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**TRAFFORD  
COUNCIL**

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

**Date: Thursday, 8 September 2022**

**Time: 6.30 pm**

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

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

<https://www.youtube.com/channel/UCjwb1OW5x0NSe38sgFU8bKg>

<b>AGENDA</b>	<b>PART I</b>	<b>ITEM</b>
1. <b>ATTENDANCES</b>		
To note attendances, including Officers and any apologies for absence.		
2. <b>DECLARATIONS OF INTEREST</b>		
Members to give notice of any Personal or Prejudicial Interest and the nature of that Interest relating to any item on the Agenda in accordance with the adopted Code of Conduct.		
3. <b>MINUTES</b>		
To receive and, if so determined, to approve as a correct record the Minutes of the meeting held on 11 <sup>th</sup> August, 2022.		
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4. <b>QUESTIONS FROM MEMBERS OF THE PUBLIC</b>		
A maximum of 15 minutes will be allocated to public questions submitted in writing to Democratic Services (democratic.services@trafford.gov.uk) by 4pm on the working day prior to the meeting. Questions must be within the remit of the Committee or be relevant to items appearing on the agenda and will be submitted in the order in which they were received.		

**5. ADDITIONAL INFORMATION REPORT**

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

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

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

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<b>Applications for Planning Permission</b>	
<b>Application</b>	<b>Site Address/Location of Development</b>
<a href="#"><u>106926</u></a>	Waitrose, 10 Draybank Road, Altrincham, WA14 5ZL
<a href="#"><u>106928</u></a>	Waitrose, 10 Draybank Road, Altrincham, WA14 5ZL
<a href="#"><u>107585</u></a>	Acre Hall Primary School, Irlam Road, Flixton M41 6NA
<a href="#"><u>108193</u></a>	The Shippon Building, Longford Park, Stretford
<a href="#"><u>108372</u></a>	10 Pinewood, Bowdon, WA14 3JQ

**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 B. Hartley (Chair), B.G. Winstanley (Vice-Chair), A. Akinola, D. Bunting, L. Dagnall, W. Hassan, M. Minnis, D. Morgan, S. Procter, S. Thomas, L. Walsh and M.J. Welton.

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 **30<sup>th</sup> August, 2022** by the Legal and Democratic Services Section, Trafford Council, Trafford Town Hall, Talbot Road, Stretford, Manchester M32 0TH

# Agenda Item 3

## PLANNING AND DEVELOPMENT MANAGEMENT COMMITTEE

11<sup>th</sup> AUGUST, 2022

### PRESENT:

Councillor Hartley (In the Chair),  
Councillors Akinola, Bunting, Chalkin, Hassan, Maitland (Substitute), Minnis, O'Brien (Substitute), S. Procter, Thomas, Walsh and Welton.

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),  
Planning and Development Manager (East) (Ms. H. Milner),  
Principal Highways & Traffic Engineer (Amey) (Mr. G. Evenson),  
Planning Lawyer (Locum) (Mr. S. Moorhouse),  
Governance Officer (Miss M. Cody).

Also present: Councillor Gilbert.

### APOLOGIES

Apologies for absence were received from Councillors Dagnall, Morgan and Winstanley.

## 22. DECLARATIONS OF INTEREST

Councillor Chalkin declared a Personal and Prejudicial Interest in Application 107530/FUL/22 (Clarendon House, Stamford New Road, Altrincham), he did not declare the nature of his interest; he advised he would be leaving the room for this item.

Councillor Thomas declared a Personal and Prejudicial Interest in Application 107960/FUL/22 (3A Marlborough Road, Flixton), as he called the Application in as Ward Councillor to be determined by the Committee.

Councillor Hartley declared a Personal and Prejudicial Interest in Application 107611/FUL/22 (12 Park Avenue, Sale) as he had consulted with the Applicant on a number of occasions and would be making representations in support of the Application. As the Vice-Chair was not in attendance it was agreed that Councillor Walsh act as Chair for this item.

## 23. MINUTES

RESOLVED: That the Minutes of the meeting held on 14<sup>th</sup> July, 2022, be approved as a correct record and signed by the Chair.

## 24. QUESTIONS FROM MEMBERS OF THE PUBLIC

A question was submitted by Nick Davis of Cleveland Road in Hale, however, it was considered that this be treated as an additional representation and as such was addressed within the Additional Information Report.

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**25. 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.

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

(a) <u>Permission granted subject to standard conditions prescribed by statute, if any, and to any other conditions now determined</u>		
<u>Application No., Address or Site</u>		<u>Description</u>
107787/FUL/22 – Moorlands Junior School, Temple Road, Sale.		Erection of a single storey extension which includes 4no. classrooms, studio and specialist teaching space along with the ancillary spaces required. Application will include extension of hard play area, re-siting of multi-use games area and creation of additional parking spaces.
(b) <u>Permission refused for the reasons now determined</u>		
<u>Application No., Address or Site</u>		<u>Description</u>
[Note: Councillor Thomas declared a Personal and Prejudicial Interest in Application 107960/FUL/22 (below) by calling in the Application as Ward Councillor to be determined by the Committee, he removed himself from the Committee. After making representations he remained in the meeting but did not participate in the debate or cast a vote on the application.]		
107960/FUL/22 – 3A Marlborough Road, Flixton.		Retrospective application for detached 2.5 storey dwelling with accommodation in a mansard roof.

**27. APPLICATION FOR PLANNING PERMISSION 107530/FUL/22 – CLARENDON HOUSE, STAMFORD NEW ROAD, ALTRINCHAM**

[Note: Councillor Chalkin declared a Personal and Prejudicial Interest in Application 107530/FUL/22 and left the room during consideration of the item.]

The Head of Planning and Development submitted a report concerning an application for planning permission for the remodelling and conversion of Clarendon House in association with change of use from retail unit and offices (Planning Use Class E) and former Library at first floor (Use Class F1) to Residential (Planning Use Class C3), to

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provide 68 dwellings. Works to include two storey upwards extensions, extensions to the front and rear, new windows, cladding, balconies, alterations to shopfronts and new entrance lobby at ground level (remaining ground floor uses to be retained), associated infrastructure, parking and landscaping.

RESOLVED: That Members are minded to grant planning permission for the development and that the determination of the application hereafter be deferred and delegated to the Head of Planning and Development as follows:-

- (i) To complete a suitable Legal Agreement under S106 of the Town and Country Planning Act 1990 (as amended) to secure:
  - An Affordable Housing Scheme to require 45% on site provision, comprising 31 shared ownership housing units
  - A financial contribution of £257,128 towards off-site education facilities, comprising £125,896 towards the provision of primary school places and £131,232 towards the provision of secondary school places.
- (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 the satisfactory completion of the above Legal Agreement that planning permission be granted subject to the conditions now determined (unless amended by (ii) above).

**28. APPLICATION FOR RETROSPECTIVE PLANNING PERMISSION 107611/FUL/22 – 12 PARK AVENUE, SALE**

[Note: Councillor Hartley declared a Personal and Prejudicial Interest in Application 107611/FUL/22, as he had consulted with the Applicant on a number of occasions, he vacated the chair. After making representations he remained in the meeting but did not participate in the debate or cast a vote on the application.]

**COUNCILLOR WALSH IN THE CHAIR**

The Head of Planning and Development submitted a report concerning an application for retrospective planning permission for the change of use of the existing property from a mixed-use nursery and residential to nursery use (Use Class E) across all floors, detached outbuilding to be used as ancillary nursery space and erection of a cycle and pram store.

It was moved and seconded that planning permission be refused.

The motion was put to the vote and declared lost.

RESOLVED: That planning permission be granted subject to the conditions now determined.

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**29. EXCLUSION RESOLUTION**

[Note: Councillor Thomas declared a Personal and Prejudicial Interest in the following item, due to his involvement and left the room during its consideration.]

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

**30. PLANNING AND DEVELOPMENT MANAGEMENT COMMITTEE – PART II**

The Committee were given background information in relation to an application for determination in Part I of the agenda, details of the formal resolution are set out in the minutes above.

The meeting commenced at 6.32 pm and concluded at 8.41 pm.



## **PLANNING AND DEVELOPMENT MANAGEMENT COMMITTEE – 8<sup>th</sup> SEPTEMBER 2022**

### **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.

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**PLANNING AND DEVELOPMENT MANAGEMENT COMMITTEE – 8<sup>th</sup> SEPTEMBER 2022**

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

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

<b>Applications for Planning Permission</b>				
<b>Application</b>	<b>Site Address/Location of Development</b>	<b>Ward</b>	<b>Page</b>	<b>Recommendation</b>
<a href="#"><u>106926</u></a>	Waitrose 10 Draybank Road Altrincham, WA14 5ZL	Broadheath	1	Grant
<a href="#"><u>106928</u></a>	Waitrose 10 Draybank Road Altrincham, WA14 5ZL	Broadheath	16	Grant
<a href="#"><u>107585</u></a>	Acre Hall Primary School Irlam Road, Flixton M41 6NA	Davyhulme West	29	Approve with conditions
<a href="#"><u>108193</u></a>	The Shippon Building Longford Park, Stretford	Longford	53	Grant
<a href="#"><u>108372</u></a>	10 Pinewood Bowdon, WA14 3JQ	Bowdon	66	Grant

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



**WARD:** Broadheath

**106926/VAR/22**

**DEPARTURE: No**

**Application for variation of condition 7 on planning permission H/68719 (Development of a local centre incorporating a supermarket, 5 units falling within Use Classes A1, A2, A3 and D1 with associated car parking, servicing and highway works). To extend the hours of deliveries and waste collections to between 07.00 and 22.00.**

Waitrose, 10 Draybank Road, Altrincham, WA14 5ZL

**APPLICANT:** Waitrose Limited

**AGENT:** Firstplan

**RECOMMENDATION: GRANT**

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**This application is reported to the Planning and Development Management Committee due to receiving more than 6 representations contrary to officer recommendation.**

### **SITE**

The application site relates to the Waitrose supermarket located on Draybank Road Altrincham. The site also incorporates 5 smaller separate retail units within the same building as the supermarket. To the east side of the site is Turnbull Road with Sinderland Road to the south. The northern side of the site is immediately adjacent to a disused railway line. The nearest residential properties are located on Draybank Road, Sinderland Road and on the opposite side of the railway line.

### **PROPOSAL**

Planning application H/68719 granted planning permission for the development of a local centre consisting of a supermarket, five commercial units and associated car parking, servicing and highway works.

This current application is made under Section 73 of the Town and Country Planning Act 1990 (as amended) to vary condition 7 of the original planning approval H/68719 which restricts the hours for deliveries and waste collections as follows:-

*Deliveries to and waste collections from the development hereby approved shall not be permitted between the hours of 2100-0700 on any day.*

*Reason: To safeguard the amenity and existing characteristics of the area for the benefit of neighbouring residents, having regard to Proposal D1 of the Revised Trafford Development Plan.”*

This application seeks the variation of this condition to allow for extended delivery hours between the hours of 0700-2200 on any day, to allow for an extra hour in the evenings. The applicant’s original submission had an error in the description which suggested they were applying for extended hours for deliveries and waste collections from 2200hrs – 0700hrs, the application description has subsequently been amended accordingly and neighbours consulted on the correct description.

There is no specific condition relating to e-commerce deliveries from the site on the original planning approval, H/68719, therefore this application only considers the proposed extension to the hours for deliveries to the site and waste collections.

A recent planning approval (101748/VAR/20) granted the extended hours for deliveries to the site and waste collections between the hours of 0700-2200 on any day for a temporary period of one year which expired on the 16<sup>th</sup> March 2022.

The applicant has submitted this current application to allow for the extended delivery and waste collection times (0700-2200 hrs on any day) in perpetuity.

Another application appears on this committee agenda which is associated with this application. Planning reference 106928/VAR/22 seeks to amend condition 5 of planning approval 99647/FUL/19 (construction of new warehouse to Waitrose store) to allow for extended hours for delivery and waste collections from the approved time of 0700-2100hrs to 0700-2200hrs on any day. Planning permission 99647/FUL/19 granted permission for a new warehouse within the existing service yard and condition 5 restricted the hours of deliveries to the warehouse as well as the hours of home deliveries from the site so the e-deliveries element of the business would be restricted by that condition. The hours proposed under variation application 106928/VAR/22 would therefore be consistent with those proposed in the current application.

Application 106928/VAR/22 also proposes to remove conditions 6 (noise mitigation scheme) and condition 7 (revised noise management plan) given that the noise mitigation scheme and noise management plan have been subsequently approved under discharge of condition application ref: 101755/CND/20. As set out in the report on 106928/VAR/22, it is proposed that the revised wording of condition 5 would also require the continued implementation of the approved noise mitigation measures and noise management plan.

## **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

L5 – Climate Change

## **PROPOSALS MAP NOTATION**

Large Sites Released for Residential Development

Sinderland Development Area

Wildlife Corridor

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

H3 – Large Sites Released for Residential Development

MD1 – Sinderland Development Area

## **PLACES FOR EVERYONE (FORMERLY GREATER MANCHESTER SPATIAL FRAMEWORK)**

Places for Everyone (PfE) is a joint Development Plan Document being produced by nine Greater Manchester districts (Bolton, Bury, Manchester, Oldham, Rochdale, Salford, Tameside, Trafford and Wigan). Once adopted, PfE will be the overarching development plan, setting the policy framework for individual district Local Plans. The PfE was published for Regulation 19 consultation from 9th August 2021 to 3rd October 2021 and was submitted to the Secretary of State for Levelling Up, Housing and Communities on 14 February 2022. Independent Inspectors will now be appointed to undertake an Examination in Public of the PfE Submission Plan. PfE is at an advanced stage of the plan making process and, whilst it is not yet an adopted Plan, some weight should be given to the policies. If PfE 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 20 July 2021. The NPPF will be referred to as appropriate in the report.

## **NATIONAL PLANNING PRACTICE GUIDANCE (NPPG)**

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

## **RELEVANT PLANNING HISTORY**

106928/VAR/22 - Application for variation of condition 5 and removal of Conditions 6 and 7 on planning permission 99647/FUL/19 (Construction of new warehouse extension (B8) within existing private service yard area, with associated site and yard alterations.). To extend the hours of deliveries and waste collections to between 07:00 and 22:00, and to remove Conditions 6 (noise mitigation scheme) and 7 (noise management plan – Current application

101755/CND/20 - Application for approval of details reserved by conditions of grant of planning permission 99647/FUL/19. Condition numbers: 6 (Noise mitigation) and 7 (Noise Mitigation). Full Discharge of Conditions- 13.10.2020.

102090/VAR/20 - Application for variation of condition 5 on planning permission 99647/FUL/19 (Construction of new warehouse extension (B8) within existing private service yard area, with associated site and yard alterations.). To allow for deliveries to the site and home deliveries from the site to be made between 07:00 and 22.00 for a temporary 1 year period. Approved 16.03.2021 (expired 16.03.2022).

101748/VAR/20 - Application for variation of condition 7 on planning permission H/68719 (Development of a local centre incorporating a supermarket, 5 units falling within Use Classes A1, A2, A3 and D1 with associated car parking, servicing and highway works.). To allow for deliveries to the site to be made between 07.00 and 22.00 for a temporary 1 year period – Approved 16.03.2021 (expired 16.03.2022).

99647/FUL/19 - Construction of new warehouse extension (B8) within existing private service yard area, with associated site and yard alterations. Approved with Conditions- 12 August 2020.

H/68719 - Development of a local centre incorporating a supermarket, 5 units falling within Use Classes A1, A2, A3 and D1 with associated car parking, servicing and highway works. Approved with Conditions- 23 September 2008.

## **APPLICANT'S SUBMISSION**

- Covering Letter
- Updated Noise Management Plan
- Resubmission of previously considered Delivery Noise Impact Assessment (Date: 18 May 2020)
- Resubmission of previously considered eComm Operational Noise Impact Assessment (Date: 29 May 2020)
- Site Plan General Arrangement

## **CONSULTATIONS**

**Local Highway Authority (LHA)** – No objections

**Trafford Council Pollution & Housing (Nuisance)** – No objections subject to inclusion of conditions restricting deliveries and waste collections to between 0700hrs – 2200hrs; site operations in accordance with noise management plan; delivery vehicles not to arrive earlier or later than the stipulated delivery and waste collections hours and no movement of cages and associated equipment and vehicles in the external yard area between 2200hrs – 0700hrs. Comments are discussed in more detail in the Observations section of this report.

## **REPRESENTATIONS**

Neighbours: Letters of objection have been received from 10 individual addresses. The issues raised as follows:-

### Amenity

- Vibrations from lorries can be felt in nearby properties
- Opposed to heavy vehicles delivering at night, which will disturb residents sleep.
- Theoretical noise calculations can be wrong – The original noise assessment made assumptions about trickle vents and double glazing and therefore adequate ventilation without requiring windows to be open. Absurd to suggest residents don't need to open windows for ventilation.
- The noise assessment does not take Vetchwood Gardens into consideration enough, impetus more on Draybank Road
- Noise data from noise library data used not actual data, assumptions are being made which are not fact.
- Since the last approval (temporary 1 year permission) metal delivery cages have been moved across the service yard from 5.45am and 7:00am on numerous occasions.
- Disturbance will be greater during summer months when windows left open. Noise still audible with windows closed.
- Noise is not permitted in a residential area between 2300hrs and 0700hrs (The Noise Act 1996)
- Generally no issue living close to Waitrose service yard, however can the alarm on the service gate/ and or door be addressed as it is audible across the estate.
- Proposal appears to seek extended hours through the evening from 2200hrs to 0700hrs.
- Store deliveries are noisy, the store has enjoyed good relationship with people living around the store, late night noise can only damage that good relationship.
- Late night delivery lorries will travel along Sinderland Road with properties close to pavement, this could be as late as 22.15hrs.
- Numerous complaints have been made to the Council and Waitrose regarding night time noise since the original approval.

- Lorries wait outside the store with engines running before 7am, also engines still on during delivery and additional noise from refrigerated lorries
- Staff shouting when unloading stock
- Silent castors used on dollies for home delivery service, why can these not be use on the metal delivery cages also
- Mobile tyre and air conditioning repair vans are in attendance at the site working on Waitrose delivery vans, is this permitted?
- Should Waitrose not pay for upgrading residents glazing and trickle vents to acoustic one?
- There has been no offer of noise monitoring or recording at resident's property.

### Highways

- The volume of traffic seems to have increased in recent years, with the pub, recycling centre and football ground.

### General

- Waitrose continue to submit applications to extend the premises and operating hours (moving further away from the original approval).
- The original approval was a local centre and supermarket. With the introduction of the large scale home delivery service it is suggested that it is now acting as a warehouse/logistics hub.
- Supporting letter which details the Covid Pandemic implications, not now relevant as restrictions lifted (end goal of 24/7 operating by stealth)
- Model for Waitrose deliveries may also change now people return to normal shopping habits.
- Waitrose suggest that they support vulnerable people with their e-delivery service, Waitrose are not a low cost supermarket and it suggested therefore that vulnerable members of the community do not shop at Waitrose.
- Requirement for extended hours is because Waitrose have inadequate storage facilities, requiring frequent deliveries as the business expands (serving people who live a long way from the store)
- Pollution from increase in traffic (deliveries)
- Property values impacted
- Wildlife impacted by late night deliveries (nearby wildlife corridors)
- Stock is removed from shelves to supply the home delivery business serving customers who are not local.

An objection has also been received from the Altrincham & Bowdon Civic Society who have stated that local residents are affected by HGVs visiting the site as well as customers by car. Residents should not have to suffer noise and exhaust fumes almost 24/7 including Bank Holidays.

## **OBSERVATIONS**

### PRINCIPLE OF DEVELOPMENT

1. A Section 73 application grants a new planning permission in its own right. The development of the local centre approved under planning permission H/67819 has been implemented and this application proposes the variation of condition 7 to amend the period for deliveries and waste collections to the site from 0700hrs – 2100hrs on any day to 0700hrs – 2200hrs on any day. When having regard to these revisions relative to the approved scheme, it is considered the most relevant Core Strategy Policy is Policy L7 (Design) and particularly in relation to protecting amenity.
2. Although some aspects of relevant development plan policy are out of date, in relation to this particular application, when considering the overall list of ‘most important’ policies the development plan is considered to be up to date for decision making purposes. The tilted balance in Paragraph 11 of the NPPF is not engaged and the application should be determined in accordance with the development plan unless material considerations indicate otherwise.
3. The main planning issues considered under the original application were:-
  - Principle of development
  - Design & Appearance
  - Residential Amenity
  - Highways
  - Developer contributions
4. Information has been submitted in support of the current planning application, and information submitted in support of planning applications H/68719 and 101748/VAR/20 remains relevant to the determination of this application.
5. There is no requirement to revisit any other issues through the determination of this application other than where they are affected by the proposed variation. The main change proposed under this application is the amendment to the hours of operation for deliveries and waste collections.

#### RESIDENTIAL AMENITY

6. In addition to ensuring that developments are designed to be visually attractive paragraph 130 of the NPPF advises that planning decisions should create places that provide a high standard of amenity for existing and future users.
7. Paragraph 185 states that planning policies and decisions should also 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 – avoid noise giving rise to significant adverse impacts on health and quality of life.*

8. Policy L5.13 of the Trafford Core Strategy states that *‘Development that has the potential to cause adverse pollution (of air, light, water, ground) noise or vibration will not be permitted unless it can be demonstrated that adequate mitigation measures can be put in place’.*
9. Policy L7.3 requires new development to be compatible with the surrounding area and not to prejudice the amenity of the future occupiers of the development and/or occupants of adjacent properties by reason of overbearing, overshadowing, overlooking, visual intrusion or noise and/or disturbance.
10. This application seeks to extend the delivery hours to the site from 0700hrs – 2100hrs on any day to 0700hrs-2200hrs on any day. This represents an additional hour in the evenings.
11. The nearest residential properties to the site are located along Draybank Road and Daisygate Drive to the west side of the site and Vetchwood Gardens, Pineacre Close and Candleberry Close to the north side of the site on the opposite side of the disused railway line.
12. Vehicular access to the site is taken from Draybank Road with a dedicated access for the customer car park and also a dedicated access for the external service yard for deliveries and waste collections located at the northern extremity of Draybank Road. The service yard is enclosed on its north and western boundaries (which face the residential properties) by an approximately 2.3m solid metal fence and vehicular gates at a similar height and also constructed in metal panels. The service yard boundary is located approximately 44m from the eastern elevation of 23 Draybank Road (4 storey apartment block) which has habitable room windows on that elevation. The northern boundary of the service yard retains a distance of approximately 32m across the disused railway line to the rear boundaries of 6 & 7 Vetchwood Gardens (two storey detached properties).
13. The majority of objections that have been received on the grounds of noise and disturbance relate to deliveries at the site. These relate to the delivery vehicles themselves as well as noise emanating from the warehouse/service yard as part of the unloading of the vehicles. Reference is also made to the current unsociable hours of delivery.
14. As part of the temporary one year permission application (101748/VAR/20) the applicant referenced a Written Ministerial Statement (WMS) by the Secretary of State for Housing, Communities and Local Government which was made on the 13 March 2020 and which made clear that Local Planning Authorities should ensure that planning controls are not a barrier to food delivery over the period of



disruption caused by the coronavirus. Specifically, it stated that planning enforcement action should not be taken which would result in unnecessarily restricting deliveries of food and other essential deliveries during this period.

15. The applicant also as part of the previous application (101748/VAR/20) submitted a Noise Impact Assessment which concluded that the impact of the proposal on neighbouring residential properties would be acceptable. The Council's Pollution section commented at the time of that application that the issue of noise can be subjective and that the BS4142 assessment that was carried out is more effective at assessing the impact of noise sources likely to be carried on for extended periods rather than the impact of sudden noises that are short in duration but are nonetheless intrusive. For this reason, it was considered that the Noise Impact Assessment alone was not sufficient in demonstrating that the proposal was acceptable in terms of noise and disturbance.
16. The Pollution section therefore recommended that permission for the extended delivery hours be granted on a temporary one year basis. This was intended to allow the Pollution section to monitor the noise impacts over that period in order that this information could be used to fully assess any subsequent application to make the extended delivery hours permanent. Subject to the permission being granted on a temporary basis, and an effective Delivery Noise Management Plan (NMP) being implemented, the Council's Pollution section raised no objection to the previous application.
17. As part of this current application, the applicant has once again made reference to the WMS which was updated on the 10<sup>th</sup> December 2021 comprising the same ministerial advice to local planning authorities as the previous statement and extending this advice to the 30<sup>th</sup> September 2022, whereupon it will be reviewed once again.
18. The application has been considered by the Council's Pollution section who have raised no objection to the proposed extension of delivery and waste collection operations by an additional one hour on any day as a permanent arrangement.
19. Since the granting of planning permission in March 2021 the Council's Pollution Section has received 3 independent noise complaints relating to operations at the site. All 3 complaints related to noisy activities on site before the 7am start. Although all 3 complainants were asked to provide evidence of the extent of the problem, no further information was received and the cases were closed.
20. It is understood that Waitrose has been contacted by 1 complainant who made contact with them on 2 separate occasions relating to operations on site since the granting of planning permissions in March 2021. The complaints related to noise from cage movements, delivery times and eComm delivery base movement. The Council has been advised that in order to address these complaints the premises has taken a number of steps which include restricting

cage movement and the movement of eComm delivery bases, both of which have been added to the Delivery Noise Management Plan. In addition to this, Waitrose has advised of an additional delivery of blue wheeled bases which have substantially quieter wheels than the standard Waitrose bases, to further reduce potential noise escape.

21. Regarding lorries idling outside the service yard gates, Waitrose advise that this has been fed back to Waitrose distribution teams and driver instructions have been updated to make clear to drivers they must not arrive early in order to ensure that all deliveries remain within recognised daytime hours. Waitrose has confirmed that all delivery vehicles to the site are under their direct control and that drivers are instructed to follow the requirements of the NMP. This states that HGVs will not arrive outside the permitted delivery hours or wait on Draybank Road and that the branch will either be alerted by the automated Transport Management System or HGV drivers will contact the store prior to arrival to ensure service yard gates are open, therefore enabling lorries to enter the service yard gates without stopping, thus minimising the time taken to pass nearby residential properties. Waitrose has also confirmed that no servicing of vehicles takes place at the store and that all servicing takes place at the regional distribution hubs.

22. Waitrose has also produced an updated Delivery NMP to address the outstanding points of concern by reducing the potential for noise emanating from the yard. The Delivery NMP includes an additional restriction regarding the movement of wheel dollies and noisy equipment. In particular, the following controls have been added to the Delivery NMP:

- There shall be no cage movement or noisy equipment moved within the service yard between 22:00-07:00 on any day.
- Blue quiet wheel dollies must be used for loading/unloading of eComm vehicles.

23. In order to address the noise concerns relating to the site the Pollution section has recommended that conditions relating to deliveries and waste collection between the hours of 0700 – 2200hrs on any day and the site being operated in accordance with the approved NMP are retained on any new permission. In addition the Pollution section has recommended a condition that no movement of cages and other equipment and vehicles shall take place in the external service yard areas between the hours of 2200 and 0700. It is recommended that these conditions are attached to any permission that is granted. A further condition is recommended by the Pollution Section which seeks to prevent HGVs and other delivery vehicles arriving and parking up on the public highway prior to 0700 hours or leaving after 2200hrs. This condition would not be enforceable as it seeks to control activity outside of the application site and within the public highway. It is proposed to include a reference to HGVs/delivery vans being instructed to avoid arriving and leaving after the permitted hours combined with

the other measures in the Delivery NMP. Notwithstanding the above, it should be noted that the current application only proposes the extension of delivery hours from 2100 to 2200 in the evenings and therefore, whilst the Delivery NMP would apply at all times, any impact in relation to vehicles arriving earlier than 0700 in the morning would not, in itself, be a justifiable reason for refusing the current application as these impacts would not be worsened by the current application proposal.

24. The level of complaints received in the one year period has been relatively low in number with three to the Council regarding noisy activity before 7am. The applicant has indicated they have received two complaints from the same complainant regarding cage movements, delivery times and eComm delivery base movement. It is recognised that the proximity of the site to residential properties creates the potential for noise and disturbance to be introduced to the occupiers of those properties. The applicant has committed to tackle the main source of noise which relates to arrival/departure of delivery vehicles with associated noise and the use of metal cages. The updated NMP will now restrict any use of such cages during the night time hours and include reference to instructions being given that delivery vehicles should avoid arriving early and departing late.

25. On this basis, the Council's Pollution Section has raised no objections to the proposal and, subject to appropriate conditions including the implementation of the updated Delivery Noise Management Plan, it is considered that the proposed extension of the delivery hours on a permanent basis would not result in an unacceptable impact on the residential amenity of nearby properties. As such, the proposal would comply with Policy L7 of the Core Strategy in this respect.

#### ACCESS, HIGHWAYS AND PARKING

26. Paragraph 111 of the NPPF states that 'Development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe'.

27. Policy L7 states that '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, maneuvering and operational space.

28. The proposal does not involve any changes to the site's access or parking arrangements. The LHA raises no objection to the application. It is considered acceptable and in accordance with Policy L7 of the Core Strategy in this regard.

#### DEVELOPER CONTRIBUTIONS

29. Under the original planning approval H/68719 the application was subject to a S106 legal agreement to secure financial contributions towards Public Transport (£115,973.00) and Highways Infrastructure (£19,401.00). A figure of £17,155.00 in relation to the Red Rose Forest was also detailed within the agreement, this financial sum would be reduced with regards every new tree planted on site with the cost of a new tree detailed at £235.00. The contributions for Public Transport and Highways Infrastructure were subsequently paid by the applicant and 73 trees planted in accordance with the S106. A deed of variation to the S106 is not required as the developer contributions have been secured and delivered.

### **PLANNING BALANCE AND CONCLUSION**

30. S38(6) of the Planning and Compulsory Purchase Act 2004 states that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise.

31. The NPPF is a material consideration in planning decisions, and as the Government's expression of planning policy and how this should be applied, should be given significant weight in the decision making process. The proposed development is considered to comply with the development plan, and in accordance with paragraph 11 (c) of the NPPF, should be approved without delay.

32. The application proposes an additional one hour on a daily basis to allow deliveries and waste collections. The applicant has updated the NMP in order to seek to address the issues that have been raised by nearby residents. The supermarket is a well-established business in this locality and provides an important service to local residents and the wider general public and contributes to local economic growth and creating job opportunities. The proposed amendment to the hours of delivery and waste collection is considered acceptable subject to appropriate conditions as detailed earlier in this report to mitigate impacts upon residential amenity.

33. All relevant planning issues have been considered and representations and consultation responses taken into account. The scheme complies with the development plan which is the starting point for decision making and is therefore recommended for approval.

### **RECOMMENDATION: GRANT subject to the following conditions:**

1. The net retail floor space of the supermarket excluding the checkout area hereby approved by this permission shall not exceed 1,430sq.m. The checkout area identified on drawing no. 0748-AG(P)-G02 Rev D shall not be used for the display of goods for sale.

Reason: There is insufficient evidence to demonstrate that a larger supermarket would be consistent with the objectives of sustainable development, having regard to Policy W2 of the Core Strategy and NPPF guidance.

2. The net area of the supermarket hereby approved devoted to the sale of comparison goods shall not exceed 237sq.m.

Reason: In accordance with the submitted details and having regard to Policy W2 of the Trafford Core Strategy and NPPF Guidance.

3. At least three of the units 1 to 4 hereby approved shall be restricted to A1 (retail).

Reason: In accordance with the submitted details and having regard to Policy W2 of the Trafford Core Strategy and NPPF Guidance.

4. Deliveries to and waste collections from the development hereby approved shall not be permitted between the hours of 2200-0700 on any day.

Reason: In the interests of residential amenity, having regard to Policy L7 and L5.13 of the Trafford Core Strategy and NPPF Guidance.

5. The site shall be operated at all times wholly in accordance with the Noise Management Plan, dated August 2022 and received by the local planning authority on the 23rd August 2022.

Reason: In the interests of residential amenity, having regard to Policy L7 and L5.13 of the Trafford Core Strategy and NPPF Guidance.

6. There shall be no movement of cages and any other equipment/vehicles in the external service yard areas between the hours of 2200hrs and 0700hrs.

Reason: In the interests of residential amenity, having regard to Policy L7 and L5.13 of the Trafford Core Strategy and NPPF Guidance.

7. All areas for the movement, loading, unloading and parking of vehicles provided in accordance with this permission shall be made available for those purposes at all times when the premises are in use; notwithstanding the provisions of any General Development Order, no development (other than that carried out in accordance with this permission) shall take place on any of the areas so provided.

Reason. To ensure that satisfactory provision is retained 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.

8. No other external lighting equipment may be used within the development other than as approved in writing by the Local Planning Authority.

Reason: To safeguard the amenity and existing characteristics of the area for the benefit of neighbouring residents, having regard to Policy L7 and L5.13 of the Trafford Core Strategy and NPPF Guidance.

9. Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from the development shall be passed through an oil interceptor designed and constructed to have a capacity and details compatible with, the site being drained. Roof water shall not pass through the interceptor.

Reason: To prevent pollution of the tributary of Sinderland Brook. Detergents entering oil interceptors may render them ineffective having regard to Policy L5 and Policy L7 of the Trafford Core Strategy and the National Planning Policy Framework.

10. The development hereby permitted shall not be carried out otherwise than in accordance with drawing numbers: 0748-AE(P)-001, 0748-YZ(P)-001 Rev A, 0748-AX(P)-001, 0748-AD(P)-001, 0748-AE(P)-003 and 0748-AE(P)-002 received on 15th January 2008; TR270777/SP01 Rev E, TR270777/SP03, TR270777/04 Rev B received on 4th April 2008; 0748-AZ(P)-004 Rev B, 0748-AG(P)-101 Rev D, 0748-AG(P)-G01 Rev E, 0748-AZ(P)-001 Rev A, D1498.001C received on 9th April 2008.

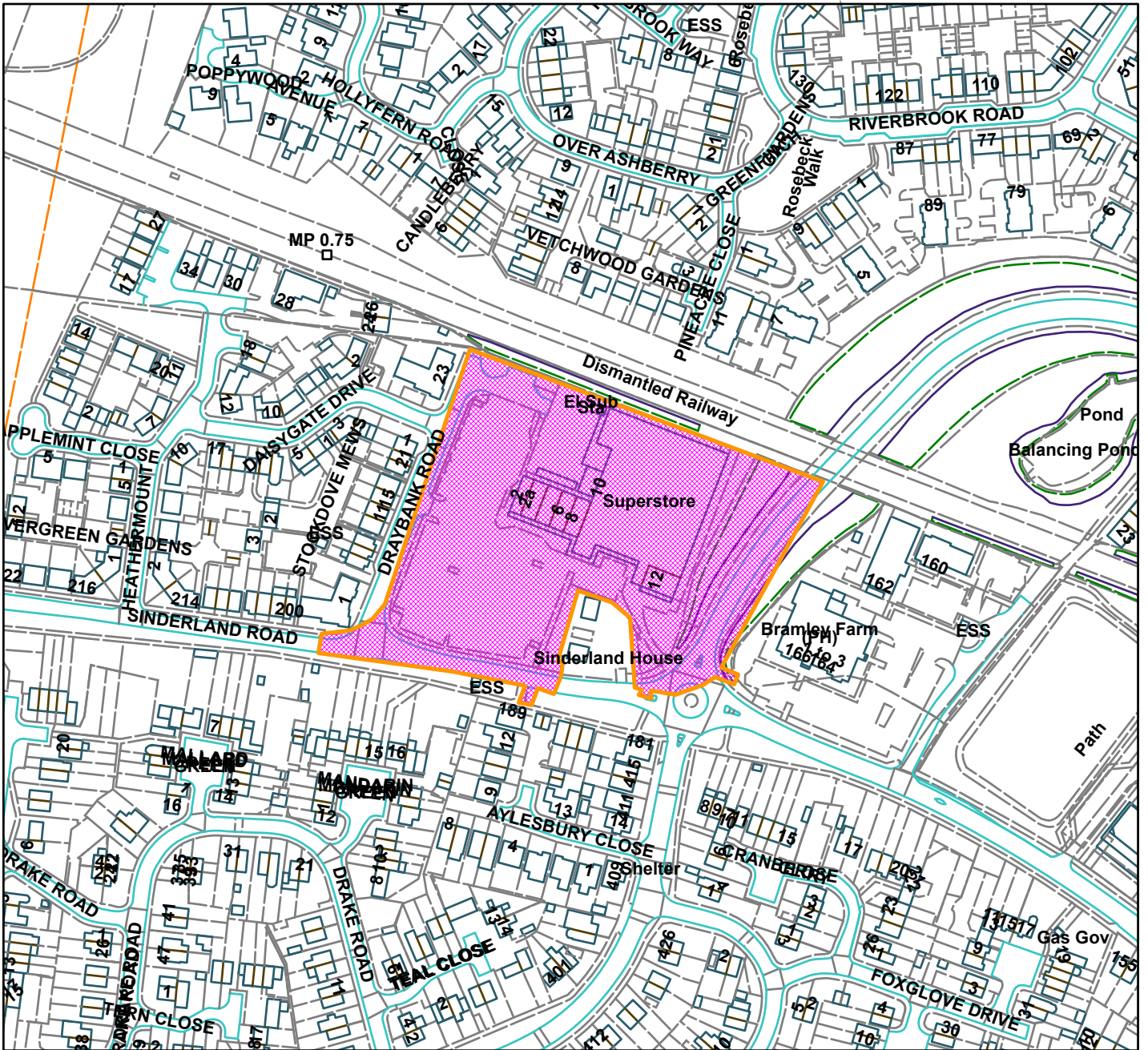
Reason: For the avoidance of doubt because amended and additional plans were submitted subsequent to the receipt of the application to clarify the permission, having regard to Policy L7 of the Trafford Core Strategy and the National Planning Policy Framework.

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CM



Waitrose, 10 Draybank Road, Altrincham, WA14 5ZL (site hatched on plan)



Scale: 1:2,500

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Organisation	Trafford Council
Department	Planning Service
Comments	Committee Date 08/09/2022
Date	23/08/2022
MSA Number	100023172 (2016)

**WARD:** Broadheath

**106928/VAR/22**

**DEPARTURE: No**

**Application for variation of condition 5 and removal of Conditions 6 and 7 on planning permission 99647/FUL/19 (Construction of new warehouse extension (B8) within existing private service yard area, with associated site and yard alterations.). To extend the hours of deliveries and waste collections to between 07:00 and 22:00 and to remove Conditions 6 (noise mitigation scheme) and 7 (noise management plan).**

Waitrose, 10 Draybank Road, Altrincham, WA14 5ZL

**APPLICANT:** Waitrose Limited

**AGENT:** Firstplan

**RECOMMENDATION: GRANT**

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**The application is reported to the Planning and Development Management Committee as a concurrent and interdependent planning application has received 6 or more objections contrary to officer recommendation and also appears on this committee agenda.**

### **SITE**

The application site relates to the Waitrose supermarket located on Draybank Road Altrincham. The site also incorporates 5 smaller separate retail units within the same building as the supermarket. To the east side of the site is Turnbull Road with Sinderland Road to the south. The northern side of the site is immediately adjacent to a disused railway line. The nearest residential properties are located on Draybank Road, Sinderland Road and on the opposite side of the railway line.

### **PROPOSAL**

Planning permission 99647/FUL/19 granted permission for a new warehouse within the existing Waitrose service yard.

This current application is made under Section 73 of the Town and Country Planning Act 1990 (as amended) to vary condition 5 of the original planning approval 99647/FUL/19 which restricts the hours for deliveries and waste collections as follows:-

*Deliveries to and waste collections from the development hereby approved (including those associated with the online delivery part of the business) and waste collections shall not be permitted between the hours of 2100-0700 on any day.*



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

This application seeks the variation of this condition to allow for extended delivery hours between the hours of 0700-2200 on any day, to allow for an extra hour in the evenings.

A recent planning approval (102090/VAR/20) granted the extended hours for deliveries and waste collections between the hours of 0700-2200 on any day for a temporary period of one year which expired on the 16<sup>th</sup> March 2022.

The applicant has submitted this current application to allow for the extended delivery and waste collection times (0700-2200 hrs on any day) in perpetuity.

The application also proposes to remove conditions 6 (noise mitigation scheme) and condition 7 (revised noise management plan) of planning permission 99647/FUL/19. The noise mitigation scheme and noise management plan required by Conditions 6 and 7 respectively have been approved under a subsequent discharge of condition application (ref: 101755/CND/20). Notwithstanding this, any new planning permission would still need a condition requiring that the site operates in accordance with the details approved under both conditions. The applicant has also provided an updated delivery noise management plan as part of this current application and has proposed that the revised wording of condition 5 would reference the new hours for deliveries as well as referencing the approved noise mitigation measures and noise management plan. The applicants suggested wording of the revised condition (condition 5) is as follows:-

*Deliveries to and from the development hereby approved (including those associated with the online delivery part of the business) and waste collections from the development hereby approved shall only be permitted between the hours of 0700-2200 on any day and not at any time outside these hours. The site shall operate in accordance with the noise mitigation scheme approved under application 101755/CND/20 and the noise management plan dated August 2022.*

Another application appears on this committee agenda which is associated with this application. Planning reference 106926/VAR/22 seeks to amend condition 7 of planning approval H/68719 to allow for extended hours for delivery to and waste collections from the site from the approved time of 0700-2100hrs to 0700-2200hrs on any day. This would be consistent with the variation proposed in the current application, although planning permission H/68719 related only to deliveries to the site and did not specifically control e-deliveries.

## **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

L5 – Climate Change

### **PROPOSALS MAP NOTATION**

Large Sites Released for Residential Development

Sinderland Development Area

Wildlife Corridor

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

H3 – Large Sites Released for Residential Development

MD1 – Sinderland Development Area

### **PLACES FOR EVERYONE (FORMERLY GREATER MANCHESTER SPATIAL FRAMEWORK)**

Places for Everyone (PfE) is a joint Development Plan Document being produced by nine Greater Manchester districts (Bolton, Bury, Manchester, Oldham, Rochdale, Salford, Tameside, Trafford and Wigan). Once adopted, PfE will be the overarching development plan, setting the policy framework for individual district Local Plans. The PfE was published for Regulation 19 consultation from 9th August 2021 to 3rd October 2021 and was submitted to the Secretary of State for Levelling Up, Housing and Communities on 14 February 2022. Independent Inspectors will now be appointed to undertake an Examination in Public of the PfE Submission Plan. PfE is at an advanced stage of the plan making process and, whilst it is not yet an adopted Plan, some weight should be given to the policies. If PfE 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 20 July 2021. The NPPF will be referred to as appropriate in the report.

### **NATIONAL PLANNING PRACTICE GUIDANCE (NPPG)**

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

## **RELEVANT PLANNING HISTORY**

106926/VAR/22 - Application for variation of condition 7 on planning permission H/68719 (Development of a local centre incorporating a supermarket, 5 units falling within Use Classes A1, A2, A3 and D1 with associated car parking, servicing and highway works). To extend delivery and waste collections to between the hours of 07.00-22.00 – Application recommended for approval.

101755/CND/20 - Application for approval of details reserved by conditions of grant of planning permission 99647/FUL//19. Condition numbers: 6 (Noise mitigation) and 7 (Noise Mitigation). Full Discharge of Conditions - 13.10.2020.

102090/VAR/20 - Application for variation of condition 5 on planning permission 99647/FUL/19 (Construction of new warehouse extension (B8) within existing private service yard area, with associated site and yard alterations.). To allow for deliveries to the site and home deliveries from the site to be made between 07:00 and 22.00 for a temporary 1 year period. Approved 16.03.2021 (expired 16.03.2022).

101748/VAR/20 - Application for variation of condition 7 on planning permission H/68719 (Development of a local centre incorporating a supermarket, 5 units falling within Use Classes A1, A2, A3 and D1 with associated car parking, servicing and highway works.). To allow for deliveries to the site to be made between 07.00 and 22.00 for a temporary 1 year period – Approved 16.03.2021 (expired 16.03.2022).

99647/FUL/19- Construction of new warehouse extension (B8) within existing private service yard area, with associated site and yard alterations. Approved with Conditions- 12 August 2020.

H/68719 - Development of a local centre incorporating a supermarket, 5 units falling within Use Classes A1, A2, A3 and D1 with associated car parking, servicing and highway works. Approved with Conditions- 23 September 2008.

## **APPLICANT'S SUBMISSION**

- Covering Letter
- Updated Noise Management Plan
- Resubmission of previously considered eComm Operational Noise Impact Assessment (Date: 29 May 2020)
- Site Location Plan

## **CONSULTATIONS**

**Trafford Council Pollution & Housing (Nuisance)** – No objections subject to inclusion of conditions restricting deliveries and waste collections between 0700hrs – 2200hrs; site operations in accordance with noise management plan; delivery vehicles not to arrive earlier or later than the stipulated delivery and waste collections hours and no movement of cages and associated equipment and vehicles in the external yard area between 2200hrs – 0700hrs. Comments are discussed in more detail in the Observations section of this report.

## **REPRESENTATIONS**

Neighbours: Letters of objection have been received from 2 individual addresses. The issues raised as follows:-

- Engine noise starts before 7am as vehicles wait to get into the site
- Vehicles waiting to be loaded within the service yard keep engines on, also additional noise from refrigerated vehicles.
- Waitrose is in a residential area and residents have the right to quiet time and uninterrupted sleep.
- Wildlife impacted by late night deliveries (nearby wildlife corridors)
- Supporting letter which details the Covid Pandemic implications, not now relevant as restrictions lifted (end goal of 24/7 operating by stealth)
- Model for Waitrose deliveries may also change now people return to normal shopping habits.
- Waitrose suggest that they support vulnerable people with their e-delivery service, Waitrose are not a low cost supermarket and it suggested therefore that vulnerable members of the community do not shop at Waitrose.
- Numerous complaints have been made to the Council and Waitrose regarding night time noise since the original approval.
- Waitrose continue to submit applications to extend the premises and operating hours (moving further away from the original approval).
- The original approval was a local centre and supermarket. With the introduction of the large scale home delivery service it is suggested that it is now acting as a warehouse/logistics hub.
- Requirement for extended hours is because Waitrose have inadequate storage facilities, requiring frequent deliveries as the business expands (serving people who live a long way from the store).
- Stock is removed from shelves to supply the home delivery business serving customers who are not local.
- Disturbance will be greater during summer months when windows left open. Noise still audible with windows closed.
- There has been no offer of noise monitoring or recording at residents property.

## **OBSERVATIONS**

### **PRINCIPLE OF DEVELOPMENT**

1. A Section 73 application grants a new planning permission in its own right. The

warehouse extension permitted under permission 99647/FUL/19 has been implemented and the current application proposes the variation of condition 5 to amend the period for deliveries and waste collections to the site from 0700hrs – 2100hrs on any day to 0700hrs – 2200hrs on any day and the removal of conditions 6 and 7 (noise mitigation measures and noise management plan). When having regard to these revisions relative to the approved scheme, it is considered the most relevant Core Strategy Policy is Policy L7 (Design) and particularly in relation to protecting amenity.

2. Although some aspects of relevant development plan policy are out of date, in relation to this particular application, when considering the overall list of 'most important' policies the development plan is considered to be up to date for decision making purposes. The tilted balance in Paragraph 11 of the NPPF is not engaged and the application should be determined in accordance with the development plan unless material considerations indicate otherwise.
3. The main planning issues considered under the original application were:-
  - Principle of Development
  - Design & Appearance
  - Residential Amenity
  - Highways
  - CIL
4. Information has been submitted in support of the current planning application and information submitted in support of planning applications 99647/FUL/19 and 102090/VAR/20 remains relevant to the determination of this application.
5. There is no requirement to revisit any other issues through the determination of this application other than where they are affected by the proposed variation. The main change proposed under this application is the amendment to the hours of operation for deliveries and waste collections.

#### RESIDENTIAL AMENITY

6. In addition to ensuring that developments are designed to be visually attractive paragraph 130 of the NPPF advises that planning decisions should create places that provide a high standard of amenity for existing and future users.
7. Paragraph 185 states that planning policies and decisions should also 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 – avoid noise giving rise to significant adverse impacts on health and quality of life.*

8. Policy L5.13 of the Trafford Core Strategy states that *‘Development that has the potential to cause adverse pollution (of air, light, water, ground) noise or vibration will not be permitted unless it can be demonstrated that adequate mitigation measures can be put in place’.*
9. Policy L7.3 requires new development to be compatible with the surrounding area and not to prejudice the amenity of the future occupiers of the development and/or occupants of adjacent properties by reason of overbearing, overshadowing, overlooking, visual intrusion or noise and/or disturbance.
10. This application seeks to extend the delivery hours to the site from 0700hrs – 2100hrs on any day to 0700hrs-2200hrs on any day. This represents an additional hour in the evenings.
11. The nearest residential properties to the site are located along Draybank Road and Daisygate Drive to the west side of the site and Vetchwood Gardens, Pineacre Close and Candleberry Close to the north side of the site on the opposite side of the disused railway line.
12. Vehicular access to the site is taken from Draybank Road with a dedicated access for the customer car park and also a dedicated access for the external service yard for deliveries and waste collections located at the northern extremity of Draybank Road. The service yard is enclosed on its north and western boundaries (which face the residential properties) by an approximately 2.3m solid metal fence and vehicular gates at a similar height and also constructed in metal panels. The service yard boundary is located approximately 44m from the eastern elevation of 23 Draybank Road (4 storey apartment block) which has habitable room windows on that elevation. The northern boundary of the service yard retains a distance of approximately 32m across the disused railway line to the rear boundaries of 6 & 7 Vetchwood Gardens (two storey detached properties).
13. The majority of objections that have been received are on the grounds of noise and disturbance related to deliveries at the site. These relate to the delivery vehicles themselves as well as noise emanating from the warehouse/service yard as part of the unloading of the vehicles. Reference is also made to the current unsociable hours of delivery.
14. As part of the temporary one year permission application (102090/VAR/20) the applicant referenced a Written Ministerial Statement (WMS) by the Secretary of State for Housing, Communities and Local Government which was made on the 13 March 2020 and which made clear that Local Planning Authorities should ensure that planning controls are not a barrier to food delivery over the period of

disruption caused by the coronavirus. Specifically, it stated that planning enforcement action should not be taken which would result in unnecessarily restricting deliveries of food and other essential deliveries during this period.

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16. The Pollution section therefore recommended that permission for the extended delivery hours be granted on a temporary one year basis. This was intended to allow the Pollution section to monitor the noise impacts over that period allowing this information to be used to fully assess any subsequent application to make the extended delivery hours permanent. Subject to the permission being granted on a temporary basis, and an effective Delivery Noise Management Plan (NMP) being implemented, the Council's Pollution section raised no objection to the previous application.
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18. The application has been considered by the Council's Pollution section who have raised no objection to the proposed extension of delivery and waste collection operations by an additional one hour on any day as a permanent arrangement.
19. Since the granting of planning permission in March 2021 the Council's Pollution Section has received 3 independent noise complaints relating to operations at the site. All 3 complaints related to noisy activities on site before the 7am start. Although all 3 complainants were asked to provide evidence of the extent of the problem, no further information was received and the cases were closed.
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cage movement and the movement of eComm delivery bases, both of which have been added to the Delivery Noise Management Plan. In addition to this, Waitrose has advised of an additional delivery of blue wheeled bases which have substantially quieter wheels than the standard Waitrose bases, to further reduce potential noise escape.

21. Regarding lorries idling outside the service yard gates, Waitrose advise that this has been fed back to Waitrose distribution teams and driver instructions have been updated to make clear to drivers they must not arrive early in order to ensure that all deliveries remain within recognised daytime hours. Waitrose has confirmed that all delivery vehicles to the site are under their direct control and that drivers are instructed to follow the requirements of the NMP. This states that HGVs will not arrive outside the permitted delivery hours or wait on Draybank Road and that the branch will either be alerted by the automated Transport Management System or HGV drivers will contact the store prior to arrival to ensure service yard gates are open, therefore enabling lorries to enter the service yard gates without stopping, thus minimising the time taken to pass nearby residential properties. Waitrose has also confirmed that no servicing of vehicles takes place at the store and that all servicing takes place at the regional distribution hubs.
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  - There shall be no cage movement or noisy equipment moved within the service yard between 22:00-07:00 on any day.
  - Blue quiet wheel dollies must be used for load/unloading of eComm vehicles.
23. In order to address the noise concerns relating to the site the Pollution section have recommended that conditions relating to deliveries and waste collection between the hours of 0700 – 2200hrs on any day and the site being operated in accordance with the approved NMP are retained on any new permission. In addition the pollution section has recommended a condition that no movement of cages and other equipment and vehicles shall take place in the external service yard areas between the hours of 2200 and 0700. It is recommended that these conditions are attached to any permission that is granted. A further condition is recommended by the Pollution Section which seeks to prevent HGVs and other delivery vehicles arriving and parking up on the public highway prior to 0700hours or leaving after 2200hrs. This condition would not be enforceable as it seeks to control activity outside of the application site and within the public highway. It is proposed to include a reference to HGVs/delivery vans being instructed to avoid arriving and leaving after the permitted hours combined with



the other measures in the updated Delivery NMP. Notwithstanding the above, it should be noted that the current application only proposes the extension of delivery hours from 2100 to 2200 in the evenings and therefore, whilst the Delivery NMP would apply at all times, any impact in relation to vehicles arriving earlier than 0700 in the morning would not, in itself, be a justifiable reason for refusing the current application as these impacts would not be worsened by the current application proposal.

24. The level of complaints received in the one year period have been relatively low in number with three to the Council regarding noisy activity before 7am. The applicant has indicated they have received two complaints from the same complainant regarding cage movements, delivery times and eComm delivery base movement. It is recognised that the proximity of the site to residential properties creates the potential for noise and disturbance to be introduced to the occupiers of those properties. The applicant has committed to tackle the main source of noise which relates to arrival/departure of delivery vehicles with associated noise and the use of metal cages. The updated NMP will now restrict any use of such cages during the night time hours and require that delivery vehicles are instructed to avoid arriving early and departing late.
25. On this basis, the Council's Pollution Section has raised no objections to the proposal and, subject to appropriate conditions including the implementation of the updated Delivery Noise Management Plan, it is considered that the proposed extension of the delivery hours on a permanent basis would not result in an unacceptable impact on the residential amenity of nearby properties. As such, the proposal would comply with Policy L7 of the Core Strategy in this respect.

### **PLANNING BALANCE AND CONCLUSION**

26. S38(6) of the Planning and Compulsory Purchase Act 2004 states that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise.
27. 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. The proposed development is considered to comply with the development plan, and in accordance with paragraph 11 (c) of the NPPF, should be approved without delay.
28. The application proposes an additional one hour on a daily basis to allow deliveries and waste collections. The applicant has updated the NMP in order to seek to address the issues that have been raised by nearby residents. The supermarket is a well-established business in this locality and provides an important service to local residents and the wider general public and contributes to local economic growth and creating job opportunities. The proposed

amendment to the delivery hours of use and waste collection is considered acceptable subject to appropriate conditions as detailed earlier in this report to mitigate impact upon residential amenity.

29. All relevant planning issues have been considered and representations and consultation responses taken into account. The scheme complies with the development plan which is the starting point for decision making and is therefore recommended for approval.

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

1. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers 19065-BAR-XX-00-DR-A-10100 Rev. P06, 19065-BAR-XX-XX-DR-A-13100 Rev. P01, 19065-BAR-XX-ZZ-DR-A-14100 Rev. P01 and 19065-BAR-XX-XX-DR-A-13200 Rev. P01.

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

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

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

3. Deliveries to and from the development hereby approved (including those associated with the online delivery part of the business) and waste collections from the development hereby approved shall only be permitted between the hours of 0700-2200 on any day and not at any time outside these hours. The site shall operate at all times wholly in accordance with the noise mitigation scheme approved under application 101755/CND/20 and the Noise Management Plan dated August 2022 and received by the local planning authority on the 23<sup>rd</sup> August 2022.

Reason: In the interest of amenity having regard to Policy L7 and L5.13 of the Trafford Core Strategy and the National Planning Policy Framework.

4. There shall be no movement of cages and any other equipment/vehicles in the external service yard areas between the hours of 2200hrs and 0700hrs.

Reason: In the interests of residential amenity, having regard to Policy L7 and L5.13 of the Trafford Core Strategy and NPPF Guidance.

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

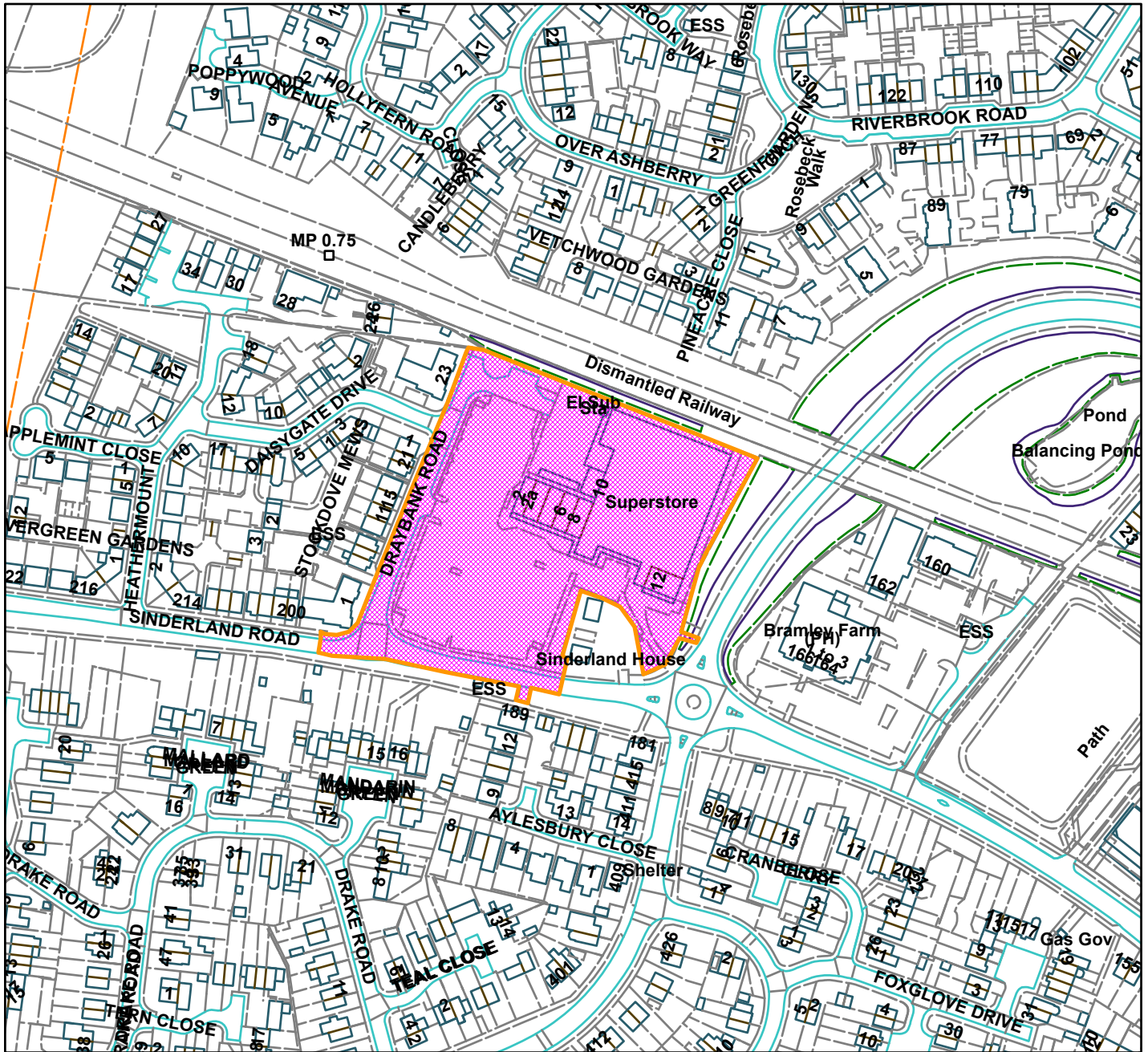
Reason: In the interest of amenity having regard to Policy L7 of the Trafford Core Strategy and the National Planning Policy Framework.

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CM



Waitrose, 10 Draybank Road, Altrincham, WA14 5ZL (site hatched on plan)



Scale: 1:2,500

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Organisation	Trafford Council
Department	Planning Service
Comments	Committee Date 08/09/2022
Date	23/08/2022
MSA Number	100023172 (2016)

**WARD:** Davyhulme West

**107585/FUL/22**

**DEPARTURE:** No

**Demolition of the existing redundant school building and conversion of the remaining space to provide a new Multi-Use Games Area (MUGA) including erection of new 3.0m high perimeter fencing with floodlighting and an extended car park.**

Acre Hall Primary School, Irlam Road, Flixton, M41 6NA

**APPLICANT:** Mr Edward Vitalis, Bright Futures Educational Trust

**AGENT:** Mrs Amie McGagh, Black Cat Building Consultancy

**RECOMMENDATION:** Approve with conditions

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**The application has been reported to the Planning and Development Management Committee as 6 or more representations have been received contrary to the Officer recommendation.**

### **Executive Summary**

The application relates to part of the existing Acre Hall Primary School, situated to the north of Irlam Road in Flixton. This is largely occupied by a redundant school building, which is understood to have been decommissioned. The application seeks full planning permission for the demolition of the existing redundant school building and the creation of a Multi-Use Games Area (MUGA), with associated 3m-high perimeter fencing and 6no floodlighting columns, for school use only. The proposals also include the expansion of the car parking area, through the provision of an additional 23no spaces.

The proposed development is considered to be acceptable in principle and in terms of its design and appearance, its impact on residential amenity and with regard to highway matters and all other material planning considerations. Particular regard has been had to the potential noise and lighting impacts on neighbouring residents. These have been considered and are deemed to be acceptable, subject to planning conditions restricting the use of the facility and floodlights to 9am-6pm on weekdays only. Should the applicant wish to extend the hours or scope of use of the MUGA and floodlights, further planning permission would be required to do so.

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

## **SITE**

The application relates to part of an existing primary school, situated to the north of Irlam Road in Flixton. The land to which the proposal relates is currently largely occupied by a redundant school building, which is understood to have been decommissioned. This is a low building, rectilinear in form and is somewhat dated in its appearance. The site also includes an area of green space to the south of this existing building.

Within the wider school grounds, land to the north is occupied by a hard-surfaced play area, beyond which are school playing fields. A newly built school building is to the west whilst an area of car parking space is provided to the south, with vehicular access taken from Irlam Road. Beyond the wider school site, The Railway Tavern public house is to the south, fronting Irlam Road whilst semi-detached residential properties are immediately adjacent to the eastern boundary of the school on Bishop Road.

There are no designated heritage assets in the vicinity of the site, the nearest being approximately 0.75km to the south-east. The site lies entirely within Flood Zone 1, having a low probability of river or sea flooding.

## **PROPOSAL**

Full planning permission is sought for the demolition of the existing redundant school building and the creation of a Multi-Use Games Area (MUGA), with associated 3m-high perimeter fencing and 6no, 8m-high floodlighting columns. The proposals also include the expansion of the car parking area, through the provision of an additional 23no spaces.

The MUGA is proposed to be used between 9am and 6pm on weekdays, which is described as being within the existing opening times for school sports being played during and after school. The intention is for the MUGA to be used only by the school, and not for private hire for example.

The MUGA would have a '2G' surface which could be used year-round for the purposes of football, netball and hockey. Its overall size would be 43m x 35m whilst the playing area itself would measure 37m x 27m.

## **DEVELOPMENT PLAN**

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

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

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

## **PRINCIPAL RELEVANT CORE STRATEGY POLICIES**

L4 – Sustainable Transport and Accessibility

L5 – Climate Change

L7 – Design

R2 – Natural Environment

R3 – Green Infrastructure

R5 – Open Space, Sport and Recreation

## **SUPPLEMENTARY PLANNING DOCUMENTS/GUIDANCE**

SPD3 – Parking Standards & Design

## **PROPOSALS MAP NOTATION**

Areas of Landscape Protection

Protected Linear Open Land

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

None relevant

## **PLACES FOR EVERYONE**

Places for Everyone (PfE) is a joint Development Plan Document being produced by nine Greater Manchester districts (Bolton, Bury, Manchester, Oldham, Rochdale, Salford, Tameside, Trafford and Wigan). Once adopted, PfE will be the overarching development plan, setting the policy framework for individual district Local Plans. The PfE was published for Regulation 19 consultation from 9<sup>th</sup> August 2021 to 3<sup>rd</sup> October 2021 and was submitted to the Secretary of State for Levelling Up, Housing and Communities on 14<sup>th</sup> February 2022. Independent Inspectors will now be appointed to undertake an Examination in Public of the PfE Submission Plan. PfE is at an advanced stage of the plan making process and, whilst it is not yet an adopted Plan, some weight should be given to the policies. If PfE 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 20 July 2021. The NPPF will be referred to as appropriate in the report.

### **NATIONAL PLANNING PRACTICE GUIDANCE (NPPG)**

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

### **NATIONAL DESIGN GUIDE**

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

### **RELEVANT PLANNING HISTORY**

81878/FULL/2013: Demolition of existing school buildings with the exception of kitchen and dining hall, and construction of new 315 place school with nursery and additional teaching support facilities. Improvement of existing road junctions onto Irlam Road and Woodsend Crescent Road and adaptation of existing external areas to form new car park and minibus drop off – Approved with conditions 13/03/2014.

H/LPA/68815: Erection of a single storey Sure Start Childrens' Centre to provide pre-nursery day care for a total of 9 children, erection of 1.5 metre high fencing to surround play area, creation of 7 no. car parking spaces and development ancillary thereto – Approved with conditions 16/04/2008.

H/58218: Formation of car parking area for 20 vehicles – Approved 05/02/2004.

H/LPA/49642: Erection of new 2.4m high railings and gates to north and (part) west boundaries – Approved with conditions 31/07/2000.

### **APPLICANT'S SUBMISSION**

- Arboricultural Impact Assessment
- Arboricultural Survey
- Demolition Strategy
- Design and Access Statement
- Detailed Unexploded Ordnance Risk Assessment
- Lighting Impact Assessment
- Noise Impact Assessment
- Phase 1 Environmental Desk Study
- Phase 2 Geo-environmental Report
- Preliminary Ecological Appraisal



## **CONSULTATIONS**

**Arboriculturist:** No objections.

**Environmental Protection (Contaminated Land):** No comments or objections.

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

**Greater Manchester Ecology Unit:** No objection subject to conditions.

**Lead Local Flood Authority:** No objection, condition recommended.

**Local Highway Authority:** No objections, condition recommended.

**Sport England:** No objection subject to condition.

**United Utilities:** No objection, condition recommended.

## **REPRESENTATIONS**

Letters of objection have been received from 11 no properties. These make the following comments:

- Impact of noise from pitch being directly behind residential property
- Potential noise and disturbance from out-of-school community use during evenings, bank holidays and weekends
- Impact of noise during construction
- Light intrusion and glare into homes from floodlighting
- Visual impact of floodlighting posts
- Lighting would affect local wildlife by reducing the hours of natural darkness
- Potential increase in anti-social behaviour and crime
- Increase in traffic and footfall and associated noise
- Demolition of building would reduce privacy to neighbouring properties
- Damage from balls used on pitch
- Possible damage to neighbouring properties caused by demolition
- Some inaccuracies/lack of clarity in plans
- Some plans appear not to be to scale and distance to boundaries of houses is not clear
- The school already has access to playgrounds and large playing fields – not clear why this facility is needed
- Impact on wellbeing and mental health
- Not clear what extra parking is for
- Impact of noise/lighting on wildlife
- Concerned further applications will be made to increase opening times – the floodlighting and extra car parking suggests it is going to be hired out in the

future

- Section of Irlam Road should be made one-way
- School hours usually finish at 3pm – not clear why use until 6pm is needed
- Unauthorised access to MUGA should be prevented
- There should be restrictions on the use of the MUGA
- The school has other land where a MUGA could be built

## **OBSERVATIONS**

### PRINCIPLE OF DEVELOPMENT

Policy position:

1. Section 38(6) of the Planning and Compensation Act 1991 states that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise.
2. 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.
3. Paragraph 11(c) of the NPPF states that development proposals that accord with an up-to-date development plan should be approved without delay.
4. The development plan is considered to be up-to-date for the purposes of this application. The most important policies are considered to be those relating to potential amenity impacts (Core Strategy Policy L7). This policy 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 constitutes an appropriate policy against which amenity impacts should be assessed.
5. This report concludes that the development is in accordance with the development plan, and should therefore be approved without delay in accordance with NPPF paragraph 11(c).

Loss of existing school building:

6. Paragraph 95 of the NPPF states that it is important that a sufficient choice of school places is available to meet the needs of existing and new communities. This goes on to say that local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education.
7. It is understood that the building to be demolished is no longer in use by the school and is now redundant, with a new school building having been erected on land to the west. Officers are satisfied that the loss of this building is acceptable, having

regard to the NPPF, whilst the proposed MUGA will provide a facility to support the existing school.

Proposed MUGA development:

8. Sport England has been consulted on the proposed development. It advises that no objections are raised to the development, subject to the imposition of a condition relating to a scheme for the disposal of soil from the site. It is advised that the application should be considered in the light of its own playing fields policy and NPPF paragraph 99, which seeks to ensure that existing open space, sports and recreational buildings and land are not built on, other than in certain circumstances.
9. Sport England confirms that the proposed development would meet Exception 3 of its Playing Fields Policy, in that it affects only land incapable of forming part of a playing pitch and does not have any other detrimental impact on existing playing pitches. On this basis, Officers are satisfied that the proposed MUGA is acceptable in principle, subject to consideration of detailed matters such as noise and lighting impacts.

#### DESIGN, APPEARANCE AND VISUAL IMPACT

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; and, Make appropriate provision for open space, where appropriate, in accordance with Policy R5 of this Plan”*.
11. Paragraph 126 of the NPPF states that *“The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities”*. Paragraph 130 lists criteria which are necessary for well designed, including ensuring that they add to the overall quality of the area, are visually attractive and are sympathetic to local character and history.
12. Policy L7 of the Core Strategy is considered to be compliant with the NPPF and therefore up-to-date as it comprises the local expression of the NPPF’s emphasis on good design and, together with associated SPDs, the Borough’s design code. It can therefore be given full weight in the decision making process.
13. The proposed development includes the erection of 3m-high perimeter weldmesh fencing to the MUGA with low level rebound boards, along with 6no, 8m-high

floodlighting columns. This is considered to be an appropriate form of development in this location, having regard to its context within the grounds of an existing school. Development of outdoor sports facilities to support a school use is not uncommon, and elements of the proposal such as the fencing and lighting columns are not deemed to be alien features or visually intrusive in this context. The application submission indicates that the fencing would be either green or black. Officers are satisfied with this approach and a condition should be attached to any consent issued requiring either of these colours to be used, which would further help to minimise the visual impact of the fencing.

14. During consideration of the application, the MUGA has been relocated further from the eastern site boundary (now approximately 30m away), which has helped to minimise its visual impact on properties on Bishop Road. The presence of existing and retained school buildings, together with the intervening distance would help to ensure the development is not unduly prominent from other viewpoints outside of the school site.
15. The proposal would include an acoustic barrier in the form of 'quilting' to the eastern elevation and to parts of the north and south elevations, attached to the inside of the proposed perimeter fencing. This is not considered to have a significant detrimental visual impact given its extent and its position within the wider site and, having regard to the role it has in minimising harm from noise, it is considered that this would be acceptable subject to full details being secured by planning condition.
16. The car parking area is proposed to be expanded, though this is not considered to be unduly dominant within the site. A good level of soft landscaping could and should be provided within the substantial space to the east of the MUGA/car park; this would provide some screening to neighbouring properties on Bishop Road, helping to soften the appearance of the development. A condition should be attached to any consent issued requiring the submission and implementation of an appropriate landscaping scheme for the site.
17. Overall, the proposed development is considered to be acceptable in terms of its design, appearance and visual impact and would be in accordance with Policy L7 of the Core Strategy and the requirements of the NPPF and National Design Guide.

## RESIDENTIAL AMENITY

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

## Noise:

19. The applicant has submitted a Noise Impact Assessment (NIA) which considers the potential impact of the development on nearby sensitive receptors, including residential properties. The Council's Environmental Protection service has been consulted, and has provided detailed comments in respect of potential noise impacts of the development.
20. It is noted that the noise model used in the NIA assumes that the hourly calculated source noise level from a PE lesson will occur across the entire area of the MUGA, assuming a maximum of 56 pupils, which is representative of a 'worst case scenario'. In addition, the model has been shown to be consistent with Sport England guidelines on typical noise levels from a MUGA.
21. With mitigation, comprising of a 3m-high barrier of acoustic quilt around the sides of the MUGA nearest to residents, the model indicates that noise levels at residential buildings are expected to be significantly below the 50dB(A) noise limit recommended by Sport England. An interrogation of the noise model revealed that higher noise levels would be received at first floor level, due to an increased line of sight into the MUGA over the proposed barrier, but these would still be within the aforementioned limit. No significant increases in noise level have been identified at nearby sensitive receptors as a result of the MUGA development.
22. With regards to the level of sudden, acute noise events, the interaction of pupils screaming near to the microphone has been retained within the source noise data used for the assessment to represent a worst case scenario in this respect. The noise model has predicted that such noise events are likely to be within reasonable margins, providing the proposed acoustic barrier is installed. Environmental Protection advises that the specification and installation of the acoustic barrier must be controlled by a planning condition to ensure that it conforms to the recommendations of the NIA in terms of materials, height and position.
23. The NIA notes that only noise from primary school children has been considered since the proposal is to operate the MUGA for the use of the school only, during the hours of 09.00 to 18.00. Environmental Protection advises that a significant increase in impact could occur should the MUGA be operated during more sensitive hours, such as later into the evening, and further still should access to the MUGA be permitted to the wider community, with the potential for much louder, more intrusive noise being emitted from older children and adults. Given that these impacts have not been assessed by the NIA, conditions are recommended to restrict the use of the MUGA to the proposed hours and to school use only, in order to protect residential amenity.

24. A number of neighbour representations raise concerns regarding the potential for noise and disturbance during evenings and weekends, and through use of the MUGA by non-school organisations/clubs. As noted above, the facility is proposed to be used only by the school and only until 6pm on weekdays, with no use on weekends. Recommended conditions to restrict the use of the MUGA to the level proposed by the applicant will serve to minimise noise impacts on sensitive receptors, and should be attached to any consent issued.
25. Regarding noise during the demolition/construction phase of development, a condition requiring the submission and implementation of a Demolition and Construction Environmental Management Plan has been recommended. Whilst some noise would be expected as part of any development, this condition would serve to limit this as far as reasonably possible. The condition referred to above will also require the Plan to specify that the hours of demolition/construction would be limited to those recommended by the Council.
26. Given the above, the proposed development is considered to be acceptable with regard to noise impacts and in accordance with Core Strategy Policy L7 in this respect.

#### Lighting:

27. The application is accompanied by a Lighting Impact Assessment (LIA) which considers the potential impacts of the proposed floodlighting columns on nearby sensitive receptors, including residential properties. The Council's Environmental Protection service has been consulted and has provided detailed comments in respect of the LIA.
28. The LIA includes an assessment of impact in line with Institution of Lighting Professionals' (ILP) "*Guidance Note 1 for the reduction of obtrusive light, 2021*" (GN01/21) both in terms of lux level (a measurement of light overspill) and candelas (a measurement of source intensity, i.e. potential glare caused by the brightness of the luminaire). The level received at the most exposed properties on Bishop Road has been determined at both ground floor and first floor positions. The calculated lux levels have been presented within section 5.2 of the LIA and candelas within section 1. All calculated levels pass the criteria of GN01/21 and in addition, glare ratings comply with the relevant European standard.
29. The MUGA floodlights are proposed to be angled and tilted to minimise adverse impact in the direction of residents. Environmental Protection advises that it is important to ensure that the MUGA floodlights are installed entirely in accordance with the specifications of the LIA, since any deviation from this could have a significant impact on the level of obtrusive light received at nearby residential properties. A condition is therefore recommended to require the submission of a verification report to demonstrate compliance with the LIA in this respect.

30. It is also noted that the operation of the MUGA floodlights during more sensitive hours could unduly increase the level of impact to residents, and therefore a planning condition is recommended to restrict the operation of these floodlights to the operating times proposed by the applicant, in order to protect residential amenity.
31. Given the above, the proposed development is considered to be acceptable in terms of impacts from lighting and in accordance with Core Strategy Policy L7 in this respect.

Other amenity matters:

32. Whilst Sport England suggests that the MUGA could be made available for community use outside of usual school hours, this is not proposed by the applicant and the supporting information provided in respect of noise/lighting impacts does not assess potential impacts on nearby sensitive receptors outside of the hours proposed. On this basis, and given the potential for greater impacts associated with the MUGA to arise if it were used beyond the hours proposed and by non-school organisations/clubs, Officers consider it appropriate to restrict use of the facility to school use only and within the hours proposed. This would also provide some comfort in that the use of the site as a whole would not differ substantially from existing.
33. Some representations raise concerns regarding the potential impact of noise and disturbance from the extended car park, for example the impact of engines running and car doors slamming. As set out later in this report, the 10no car parking bays closest to the boundary with Bishop Road have been removed from the proposed scheme, which would help to reduce potential impacts in this respect. Furthermore, the proposed hours of use of the MUGA are such that any noise impacts from the car park would be expected to be limited to daytime hours during the week. This is not considered to result in an unacceptable impact on the amenity of neighbouring residents.

## HIGHWAY MATTERS

34. Policy L4 of the Trafford Core Strategy states that *“when considering proposals for new development that individually or cumulatively will have a material impact on the functioning of the Strategic Road Network and the Primary and Local Highway Authority Network, the Council will seek to ensure that the safety and free flow of traffic is not prejudiced or compromised by that development in a significant adverse way”*.
35. Paragraph 111 of the NPPF states that *“Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe”*. Policy L4 is considered to be largely up-to-date in that it promotes the

development and maintenance of a sustainable integrated transport network that is accessible and offers a choice of modes of travel, including active travel, to all sectors of the local community and visitors to the Borough. It is not considered to be fully up-to-date in that it includes reference to a 'significant adverse impact' threshold in terms of the impact of the development on the operation of the road network, whereas the NPPF refers to a 'severe' impact'. Nevertheless it is considered that Policy L4 can be afforded substantial weight.

36. The Council's adopted SPD3: Parking Standards and Design seeks a maximum of 2no car parking spaces per classroom at a primary school. The proposed development will not affect the number of classrooms in use at the school, albeit the demolition will remove the potential for these rooms to be brought back into use in the future. SPD3 does not contain an appropriate parking standard for a MUGA in itself; given that this is intended for school use only, this is not considered to generate a requirement for any additional parking provision.
37. There are currently two car parks serving the school: one to the rear (accessed from Woodsend Crescent Road) and one to the front (accessed from Irlam Road). The application proposes an additional 20no staff car parking spaces, plus one additional visitor bay and two additional accessible bays to the front car park. This would result in a total of 70no staff bays, 6no visitor bays and 4no accessible bays within the wider school site. The applicant advises that there are currently 44no school staff who mainly use the rear car park, whilst approximately 20no administration staff who work in the detached Trust office, as well as visitors to the school, use the front car park. It is advised that the additional parking provision is intended to help prevent staff and visitors from parking on the surrounding roads, which it is understood can often become blocked during drop off and pick up times, due to the existing car park being full.
38. The Local Highway Authority (LHA) has been consulted and does not raise any objections in relation to the proposed level of car parking provision. During consideration of the application, the applicant has agreed to the removal of 10no parking spaces originally proposed near to the boundary with residential properties on Bishop Road. This would provide additional space for soft landscaping/screening from the proposed MUGA and would also reduce the proximity of parking facilities to these neighbours compared to the original proposals, to the benefit of residential amenity.
39. In terms of accessible parking, the 2no additional spaces would represent a betterment from current provision and is deemed to be acceptable. The LHA is also supportive of this level of provision.
40. The cycle parking standards as detailed within SPD3 seek one space for every five members of staff, plus one space for every three students at a primary school. The applicant advises that there are currently 4no cycle racks within the car park, 10no to the front of school and 20no to the rear. The proposed development does not



affect the number of staff or pupils at the school and there is not therefore any policy requirement for additional cycle parking provision. Notwithstanding this, the application includes the provision of 5no additional cycle parking hoops to the front car park, which would represent a betterment from the current situation.

41. No change is proposed to the existing servicing arrangements, which would be unaffected by the proposed development. The application is therefore considered to be acceptable in this respect.
42. A representation suggests that a section of Irlam Road should become one-way as a result of the proposed development. Officers do not consider that the development is of a scale to warrant the need for such substantial changes to the surrounding highway network. Any such requirement should only be sought to directly address impacts associated with a particular development. In this case, no such impact has been identified and the LHA has not indicated there is a need for such work.
43. The proposed development is deemed to be in accordance with local and national planning policy in respect of highway impacts and the 'residual cumulative impacts' are not considered to be 'severe' (as set out in NPPF paragraph 109). The Local Highway Authority is satisfied with the proposed development and on this basis, the application is considered to be acceptable in this respect.

## FLOODING AND DRAINAGE

44. Policy L5 of the Trafford Core Strategy states that *"the Council will seek to control development in areas at risk of flooding, having regard to the vulnerability of the proposed use and the level of risk in the specific location"*. At the national level, NPPF paragraph 163 has similar aims, seeking to ensure that development is safe from flooding without increasing flood risk elsewhere. Policy L5 is considered to be up-to-date in this regard and so full weight can be attached to it.
45. The application site falls within Flood Zone 1 as defined by the Environment Agency, having a low probability of sea and river flooding. The proposed sports and recreation use would constitute a 'water-compatible' development in flood risk terms, as defined by the NPPG. The flood risk vulnerability and flood zone compatibility table contained within NPPG identifies this form of development as being 'appropriate' in this location in flood risk terms.
46. The application is accompanied by a Drainage Survey, a Drainage Layout and hydraulic calculations for the proposed development. The Drainage Layout states that the scheme has been designed for a 1 in 100 year storm event, plus an allowance of 40% for climate change. This also notes that the MUGA and extended car park will increase the impermeable area served by the existing system, so it is therefore proposed to restrict the discharge from these areas to 16.4l/s which represents a betterment of 50%. Attenuation would be provided by

the stone build up beneath the MUGA and by a cellular tank underneath the car park.

47. The Lead Local Flood Authority has been consulted and does not raise objections to the proposed development, subject to the implementation of the submitted strategy for surface water drainage. A condition to this effect should be attached to any consent issued. Subject to this condition, the proposed development is considered to be acceptable with regard to matters of flooding and drainage.

## TREES AND LANDSCAPING

48. Policy R3 of the Core Strategy seeks to protect and enhance the Borough's green infrastructure network. Policy R5 states that all development will be required to contribute on an appropriate scale to the provision of the green infrastructure network either by way of on-site provision, off-site provision or by way of a financial contribution. Both policies are considered to be up-to-date in terms of the NPPF and so full weight can be afforded to them.
49. The application is accompanied by an Arboricultural Survey and an Arboricultural Impact Assessment. These identify existing trees within and adjacent to the site, the impact of the development on existing trees and make recommendations for any necessary tree removal/pruning work. The Impact Assessment identifies that two trees would need to be removed, though these are of a low value and their removal would not detrimentally affect the arboricultural value of the area. Another two trees would need to be pruned to facilitate the development. Recommendations are made relating to the need for tree protection measures within root protection areas of trees to be retained during the construction phase.
50. The Council's Arboriculturist has been consulted and does not raise any objections to the proposed development. It is noted that no trees within the site are protected under a TPO and that the proposals are unlikely to affect the higher quality, prominent trees close to the school entrance on Irlam Road.
51. The proposed site plan indicates an area of space to the east of the proposed MUGA/car park, which would be suitable for additional soft landscaping. This could provide some screening from residential properties to the east and would help to soften the visual impact of the proposed development. A condition should be attached to any consent issued requiring the submission and implementation of a fully detailed landscaping scheme. Subject to this condition, the proposed development is considered to be acceptable in this respect.

## ECOLOGY

52. Policy R2 of the Trafford Core Strategy seeks to ensure that all developments protect and enhance the Borough's biodiversity. In addition, Paragraph 180 of the NPPF states that *"if significant harm to biodiversity resulting from a development*

*cannot be avoided...adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused".* Policy R2 of the Core Strategy is considered to be compliant with the NPPF and therefore up-to-date as it comprises the local expression of the NPPF's emphasis on protecting and enhancing landscapes, habitats and biodiversity. Accordingly, full weight can be attached to it in the decision making process.

53. The application is accompanied by a Preliminary Ecological Appraisal. This confirms that there are no Statutory Designated Sites within a 2km radius of the application site and that no priority habitats were recorded within the site boundary. The appraisal recommends that site clearance works are undertaken outside the breeding bird season and suggests biodiversity enhancement measures which could be incorporated into the development.
54. The Greater Manchester Ecology Unit (GMEU) has been consulted and does not raise any objections to the proposed development. It is recommended that conditions are attached to any consent issued to ensure no works take place within the bird breeding season and to require the submission of a scheme of biodiversity enhancement measures. An informative relating to bats is also recommended. Subject to these conditions and informatives, the proposed development is considered to be acceptable with regard to matters of ecology.
55. Neighbour representations raise concerns regarding the potential impact from lighting on biodiversity. The proposed hours of use of the floodlighting, ending at 6pm is considered to minimise the likelihood for such impacts to occur. GMEU has not raised any concerns or objections in this respect.

## OTHER MATTERS

### Contaminated land:

56. The application is accompanied by a Phase 1 Environmental Desk Study and a Phase 2 Geo-environmental Report which consider the potential impacts of/on the development in this respect. These have been reviewed by the Council's Environmental Protection service and no objections are raised. No conditions are necessary in this respect and as such, the proposed development is considered to be acceptable with regard to matters of contaminated land.

### Developer contributions:

57. The proposed development would be liable to a CIL charging rate of £0 per sqm, constituting a public/institutional facility. No other developer contributions are required.

### Other issues raised in representations:

58. Most of the concerns raised by respondents to the public consultation have been addressed in the appropriate sections of this report above, however a number of other concerns not covered are considered below.
59. Concerns have been raised regarding the unauthorised use of the MUGA and potential impacts on the security and safety of neighbouring residential properties. A condition has been recommended which would require the MUGA to be secured outside of the approved hours of use, ensuring disruption is not caused later into the evening or at weekends. No change is proposed to the fencing within the wider school site and there is not therefore considered to be any additional harm to security arising from unauthorised access. Given that the facility would be used primarily by young children, the frequency of balls travelling over the 3m perimeter fence is not likely to be of a level to cause unacceptable disturbance or damage. A 3m fence is considered to be appropriate for this type of facility, as any greater height would increase the visual impact of the development. In addition, the distance from the MUGA to neighbouring properties (30m) further reduces the potential for damage to occur from balls leaving the pitch.
60. A further concern relates to the demolition of the existing building reducing privacy enjoyed in neighbouring properties. It is not considered reasonable to refuse the demolition of the building for this reason; it is a dated building and understood to have been decommissioned for use. It is also noted that the demolition of the building in itself could likely take place without the need for full planning permission under the prior approval procedure.
61. A condition securing the submission and implementation of a Demolition and Construction Environmental Management Plan will serve to minimise disruption during this phase of development as far as possible. Potential damage to neighbouring properties arising from demolition is not a reason to refuse planning permission in itself, and there is nothing to suggest this will occur.
62. Some comments relate to inaccuracies in the submitted plans and supporting information. Officers have sought revised plans and clarification on certain matters during the application process, including in relation to the size of the proposed pitch, the scale of plans and the level of parking provision. Officers are satisfied that the current plans are accurate and form an appropriate basis on which to make a decision on the application.
63. Other comments question the need for a facility such as this within a primary school and the need for its use until 6pm, given that pupils generally finish school around 3pm. As noted in the 'amenity' section earlier in this report, the proposed hours of use of the facility are not considered to be excessive and would provide neighbouring residents with times of respite in the evenings and at weekends. Whilst 6pm would be beyond the usual primary school day, it is not unusual for such sporting activities to take place after school; in addition, use of the MUGA

would be restricted to school use only and would be secured by planning condition.

64. Comments from some residents suggest that there is other land within the wider school site where a MUGA could be built without impacting on amenity. Officers and Members must consider the scheme before them and assess it on its own merits. Officers have done so and consider that the development proposed would be acceptable in this location.
65. The potential for further applications to extend the hours or extent of use of the MUGA has been raised as a possibility by some residents. The extent of use proposed under this application would be secured by planning condition. Any consent for additional use which may be sought in the future would be subject to consideration under a further planning application and would be assessed at the time on its merits.

## EQUALITIES

66. 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/gender, and sexual orientation.
67. As part of the Act, the 'public sector equality duty' came into force in April 2011 (Section 149 of the Act), and with it confirmed (via Section 19 of the Act) that this duty applies to local authorities (as well as other public bodies). The equality duty comprises three main aims: A public authority must, in the exercise of its functions, have due regard to the need to:
  - eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
  - advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
  - foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
68. Case law has established that appropriate consideration of equality issues is a requirement for local authorities in the determination of planning applications, and with this requirement directly stemming from the Equality Act 2010.
69. An Equalities Statement has been requested from the applicant and an update on these matters will be provided in the Additional Information Report.

## **PLANNING BALANCE AND CONCLUSION**

70. 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.
71. The NPPF is a material consideration in planning decisions, and as the Government's expression of planning policy and how this should be applied, should be given significant weight in the decision making process. Paragraph 11(c) of the NPPF states that development proposals that accord with an up-to-date development plan should be approved without delay.
72. The development plan is considered to be up-to-date for the purposes of this application. The proposed development is considered to be acceptable in principle and in terms of its design and appearance, its impact on residential amenity and with regard to highway matters and all other material planning considerations. Particular regard has been had to the potential noise and lighting impacts on neighbouring residents. These have been considered and are deemed to be acceptable, subject to planning conditions including those restricting the use of the facility and floodlights to 9am-6pm on weekdays only.
73. The development is therefore considered to be in accordance with the development plan, and should therefore be approved without delay in accordance with NPPF paragraph 11(c). As such the application is recommended for approval, subject to the conditions listed below.

**RECOMMENDATION:**

**GRANT** subject to the following conditions:

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

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

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

<b>Plan Number</b>	<b>Drawing Title</b>
BCC-AHS-D07-002 (Rev A)	Existing Site Demolition Plan
BCC-AHS-D07-003a (Rev B)	Proposed Location Plan
BCC-AHS-D07-004 (Rev E)	Proposed Block Plan
BCC-AHS-D07-006 (Rev C)	Proposed Site Plan showing Car Park and Cycle Arrangements
BCC-AHS-E02-001	Proposed Playing Area – Pitch Build-Up

	Section
24/121/ES/02 (Rev T2)	External Football Pitch Elevations
24/121/ES/03 (Rev T4)	External Lighting – Proposed Electrical Services Layout
J7727/DR01 (Rev C)	Proposed Drainage Layout (Approved in relation to drainage only)
J7727/EX02	External Works Details

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

3. No development shall take place unless and until a Demolition and Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall provide for:
- (i) site working hours to be restricted to between 07.30-18.00 on Monday to Friday (with noisy work to not commence until 08:00); 08.00-13.00 on Saturday, and at no other times.
  - (ii) the parking of vehicles of site operatives and visitors (all within the site);
  - (iii) deliveries to site;
  - (iv) the loading and unloading of plant and materials (all within the site), including times of access/egress;
  - (v) the storage of any plant and materials used during the demolition/construction phase of development;
  - (vi) the erection and maintenance of security hoardings including decorative displays and facilities for public viewing, where appropriate;
  - (vii) wheel washing facilities and any other relevant measures for keeping the highway clean during demolition and construction work;
  - (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) measures to prevent disturbance to adjacent dwellings from noise and vibration, in accordance with the principles of Best Practicable Means as described in BS 5228: 2009 (parts 1 and 2);
  - (x) a scheme for recycling/disposing of any waste resulting from demolition and construction works (prohibiting fires on site);
  - (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) contact details of the site manager to be advertised at the site in case of issues arising;
  - (xiii) information to be made available for members of the public; and
  - (xiv) a nuisance complaints procedure.

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

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

4. The development hereby approved shall only be carried out in accordance with the approved Drainage Strategy (May 2022 / Hydraulic Calculations Rev A / Bell Munro Consulting Ltd) and Proposed Drainage Layout (Drawing No. J727 / DR01 Rev C), which includes the following mitigation measures:
  - Limiting the surface water run-off generated by the 1 in 100-year critical storm (including climate change) so that it will not exceed 16.4 l/s and not increase the risk of flooding off-site.
  - Providing attenuation in the form of a cellular tank underneath the car park and within the stone build up underneath the proposed MUGA.

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

5. No development shall take place unless and until a scheme for the disposal of spoil arising from the construction of the Multi Use Games Area and car park has been submitted to and approved in writing by the Local Planning Authority, after consultation with Sport England. The Scheme shall include a scale plan showing the location of the spoil and any bunds/mounds formed. The Scheme shall ensure the spoil is not located on any part of the functional playing field. The development shall be implemented in accordance with the approved Scheme.

Reason: To prevent the formation of any landscaping works/features on the adjacent playing fields reducing the available space for pitches/sports facilities and/or affecting the quality of the surface, use of the pitches and ease of maintenance and to accord with Policy R5 of the Trafford Core Strategy and paragraph 99 of the National Planning Policy Framework. This information is required prior to the commencement of development in order to ensure playing fields are retained during and after the construction phase.

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



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

7. No above-ground construction work shall take place unless and until details of a 3m high acoustic barrier incorporating acoustic quilting to be fitted around the Multi Use Games Area (MUGA) (including details of its precise position, colour and materials) have been submitted to and approved in writing by the Local Planning Authority. The acoustic barrier shall accord with the recommendations of section 5 of the supporting Noise Impact Assessment (NIA) prepared by Enviroconsult Limited, date: 09 July 2022, Report Reference: 302/BCC(AcreHall). The MUGA hereby approved shall not be brought into use unless and until the acoustic barrier has been erected / provided in accordance with the approved details and the approved barrier shall be kept in place at any time the MUGA is in use and retained in good order for the lifetime of the development.

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

8. No above-ground construction work shall take place unless and until a scheme of biodiversity enhancement measures has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented before the development is first brought into use and shall be retained thereafter.

Reason: In order to enhance the ecological potential of the site, having regard to Policy R2 of the Trafford Core Strategy and the National Planning Policy Framework.

9. (a) Notwithstanding the details shown on the approved plans, the development hereby permitted shall not be brought into use unless and until full details of both hard and soft landscaping works have been submitted to and approved in writing by the Local Planning Authority. These details shall include the formation of any banks, terraces or other earthworks, hard surfaced areas and materials (including areas of the site designated for car parking), 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 the commencement of use 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 shall be replaced within the next planting season by trees or shrubs of similar size and species to those originally required to be planted.

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

10. The Multi Use Games Arena (MUGA) shall not be brought into use unless and until a verification report has been submitted to and approved in writing by the Local Planning Authority to confirm and to demonstrate that the orientation and tilt of the MUGA floodlights are in accordance with the specifications of Appendix A and B to the Lighting Impact Assessment prepared by ECS Consultants Ltd, Document No. 24/121/LR/01/B, August 2022 – Revision B. The floodlights hereby approved shall only be used and operated in accordance with the specifications and recommendations within the Lighting Impact Assessment and the approved verification report and shall be retained as approved thereafter.

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

11. The Multi Use Games Area (MUGA) shall not be brought into use unless and until a scale plan showing the line markings for sports to be played on the MUGA has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved plan.

Reason: To ensure the facility is appropriately marked out for the uses proposed, having regard to Policy R5 of the Trafford Core Strategy and the National Planning Policy Framework.

12. On first installation, the perimeter fencing to the Multi Use Games Area hereby approved shall be green or black in colour and shall be retained as such thereafter.

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

13. The Multi Use Games Area and associated floodlighting hereby approved shall only be used during the following hours:

09.00 – 18.00 Monday-Friday

The Multi Use Games Area and associated floodlighting shall not be used at any time outside these hours nor at any time on weekends, bank/public holidays or during school holidays. Access to the Multi-Use Games Area shall be prevented at all times outside the approved hours other than for maintenance purposes.

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

14. The Multi Use Games Area shall only be used by pupils and staff of Acre Hall Primary School and by other children of school age competing in organised sports fixtures against pupils representing Acre Hall Primary School.

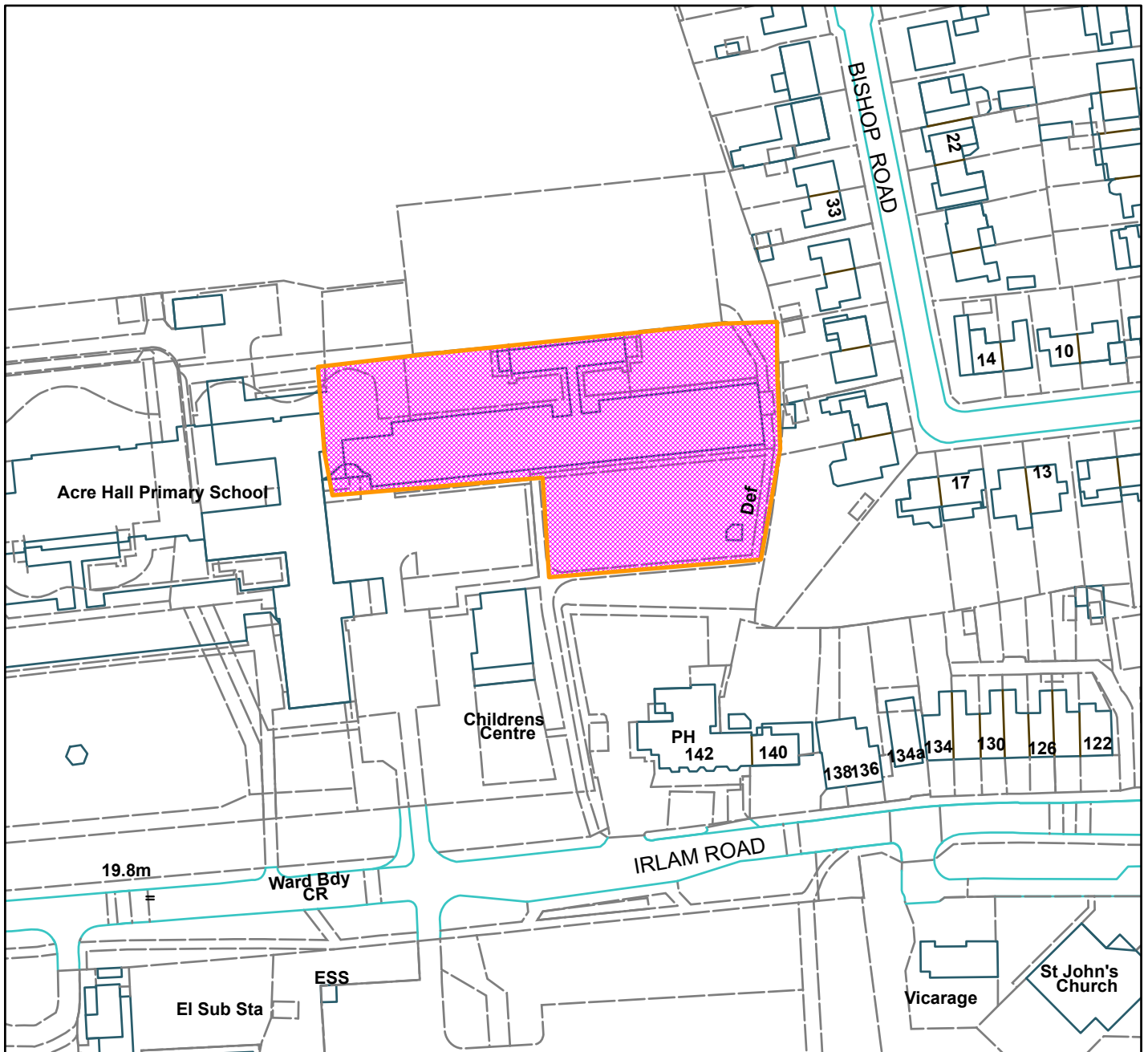
Reason: In the interests of residential amenity, security and safety having regard to Policy L7 of the Trafford Core Strategy and the National Planning Policy Framework.

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JD



Acre Hall Primary School, Irlam Road, Flixton, M41 6NA (site hatched on plan)



**Scale:** 1:1,250

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Organisation	Trafford Council
Department	Planning Service
Comments	Committee date 08/09/2022
Date	23/08/2022
MSA Number	100023172 (2016)

**WARD:** Longford

**108193/FUL/22**

**DEPARTURE: NO**

**Change of use from sui generis (currently not in use) to class F2 to form a new activity hall for the Scout Group and other community groups, together with external alterations including to roof, doors and windows**

The Shippon Building, Longford Park, Stretford,

**APPLICANT:** Longford Scout Group

**AGENT:**

**RECOMMENDATION: GRANT**

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**The application is reported to the Planning and Development Management Committee as the site is within the ownership of the Local Authority (Trafford Council) and representations have been received contrary to Officer's recommendation.**

### **SITE**

The site refers to The Shippon building, formerly used as stables and more recently as storage for the park maintenance equipment. Currently a section of the Shippon Building is used by the Scouts. The building is located in the heart of Longford Park and Conservation Area.

The site consists of a U-shaped building, surrounding a cobbled courtyard. The buildings are constructed of red brick and are generally one-storey, with a two-storey section on the north-eastern side, which is currently occupied by the Longford Scout Group. To the North of the site is Longford Barn and a car park, and to the South, are the Longford Park School grounds. To the East are the Longford cottages and Longford disc golf and to the West is Longford Park School.

The building was erected in 1894-1907 and is recognised as a positive contributor within the Conservation Area Appraisal (CAA), due to its Victorian design and historic associations as an agricultural building supporting the Rylands' estate. It is noted within the Longford CAA that there is potential for a great deal of enhancement by the refurbishment of the building, as it is in very poor condition.

### **PROPOSAL**

The applicant seeks planning permission to change the current use of the building from sui generis (currently not in use) to class F2 with the formation of a new activity hall for the Scout Group and other community groups, together with alterations to the part of the roof and elevations including doors and windows.

The proposed changes consist of a new timber entrance door and frame with double glazed units on the southern elevation, providing access into the community space. A ramped access lobby from the courtyard into the building through the aforementioned entrance and the retention of the existing window on the southern elevation of the courtyard with new clear laminated double glazed units and top lights to provide ventilation into the space. In addition the roof will be replaced on a like-for-like basis.

The current proposal is the first phase in a planned renovation of the vacant sections of the Shippon building, bringing much needed improvements to the building fabric and bringing it back into use. Due to the funding currently available the proposal relates to a small section of the building adjoining the existing section of the building currently in use by the Scouts.

## **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

R5- Open Space, Sports and Recreation

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

R1 – Historic Environment

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

## **OTHER LOCAL POLICY DOCUMENTS**

SPD3 – Parking Standards and Design

SPD4 – A Guide for Designing House Extensions and Alterations

SPD5.19 – Longford Conservation Area Appraisal

SPD5.19a – Longford Conservation Area Management Plan

## **PROPOSALS MAP NOTATION**

Protected Open Space

Area of Special Conservation Value

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

OSR5 – Protection of Open Space

ENV9 – Areas of Nature Conservation Value

ENV21 – Development in Conservation Areas

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

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

## **NATIONAL PLANNING PRACTICE GUIDANCE (NPPG)**

DCLG published the National Planning Practice Guidance on 6 March 2014, and was updated on 5<sup>th</sup> April 2022. The NPPG will be referred to as appropriate in the report.

## **PLACES FOR EVERYONE (FORMERLY GREATER MANCHESTER SPATIAL FRAMEWORK)**

Places for Everyone (PfE) is a joint Development Plan Document being produced by nine Greater Manchester districts (Bolton, Bury, Manchester, Oldham, Rochdale, Salford, Tameside, Trafford and Wigan). Once adopted, PfE will be the overarching development plan, setting the policy framework for individual district Local Plans. The PfE was published for Regulation 19 consultation from 9th August 2021 to 3rd October 2021 and was submitted to the Secretary of State for Levelling Up, Housing and Communities on 14 February 2022. Independent Inspectors will now be appointed to undertake an Examination in Public of the PfE Submission Plan. PfE is at an advanced stage of the plan making process and, whilst it is not yet an adopted Plan, some weight should be given to the policies. If PfE 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**

96006/S211/18 | Works to trees within Longford Park Conservation Area, specifically, general maintenance of trees and the removal of several dead/dying trees within Longford Park. Tree Section 211 Notification on Wed 19 December 2018

## **APPLICANT'S SUBMISSION**

Heritage Statement

## **CONSULTATIONS**

*Heritage Officer:*

- No objections to the application in principle.
- Sample of materials are required for all roof works and the brick required to block the doorway, this should match the existing traditional bond.
- Further details of ramped access into courtyard required. The height and materiality of this is unclear from the plans and should not visually impact on the courtyard.

## **REPRESENTATIONS**

The application was advertised through notification letters sent to immediate neighbours and a site notice posted on 30.06.2022. One response was received providing the following comments:

- Commend Scout Group for wanting to restore the building
- Object to any changes to the front elevation or use of signage
- Concern over increase in traffic, existing car park already full which leads to irresponsible parking.

## **OBSERVATIONS**

1. The main issues to be considered under this application are the impact on the designated heritage asset, protected open space as well as the character of the surrounding area, residential amenity and parking and highways.
2. S38(6) of the Planning and Compensation Act 1991 states that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise.
3. The NPPF is a material consideration in planning decisions, and as the Government's expression of planning policy and how this should be applied, should be given significant weight in the decision making process.
4. Paragraph 11 of the NPPF indicates that plans and decisions should apply a presumption in favour of sustainable development. Bullet point d) of paragraph 11 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 relating to heritage and protected open space are the ‘most important’ for determining this application when considering the application against NPPF Paragraph 11 as they control the principle of the development.
6. Policy R1 of the Core Strategy, relating to historic environment, does not reflect case law or the tests of ‘substantial’ and ‘less than substantial harm’ in the NPPF. Thus, in respect of the determination of planning applications, Core Strategy Policy R1 is 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.
7. Policy R5 of the Core Strategy, relating to open space is consistent with the NPPF and is considered up to date. Full weight should be afforded to this policy.
8. Saved policy OSR5 has been partly replaced by Core Strategy Policy R5. It is not consistent with the tests set out in the NPPF and is out of date however the Policy Map designation remains valid.
9. Policies L4 and L7 are considered to be up to date for the purposes of the determination of this application.

## DESIGN AND IMPACT ON THE HERITAGE ASSETS

### **Designated Heritage Assets**

10. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires Local Planning Authorities to pay, “special attention in the exercise of planning functions to the desirability of preserving or enhancing the character or appearance of a conservation area” in the determination of planning applications.
11. National guidance in the NPPF requires that local planning authorities take into account the particular significance of the heritage asset when considering the impact of a proposal to avoid or minimise conflict between the heritage asset and its conservation.
12. 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 more important the asset, the greater the weight should be.

13. The NPPF sets out that harm can either be substantial or less than substantial. Case law has established that there can be degrees or less than substantial harm. There will also be cases where development affects heritage assets but from which no harm arises. 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 securing its optimum viable use (para 202).

14. Paragraph 197 of NPPF states that in determining applications, local planning authorities should take account of:

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

15. As the building is designated as a positive contributor within the CAA it is considered to be a non-designated heritage asset (NDHA) and as such paragraph 203 of the NPPF is relevant, which states:

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

16. 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 Designated Heritage Asset

#### **Longford Park Conservation Area**

17. Longford Park Conservation Area is the site of the former Longford Hall. Though now demolished the site has tangible reminders of its former use, particularly through the remaining estate buildings and landscape features. The site has a very strong association with John Rylands, a successful local businessman, who built the last version of Longford Hall and established the grounds in the general arrangement that still exists today.

18. In the last 100 years the Conservation Area has been used as a park. This marked the point of change from a private estate to a public leisure facility. It has therefore served the local community for a long time and has been associated with local events,
19. The site is visually attractive and important as a green space within a busy urban area. There is an interesting mix of areas within the park creating different atmospheres: more intimate and enclosed spaces, meandering pathways, very open estate parkland and the domestic nature of the central area around the workers' cottages. There are wide open vistas, particularly in the northern part of the park, which give a sense of space within a built up urban area.
20. There are some areas where the condition of the built structures and landscaping could be improved to greatly enhance the aesthetics and community value of the Conservation Area, including the Shippon Building.

#### The proposal and assessment of harm

21. It is considered the proposed external changes to the courtyard elevations would integrate well and be sympathetic to the building due to the form, scale and materiality proposed and be compliant with SPD5.19a policy 41. The proposed repair work to the window on the inside south side elevation of the building would retain and respect the original style and historic character of the building.
22. A brick wall and new wooden door would be constructed in the opening of the South entrance. The insertion of the new timber door with glazed side panels would provide ramped access from inside the courtyard, which would result in some minor loss of historic fabric. However, on balance, it is considered that this would not detract from the character and significance of the building and in regards to the impact on the NDHA it is considered that the benefits of bringing the building back into use for the community outweigh this minor impact.
23. Submitted details shown that paint finishes would match the existing green (predominant colour) and all brickwork would be recovered from the internal wall, with the roof replaced on a like-for-like basis. These materials are considered sympathetic to the host building and conservation area as a whole.
24. The proposed change of use from sui generis to F2 would result in opening up the building for wider use by the Scouts and other community groups. Given the buildings position within a public park, this use would not be out of character within this setting, and would not cause any harm to the park or wider conservation area.
25. As such it not considered to cause harm to the historic setting of the Public Park or wider conservation area.
26. Considerable importance and weight has been given to the desirability of preserving the Longford Conservation Area. It is considered the proposed alterations and change

of use is not considered to cause harm to the significance of the Longford Conservation Area. Overall the proposals are considered to be in compliance with SPD4, policies L7 and R1 of the Core Strategy and the NPPF.

### Open space

27. As noted within SPD5,19 Longford Park is also protected as an open space and designated as a Town Park under 2.1.8 policy R5, 'Open Space, Sport and Recreation', of the Core Strategy, which requires the Council to provide, protect and improve existing areas of open space, play areas and sporting facilities. Within the Trafford Greenspace Strategy (2010), Longford is classified as a Borough Park. This defines the Park as one of district-wide significance and is the only park of this grade in Trafford.

28. Policy R5 of the Core Strategy advises that in order to remedy deficiencies in the provision of facilities in identified parts of the Borough and ensure that appropriate facilities are available to meet the needs of its residents across the whole of Trafford, the Council will secure the provision and maintenance of a range of sizes of good quality, accessible, play, sport, leisure and informal recreation and open space facilities

29. *"Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:*

*a) An assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or*

*b) The loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or*

*c) The development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use."*

30. The building would not be enlarged or extended, and as such, there would be no loss of open space as a result of the proposed changes.

### Residential Amenity

31. Policy L7 of the Core Strategy requires new development to be compatible with the surrounding area and not prejudice the amenity of future occupiers of the development and/or occupants of adjacent properties.

32. The building would not increase in scale, and no windows or doors are proposed on the outer exterior of the building. However the proposal would allow more space to be used by the Scouts Group and it would also enable other members of the community to use the building. This would likely result in increased noise and footfall within this area of the park. Whilst in the daytime this is considered acceptable, given the

proximity of residential properties at Longford Cottages it is considered necessary to restrict the hours of opening and use of amplified music. The proposed opening hours are 9am - 9.30pm, although given that Scout activities includes late evening or sleepover events periodically it is considered reasonable to allow the use of the building by the Scouts for 24hours up to 6 times per calendar year. No amplified music will be allowed outside the hours of 10am – 7pm to again restrict the impact on adjacent residential properties. The Subject to these conditions it is considered to have an acceptable impact on residential amenity.

### Parking and Highways

33. The proposed development would allow increased community members to access the Shippon Building. Whilst the Scout Group do not currently plan to increase their intake, just increase the space available to them, there is potential for more intensive use of the site.
34. The Shippon Building does not have any dedicated parking, although there is a car park to the north and cycle racks nearby. SPD3 provides maximum parking numbers for different uses, which in this case would equate to 13 car parking spaces (of which 3 should be disabled bays) and 2 cycle spaces. However given the location within the park it is considered that the existing parking provision is acceptable. Although to encourage lift sharing, cycling and walking to the venue a Travel Plan condition is advised.

### Equalities

35. 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.
36. As part of the Act, the 'public sector equality duty' came into force in April 2011 (Section 149 of the Act), and with it confirmed (via Section 19 of the Act) that this duty applies to local authorities (as well as other public bodies). The equality duty comprises three main aims: A public authority must, in the exercise of its functions, have due regard to the need to:
- i. Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
  - ii. Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and

- iii. Foster good relations between persons who share a relevant protected characteristic and persons who do not share it. Case law has established that appropriate consideration of equality issues is a requirement for local authorities in the determination of planning applications, and with this requirement directly stemming from the Equality Act 2010.

37. It is considered that reasonable measures have been implemented by the applicant in order to provide appropriate access for any disabled users of the premises, with ramped access into the new community space. Whilst there are no accessible toilets currently proposed within the Shippon Building, further consideration will be given to improvements to facilities as part of the wider Shippon improvements. No other benefits or dis-benefits have been identified to persons with any other protected characteristic.

#### Developer Contributions

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

39. No other planning obligations are required.

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

40. It is considered that the proposed development would not harm the character or significance of the Longford Park Conservation Area and the minor impact on the NDHA of the Shippon Building would be outweighed by the benefits of bringing a vacant section of the building back into use. As there is no heritage reason for refusal paragraph 11(d)(ii) of the NPPF is therefore engaged i.e. planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

41. All other detailed matters have been assessed, including design, residential amenity and highways. 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, numbers, 09 Rev 2; 10 Rev 3; 11 Rev 3; 13 Rev 2; and 18 Rev 2.

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

3. The development hereby approved shall only be carried out in accordance with the materials as agreed on site and as shown in the details submitted on 8<sup>th</sup> August 2022.

Reason: To ensure satisfactory external appearance in the interests of visual amenity, having regard to Policy L7 and R1 of the Trafford Core Strategy and the National Planning Policy Framework.

4. Within 6 months of the date of this permission a Travel Plan should be submitted and approved in writing by the Local Planning Authority, the submitted Travel Plan should include measurable targets for reducing car travel, following approval the Travel Plan shall be implemented and thereafter shall continue to be implemented throughout a period of 5 (five) years commencing on the date of first occupation.

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

5. No amplified or other music shall be played in the premises outside the following times 10am – 7pm Monday-Sunday.

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

6. The premises shall only be open for use between the hours of: 9am – 9pm Monday – Sunday, with up to 6 events per calendar year allowing The Scout Association to use the building for 24 hours.

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

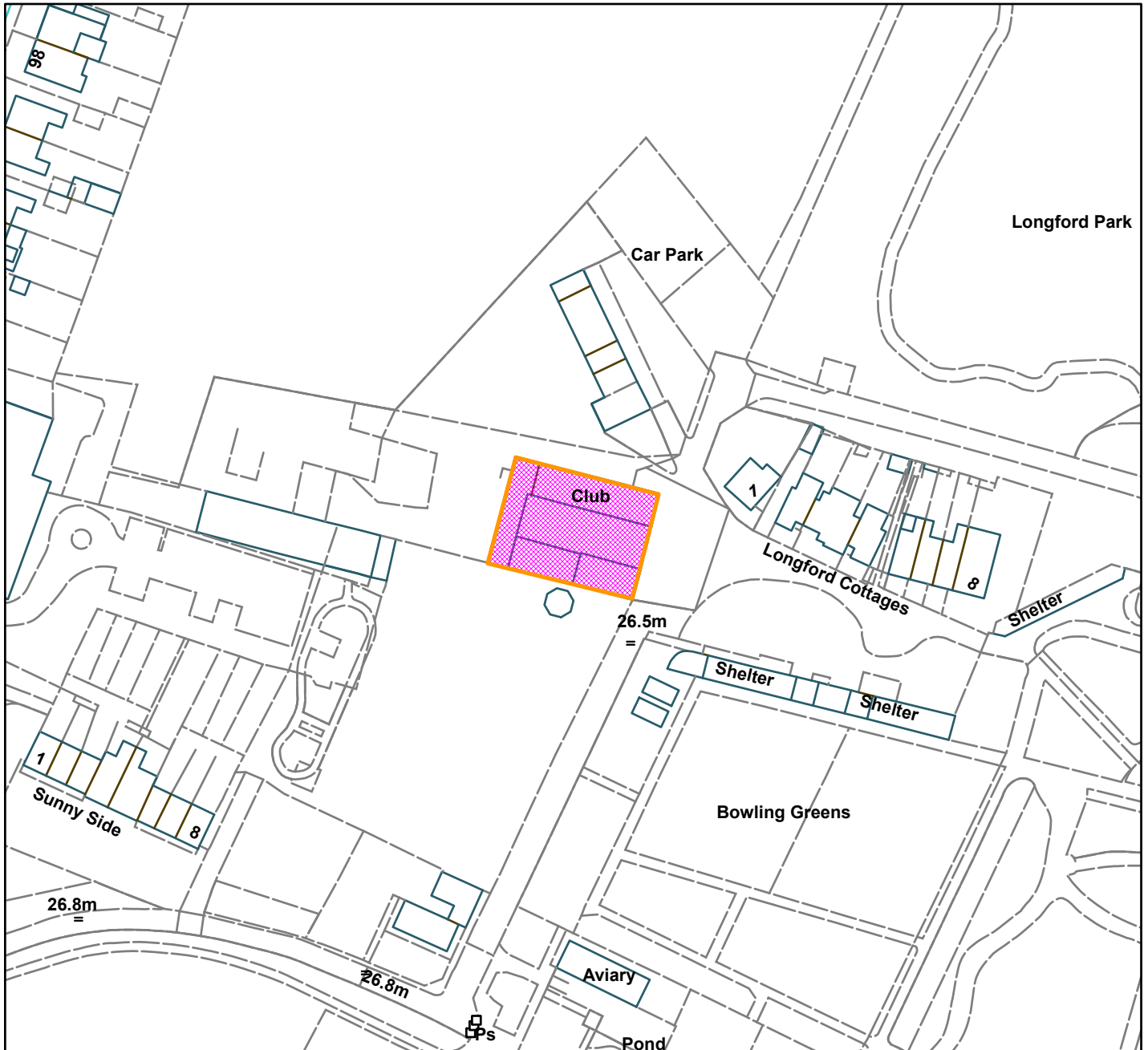
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The Shippon Building, Longford Park, Stretford (site hatched on plan)



Scale: 1:1,250

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Organisation	Trafford Council
Department	Planning Service
Comments	Committee date 08/09/2022
Date	23/08/2022
MSA Number	100023172 (2016)

**Demolition of existing dwelling and construction of two new dwellings with landscaping and associated works.**

10 Pinewood, Bowdon, WA14 3JQ.

**APPLICANT:** Mr Simon Gallop, Belmont Homes GR Ltd.

**AGENT:** Mr Julian Austin, Paul Butler Associates.

**RECOMMENDATION: GRANT**

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

**SITE**

The application site comprises of a 0.16ha plot at the end (north-west) of Pinewood, a residential cul-de-sac accommodating several large dwellings mainly dated from the 1970s and also including two contemporary dwellings, one of these currently under construction. The application site is located on an incline such that the land falls in height moving north to south across the plot, with the site being noticeably higher than the adjacent plot to the south-west. The site currently accommodates a large two storey 1970s detached dwelling with a driveway to the south-east, and gardens to the north-west and north-east. The plot is bound by residential properties to all sides.

The plot is located within Character Zone C (Southern Residential) of the Devisdale Conservation Area and to the south-west of Denehill and the Old Vicarage, a pair of semi-detached grade II listed dwellings.

**PROPOSAL**

The applicant proposes to demolish the current dwelling and erect 2 No. matching two storey, four bedroom detached dwellings, Plot 1 to the south-west and Plot 2 to the north-east. The properties would be located in approximately the same position and have the same orientation as the current property with their principal elevations facing south-east. Each dwelling would have two storeys, and comprise of a higher main element and a lower two storey side element. Both would have a flat roofed single storey rear element.

The dwellings would have hipped main and side roof elements with slate roofs, Conservation Area roof lights, metal/timber doors and fenestration and textured brick skins with stone elements. The single storey rear elements would have skylights.

Their internal layouts would comprise of a hallway, lounge, open plan kitchen-diner, snug, utility room and garage at ground floor; four bedrooms (two en-suite) and a bathroom at first floor.

The wider plot would be redeveloped through a hard and soft landscaping scheme. The dwellings would be accessed via the retained vehicle entrance.

Bins would be stored adjacent to and screened by fencing running from the front elevations to the side boundaries.

The front of the plot would be kept free from boundaries and therefore would retain the current 'open plan' character of the wider street scene.

The current application is a revised scheme following the approval of 99954/FUL/20, demolition of existing dwelling and construction of two new dwellings with associated garden space, approved 21 June 2020, the differences comprising of an amendment to the approved dual pitched roofs, changes to the external fascia design and amendments to the internal layout including a reduction from five to four bedrooms. The proposed footprints and wider site layout are retained. It is noted that this previous planning permission is extant, being capable of implementation, and would therefore represent a valid fall back position.

### **Value Added**

Following Planning Officers' advice, the applicant has amended their proposal through amending the proposed roof design to ensure both the main and side element roofs are hipped.

### **DEVELOPMENT PLAN**

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

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

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

- L1 - Land for New Houses;
- L2 - Meeting Housing Needs;
- L4 - Sustainable Transport and Accessibility;
- L5 – Climate Change;
- L7 - Design;
- L8 - Planning Obligations;

R1 – Historic Environment;  
R2 - Natural Environment;  
R3 – Green Infrastructure.

## **OTHER LOCAL POLICY DOCUMENTS**

The Devisdale Conservation Area Appraisal;  
The Devisdale Conservation Area Management Plan;  
Revised SPD1 - Planning Obligations;  
SPD3- Parking Standards & Design;  
PG1 - New Residential Development.

## **PROPOSALS MAP NOTATION**

Critical Drainage Area;  
Devisdale Conservation Area.

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

None.

## **PLACES FOR EVERYONE (FORMERLY GREATER MANCHESTER SPATIAL FRAMEWORK)**

Places for Everyone (PfE) is a joint Development Plan Document being produced by nine Greater Manchester districts (Bolton, Bury, Manchester, Oldham, Rochdale, Salford, Tameside, Trafford and Wigan). Once adopted, PfE will be the overarching development plan, setting the policy framework for individual district Local Plans. The PfE was published for Regulation 19 consultation from 9 August 2021 to 3 October 2021 and was submitted to the Secretary of State for Levelling Up, Housing and Communities on 14 February 2022. Independent Inspectors will now be appointed to undertake an Examination in Public of the PfE Submission Plan. PfE is at an advanced stage of the plan making process and, whilst it is not yet an adopted Plan, some weight should be given to the policies. If PfE 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 July 2021. The NPPF will be referred to as appropriate in the report.

## **NATIONAL PLANNING PRACTICE GUIDANCE (NPPG)**

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

## **RELEVANT PLANNING HISTORY**

99954/FUL/20: Demolition of existing dwelling and construction of two new dwellings with associated garden space. Approved 21 June 2020.

H/50198: Erection of a first floor side extension to form additional living accommodation. Approved 30 October 2000.

H05078: Erection of 1 detached house. Approved 14 April 1977.

### **APPLICANT'S SUBMISSION**

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

### **CONSULTATIONS**

**Local Highway Authority** – No comment received.

#### **Heritage Development Officer**

*No objections subject to conditions. The proposed architectural style does not replicate the quality or interest of the previous scheme. Nevertheless, the appearance, scale and form of the dwellings is modest enough to preserve the wider context of mid-20th century properties on Pinewood and setting of Denehill & The Old Vicarage, Grade II listed.*

**Lead Local Flood Authority** – No objection.

**United Utilities** – No objection subject to conditions.

**Greater Manchester Ecology Unit** – No objection subject to conditions.

**Pollution and Licensing (Contaminated Land)** – No comment.

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

**Arboriculturist** – No objection.

### **REPRESENTATIONS**

Letters of objection have been received from seven local residents which raise the following concerns:

- The local area is characterised by a single dwelling per plot and the proposed two dwellings on the application site would therefore result in overdevelopment.
- The development's design would be out of keeping with its context.
- The proposed aluminium windows would be unacceptable at this Conservation Area location.
- The proposed combination of two different roof types would result in an unacceptable visual impact.
- The rear dormers should be replaced with roof lights.
- The dwellings would result in an unacceptable overlooking impact, being built closer to common boundaries than the current dwelling.

- The resulting development works would result in an unacceptable impact on local residents.
- The proposal would result in an unacceptable highways impact through increased traffic generation.
- The proposal does not include sufficient on-site parking which would result in unacceptable additional parking on Pinewood Road.
- The proposal does not include sufficient soft landscaping provision.
- The proposal would exacerbate current sewerage issues.
- The proposal would result in increased surface water run-off.
- The applicant's submission and withdrawal of a previous planning application, followed by their submission of the current application, is an abuse of the planning process.

## **OBSERVATIONS**

### **PRINCIPLE OF DEVELOPMENT**

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

6. The Council does not, at present, have a five year supply of immediately available housing land and thus the tilted balance is automatically engaged.
7. In addition 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, and *may* provide a clear reason for refusing the development proposed (NPPF 11d(i)).

### Heritage Impact

8. The application site is located within the Devisdale Conservation Area, with the adjacent semi-detached dwellings backing onto the site to the north-east – Denehill and the Old Vicarage – Grade II listed.
9. 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."
10. 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.
11. Of relevance to the determination of this application is NPPF paragraph 195: *Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.*
12. Paragraph 197 states that in determining applications, LPAs should take account of: *a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and c) the desirability of new development making a positive contribution to local character and distinctiveness.*
13. 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 199). 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 200).

14. 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 202).
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 Assets

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 plot is located to the south-west of Denehill and the Old Vicarage, a pair of semi-detached grade II listed dwellings. The listing entry for these properties states the following:

*Vicarage, now two houses. Said to be 1873. Header bond brick, stone dressings, slate roof. 4 x 3 bays with central staircase and 2 storeys plus attic. Stone quoins, first floor string, coped gables. Bay 1 has 2 pointed lights on each floor with cusped heads and polychromatic brick voussoirs and a roped gable. Bays 2 and 3 form a tower-like entrance feature with weathered buttresses, a 2-light tracery-headed window, 3 cusped lights on the first floor which is canted in plan, and a swept mansard roof which is supported on timber brackets and includes a half-hipped attic dormer window. Bay 4 is similar to 1 except that a 3- light ground floor and 2- light first floor window have flattened arch heads and the mansard gable accommodates a double attic light. The sides and rear are treated similarly the rear having 2 canted bay windows with similar Gothic lights.*
19. The plot is located within Character Zone C (Southern Residential) of the Devisdale Conservation Area. The Devisdale Conservation Area Management Plan SPD notes the Conservation Area's significance:



20. [The Conservation Area is significant] *for its value as an historic area of enclosed land on the summit of Bowdon Hill. The topography and landscape of the area is important, and includes the wooded north slope of Bowdon Hill and the gentler west slope descending towards Dunham Massey. The associations with the Earl of Stamford are strong here, as the Conservation Area was laid out in the late 19<sup>th</sup> century as an appropriate social neighbourhood adjacent to Dunham Park. The residential properties are characterised by large plots, grand houses, magnificent gardens, sweeping drives, coach houses, tree-lined streets and a vast mix of revival architectural styles. The area is also characterised by gradients and associated views, and the open space of The Devisdale is much valued common land, used extensively today by pedestrians. The area also has high ecological and arboricultural value in particular [1.2.1].*

21. The Conservation Area Appraisal SPD states the following regarding Character Zone C:

*There are some historic properties throughout the character zone, but the zone is much more modern in character than the northern residential zone. The zone is characterised by two main streets, Park Road and Green Walk, with roads and developments leading off these roads that were developed in the late 20<sup>th</sup> to early 21<sup>st</sup> century. Green Walk has a more historic character, with mature planting, very little traffic, a higher proportion of historic properties, although there are some modern cul-de-sac developments in this area. Park Road is quite a busy thoroughfare with less historic properties and more mid-20<sup>th</sup> to early 21<sup>st</sup> century development visible from the roadside [4.3.8].*

22. Inappropriate development within The Devisdale Conservation Area i.e. that, which will have a negative impact on the ability to appreciate its architectural history and special interest, is defined in the Conservation Area Management Plan as [CAMP 2.10.19]:

- *The significant loss of gardens or grounds in favour of hardstanding or parking. Where buildings are set further forwards in their plot such development will not be permitted. Buildings within a larger plot and/or set further back from their front boundaries will have greater flexibility but still need to respect a sympathetic balance of hard surface area to garden.*
- *The removal and/or alterations to historic boundary walls, gate posts and/or gate openings.*
- *Side and/or rear extension which will significantly reduce the intervening space between the existing building and plot boundary.*
- *The increase of roof heights which is not in keeping with the building's wider context.*
- *The subdivision of an existing plot into multiple plots and infill development will generally not be permitted due to the impact on the spacious character of the Conservation Area and the prevalence of surviving historic plots throughout the Conservation Area.*
- *Alteration, re-building or new development which is stylistically inappropriate and/or comprises an inappropriate palette of materials.*

23. The following Conservation Area Policies are relevant [CAMP 3.3]:

**Policy 23**

*Mature trees should be retained as their loss greatly diminishes character as well as wildlife habitats. Trees, shrubs and exotic planting schemes associated with the Earl of Stamford's estate are of high significance.*

**Policy 24**

*Trees and Victorian planting schemes within private gardens are of equal significance as those lining the streets. Existing planting schemes should not be removed to create additional hard standing or space for ancillary facilities. Mature trees should not be removed from individual plots where the house is being replaced. Tree Preservation Orders and Conservation Area legislation should both be used to prevent the loss of important trees.*

**Policy 31**

*The characteristic historic low-level front and other principal boundary walls should be retained. Any replacement boundary walls should not extend any higher than the original boundary walls. Supplementary planting is encouraged but trees should not be planted too close to the boundary walls to avoid damage by roots.*

**Policy 36**

*Existing plots should not be sub-divided into smaller plots to create housing estates. New development should make use of the footprint of existing buildings only, respecting the existing boundary treatments and layout.*

**Policy 49**

*Any new development should be of high quality and should take inspiration from the established architectural styles within the Conservation Area. Appropriate features, materials and detailing are to be integrated into the design (see 2.2 of this Management Plan and the extended discussion in the accompanying Appraisal). Modern design is not prohibited within the Conservation Area but should be: sympathetic to its historic context; of a high standard; of an appropriate scale; and use appropriate, high-quality materials.*

**Policy 51**

*The scale of any new development should mirror the existing building and plot sizes. The council reserves the right to refuse applications where any proposed development impedes on the building density of the wider area and/or the characteristics of the Conservation Area.*

**Policy 57**

*Demolition is only likely to be permitted if it involves the replacement of a property that has not been defined as a positive contributor to the Conservation Area. The design of any replacement building should reflect the character and appearance of the Conservation Area and have regard to the other policies in this management plan.*

Heritage Development Officer Comment:

*10 Pinewood is located within Character Zone C of the Devisdale Conservation*

*Area. The dwelling is not identified as a positive contributor, however the site does lie within the setting of Denehill & The Old Vicarage, Grade II listed. Pinewood comprises of a group of 1970s detached dwellings arranged around a cul-de-sac. The design of the house is typical of the era, generally modest in appearance and form and constructed from a simple palette of materials encompassing dark brick and concrete roof tiles.*

*Nevertheless, the plots (including no.10) are large with mature background planting which contributes to the street scene, wider Conservation Area and setting of Denehill & The Old Vicarage. Each dwelling has a lawn to the front with a lack of boundary treatment which contributes to the sense of openness and spaciousness, a special quality of the Conservation Area. No.10 Pinewood sits comfortably on the plot, low in height with a high proportion of soft landscaping to built form. This reflects the ideology during this period, that a house should make as little impact on the surroundings as possible.*

*I previously commented on application 99954/FUL/20 which granted permission for the demolition of the existing dwelling and its replacement with two new dwellings with associated garden space.*

*In comparison with this previous approval the proposed architectural style does not replicate the quality or interest of the previous scheme. Nevertheless, the appearance, scale and form of the dwellings is modest enough to preserve the wider context of mid-20th century properties on Pinewood and setting of Denehill & The Old Vicarage, Grade II listed.*

*I confirm therefore I do not object on heritage grounds subject to a detailed materials conditions [which should be natural/traditional], windows and doors; side hung garage doors and details of landscaping and all boundary treatment.*

#### Impact on Heritage Assets

24. The application site comprises of a large detached 1970s dwelling of simple utilitarian design. The plot is bound by similar 1970s-era dwellings to the south-east on Pinewood, large contemporary dwellings to the south-west, north, north-east and west; a new large contemporary dwelling currently under construction to the south; and a pair of large Grade II listed semi-detached dwellings to the north-east. Properties are set within relatively large plots with large amounts of mature boundary screening vegetation. The site's context is therefore characterised by relatively large plots accommodating large contemporary dwellings, apart from the adjacent Victorian listed semi-detached dwellings which back onto the site to the north-east.
25. The proposed development would entail the demolition of the current dwelling and the erection of a pair of detached dwellings. The current dwelling was constructed in the 1970s and whilst of its type and in an apparently good condition it does not have any special architectural or historic interest which would be a sufficient reason to merit its retention.

26. Whilst Policy 36 states that existing plots should not be sub-divided into smaller plots, in this instance, it is considered that the sub-division will not have any harmful impact on the character and appearance of the Conservation Area as the application site is not a historic plot and the new dwellings will have a similar footprint to the current dwelling.
27. Officers have engaged with the applicant to seek amendments to the proposal through a change of the proposed roof design to ensure the main and side element roofs are both hipped. It is noted that the size, scale and position of the dwellings matches that of the previously approved scheme.
28. The replacement dwellings would be located over approximately the same footprint as the current property. They maintain an acceptable degree of separation from the plot's side boundaries thereby maintaining an acceptable sense of spaciousness.
29. The proposed dwellings are considered to be acceptably designed in terms of their scale and detail with reference to the plot and its surrounding Conservation Area and listed building context. The proposed design is considered to be acceptable and appropriate within the context of the surrounding more modern development.
30. The proposed flat roofed rear single storey elements are considered to be acceptable, particularly given their single storey height and position at the rear of the properties with no views from the street scene.
31. As noted in the design section below, following the submission of amended details, the proposed external detailing is considered to be acceptable. The external materials would be subject to a materials condition.
32. The development would acceptably comply with the above noted policies from the Devisdale Conservation Area Management Plan. It is noted that the Heritage Development consultee has raised no objections, subject to conditions, and it is considered that the proposal would not harm the character and appearance of the Conservation Area, with the proposal considered to acceptably preserve the plot's setting within the Conservation Area.
33. The application site is located to the south-west of a pair of Grade II listed semi-detached dwellings, one of which backs onto the site's north-east boundary. The listed buildings are located on raised ground being positioned further up the side of Bowdon Hill. Common boundaries are screened by dense banks of mature vegetation including trees. Views from the rear of these properties are currently limited to the existing dwelling's roof, although the amount which could be seen would be somewhat increased when the screening vegetation is not in leaf.

34. The proposed dwellings would have a lower roof ridge however the new dwelling to the north-east would be positioned closer to the common boundary than the existing dwelling and the dwelling sited closest to the northern and eastern boundaries would be orientated in such a manner that it would be more prominent when viewed from the listed buildings.
35. The Heritage Development officer has advised that the proposal would preserve the setting of the adjacent listed buildings.
36. Assessing Officers consider the proposal would not result in harm to the character and appearance of the Conservation Area or the setting of the adjacent listed buildings.
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 Devisdale Conservation Area and the setting of the adjacent Grade II listed dwellings.

#### Housing Land

38. 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.
39. It is concluded elsewhere in this report that there are no protective policies in the NPPF which provide a clear reason for the refusing the development proposed. Paragraph 11d) ii) of the NPPF is therefore engaged.
40. The site is not identified within Trafford's SHLAA (Strategic Housing Land Availability Assessment). The plot is located in a residential area.
41. The application proposes the demolition of the existing building and the erection of two replacement dwellings in its place. The Council currently has a 3.75 year supply of housing land and the most recent published Housing Delivery Test figure is 79%. Substantial weight should therefore be given to the site's contribution to housing land supply and delivery.
42. Whilst it is noted that part of the site is currently occupied by the dwelling which would be demolished to facilitate the proposal, with a large part of the replacement dwellings built over the current building footprint, nevertheless some of the new development would be built over the current garden area. As such part of the site which would accommodate the proposal is considered to be greenfield land, as identified by the NPPF.
43. The proposal would therefore need to be considered in light of Core Strategy Policies L1.7-L1.8, specifically Policy L1.7 which sets an indicative target of 80% of new housing provision within the Borough to be built upon brownfield land. In

order to achieve this target, the Council details within the Core Strategy that it will release previously developed land and sustainable urban area greenfield land in order of priority. The part of the proposal which would be built within the current building's footprint would be on brownfield land. Moving on to the part of the proposal which would be built on greenfield land it is noted that the first priority of Core Strategy Policy L1.7, which details the release of land within regional centres and inner areas for new development of housing, does not apply in this case due to the location of the site. Therefore the application must be considered against the second and third points of Policy L1.7.

44. In this instance it is noted that the application site is located within an established residential area and is considered to be a sustainable location sited relatively close to public transport links, local schools and other community facilities. It is therefore considered that the proposal will specifically make a positive contribution towards Strategic Objective SO1 in terms of meeting housing needs and promoting high quality housing in sustainable locations of a size, density and tenure to meet the needs of the community.
45. In terms of Policy L2 the application is for family housing and therefore is compliant with L2.4. The proposal would likely result in a small economic benefit during its construction phase.
46. The proposal would contribute towards the Council's ability to meet its overall housing land target through the addition of a single additional dwelling net of clearance.
47. Considering the above noted positive factors, although part of the application site is classed as greenfield land, the proposal nevertheless satisfies the tests of Policy L1.7 and relevant policies within the NPPF, as well as Core Strategy Policy L7 as outlined below. The application site is situated within a sustainable location and would also provide family homes within the area, in accordance with Core Strategy Policy L2.
48. The proposal is therefore considered to be acceptable in principle in terms of housing policies with reference to Core Strategy Policies L1 and L2, the New Residential Development SPG and the NPPF, including paragraph 11 ii).

## **DESIGN**

49. Paragraph 126 of the NPPF states: *The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.*
50. Paragraph 134 states: *Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes.*

51. 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.*
52. New Residential Development PG1 states that infill development can be acceptable provided it satisfactorily relates to its context in terms of design and amenity impacts. This type of development will not be accepted at the expense of the amenity of surrounding properties or local area character. The resulting plot sizes and frontages should be sympathetic to the character of the area as well as being satisfactorily related to each other and the street scene.
53. Paragraph 2.4 states that *“Development of small vacant sites or the retention of buildings and construction of new dwellings within their garden areas are all possible forms of development. Whilst the Council acknowledges that the development of smaller urban sites with small scale housing or flat developments makes a valuable contribution towards the supply of new housing in the Borough, the way in which the new buildings relate to the existing will be of paramount importance. This type of development will not be accepted at the expense of the amenity of the surrounding properties or the character of the surrounding area. The resulting plot sizes and frontages should, therefore, be sympathetic to the character of the area as well as being satisfactorily related to each other and the street scene. Both the new property and the retained dwelling should comply with the standards set out in these guidelines.”*
54. There are a number of large detached recently constructed dwellings of varied design in the vicinity.

#### Siting and Footprint

55. The proposed dwellings would be located within the centre of the plot largely over the footprint of the current property. They would not result in an overdevelopment of the plot and they would not undermine a building line at this point. The dwellings would be acceptably set in from each side boundary and set apart from each other. The dwellings would have the same siting and footprint as the previously approved scheme.

#### Bulk, Scale, Massing and Height

56. The height of the proposed dwellings would be acceptable with reference to the surrounding properties and the current dwelling, with the replacement dwellings having a lower roof ridge height. They would have an acceptable visual impact in terms of their bulk, scale, massing and height with reference to the size of the plot and the surrounding context. The dwellings would have essentially the same bulk, scale, massing and height as the previously approved scheme.

### External Appearance/Materials

57. The proposed dwellings would have an acceptable design in terms of their external features, detailing and proportions. Whilst the dwellings would have flat roofed rear elements these would not be visible from the street scene. The proposed hard and soft landscaping areas are acceptable with reference to the surrounding context. Planning permission would be subject to a standard landscaping condition. Planning permission would also be subject to a condition removing future occupant permitted development rights regarding the erection of front gates to preserve the road's open plan appearance.
58. The proposed external materials comprising of slate roofs, Conservation Area roof lights, metal/timber doors and fenestration and textured brick skins with stone elements would be acceptable. Planning permission would be subject to a condition requiring the applicant to submit full material details for approval prior to the commencement of above ground development.
59. The development would be acceptably designed with reference to Core Strategy Policy L7, PG1 New Residential Development and the NPPF.

### **IMPACT ON RESIDENTIAL AMENITY**

60. 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.
61. New Residential Development PG1 requires new residential developments to result in acceptable privacy, overshadowing and overbearing impacts on neighbouring properties, in addition to the provision of acceptable amenity standards for the future occupants of the proposed development.

### Privacy and Overlooking

62. The proposed dwelling would introduce front, side and rear facing ground and first floor habitable room windows.
63. The front facing windows would face the road and the non-private gardens to the front of the adjacent properties to the south with no direct window to window interfaces. The proposed rear and side facing windows at ground floor level would be screened by the retained common boundary treatments.
64. The proposed rear facing first floor windows in the main central elements would be more than the 10.5m minimum distances from the rear boundaries. The proposed rear facing first floor windows in the side elements, which would provide sole bedroom outlooks, would be more than 10.5m from the closest neighbouring boundary for Plot 2, and whilst this window would be less than 10.5m (8.2m) from the closest neighbouring boundary for Plot 1, the overlooked area would comprise of a driveway and hardstanding, with no directly facing windows in the neighbouring



property. In addition this boundary is heavily screened by mature trees which would be retained. As such it is not considered that this window would result in an unacceptable privacy impact on the neighbouring property.

#### Overbearing/Overshadowing

65. The new dwellings would have lower roof heights than the existing dwelling. The side elements would be positioned lower than the main dwellings and would be at least 4 metres from the boundaries of the site. It is considered that the proposed dwellings would not result in an unacceptable additional overbearing/overshadowing impact on neighbouring plots.

#### Occupant Amenity Space

66. The development would provide future occupants with an acceptable level of internal and external amenity space. Both dwellings would have an internal floor area of 317sqm, which would exceed the Nationally Described Space Standards.

#### Noise/Disturbance

67. The proposal would not result in the introduction of a driveway or parking area close to neighbouring boundaries or back gardens. It would not result in an unacceptable impact in this regard.
68. The development would not have any unacceptable impact on the residential amenity of the neighbouring residential properties and would provide an acceptable level of amenity for future occupants. Planning permission would be subject to a standard Construction Management Plan condition as well as a further condition restricting future occupant domestic permitted development rights relating to external amendments to ensure acceptable future privacy and amenity impacts. 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**

69. 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.*
70. 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.*
71. The Parking SPD's objectives include ensuring that planning applications include an appropriate level of parking; to guide developers regarding the design and layout of car parking areas; to ensure that parking facilities cater for all users and to promote sustainable developments. The Council's parking standards indicate

that the provision of three off-road car parking spaces is appropriate for four bedroom dwellings in this location, albeit these are maximum standards.

72. The proposed four bedroom dwellings would each have three parking spaces. The existing vehicle entrance would be retained. Whilst the LHA has yet to provide a comment on this application, the parking set up remains the same as the previously approved proposal and the relevant policies are unchanged. Planning permission would be subject to conditions requiring the installation of the proposed parking prior to first occupation, together with full details of the proposed bin and cycle stores.
73. 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**

74. The application submission includes a tree survey. Although the property stands within a designated Conservation Area, none of the trees within the site are protected by a tree preservation order.
75. The arborist consultee has confirmed no objection. The GMEU consultee has confirmed no objection subject to conditions.
76. The development would not result in unacceptable harm to the natural environment with reference to Core Strategy policy R2, PG1 New Residential Development and the NPPF.

### **DEVELOPER CONTRIBUTIONS**

77. This proposal is subject to the Community Infrastructure Levy (CIL) and is located in the 'hot' zone for residential development, consequently private market houses will be liable to a CIL charge rate of £80 per square metre, in line with Trafford's CIL charging schedule and revised SPD1: Planning Obligations (2014).
78. In accordance with Policy L8 of the Trafford Core Strategy and revised SPD1: Planning Obligations (2014) it is necessary to provide an element of specific green infrastructure in the form of six additional trees. In order to secure this, a landscaping condition will be attached to make specific reference to the need to provide six additional trees net of clearance on site as part of the landscaping proposals.
79. No affordable housing provision is required as the development falls below the thresholds set within the Core Strategy and the NPPF.

### **OTHER MATTERS**

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

81. Regarding the neighbour concern relating to the proposal's impact on drainage and the local sewer system it is noted that the LLFA has confirmed no objection to the proposal.

82. Planning permission would be subject to a condition removing permitted rights including the right to erect access gates to ensure the plot's current open plan appearance is retained.

## **CONCLUSION**

83. It is considered that the proposed development would not harm the character and appearance or the significance of the Devisdale Conservation Area or the adjacent Grade II listed buildings to the rear. 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).

84. 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 when taken as a whole and relevant policy in the NPPF. 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, numbers [1170] 01, 04C, 10C, 13C, 14C, 15C and 20C, received by the local planning authority 14 June 2022; and 05D, 06D, 07F and 08F, received by the local planning authority 23 August 2022.

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

3. No above ground works shall take place unless and until a schedule of design intent drawings has first been submitted to and approved in writing by the Local Planning Authority. The schedule shall provide details in the form feature brickwork panels; deep raked mortar joints; eaves and verge joints, and flat roof trim details including proposed materials. Development shall proceed in accordance with the approved schedule of design intent.

Reason: In the interests of visual amenity and design quality, specifically to protect the original design intent of the architect and the quality of the proposed development, and to protect the character and appearance of the Devisdale Conservation Area, having regard to Core Strategy Policies L7 and R1, the National Planning Policy Framework, and the National Design Guide.

4. Notwithstanding any description of materials in the application no above ground construction works shall take place until samples of all materials to be used externally on the building 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 side hung garage doors. Sample panels shall be constructed on site, and retained for the duration of the build programme, illustrating all proposed brickwork, including decorative brickwork, the type of joint, the type of bonding and the colour of the mortar to be used. Development shall be carried out in accordance with the approved details.

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

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 Schedule 2 Part 1 and 2 (or any equivalent Order following the amendment, re-enactment or revocation thereof)
  - i. No extensions shall be carried out to the dwellings;
  - ii. No garages or carports shall be erected within the curtilage of the dwellings;
  - iii. No buildings, gates, walls, fences or other structures shall be erected within the curtilage of the dwellings;
  - iv. No means of access or areas of hard surfacing shall be constructed in the curtilage of the dwellings;
  - v. No windows or dormer windows shall be added to the dwellings

other than those expressly authorised by this permission.

Reason: In the interest of visual and neighbour amenity and to protect the character and appearance of the Devisdale Conservation Area, having regard to Policies L7 and R1 of the Trafford Core Strategy and the National Planning Policy Framework.

6. 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:

- a) Suitable hours of construction and pre-construction (including demolition) activity;
- b) Measures to control the emission of dust and dirt during construction and pre-construction (including demolition) and procedures to be adopted in response to complaints of fugitive dust emissions;
- c) A scheme for recycling/disposing of waste resulting from demolition and construction works;
- d) Measures to prevent disturbance to adjacent dwellings from noise and vibration, including any piling activity and plant such as generators;
- e) 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;
- f) The parking of vehicles of site operatives and visitors;
- g) Loading and unloading of plant and materials used in constructing the development;
- h) Storage of plant and materials used in constructing the development;
- i) The erection and maintenance of security hoardings including decorative displays and facilities for public viewing, where appropriate;
- j) Wheel washing facilities and any other relevant measures for keeping the highway clean during demolition and construction works;
- k) Contact details of site manager to be advertised at the site in case of issues arising;
- l) Information to be made available to the public.

No fires shall be permitted on site during demolition and construction works.

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.

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

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

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

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

9. The development hereby permitted shall not be brought into use until the approved external parking spaces have been provided, constructed and surfaced in complete accordance with the plans hereby approved. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any equivalent Order following the amendment, re-enactment or revocation thereof) the spaces shall be retained for the purposes of vehicle parking thereafter.

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

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

Reason: In the interests of local visual amenity and to protect the character and appearance of the Devisdale Conservation Area, in accordance with Policies L7 and R1 of the Trafford Core Strategy and the National Planning Policy Framework.

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

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

12. No development or works of site preparation shall take place until all trees that are to be retained within or adjacent to the site have been enclosed with temporary protective fencing in accordance with BS:5837:2012 'Trees in relation to design, demolition and construction. Recommendations' with reference to the approved Tree Solutions tree report reference 21/AMS/Trafford/13, dated December 2021. 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 and to protect the character and appearance of the Devisdale Conservation Area, having regard to Policies L7, R1, 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.

13.a) Notwithstanding the details shown on the approved plans, the development hereby permitted shall not be occupied until full details of both hard and soft landscaping works have been submitted to and approved in writing by the Local Planning Authority. The details shall include the location of six additional trees net of any clearance, together with the formation of any banks, terraces or other earthworks, boundary treatments, materials for all hard surfaced areas (including those to the access road and parking bays), planting plans (including for the proposed green roof), specifications and schedules (including planting size, species and numbers/densities), existing plants/trees to be retained and a scheme for the timing/phasing of implementation works.

(b) The landscaping works shall be carried out in accordance with the approved scheme for timing/phasing of implementation or within the next planting season following final occupation of the development hereby permitted, whichever is the sooner.

(c) Any trees or shrubs planted or retained in accordance with this condition which are removed, uprooted, destroyed, die or become severely damaged or become seriously diseased within 5 years of planting shall be replaced within the next planting season by trees or shrubs of similar size and species to those originally required to be planted.

Reason: To ensure that the site is satisfactorily landscaped having regard to its location, the nature of the proposed development and to protect the character and appearance of the Devisdale Conservation Area, having regard to Policies L7, R1 and R2 of the Trafford Core Strategy and the National Planning Policy Framework.

14. Should demolition works not have taken place by 1 October 2023 no demolition works shall take place until an updated bat survey, including an assessment of any changes relating to the potential presence of bats on site and details of any new mitigation and/or licensing that may be required as a result of new evidence, has been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with any mitigation measures set out in the updated bat survey.

Reason: In order to protect any bats that may be present on the site having regard to Policy R2 of the Core Strategy and the National Planning Policy Framework. Best practice indicated (Collins et al 2016) that bat surveys are time limited for between 1 – 2 years as the condition of buildings can change over time.

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

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

16. All garage doors in the development hereby permitted shall be side hung, constructed in timber and colour treated in accordance with a scheme which has first been agreed in writing with the Local Planning Authority. Development shall be carried out in accordance with the approved details and retained as such thereafter.

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

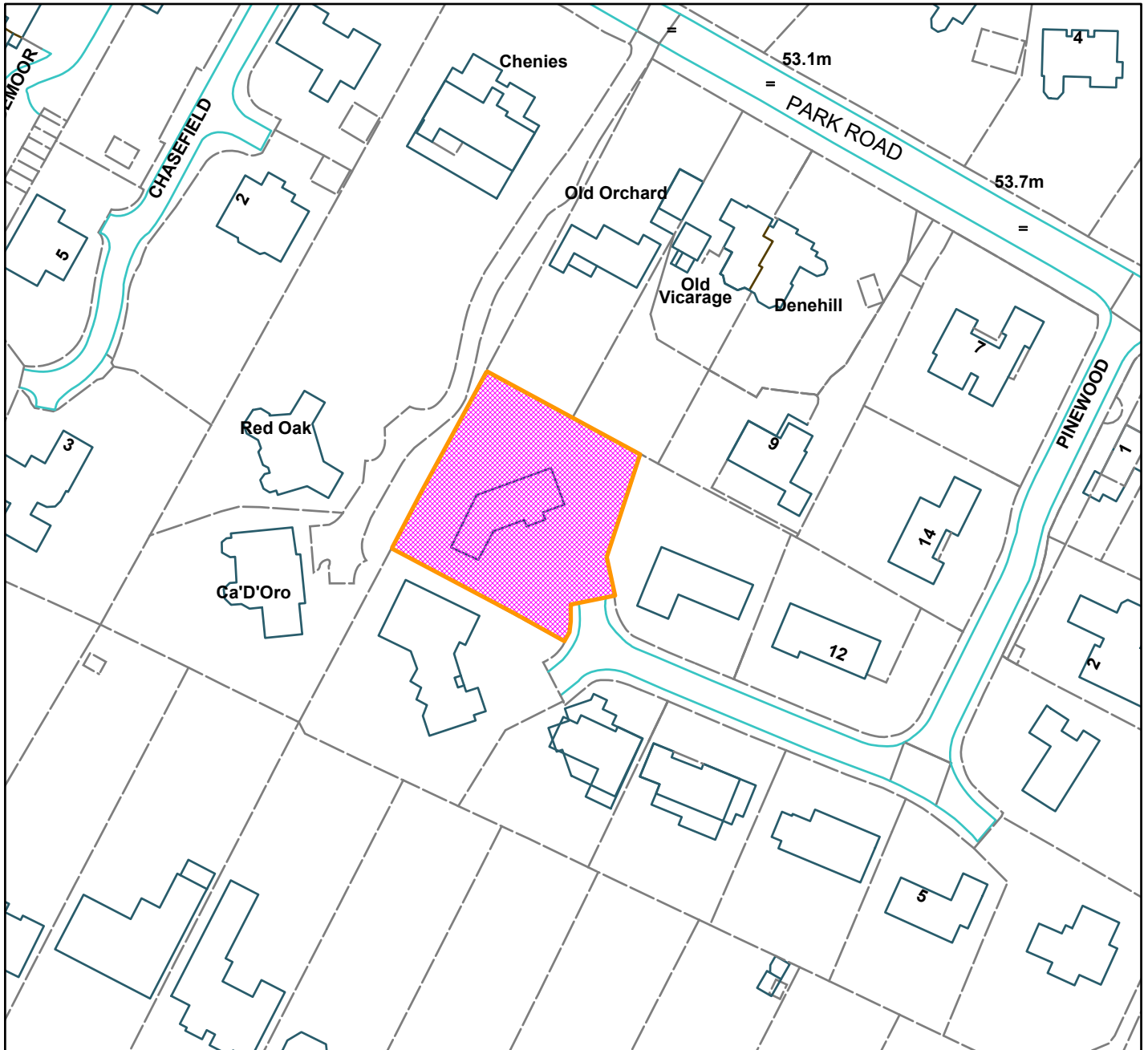
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TP





10 Pinewood, Bowdon, WA14 3JQ (site hatched on plan)



**Scale:** 1:1,250

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Organisation	Trafford Council
Department	Planning Service
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