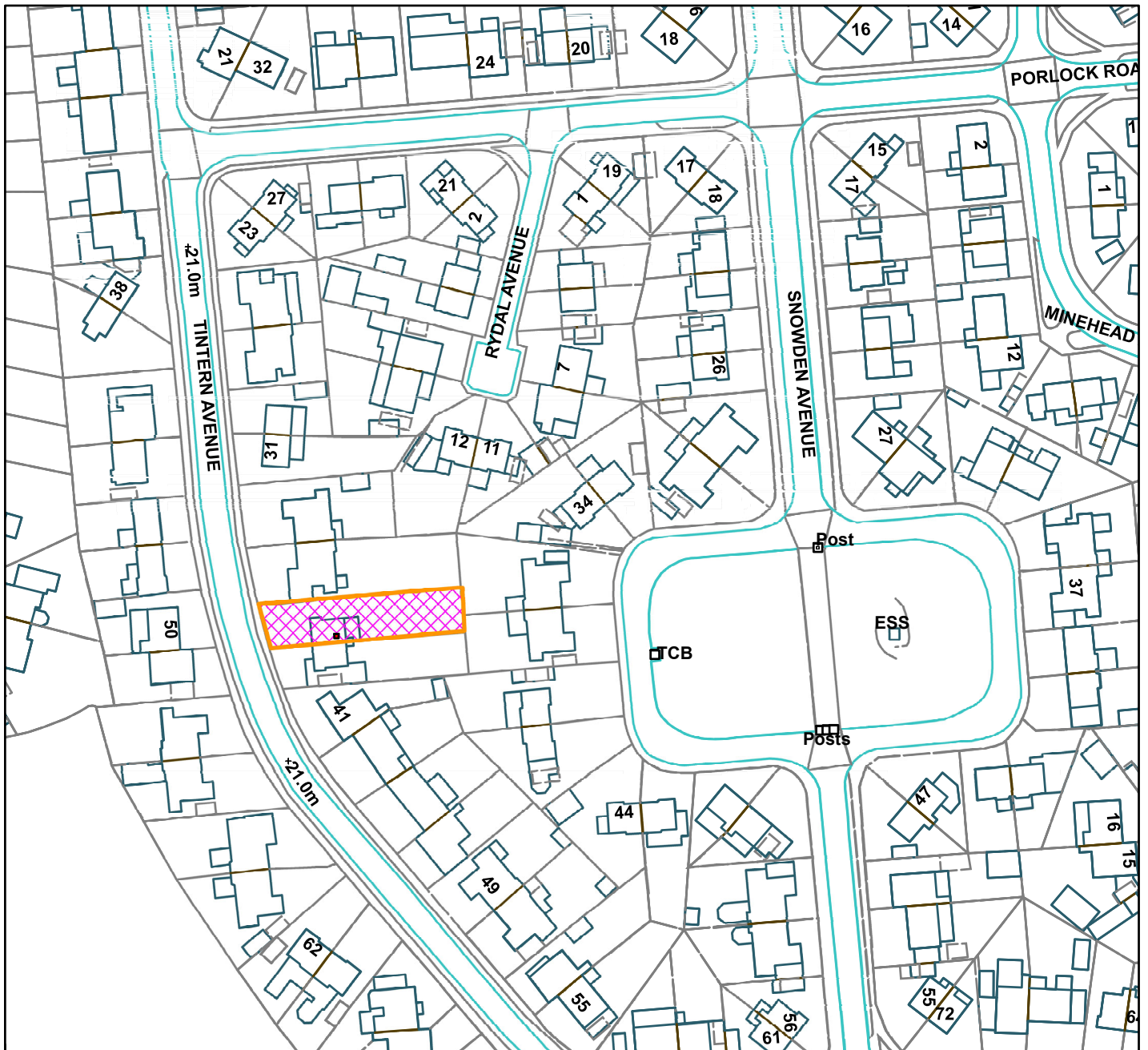
4. The outbuilding hereby permitted shall not be occupied other than for purposes incidental to the primary use of the property as a dwelling house.

Reason: To prevent the establishment of a separate dwelling or other use which would be unacceptable in this location, having regard to Policies L4 and L7 of the Trafford Core Strategy and the National Planning Policy Framework.

CH



37 Tintern Avenue Flixton (site hatched on plan)



Scale: 1:1,250

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Organisation	Trafford Council
Department	Planning Service
Comments	Committee date 13/05/2021
Date	25/03/2021
MSA Number	100023172 (2012)

WARD: Davyhulme West

102432/FUL/20

DEPARTURE: No

Erection of an outbuilding within rear garden to provide a Beauty Salon.

77 Lytham Road, Flixton, M41 6WJ

APPLICANT: The House of Pink

AGENT: DAC Design

RECOMMENDATION: REFUSE

This application is being reported to the Planning and Development Management Committee at the discretion of the Head of Planning and Development.

SITE

The application relates to a small outbuilding located within the rear garden of 77 Lytham Road, a two-storey semi-detached property located in Flixton. The site is 163 sq m in size and the rear garden is approx. 7.5 – 8.7m in length from the rear elevation of the dwelling. The outbuilding is situated adjacent to the rear (south) and side (east) boundaries and measures 3.6m (W) x 4.56m (D) x 2.49m (H). The outbuilding is clad in timber and features an anthracite grey window in the north elevation and a glazed double anthracite grey door in the west elevation. It is noted that at the time of a site visit (4th January 2021) the outbuilding was not finished internally.

The surrounding area is predominantly residential in nature. Lytham Road Park is sited to the north of the application site.

PROPOSAL

Planning permission is sought for the erection an outbuilding to provide a beauty salon to be operated by the occupier of 77 Lytham Road. The proposed outbuilding would measure 3.6m (W) x 4.6m (D) x 2.5m (H). A double door is located in the side elevation and a window is located within the front elevation (facing Lytham Road).

The applicant has confirmed that she lives at 77 Lytham Road and would be the only person working at the proposed beauty salon. Furthermore, the applicant has stated that the maximum number of client's visiting would be seven between Tuesday and Friday and five on a Saturday.

The proposal description has changed during the course of the application as it became apparent that the outbuilding was originally constructed for the purposes of accommodating a beauty salon and not for purposes incidental to the enjoyment of a dwellinghouse. Therefore planning permission is required for the building itself as well as for its use.

The total floorspace of the proposed development would be 15 m².

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

W2 – Town Centres and Retail

PROPOSALS MAP NOTATION

No relevant designations

SUPPLEMENTARY PLANNING DOCUMENTS

PG6 - Use of Residential Property for Business Purposes (1993)

PLACES FOR EVERYONE (FORMERLY GREATER MANCHESTER SPATIAL FRAMEWORK 2020)

The Greater Manchester Spatial Framework (GMSF) was a joint Development Plan Document being produced by the Greater Manchester districts. The first consultation draft of the GMSF was published on 31st October 2016, and a further period of consultation on the revised draft ended on 18th March 2019. The GMSF is now being progressed by nine GM districts as 'Places for Everyone' (PFE) and, once adopted, will be the overarching development plan for these districts, setting the framework for individual district Local Plans. PFE is not yet at Regulation 19 stage and so will normally be given limited weight as a material consideration. Where it is considered that a different approach should be taken, this will be specifically identified in the report. If PFE / GMSF 2020 is not referenced in the report, it is either not relevant, or carries so little weight in this particular case that it can be disregarded.

NATIONAL PLANNING POLICY FRAMEWORK (NPPF)

The MHCLG published the National Planning Policy Framework (NPPF) on 19 February 2019. The NPPF will be referred to as appropriate in the report.

NATIONAL PLANNING PRACTICE GUIDANCE (NPPG)

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

RELEVANT PLANNING HISTORY

No recent or relevant planning history

APPLICANT'S SUBMISSION

Management Statement

CONSULTATIONS

Local Highway Authority – No objection, subject to outbuilding remaining ancillary to the property (and therefore cannot be sold/ let to a third party)

Pollution and Licensing (Nuisance) – No objection, subject to conditions requiring that only one client is treated at the premises at any one time and subject to hours of use of 09:30 to 17:30 on weekdays and 10.00 to 17.00 on Saturdays.

Strategic Planning Team – A sequential test would not be required in this case, given the small unit size and the fact that it would be occupied by the owner of the property.

REPRESENTATIONS

No letters have been received in relation to this application within the statutory consultation period.

Councillor Karina Carter made representations of support for this application. Her comments are summarised as follows:

- The business would not create noise, and the maximum number of customers would be 7 per day
- The number of appointments is not expected to be consistently the maximum number of clients per day and would likely be busier at certain times such as the lead up to Christmas but quieter at other times of the year
- Childminders have a lot more drop-offs than this, elderly people have a number of visits each day from carers, people have a number of home deliveries from online purchases
- The applicant has used a Covid-recovery grant of £9000 to build and furnish an external building in her back garden
- The applicant has struggled financially due to the pandemic

- Not one of the neighbours have objected to the application and I have received 8 emails in support of the application from both clients and neighbours (detailed below)
- Trafford Council should support all residents and is a stated aim
- Permission would not be needed if occurring in the back room of her house

A total of eight emails of support have been sent to the applicant, and submitted on behalf of the applicant by Councillor Carter. These comments have not been counted as formal representations as they have not been submitted directly to the Local Planning Authority.

OBSERVATIONS

Policy Context

1. Section 38(6) of the Planning and Compensation Act 1991 states that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF 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.
2. All relevant development plan policies are up to date for the purposes of this application and therefore it should be determined in accordance with the development plan unless material considerations indicate otherwise. The tilted balance is not engaged.

Principle of Development

3. In relation to town centre uses, such as a beauty salon, paragraph 86 of NPPF states: Local planning authorities should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. Main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered. Planning Practice Guidance advises that the application of the sequential test should be proportionate and appropriate for the given proposal.
4. It is considered that given the small size of the unit, 15 sq. m, and that it would be operated by the occupier of the property, it would not be appropriate to require a sequential test. It is therefore considered that the proposal would be acceptable in terms of policies to protect the vitality and viability of town and local centres.

Residential Amenity, Including Nuisance

5. Paragraph 180 of the NPPF states: Planning policies and decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should: a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life⁶⁰.
6. Policy L7 of the Core Strategy states that in relation to matters of amenity protection 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.
7. The council's adopted guidance for Use of Residential Property for Business Purposes (PG 7) advises that business uses potentially have a number of non-residential characteristics which together can in some cases represent an intrusive presence in a residential area. These characteristics may include (inter alia): noise from machinery or other activities; additional overlooking compared with a residential use (e.g. if all-day business use of an upstairs bedroom takes place); increased vehicular and pedestrian traffic to and from the premises and within the grounds (paragraph 4.2).
8. The guidance also states that quiet areas are less acceptable than a location where the surroundings are generally busy (paragraph 4.3). Section 6 of PG 7 states 'sufficient car parking spaces should be provided within the site to accommodate any extra vehicles attracted to or caused by the proposed use' (point (i)) but should be limited to an amount which keeps the property in character with its surroundings. The third point advises the amount of comings and goings should be small, explaining that too many comings and goings would be detrimental to the amenities of neighbouring residents and the area generally.
9. Planning permission is sought for the erection of an outbuilding within the rear garden of 77 Lytham Road to be used as a beauty salon with one staff member (the applicant). The rear garden extends approx. 7.5 – 8.7m in length from the rear elevation of the dwelling. The building is located adjacent to the rear and side boundary and thus borders the boundaries of Nos. 75 and 83 Lytham Road. The glazed double doors would be 5m from the boundary shared with No. 79 and due to the rear garden arrangements would be approx. 8.3m from the boundary shared with No. 81 Lytham Road. Both of these properties have a smaller rear garden than the application site.
10. The boundary treatment consists of approx. 1.8m tall fence panels on the side boundary between Nos. 75 and 77 Lytham Road and the rear boundary, whilst

the boundary treatment between Nos. 77, 79, and 81 is approx. 1.5m high fence panels,

11. The applicant has confirmed that she lives at 77 Lytham Road and would be the only person working at the proposed beauty salon. Furthermore, the applicant has stated that the maximum number of clients visiting (in the future without the Covid-19 limitations) would be seven between Tuesday and Friday (10:00-19:00) and five on a Saturday (10:00-16:00). The submitted Management Plan explains that due to Covid-19 pandemic and the cleaning regime required between visits, the number of clients visiting each day would be limited to five Tuesday to Friday and three clients on Saturday. The applicant states that the treatments on offer would last between 1-2 hours and include: facials; nail services; pedicures; lash treatments; waxing. No products would be offered for retail.
12. The applicant notes that noise impacts can occur from the general comings and goings of a large family. Additionally, the applicant's submission states that the potential of noise from the proposed beauty salon would be limited to light and low conversation between the client and applicant, noting that as a beauty salon it should be a relaxing experience. Any music played would be relaxation music played at a very low level. Additional lighting would be required during the winter months only. The applicant also notes that a 6ft fence is situated along the shared boundary with No. 75 Lytham Road.
13. The applicant states that the proposed beauty salon would have up to seven customers per weekday (Tuesday to Friday), up to five on a Saturday and would be closed Sundays and Mondays. This equates to circa 33 visits per week, once Covid-19 restrictions ease. The application site does not benefit from off-street parking and therefore customers would need to park on Lytham Road, potentially to the front of neighbouring properties. The customers who would visit the beauty salon would walk freely in to the currently private amenity space of 77 Lytham Road, which due to the housing layout is in close proximity to five other private rear gardens. It is noted that three of these five gardens are of similar size or smaller than the applicant's and views are possible into the garden of the neighbouring No. 75 and to the rear windows of Nos. 81 and 83 from the rear garden of No. 77.
14. The Council's Environmental Health Officer initially commented that "The site is a semi-detached dwelling on a housing estate with other dwellings situated in close proximity. The outbuilding is positioned within a relatively small rear external area close to the external areas of neighbouring properties. There is a narrow driveway to the site that may not be suitable for customer parking. As such it is anticipated that customers will park where there is space on the road. The use of a domestic outbuilding for commercial use in this setting has the potential to unduly impact on residential amenity, especially due to the comings and goings of customers and their vehicles. Neighbouring residents may hear noise from car engines, door slams, voices, footsteps and the opening and closing of gates on a

regular basis. This may be especially distracting during spells of warmer weather, when gardens are used for relaxation and windows are kept open for ventilation. Such conditions may also require the doors and windows to the proposed salon to be kept open, which would permit the breakout of internal noise such as conversation, equipment being operated and radios to the further detriment of neighbours' ability to enjoy their gardens. Additional lighting may be required to provide sufficient illumination to ensure the safety of customers accessing and egressing from the proposed salon, at times of insufficient daylight. Such lighting could give rise to light nuisance affecting neighbouring properties due to glare, light overspill and repeated triggering of the sensor. The extent of impacts would be related to the number of customers visiting, which is not known at this stage. It is likely that the disturbance from significant numbers of customers visiting through the week would not be well tolerated by neighbouring residents and this may give rise to complaints of nuisance impacts."

15. Following the submission of additional information by the applicant in relation to the proposed maximum numbers of clients per day, the Environmental Health Officer subsequently raised no objections on the basis of conditions that there would only be one client on the premises at any one time and that the operating hours would be restricted to 09:30 to 17:30 Monday to Friday and 10.00 to 17.00 on Saturdays (although it is noted that the applicant is proposing hours of operation to 19:00 on Tuesdays to Fridays). However, although this arrangement would satisfy the Environmental Health consultee, any conditions imposed limiting the number of clients attending the premises, either at any one time or in total, would be unenforceable and unreasonable. It would therefore not be possible to effectively control this through the planning process.
16. Furthermore, notwithstanding the above, even at the levels of customers suggested by the applicant, the proposed beauty salon would potentially generate more than thirty different clients in a week. It is considered that this amount of coming and going from a variety of people is likely to give rise to an undue loss of privacy and overlooking to the private amenity space and rear habitable rooms of neighbouring properties.
17. Whilst it is acknowledged that the proposed treatment itself is unlikely to generate a large amount of noise, it is considered that the comings and goings of customers is likely to result in an undue level of noise and disturbance to neighbouring properties, by reason of an increased amount of cars parking on-street outside residential properties, thus resulting in an increased amount of car doors opening and closing, engines starting and cars driving off, plus the noise of clients coming and going from the rear garden and potentially music being played within the outbuilding. In addition, there would be the extra need for lighting within the winter months.
18. It is considered that the fact that the use would be within an outbuilding within the rear garden is likely to result in an increased impact both in terms of noise and

loss of privacy to neighbours compared with a use taking place within the house where clients would not need to enter the rear garden.

19. Furthermore, it is considered that, notwithstanding the applicant's comments regarding the maximum number of clients per day, it would not be possible to effectively enforce this and therefore there would be the potential for this number to increase in the future. It would not be unusual for a beauty salon to operate with appointment slots every 15 minutes (when Covid restrictions are lifted), combined when longer treatments are required. It would also not be reasonable to expect or to ensure that one client had left the premises before the next was able to enter, if for example, treatments were running behind. This would likely result in customers simply waiting on the street in their car having been turned away from the premises.
20. In summary it is considered that the use of the building as a beauty salon within a private rear residential garden would result in undue intrusion, noise and disturbance, loss of privacy and overlooking to neighbouring properties by virtue of the regular comings and goings, 5 days a week, including a weekend day. No conditions are considered possible to mitigate this harm. As such the proposed development would fail to comply with Policy L7 of the Core Strategy, Council's adopted PG7 - Use of Residential Property for Business Purposes, and NPPF.

Design and Appearance

21. The NPPF states within paragraphs 124 and 130 that: Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents.
22. 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".
23. The proposed outbuilding is a flat roof, single storey building with a modest floorspace of 15sqm. The external appearance comprises of timber cladding and grey uPVC windows and doors. The design and appearance of the outbuilding is proportionate to the main house and the elevational treatment is reflective of outbuildings located within the curtilage of residential properties.

24. The proposed development is considered to be acceptable in relation to design and appearance and in accordance with Policy L7 of the Core Strategy and paragraphs 124 and 130 of the NPPF.

Highway Safety and Parking

25. Policy L4 of the Trafford Core Strategy states that “maximum levels of car parking for broad classes of development will be used...to promote sustainable transport choices, reduce the land-take of development, enable schemes to fit into central urban sites, promote linked-trips and access to development for those without use of a car and to tackle congestion.”
26. The applicant provided additional information within the Management Plan. This explained that the applicant lived at the three-bedroom semi-detached property and confirmed she would be the only person to work at the proposed beauty salon. Parking is not currently possible on the driveway, however unrestricted parking is available on-street. It is also noted that ample space for cyclists to safely store bicycles could be provided within the rear garden behind a gate during appointments.
27. The Local Highway Authority reviewed the proposals, including the additional information, which responded to the LHA’s earlier queries. The LHA is satisfied that the proposed use would be acceptable on highway grounds subject to the beauty salon remaining ancillary to the property and not being sold or let to a third party. Whilst the beauty salon would not be ancillary to the residential use, it is considered that, if permission were to be granted, a condition could be attached linking the occupation of the business premises with the dwelling.
28. On that basis, it is considered that the proposed development would be acceptable with regard to parking provision and highway safety.

Other Matters

29. The Management Plan and Councillor Carter’s comments both reference other small business located within residential properties and remark that operating a business within your own home does not require planning permission. Specific details have not been provided of other businesses and therefore it is not possible to comment on this matter further, however it is noted that each planning application is determined on its own merits. In addition, the need for planning permission is dependent upon the intensity of the use and it is a matter of fact and degree.

DEVELOPER CONTRIBUTIONS

30. The development is less than 100 sq m and therefore not CIL liable

PLANNING BALANCE AND CONCLUSION

31. The proposed development would result in a town centre use (as defined by the NPPF) being established, which would be located outside of a town centre/edge of town centre location. However, given the size of the unit, 15 sq. m, it would not be appropriate to request a sequential test, and therefore a beauty salon of this scale is therefore considered acceptable in terms of policies to protect the vitality and viability of town and local centres.
32. The design and appearance of the building and the impact of the use in terms of parking and upon highway safety are considered acceptable and in accordance with Policies L4 and L7 of the Core Strategy. However, it is considered that the proposed use, given the amount of expected visitors (around 33 per week) across a five day period, including a Saturday, and the fact that it would not be possible to effectively restrict the operation of the business to this number of clients, would result in undue loss of privacy and overlooking and undue noise and disturbance to the neighbouring occupiers, which would have a detrimental impact upon the amenity currently enjoyed by these residents. No conditions are considered possible to mitigate this harm as they would be unenforceable and unreasonable. It is therefore considered that the proposal would be contrary to Policy L7 of the Core Strategy. The application is therefore recommended for refusal.

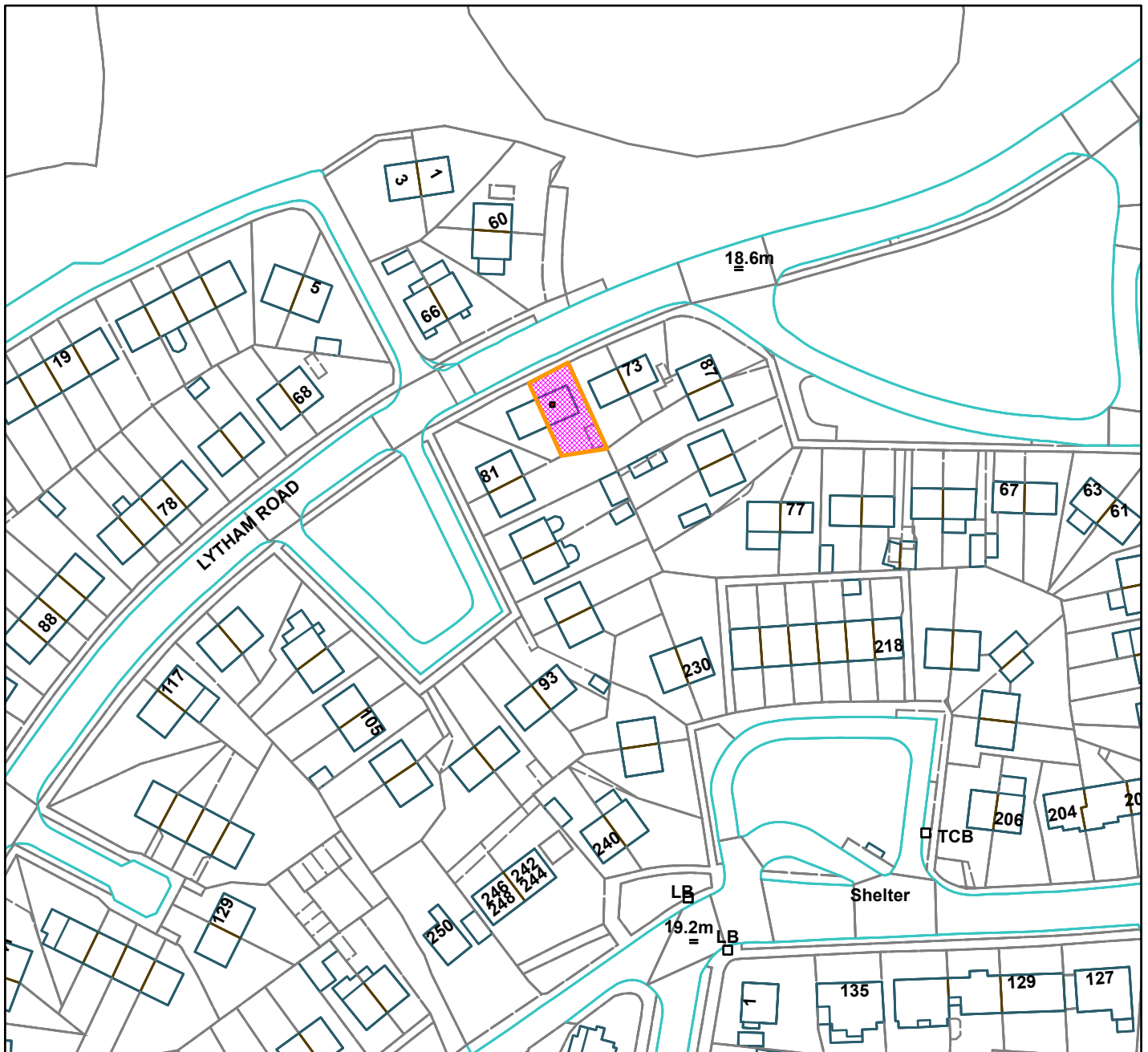
RECOMMENDATION: REFUSE for the following reason:

1. The proposed beauty salon (sui generis), by reason of the impact of increased pedestrian comings and goings to and from the rear private garden of the application property and increased vehicular comings and goings in the vicinity of the site, would result in undue loss of privacy and overlooking and undue noise and disturbance to the occupiers of adjoining and nearby properties, particularly Numbers 75, 79, 81 and 83 Lytham Road. As such, the proposed beauty salon would have a detrimental impact on the residential amenity that the occupiers of these properties could reasonably expect to enjoy. The proposal would therefore be contrary to Policy L7 of the Trafford Core Strategy and guidance in the National Planning Policy Framework.

LT



77 Lytham Road, Flixton (site hatched on plan)



Scale: 1:1,250

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Organisation	Trafford Council
Department	Planning Service
Comments	Committee date 13/05/2021
Date	28/04/2021
MSA Number	100023172 (2012)

WARD: Brooklands

103162/HHA/21

DEPARTURE: No

Erection of two storey side extension with single storey forward projection/porch and part single part two-storey rear extension.

9 Wilford Avenue, Sale, M33 3TH

APPLICANT: Jason Cuddy

AGENT: Whiteley Eaves

RECOMMENDATION: GRANT

The application is reported to the Planning and Development Management Committee due to being called in by Cllr Longden due to the impact on amenity to 7 Wilford Avenue.

SITE

The application site comprises a two storey semi-detached dwelling located on the north side of Wilford Avenue, a residential cul-de-sac in Sale which backs onto Baguley Brook/Beccles wood.

To the front of the dwelling is a driveway with small lawn, to the side is an adjoining garage which projects between the property and the side boundary. The front elevation has a 2-storey bay window with small apex roof above.

At the rear of the site is a lean-to kitchen outrigger and a small projection housing patio doors, which is also a feature on neighbouring properties, beyond which is a paved patio area and rear lawn.

PROPOSAL

The proposal seeks permission for a single storey forward projection and front porch, 2-storey side extension and part single, part two storey rear extension.

The porch/forward garage extension would extend 1.5m to the front and have a width of 5.6m, extending to the side boundary. It would have a hipped roof with an eaves height of 2.5m.

The part ground floor extension would have a width of 0.67m and depth of 7.3m, this would be 0.4m from the side boundary (with no.7) and have a lean-to roof. The two storey side extension would be flush with the front elevation and project rearwards for 11.3m (3.1m beyond the existing rear elevation), with a width of 2m and separation of 1m to the side boundary with no. 7 Wilford Avenue.

To the rear the ground floor projection would be for 2.2m (from the rear of the existing projection) and 3.1m at 1st floor level, with the two storey rear extension 1m from the non-adjointing boundary and 3.4m from the adjoining property boundary.

There would be a garage door with window above on the front elevation, 2no windows on the side elevation (both 1st floor) and the rear elevation would house a window and large bi-fold doors on the ground floor and 2no windows in the first floor.

The increase in floor space of the proposed development would be 45m².

Value Added

Amended plans were received on 19/3/21 which showed an increased distance to the side boundary at 1st floor level and reduced depth to the rear extensions. Further to this another amended plan was received on 15/4/21 which set the roof over the extension down from the main ridge. These requests were made by the planning officer so that the proposal would be compliant with guidance within SPD4.

DEVELOPMENT PLAN

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

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

PRINCIPAL RELEVANT CORE STRATEGY POLICIES

L4 – Sustainable Transport and Accessibility
L7 – Design

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

None

PRINCIPAL RELEVANT REVISED UDP POLICIES/PROPOSALS

SPD3-Parking Standards and design
SPD4- A guide for designing householder extensions

PLACES FOR EVERYONE (FORMERLY GREATER MANCHESTER SPATIAL FRAMEWORK 2020)

The Greater Manchester Spatial Framework (GMSF) was a joint Development Plan Document being produced by the Greater Manchester districts. The first consultation draft of the GMSF was published on 31st October 2016, and a further period of consultation on the revised draft ended on 18th March 2019. The GMSF is now being progressed by nine GM districts as 'Places for Everyone' (PFE) and, once adopted, will be the overarching development plan for these districts, setting the framework for individual district Local Plans. PFE is not yet at Regulation 19 stage and so will normally be given limited weight as a material consideration. Where it is considered that a different approach should be taken, this will be specifically identified in the response. If PFE / GMSF 2020 is not referenced in the report, it is either not relevant, or carries so little weight in this particular case that it can be disregarded.

NATIONAL PLANNING POLICY FRAMEWORK (NPPF)

The DCLG published the National Planning Policy Framework (NPPF) in 19 February 2019. The NPPF will be referred to as appropriate in the report.

NATIONAL PLANNING PRACTICE GUIDANCE (NPPG)

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

RELEVANT PLANNING HISTORY

H/68639 - Erection of a two storey side extension and single storey rear extension to form additional living accommodation; alterations to roof over existing single storey rear extension.

Approved with conditions Feb 2008

APPLICANT'S SUBMISSION

None

CONSULTATIONS

None

REPRESENTATIONS

The initial neighbour consultation received 2 objections, one from each of 8 and 7 Wilford Avenue which have been summarised below.

8 Wilford Avenue

- Contravention of the policy by protruding passed prominent building lines, lack of distance to the side elevations and the lack of spaciousness and 'over-developed' appearance of the site.
- Loss of view of Beccles wood

7 Wilford Avenue

- There would be an overbearing and overshadowing impact on the bay kitchen in the side elevation.
- There would be an overbearing and overshadowing impact on the bay window in the rear elevation.
- Impact on the view to Beccles Wood
- Overlooking from the rear windows in the 1st floor to the rear garden area
- Loss of spaciousness and overdevelopment of the site due to forward projection and lack of 1m distance to the side boundary
- Terracing effect of lack of 1m to the side
- Impact on the maintenance of both opposing side elevations due to lack of distance to the boundary

Following the submission of amended plans, a 14day neighbour re-consultation occurred. 2 further objections were received from each of 7 and 8 Wilford Avenue.

8 Wilford Avenue

"The revision to the planning application does not alter the comments submitted to the initial application"

7 Wilford Avenue

- The amendments do not alleviate their concerns regarding the overbearing/overshadowing to the kitchen and study side and rear elevation bay windows.
- Their view of Beccles Wood would still be curtailed
- Additional window in the 1st floor rear extension compared to original plans further proliferates a loss of privacy
- Loss of view of Beccles wood form the street-scene, reducing spacious character of the area
- Cramped and overdeveloped siting on the site which disrupts the prevailing character of Wilford Avenue

Following the end of the re-consultation period an additional site visit was undertaken to view the area from 7 Wilford Avenue.

OBSERVATIONS

PRINCIPLE OF DEVELOPMENT

1. The proposal is to be considered against Core Strategy Policy L7 and the guidance contained in SPD4.

DESIGN AND APPEARANCE

2. The proposed extension would extend forwards of the existing building line by 1.5m and towards the side boundary, with a separation distance of 0.4m. It is however considered that the proposed forward projection/front porch would be complementary to the existing house in terms of materials and design with a lean-to roof which would lessen its impact.
3. The existing building line is stepped between the 3 semi-detached pairs which comprise of no.5 to 15 Wilford Avenue and as such the forward projection is not considered to be harmful to the character of the streetscene. It is considered complementary in design and of a proportionate scale, with sufficient distance (10m) to the pavement and retaining the parking area on the drive.
4. The hipped roof over the side extension would also match that on the main dwelling and have a slightly reduced ridge ensuring it appears subservient. Whilst normally the front elevation should be set back, the hipped roof and set down from the ridge softens the visual impact whilst the use of render at 1st floor level would hide the join of existing and new brickwork.
5. The two storey side extension would have a 1m separation to the side boundary ensuring terracing doesn't occur and providing a visual gap between the non-adjointing properties in compliance with guidance.
6. The rear extensions are considered appropriate in scale and design, with the rear gable following the angle of the roof pitch of the main dwelling and using materials / fenestration to match the existing dwelling. In addition sufficient space would be retained at the rear.
7. The scale of extensions considered to be proportionate to the site and comparable with previous approvals and built extensions along Wilford Avenue. Overall the scale, design and appearance of the proposal is acceptable and considered to comply with policy.

RESIDENTIAL AMENITY

8. SPD4 sets out detailed guidance for protecting neighbouring amenity. In terms of its impact on residential amenity the development will be assessed on the extent to which it causes a loss of privacy, extent to which it is overbearing and the degree to which it causes a loss of light/overshadowing, to the neighbouring properties.

Impact on 7 Wilford Avenue

9. The non-adjointing neighbour, 7 Wilford Avenue, is set back within the site compared to the application property. The stepped nature of the semi-detached pairs means the main rear elevations are set approximately 3.2m apart and the proposed extensions would not extend beyond the rear building line of no. 7.
10. No. 7 benefits from a 2-storey side extension sited towards the front of the dwelling. There is a ground floor bay window in the rear of the two storey side extension and a box bay window in the side elevation of the main dwelling, which faces towards the application site as do two first floor windows, which are obscure glazed and appear to serve a hall/stairway and bathroom. Therefore the proposal would almost exclusively impact the windows in original side elevation and rear elevation of the side extension rather than the rear elevation of the original dwelling.
11. The side extension would be sited 1m from the boundary and given the orientation of the site and scale of the proposal it is not considered that the proposal would result in harm to the amenity of the adjacent occupiers, being compliant with policy. Specifically given that the first floor windows serve non-habitable rooms and are obscured glazed any loss of outlook or light to these windows is not considered to be harmful. The box bay in the original side elevation would, by virtue of its siting still benefit from a good level of outlook and sunlight. The bay window in the rear of the side extension does not face directly towards the proposed extension, but due to its positioning would experience a degree of overshadowing in the afternoon. However it is still considered to benefit from a good outlook and natural light.
12. Therefore, whilst there would be some impact on the ground floor windows given their siting, orientation (the rear elevation faces south / south-west) and separation to the proposed extension any impact is not considered to result in harm that would warrant further amendments to the proposal or refusal. It is considered the proposal in regards to its siting, scale and massing to comply with policy.
13. There are no windows proposed in the side elevation at ground floor and at first floor the two windows would serve a bathroom and en-suite, as such they would be conditioned as fixed shut and obscured up to 1.7m to avoid any harmful overlooking. The windows on the rear extension would at ground be acceptable and be screened by the existing boundary treatment and the first floor window would not extend beyond the rear building line of no. 7, or create overlooking beyond what is expected in a residential area given the proximity of properties. As such there is not considered to be a harmful loss of privacy.

Impact on 5 Wilford Avenue

14. Both the ground and first floor rear extensions would be within the parameters outlined in SPD4 and therefore are not considered to have an unduly overbearing or overshadowing impact or result in loss of light.

15. Overlooking from ground floor windows would be screened by the existing boundary treatment (1.6m timber fence with hedging). At first floor level the windows would be sited adequately from the boundary to ensure an undue loss of privacy does not occur.

Impact on properties to the rear

16. There would be over 10.5m to the rear boundary and no directly opposing elevations which would experience a loss of amenity.

Impact on opposing properties to the front

17. The first floor side extension would not project beyond the front building line as such the existing separation distances between the properties opposite would be maintained and not considered to result in a loss of privacy.
18. The comments from no. 8 are noted, however the proposed extension complies with policy in regards to the side projection and required separation to the boundary. There is no protection of views and therefore the proposal is considered to accord with policy.
19. Overall it is considered the impact on the amenity of neighbouring residents would be acceptable and the proposal comply with policy L7 and guidance contained in SPD4.

PARKING AND HIGHWAYS

20. The number of bedrooms would increase from 3 to 4 which in accordance with SPD3 would require the number of off-street parking spaces to increase from 2 to 3. The current driveway is large enough to occupy 3 off-street spaces.

DEVELOPER CONTRIBUTIONS

21. This proposal would create less than 100m² and so is below the threshold for the Community Infrastructure Levy (CIL).
22. No other planning obligations are required.

PLANNING BALANCE AND CONCLUSION

23. The scheme has been assessed against the development plan and SPD4 guidance and it is considered that the proposed development will result in an acceptable form of development with regard to the amenity of neighbouring residents, and the impact on the character of the existing property, street scene and the surrounding area more generally. Consideration has been given to the comments received from adjacent properties, however the objections received are not considered to raise

material considerations that would result in a decision contrary to adopted policy and guidance. The application is therefore recommended for approval.

RECOMMENDATION:

GRANT subject to the following conditions:-

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

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

2. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers: 001; 003 Revision G.

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, 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.

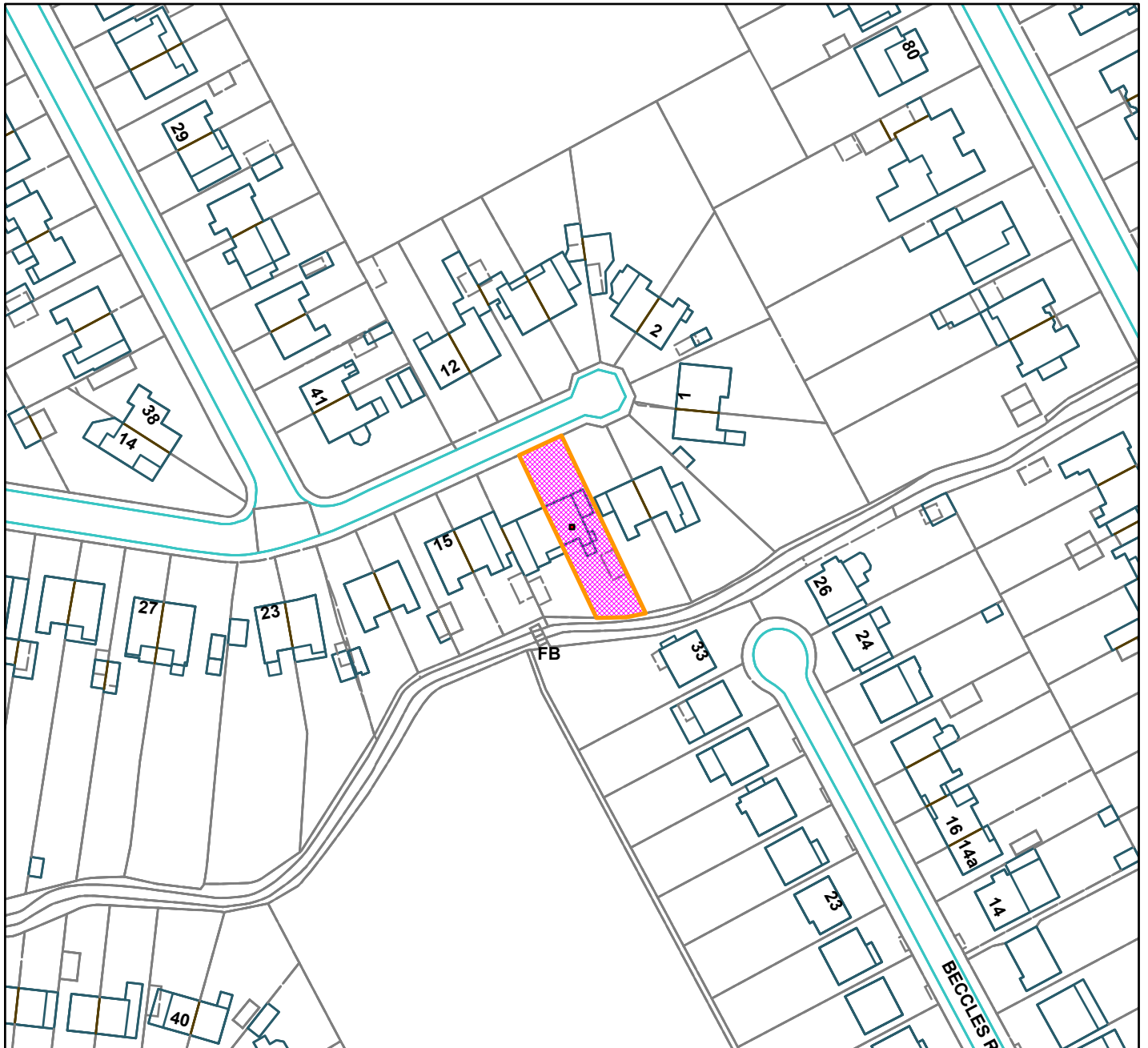
4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any equivalent Order following the amendment, re-enactment or revocation thereof) upon first installation the windows in the 1st floor on the north-eastern side elevation facing no. 7 Wilford 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.

NB



9 Wilford Avenue, Sale (site hatched on plan)



Scale: 1:1,250

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Organisation	Trafford Council
Department	Planning Service
Comments	Committee date 13/05/2021
Date	28/04/2021
MSA Number	100023172 (2012)

WARD: Altrincham

103666/FUL/21

DEPARTURE: No

Temporary change of use of Stamford Square for flexible events space (Sui Generis) and associated landscaping works

Stamford Square, Stamford Quarter Shopping Centre, George Street, Altrincham, WA14 1RJ

APPLICANT: Trafford Bruntwood (Stamford Quarter) LLP

AGENT: Avison Young

RECOMMENDATION: GRANT

Reported to the Planning and Development Management Committee as the Council is the applicant (as part of the Trafford Bruntwood joint venture) and application has received one objection contrary to officer recommendation.

SITE

Stamford Square is located within the main shopping area of Altrincham town centre, a short (0.1km) walk from Altrincham Interchange. Typical public realm street furniture including planters, seating, lamp posts and bins is currently present on the application site. A Coffee Van (Stutter and Twitch) is situated within the south-west corner of the site.

The application site is located within Altrincham Business Neighbourhood Plan Boundary. It is not located within a conservation area or within the setting of either a conservation area or listed building. (Although the site is close to two conservation areas - Old Market Place Conservation Area (CA) and Stamford New Road CA - given the site's location and the intervening distances and surrounding buildings, the site is not considered to affect the setting of these designated heritage assets.)

PROPOSAL

Planning permission is sought for the temporary change of use of Stamford Square to a flexible events space for a maximum period of 1 year. The proposed focus for the events is on sustainability and local community, which could include: sustainable workshops, wellness sessions, live music, and sport/film screenings. They would be targeted towards families, teenagers and children.

The area would cover approx. 530 sq.m.

The space would be occupied by a number of temporary structures, which include the following:

- Removal of existing planters and replacement with new, moveable wooden planters that will double as seats (6 no.);

- Erection of a timber pergola (2.75 (H) x 3.65m (W) x 10m (L));
- Laying of Astro Turf (drilled to existing floor for security);
- Erection of igloos;
- Introduction of solar festoon lighting;
- Use of furniture including deck chairs and bean bags (to be stored overnight); and,
- Use of giant games.

The following opening hours are proposed for the events space:

- Monday – Wednesday: 8am – 6pm;
- Thursday – Saturday: 8am – 7pm; and,
- Sunday: 10am – 4pm.

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.
- The **Altrincham Town Centre Neighbourhood Business Plan (ANBP)**, adopted 29 November 2017. The plan includes a number of policies, a town centre boundary, primary shopping frontages, mixed use areas and 6 allocations.

PRINCIPAL RELEVANT CORE STRATEGY POLICIES

W2 – Town Centres and Retail

L7 – Design

PROPOSALS MAP NOTATION

Town and District Shopping Centre

Main Office Development Areas

Metrolink 200m buffer

Critical Drainage Areas

Altrincham Town Centre Neighbourhood Business Plan (2017)

PRINCIPAL RELEVANT REVISED ANBP POLICIES

Objective 8 (OB 8).

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

Frontages
Policy 'D' – Design and Quality
Policy 'G' – Green Infrastructure

SUPPLEMENTARY PLANNING GUIDANCE
SPG24 – Crime and Security

PLACES FOR EVERYONE (FORMERLY GREATER MANCHESTER SPATIAL FRAMEWORK 2020)

The Greater Manchester Spatial Framework (GMSF) was a joint Development Plan Document being produced by the Greater Manchester districts. The first consultation draft of the GMSF was published on 31st October 2016, and a further period of consultation on the revised draft ended on 18th March 2019. The GMSF is now being progressed by nine GM districts as 'Places for Everyone' (PFE) and, once adopted, will be the overarching development plan for these districts, setting the framework for individual district Local Plans. PFE is not yet at Regulation 19 stage and so will normally be given limited weight as a material consideration. Where it is considered that a different approach should be taken, this will be specifically identified in the report. If PFE / GMSF 2020 is not referenced in the report, it is either not relevant, or carries so little weight in this particular case that it can be disregarded.

NATIONAL PLANNING POLICY FRAMEWORK (NPPF)

The MHCLG published the National Planning Policy Framework (NPPF) on 19 February 2019. The NPPF will be referred to as appropriate in the report.

NATIONAL PLANNING PRACTICE GUIDANCE (NPPG)

MHCLG published the National Planning Practice Guidance on 6 March 2014, and regularly updated. The NPPG will be referred to as appropriate in the report.

RELEVANT PLANNING HISTORY

No recent planning history relevant to this application.

APPLICANT'S SUBMISSION

Planning Statement
Design brochure (Not so secret garden)

CONSULTATIONS

Local Highway Authority – No objections on highway grounds, comments discussed further within report

Greater Manchester Police Design for Security – Comments yet to be received

Trafford Council Pollution and Licensing (Nuisance) – Comments yet to be received

Trafford Council Waste Management – No objections, comments discussed further within report

Trafford Council Strategic Growth Team (Town Centre Manager) – No objections

REPRESENTATIONS

Altrincham and Bowdon Civic Society raised a number of concerns in relation to the application, summarised as follows:

- Health and Safety – risk of injury from folding chairs/ deck chairs, hazards for pedestrians
- Unknown if access routes and surface treatment (AstroTurf) are appropriate for all users – i.e. wheelchairs
- Wear and tear of furniture and flooring will appear shabby and dirty over time
- Waste issues – from food outlets, who will be responsible
- No provision of public toilets
- No protection from poor weather/ rain
- Who will be responsible for preventing loose furniture being moved off-site to adjacent parts of George Street
- Rushed application with insufficient time for deep consideration and discussion

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. When having regard to the nature of this proposal and its key considerations, development plan policies concerning the public realm of Altrincham town centre, namely policies contained within the Altrincham Neighbourhood Business Plan (ANBP), are central to its assessment. Development plan policies in relation to town centres (Core Strategy Policy W2), and design (CS Policy L7) are also relevant. The relevant development plan policies are considered to be 'up to date' in NPPF terms and as such the 'tilted balance' in Paragraph 11 of the NPPF is not engaged. The application should be determined in accordance with the development plan unless material considerations indicate otherwise.

Principle of Use

3. The application site is located within Altrincham town centre.
4. NPPF Paragraph 85 states: Planning policies and decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation.
5. Core Strategy Policy W2.2 states: Altrincham, as the main town centre in the Borough, will be the principal focus for high quality comparison retail supported by a range of retail, service, leisure, tourism, office and other town centre-type uses, including residential...
6. Additionally, the application site is located within the Altrincham Town Centre Neighbourhood Business Plan (ANBP) Area. The application site is located within character area - Main Retail Core and allocated as main (primary) shopping frontage.
7. ANBP Policy S1 states: ...In the retail core, proposals which seek to maintain and enhance the continuous ground floor active retail frontages will be encouraged and supported. Proposals which would result in non-retail use(s) in these frontages will be resisted unless appropriate evidence is provided to demonstrate that the proposal would result in a positive impact on the attraction of the retail core to shoppers and visitors and thus the experience will be enhanced.
8. The proposal seeks a change of use of Stamford Square for flexible events space (Sui Generis) with associated landscaping works for a temporary 1 year period. The proposed use is not restricted by policy and would contribute towards Objective 8 of the ANBP by providing a family friendly place with attractive green spaces and town squares ... attracting events, festivals and cultural activities providing entertainment for all ages (including the younger generation and children) both during the day and in the evening, all in a safe, high quality environment. Although a non-retail use itself, it is complementary to the town centre and would provide an additional attraction, improving the visitor experience. There is no proposal associated with this scheme for the occupation of any of the frontage units with a non-retail use. It is therefore in compliance with Policy S1 of the ANBP.

Design and Appearance

9. The NPPF states within paragraphs 124 and 130 that: Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the

way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents.

10. 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...”
11. ANBP Policy G1 states: Proposals for public realm should be of high quality design. Proposals should contribute to the attraction of the town centre from both its catchment population and visitors. Proposals should ensure that appropriate opportunities are taken to encourage the development and enhancement of all aspects of the public realm, including ... improvement to or provision of new public open space...
12. ANBP Policy D reflects and build on CS Policy L7 advising that development of the public realm in Altrincham Town Centre should be of high quality design and include high quality materials, reflecting the character of the area.
13. As part of the change of use of the area (to a flexible events space), the proposal seeks to erect a number of temporary freestanding structures and associated loose furniture. The proposal as illustrated within the ‘Not so Secret Garden’ brochure includes AstroTurf surfacing, a timber pergola, timber planters that double as seats and festoon lighting, whilst the covering letter also references an igloo (these are already present on site). In addition removable furniture such as bean bags, large games, and deck chairs are also included within the scheme. The overall design concept has derived from sustainability and local community and thus this has translated to a verdant appearance with the use of natural materials, i.e. timber.
14. Furthermore the proposals include a number of planters with soft landscaping, which are considered to enhance the streetscene.
15. A matter of concern was raised in relation to the appearance of loose furniture over time as a result of wear and tear and not being adequately cleaned. It is considered that this could be adequately controlled through good management.
16. The design concept of the proposed structures are considered to be acceptable in principle and in-keeping with the commercial surroundings. The application did not include specific details of the furniture, however an appropriately worded condition requiring further design details is considered acceptable. Furthermore the proposals, subject to conditions, are considered to be high quality and thus in accordance with Policies D1, D2, D3 and G1 of the ANBP. Overall the proposed development, subject to condition, is considered in line with Policy L7.

Residential Amenity

17. In relation to matters of amenity protection, Policy L7 states 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.
18. ANBP S3 states: In taking decisions on proposed town centre developments where there is the potential for conflict between uses (e.g. noise and disturbance; smell and fumes), careful account will be taken of all existing uses in the vicinity of the proposal in coming to a decision. Where the proposal would either be potentially adversely affected by any nearby existing uses, or would potentially have an adverse impact on any nearby existing uses, the extent of that potential adverse impact will be a material consideration in coming to a decision on the proposal.
19. The surrounding area is currently commercial in nature and therefore the proposed uses are considered acceptable in this location.
20. It is noted that Sunningdale House and Kingfisher House have planning permission for residential uses following approval of an office to residential use prior approval, application reference 97798/PRO/19. Although the use has not yet been implemented the permission is lawful until July 2022.
21. The proposed hours of use for the events space are: Monday – Wednesday: 8am – 6pm; Thursday – Saturday: 8am – 7pm; and, Sunday: 10am – 4pm. It is considered the proposed events space, given the proposed hours of use and location, would not result in an undue noise and disturbance for any future residential occupants within the area. The proposals are therefore in accordance with Core Strategy Policy L7, and ANBP Policy S3.

Highway Safety

22. Policy L4 of the Trafford Core Strategy states that “when considering proposals for new development that individually or cumulatively will have a material impact on the functioning of the Strategic Road Network and the Primary and Local Highway Authority Network, the Council will seek to ensure that the safety and free flow of traffic is not prejudiced or compromised by that development in a significant adverse way”.
23. Policy L4.3 states: “In particular, the Council will seek to develop a network of pedestrian and cycle routes and associated facilities to provide safe, secure, convenient and attractive cycling and footpath access linking residential areas to schools, workplaces, tourist and leisure facilities, including promoting the

integration of cycling and walking at public transport interchanges, as part of longer journeys.”

24. Policy L7.5 of the Trafford Core Strategy states in relation to matters of accessibility, development must: be fully accessible and useable by all sections of the community; provide good connections within the site and to adjoining areas; where relevant ensure that streets and public spaces are designed to provide safe and attractive environments for walkers and cyclists; and
25. The application site is located within Altrincham town centre in close proximity to public transport hubs and public car parks. The proposed uses are considered appropriate within a town centre location with nearby car parking facilities and good links to public transport. The proposed development is therefore acceptable in terms of parking impacts.
26. The Local Highway Authority was consulted on the application and whilst they did not raise any objections as the site would not impact the adopted public highway, they requested the existing step free access off Stamford New Road is retained. The applicant has confirmed that the pedestrian access would be unchanged from these proposals. A 3m pedestrian access route will be retained around the outside of the application site (to the north) and 1.8m along the edge of the site (due south). The proposals are therefore considered acceptable and in line with Policies L4 and L7 of the Core Strategy.

Equalities Act 2010/ Accessibility

27. The public sector equality duty (PSED) (Section 149), 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.
28. The proposed change of use and the installation of temporary freestanding structures and furniture could have implications upon certain protected groups under the Equalities Act 2010 – in particular age, disability, pregnancy and maternity – as it would amend the existing largely open public realm.
29. The applicant has confirmed that the existing pedestrian step-free access route would be unchanged. Furthermore, the revised drawing includes an annotation that confirms that an ‘accessible threshold strip’ would be applied to the edge of the astroturf. It is also noted that whilst the illustrative layout as detailed on the

Access Plan includes an archway entrance, this element/structure is no longer proposed as part of the works.

30. The applicant has also provided a statement, which considers each of the protected groups. The comments state that no persons would be restricted or prevented from using (or be unable to use) the proposed development. In relation to protected groups 'Age' and 'Disability', the applicant has confirmed that the proposals have been designed to create a welcoming and inclusive environment with minimal barriers to those persons with a physical or other non-visible disability. Furthermore the spaces, structures, facilities and routes through the site have been designed to be as attractive and usable for a young person as they are for more elderly members of the community. Officers are therefore satisfied that the proposed change of use of this space would not have an adverse impact on protected groups under the Equalities Act 2010.

Waste

31. Policy L7 of the Trafford Core Strategy states in relation to matters of functionality, development must (inter alia): provide appropriate provision of (and access to) waste recycling facilities, preferably on site.
32. In relation to waste, the application informs that the waste management would be as existing, in line with the current procedures used for the on-site food vendors whereby each food unit will be responsible for their own waste collection and disposal. Bins will be provided on site for the users of the Garden to dispose of waste, which will feed into the larger bins and their collection schedule as part of the wider Stamford Quarter Shopping Centre.
33. The waste team has reviewed the application and whilst they have not raised any objection they commented that there was a lack of provision for the vendor(s). Trafford Council's Altrincham Town Centre Manager has reviewed the application and acknowledged that it would be in the applicant's interest to ensure the area is kept clean and tidy and that vendors appropriately dispose of waste. As such, it is considered that no further details are required and the proposed waste management as detailed within the Planning Statement is considered acceptable.

Crime & Security

34. Policy L7.4 of the Trafford Core Strategy states that, in relation to matters of security, development must demonstrate that it is designed in a way that reduces opportunities for crime and must not have an adverse impact on public safety.
35. Greater Manchester Police Design for Security have been consulted on this application, however a response has not yet been received. Any comments received will therefore be provided within the Additional Information Report.

Developer Contributions

36. No planning obligations are required.

PLANNING BALANCE AND CONCLUSION

37. The relevant development plan policies are considered to be 'up to date' in NPPF terms and as such the 'tilted balance' in Paragraph 11 of the NPPF is not engaged. The application should be determined in accordance with the development plan unless material considerations indicate otherwise.

38. The proposed change of use of this area to a temporary flexible events space (Sui Generis) and associated landscaping works is not restricted by policy. Furthermore it would contribute towards Objective 8 of the ANBP by providing a family friendly place with attractive green spaces and town squares... attracting events, festivals and cultural activities providing entertainment for all ages (including the younger generation and children) both during the day and in the evening, all in a safe, high quality environment.

39. The proposed overall appearance, subject to conditions, is considered to be acceptable within the context. Furthermore, the proposed development is considered to be acceptable with regard to residential amenity, highway safety, and crime and security.

40. The proposals would not have an adverse impact on protected groups under the Equalities Act 2010.

41. It is therefore considered to be acceptable with reference to Core Strategy Policies L7 and W2, ANBP Policies D, S and G, and the NPPF. The application is therefore recommended for approval.

RECOMMENDATION:

GRANT subject to the following conditions:

1. Temporary Permission

This planning permission is granted for a limited period expiring on 14 May 2022 when the use hereby permitted shall be discontinued and the land reinstated to its former condition in accordance with a scheme of work which shall be submitted to and approved by the Local Planning Authority before the expiration of the period specified in this condition.

Reason: To enable the Local Planning Authority to assess the effect of the proposed development on the amenities of the surrounding area, having regard to Policy L7 of the Trafford Core Strategy and the National Planning Policy Framework.

2. Approved Plans

The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, number: 2422-PLA-01-XX-DR-L-0001 P01 (Site Location Plan) and the associated landscaping works (including free standing structures and planters) shall be carried out in general accordance with the details shown on the submitted General Arrangement Plan, number: 2422-PLA-01-XX-DR-L-0002 P01.

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

3. Hours of use

The flexible events space shall not operate as an events space outside the hours of: 08:00 - 18:00 (Monday – Wednesday); 08:00 - 19:00 (Thursday – Saturday); and 10:00 - 16:00 (Sundays).

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

4. Free standing structures

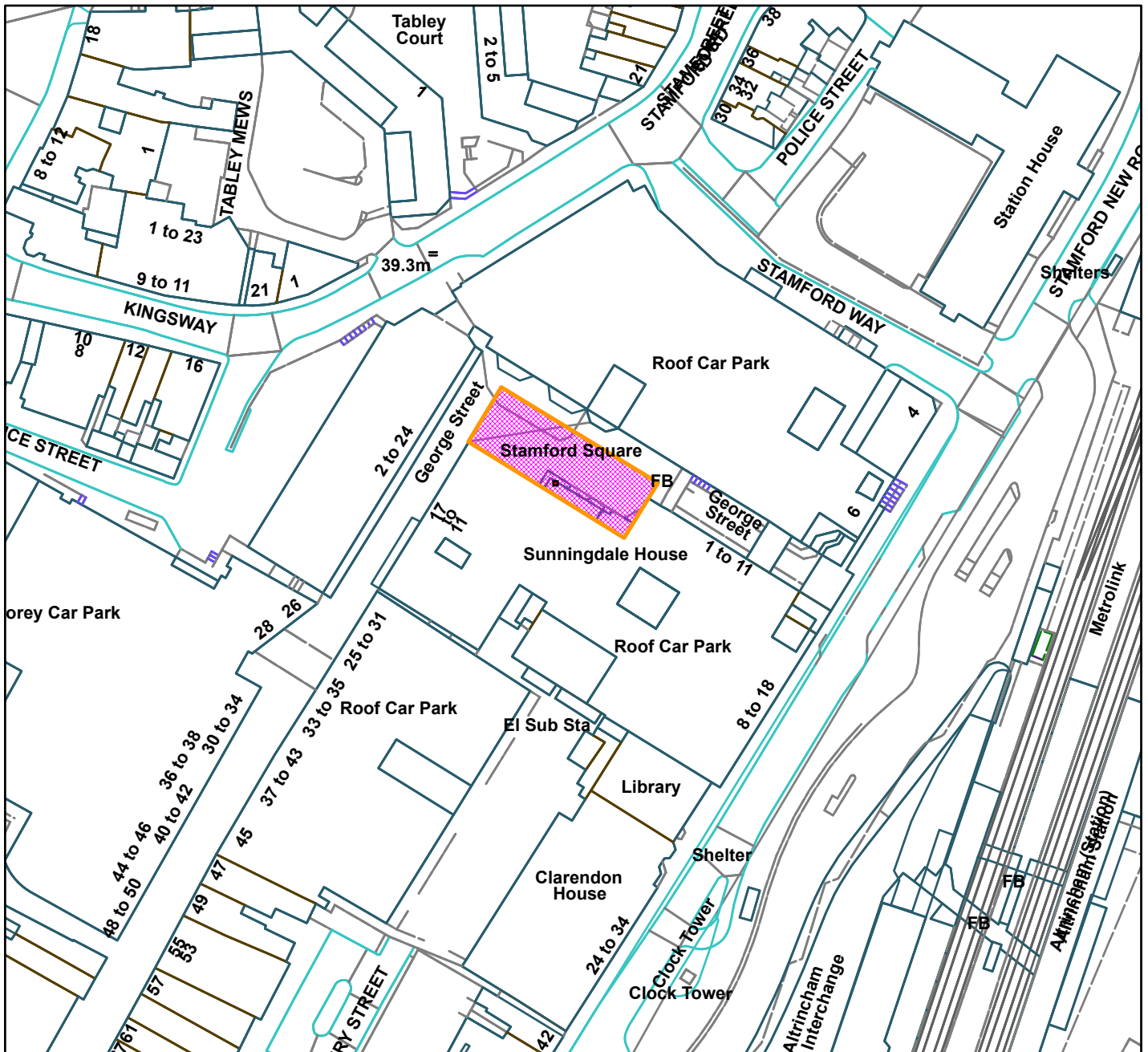
The free standing structures hereby permitted as part of the use shall be carried out in general accordance with the details shown on the artists impressions (Example of Site Plans) as detailed on the submitted 'Stamford Quarter: Not so Secret Garden' document and the pergola shall not exceed 3m in height.

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

LT



Stamford Square, Stamford Quarter shopping Centre, George Street, Altrincham (site hatched on plan)



Scale: 1:1,250

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Organisation	Trafford Council
Department	Planning Service
Comments	Committee date 13/05/2021
Date	28/04/2021
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