

# Public Document Pack



**TRAFFORD  
COUNCIL**

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

**Date: Thursday, 14 December 2023**

**Time: 6.30 pm**

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

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

<https://www.youtube.com/channel/UCjwbIOW5x0NSe38sgFU8bKg>

<b>AGENDA</b>	<b>ITEM</b>
<b>1. ATTENDANCES</b>	
To note attendances, including Officers and any apologies for absence.	
<b>2. 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.	
<b>3. MINUTES</b>	
To receive and, if so determined, to approve as a correct record the Minutes of the meeting held on 9 <sup>th</sup> November, 2023.	<b>3</b>
<b>4. 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>108597</u></a>	56 Barrington Road, Altrincham WA14 1HY
<a href="#"><u>111105</u></a>	Land Off Golf Road, Sale M33 2JT
<a href="#"><u>111845</u></a>	10 Aldermere Crescent, Flixton M41 8UF
<a href="#"><u>111907</u></a>	Rear Of 2 Shaftesbury Avenue, Timperley WA15 7LY

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

Further Information

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

Michelle Cody, Governance Officer

Tel: 0161 912 2775

Email: [michelle.cody@trafford.gov.uk](mailto:michelle.cody@trafford.gov.uk)

This agenda was issued on **5<sup>th</sup> December, 2023** by the Legal and Democratic Services Section, Trafford Council, Trafford Town Hall, Talbot Road, Stretford, Manchester, M32 0TH.

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# Agenda Item 3

## **PLANNING AND DEVELOPMENT MANAGEMENT COMMITTEE**

**9<sup>th</sup> NOVEMBER, 2023**

### **PRESENT:**

Councillor Winstanley (In the Chair),  
Councillors Babar, Cordingley, Deakin, Eckersley, Hassan, Jerrome, Maitland, Minnis,  
O'Brien, S. Procter and Walsh.

In attendance: Head of Planning and Development (Ms. R. Coley),  
Major Planning Projects Manager (Mrs. S. Lowes),  
Principal Highways & Traffic Engineer (Amey) (Mr. G. Evenson),  
Solicitor (Planning & Highways) (Ms. C. Kefford),  
Governance Officer (Miss M Cody).

Also present: Councillors G. Carter, Hirst, Patel, S. Taylor and Thomas.

### **APOLOGY**

An apology for absence was received from Councillor M. Taylor.

#### **44. DECLARATIONS OF INTEREST**

No declarations of interest were made.

#### **45. MINUTES**

RESOLVED: That the Minutes of the meeting held on 12<sup>th</sup> October, 2023, be approved as a correct record and signed by the Chair.

#### **46. QUESTIONS FROM MEMBERS OF THE PUBLIC**

A number of questions were submitted by a resident of Shawe Road in respect of Application 110688/FUL/23, it was determined that these be treated as a representation and be addressed in the Additional Information Report tabled at the meeting.

#### **47. 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.

**Planning and Development Management Committee**  
**9<sup>th</sup> November, 2023**

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

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

<u>Application No., Address or Site</u>	<u>Description</u>
110688/FUL/23 – Land off Shawe Road, Urmston.	Erection of 12no 1B cottage style apartments with associated landscaping and parking for MSV Housing.
111806/VAR/23 – 2 George Street, Altrincham.	Application under Section 73 of the Town and Country Planning Act 1990 (as amended) for variation of conditions 1, 6, 7 and 11 on planning permission 111687/VAR/23 (Application for variation of condition 1 on planning permission 110068/VAR/23 (Application for variation of conditions 2 (approved plans) and 5 (use classes) of planning permission 106198/FUL/21 (Application for the refurbishment and remodelling of the former Rackhams and Bentleys buildings to create offices, retail/food and beverage/leisure floorspace. Works to include two storey upwards extension and creation of external terraces, selective demolition including bridge links to Sunningdale and Kingfisher buildings, associated plant and infrastructure, landscaping and works to public realm and access) To allow for use of lower ground floor unit as a bowling alley with ancillary uses comprising a bar, restaurant, amusement centre and any other leisure or entertainment uses within Use Class E(d) including but not limited to pool, arcade games and mini golf (sui generis use) and various internal layout and elevational alterations including facade reconstruction) to allow for an expansion to the use classes permitted at four units (with one unit having a lower ground floor) on the site). To allow for landscaping and public realm alterations.

**49. APPLICATION FOR PLANNING PERMISSION 111659/HHA/23 – 28 SHREWSBURY COURT, OLD TRAFFORD**

The Head of Planning and Development submitted a report concerning an application for planning permission for the demolition of store and erection of single storey rear

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extension.

It was moved and seconded that planning permission be granted.

The motion was put to the vote and declared carried.

RESOLVED: That planning permission be granted 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: TR.L2.146.OS; TR.L2.146.P4A; TR.L2.146.P5A; TR.L2.146.P6A.  
Reason: To clarify the permission, having regard to Policy L7 of the Trafford Core Strategy and the National Planning Policy Framework.
- (3) The materials used in any exterior work must be of a similar appearance to those used in the construction of the exterior of the existing building.  
Reason: In order to ensure a satisfactory appearance in the interests of visual amenity having regard to Policy L7 of the Trafford Core Strategy, the Council's adopted Supplementary Planning Document 4: A Guide for Designing House Extensions and Alterations and the requirements of the National Planning Policy Framework.
- (4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any equivalent Order following the amendment, re-enactment or revocation thereof) no window or other opening shall be formed in the side elevations of the extension hereby permitted facing no. 29 and 27 Shrewsbury Court, unless a further permission has first been granted on application to the Local Planning Authority.  
Reason: To ensure satisfactory level of privacy between properties, having regard to Policy L7 of the Trafford Core Strategy, the Council's adopted Supplementary Planning Document 4: A Guide for Designing House Extensions and Alterations and the National Planning Policy Framework.

Reasons for approval

- (1) The adaptation of the property to allow for the personal circumstances of the occupier is considered to carry great weight in improving the accessibility of the property.
- (2) The proposed extension to the rear of the property is not considered to result in harm to the streetscene given the lack of uniformity in the area, nor is the proposal considered to result in harm to residential amenity through loss of light or be unduly

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overbearing. As such, the proposal is not contrary to Policy L7 of the Trafford Core Strategy, the Council's adopted Supplementary Planning Document 4: A Guide to Designing House Extensions and Alterations, February 2012 and advice contained within the National Planning Policy Framework.

The meeting commenced at 6.30 pm and concluded at 7.54 pm.



## **PLANNING AND DEVELOPMENT MANAGEMENT COMMITTEE – 14<sup>th</sup> DECEMBER 2023**

### **REPORT OF THE HEAD OF PLANNING AND DEVELOPMENT**

#### **APPLICATIONS FOR PERMISSION TO DEVELOP, ETC.**

#### **PURPOSE**

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

#### **RECOMMENDATIONS**

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

#### **FINANCIAL IMPLICATIONS**

None unless specified in an individual report.

#### **STAFFING IMPLICATIONS**

None unless specified in an individual report.

#### **PROPERTY IMPLICATIONS**

None unless specified in an individual report.

Further information from: Planning Services

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

Background Papers:

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

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

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

**TRAFFORD BOROUGH COUNCIL**

**PLANNING AND DEVELOPMENT MANAGEMENT COMMITTEE – 14<sup>th</sup> DECEMBER 2023**

**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>108597</u></a>	56 Barrington Road Altrincham WA14 1HY	Altrincham	1	Grant
<a href="#"><u>111105</u></a>	Land Off Golf Road, Sale M33 2JT	Sale Moor	10	Refuse
<a href="#"><u>111845</u></a>	10 Aldermere Crescent Flixton M41 8UF	Davyhulme	47	Grant
<a href="#"><u>111907</u></a>	Rear Of 2 Shaftesbury Avenue, Timperley WA15 7LY	Hale Barns & Timperley South	63	Grant

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



**WARD:** Altrincham

**108597/FUL/22**

**DEPARTURE: No**

**Rear dormer extension and other external alterations to HMO.**

56 Barrington Road, Altrincham, WA14 1HY

**APPLICANT:** RI PROJECT 1 LTD

**AGENT:** Cheadle Architects

**RECOMMENDATION: GRANT with conditions**

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**This application is reported to the Planning and Development Management Committee as an elected Member has an interest in the application.**

**SITE**

56 Barrington Road is a large semi-detached property located on the eastern side of Barrington Road. It was converted some 40 years ago to form 7 flatlets and 1 self-contained apartment spread over 3 floors (confirmed by way of an established use certificate in 1979, ref: H/EU/09519). The basement has recently received permission to be converted to a self-contained apartment with a large lightwell to the front and rear (application 105250/FUL/21).

The building is a Cheshire-semi and constructed from Cheshire commons with Bowdon white brick detailing. The windows comprise of top and mid-hung casement white uPVC double glazed units, which reflect sash window proportions. The roof is clad in slate. The frontage is entirely hardstanding and is capable of providing at least 3no. off-street car parking spaces for occupiers.

The surrounding area is predominantly residential in use, however there are a few commercial uses within the vicinity. Barrington Road is considered to be a sustainable area well served by public transport. Altrincham town centre is located within close proximity (circa 600m) of the site.

**PROPOSAL**

The applicant has an extant permission for 2no. rooflights within the principal elevation via planning application 107418/FUL/22. The applicant's intention is to insert these at the same time as the proposed development within the current application.

The current proposal is for the erection of a rear dormer at second storey level to allow the conversion of an existing storage room to a bathroom adjacent to Flatlet 7. The dormer would have an apex design with centralised window, and would sit 0.5m back from the face of the rear elevation of the outrigger. Its width would be 2m, with an eaves height of 1.1m and a maximum ridge height of 1.85m. The ridge of the dormer would sit

below the lower main roof line by approximately 0.6m. The rear boundary of the application site is not perpendicular to the rear elevation of the building and therefore a measurement of approximately 9m is provided between the proposed dormer and the rear boundary directly facing it.

The proposed materials of the dormer element would be top hung slate tiles to match the main roof and an obscure glazed white Upvc window to match other fenestration of the house.

Further to this, the applicant proposes the installation of a roof light with dark grey aluminium frame within the principal elevation relating to Flatlet 5 and another of the same size and material within the rear elevation relating to Flatlet 7.

### ADDED VALUE

Discussions have taken place between planning officers and the agent and amended plans have been submitted reducing the scale and amending the design of the proposed rear dormer. Annotation has been updated on the proposed roof light within the principal elevation. The original submission also proposed the alteration of rear facing windows but these are now to remain as existing. 2no. roof lights have also been added to the proposed plans (one on the front and one on the rear elevation).

### DEVELOPMENT PLAN

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

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

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

- L4 – Sustainable Transport and Accessibility
- L7 – Design

In relation to paragraph 11 of the NPPF Policy L7 of the Core Strategy is considered up to date and full weight should be given to this policy.

### **PROPOSALS MAP NOTATION**

None

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

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

## **PLACES FOR EVERYONE**

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

Emerging policies relevant to this application are:

JP-P1 - Sustainable Places

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

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

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

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

## **RELEVANT PLANNING HISTORY**

107418/FUL/22 - Installation of 2 no. rooflights to the front elevation. Approved 28<sup>th</sup> April 2022. (not yet implemented).

105250/FUL/21 - Conversion of basement to create a new apartment with separate rear access, creation of 1 no. lightwell at the front and enlarged lightwell at the rear plus alterations to elevations and external amenity space. Approved 13<sup>th</sup> December 2021.

H/EU/09519 – Application for established use certificate for use of premises as top floor self-contained apartment and 7 flatlets. Approved 26<sup>th</sup> June 1979.

### **APPLICANT'S SUBMISSION**

The agent submitted amended plans to improve the size and positioning of the proposed dormer.

### **CONSULTATIONS**

None.

### **REPRESENTATIONS**

The application was advertised through notification letters sent to immediate neighbours.

1no. representation was received by Councillor Whetton confirming no objections to the proposed development.

### **OBSERVATIONS**

#### PRINCIPLE OF DEVELOPMENT

1. The proposal is for an extension to an existing HMO, within a predominantly residential area. Therefore, the proposed development must be assessed against the requirements of Policy L7 of the Core Strategy, Policy JP-P1 of the emerging Places for Everyone and SPD4.
2. Alterations to an existing house in multiple occupation (creating no additional bedrooms) are acceptable in principle subject to there being no harm to the character and appearance of the property through unsympathetic design or harm to the amenity of neighbouring properties and residential areas.

#### DESIGN AND VISUAL AMENITY

3. Paragraph 126 of 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.'*
4. Policy L7 of the Core Strategy states that in considering applications for development within the Borough, the Council will determine whether or not the proposed development meets the standards set in national guidelines and the requirements of Policy L7. The relevant extracts of Policy L7 require that development is appropriate in its context; makes best use of opportunities to

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

5. The emerging Places for Everyone, Policy JP – P1 - Sustainable Places, states that “all development, where appropriate, should be consistent with 1. Distinctive with a clear identity that...C Respects and acknowledges the character and identity of the locality in terms of design, siting, size, scale and materials used.”
6. In considering the proposal’s visual impact in the context of the street scene, the proposed dormer is to the rear of the building with no alterations to the front elevation other than the addition of one small rooflight. The plans have been amended to reduce the scale of the dormer and amend its design in order to ensure that this is acceptable in design terms in relation to the character of the existing building.
7. Whilst the proposals do not relate to an extension to a single dwelling, it is nevertheless considered that the principles of the Council’s guidelines in SPD4: A Guide for Designing House Extensions and Alterations are still relevant as a general guide. Paragraph 3.6.3 states that “Dormer windows should be proportionate to the scale of the property and reflect the style and architectural character of the original house. The design of a dormer window should complement the parent roof.”
8. Paragraph 3.6.5 states that “Excessively large or too many dormer windows can appear incongruous, top heavy and visually harmful. As such a dormer window should be small scale and modest in size and their number should be restricted so as to not appear over-dominant in the roof of the property. Dormers should not project above the ridge of the roof. Any dormer level with or higher than ridge of the existing dwelling will not normally be considered acceptable. Space should be retained between the edges of a dormer and the top and side of the roof and its eaves.”
9. It is considered that the scale of the dormer is sufficiently subservient to the existing building, with space above, below and to either side of it to sit comfortably upon the roof slope. The dormer would have a pitched roof and would be constructed in hung tiling to match the existing roof tiles.
10. Therefore the rear dormer would comply with the guidance in SPD4 in this respect and would not detract from the overall character of the dwelling and visual appearance of the street scene.
11. Regarding the proposed roof lights, these would be consistent in their size when compared to those granted within permission 107418/FUL/22 (which is an extant permission) and would be positioned appropriately within the respective roof planes. Furthermore, the roof lights would be located at a relatively high level,

which would minimise their prominence from ground level, given the scale of the building. It is noted that a number of the surrounding properties have installed rooflights on the principal elevations. It is considered that the rooflights and would not detract from the character and appearance of the existing building or street scene.

12. As such, it is considered that the proposals would have no unacceptable impact on the visual amenity of the street scene or the surrounding area. Subject to conditions, the proposed development is considered acceptable in terms of design and visual amenity and would comply with Policy L7 of the Core Strategy, Policy JP – P1 of the emerging Places for Everyone and policies in the NPPF in terms of design.

## RESIDENTIAL AMENITY

13. Impact on the amenity of neighbouring residents and the occupiers of the application property has been considered in line with Policy L7 and guidance contained in PG1 “New Residential Development”.
14. PG1 sets out detailed guidance for privacy distances between residential properties and states within Paragraph 11.1 that *“The Council is looking to encourage imaginative design solutions and in doing so it accepts the need for a flexible approach to privacy distances between buildings within a development site, where good design or the particular circumstances of the site allow this”*.
15. Paragraph 11.2 confirms that the minimum guideline distance between dwellings which have major facing windows is 21 metres across public highways and 27 metres across private gardens. Where three storey dwellings (houses or flats) are proposed, the minimum distances are increased by 3 metres over the above figures. Paragraph 11.4 states that distances to rear garden boundaries from main windows should be at least 13.5m for flats with three or more storeys. Paragraph 12.1 suggests that a minimum distance of 15m should be maintained between a main habitable room window and a gable wall to prevent overshadowing.
16. The proposal is not considered to be unduly overbearing, create an undue sense of enclosure; or to cause harmful loss of light or overshadowing.
17. The proposal is for the alteration of a store room to a bathroom and the creation of a dormer to accommodate such change. The dormer would not extend beyond the existing plane of the rear elevation and thus would not have any impact on properties to either side. Although it would only be approximately 9m from the rear boundary with no. 1 Gaskell Road (which has windows in its rear elevation, although these do appear to be secondary openings) the dormer would serve a shower room and is therefore to be lit by an obscure glazed window. The distance between the dormer and the windows in no. 1 Gaskell Road would

exceed 15m (it is c. 16m). It is recommended that this window is conditioned to be obscure glazed and non-opening up to 1.7m above internal floor level due to the significant shortfall in the back to back distance. As such, it is considered that this element would not cause any undue overlooking or overbearing impact in relation to the property to the rear.

18. The proposed roof lights would be in excess of 1.7m above internal floor level and therefore would not allow any further overlooking or loss of privacy over and above what may occur from the existing windows to the bedrooms that they directly relate to. These elements would also comply with PG1.

## **PARKING AND HIGHWAYS**

19. The proposed development would not increase the number of bedrooms within the property. As such there is not considered to be any additional parking impact arising as a result of the proposal.

## **DEVELOPER CONTRIBUTIONS**

20. This proposal is not subject to the Community Infrastructure Levy (CIL) as it would create less than 100m<sup>2</sup> of new floorspace and so it is below the charging threshold for CIL.
21. No other planning obligations are required.

## **PLANNING BALANCE AND CONCLUSION**

22. The proposed development would not cause any harm to the character and appearance of the application building, the street scene or the surrounding area by reason of its design and is considered appropriate in its context. In addition, the proposed development would not result in any undue impact on residential amenity or parking demand in the area. It therefore meets the aims of the Core Strategy, the emerging Places for Everyone and the NPPF in this respect.
23. All relevant planning issues have been considered in concluding that the proposal comprises an appropriate form of development for the site. The application is therefore compliant with Policies L4 and L7 of the Trafford Core Strategy, Policy JP-P1 of the emerging Places for Everyone, PG1 and national policy contained within the NPPF. The proposal complies with the development plan when taken as a whole. The application is therefore recommended for approval.

## **RECOMMENDATION:**

**GRANT** subject to the following conditions:

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

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

2. The development hereby permitted shall not be carried out except in complete accordance with the details shown on plan number PL11 REV G, received by the local planning authority on 28th November 2023.

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

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

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

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any equivalent Order following the amendment, re-enactment or revocation thereof) upon first installation the window in the second floor on the rear elevation of the proposed dormer facing 1 Gaskell Road shall be fitted with, to a height of no less than 1.7m above finished floor level, non-opening lights and textured glass which obscuration level is no less than Level 3 of the Pilkington Glass scale (or equivalent) and retained as such thereafter.

Reason: In the interest of amenity having regard to Policy L7 of the Trafford Core Strategy Policy JP-P1 of Places for Everyone, the Council's adopted Planning Guidance 1: Residential Development and the National Planning Policy Framework.

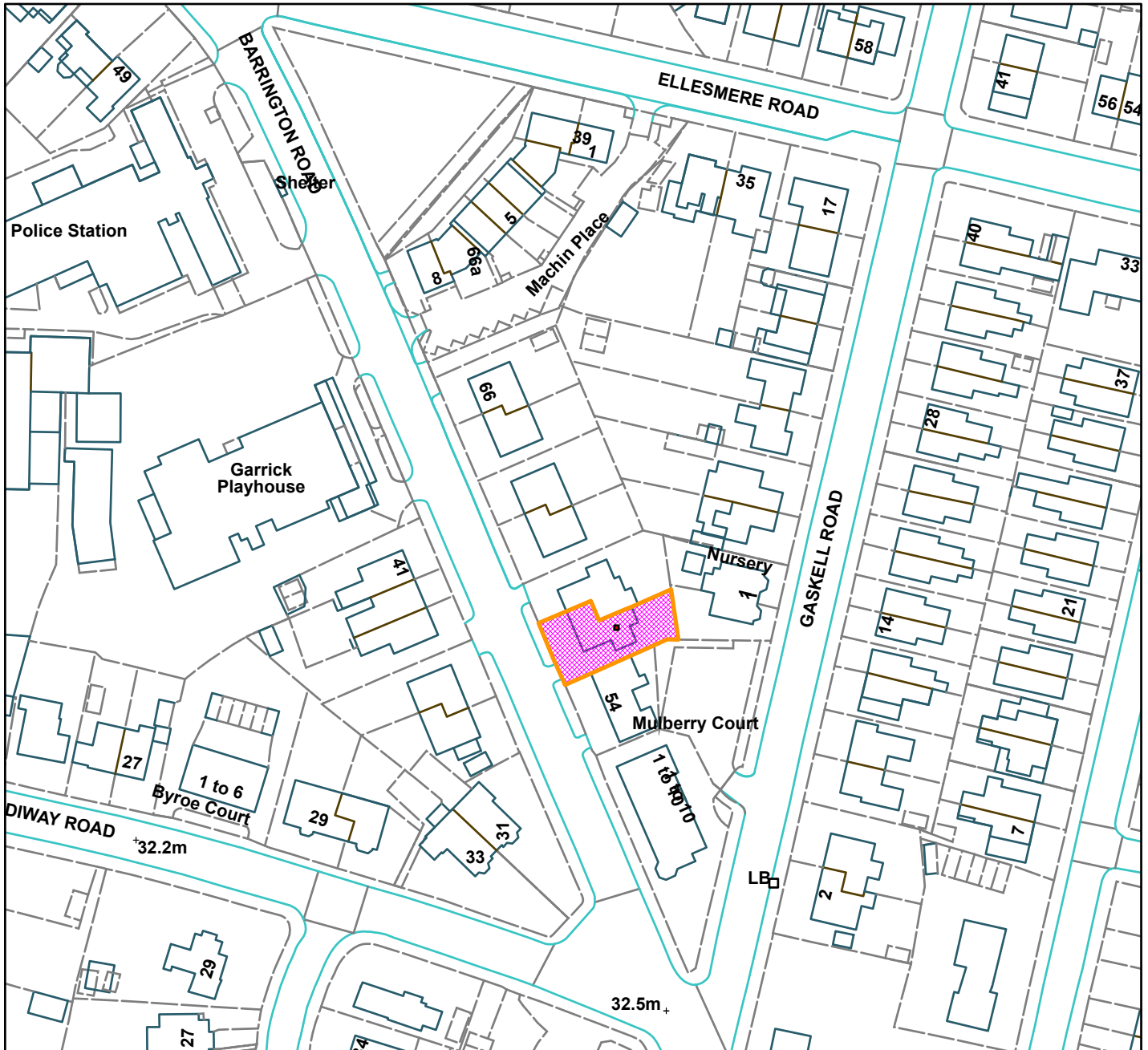
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GD





56 Barrington Road, Altrincham



Scale: 1:1,250

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Organisation	Trafford Council
Department	Planning Service
Comments	Committee date 14/12/2023
Date	04/12/2023
MSA Number	AC0000809316 (2022)

**WARD:** Sale Moor

**111105/FUL/23**

**DEPARTURE: No**

**Proposed development of a Battery Energy Storage System (BESS) including ancillary works and access arrangements**

Land off Golf Road, Sale, M33 2JT

**APPLICANT:** C Martin (Cragside Energy Limited)

**AGENT:** Ben Lewis (Renplan Limited)

**RECOMMENDATION: REFUSE**

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**The application is reported to the Planning and Development Management Committee as there have been in excess of six letters of support contrary to Officer's recommendation.**

**Executive Summary**

The proposed development would provide a battery energy storage facility (BESS) with a design capacity of 90MW per hour, which could operate for three hours delivering 270MW into the national grid. This would be achieved through the installation of 156 containerised battery units with associated ancillary structures. The site is in close proximity to the South Manchester Grid Supply Point (GSP) with available capacity. The development would operate for 25 years, after which the applicant has expressed willingness to restore the land.

The proposed development would constitute inappropriate development in the Green Belt which should not be approved except in very special circumstances as set out in the NPPF. The proposal would result in a significantly harmful impact on the openness of the Green Belt and would result in significant encroachment into the countryside – contrary to one of the five main purposes of the Green Belt. The development would also cumulatively add to the eroding of the gap between neighbouring towns, specifically Sale and Chorlton. Significant harm would be caused to the landscape character, recreation value and visual amenity of this area, with the site located within the Mersey Valley area of Landscape Protection. There would also be some limited temporary harms to residential amenity and slightly increased traffic on the highway network during the construction and installation phase. Very substantial weight is attached to the harms arising from this development.

There are, however, considerations in favour of the proposal of significant weight. The proposal would significantly contribute to the local, regional and national effort to reduce reliance on fossil fuels, reduce greenhouse gas emissions, and tackle climate change. The development incorporates innovative technology to enable the wider, and efficient application of renewable energy. It would increase reliance on clean energy and help to stabilise renewable energy production. The UK government have set climate targets to reduce greenhouse gas emissions. This development would make a meaningful

contribution to these aims.

Letters of support have been received during a second round of consultation (following the receipt of revised plans). These outline the energy benefits of the proposal, contribution to addressing climate change, and that the site could be decommissioned after 25 years of use. These representations have been duly considered and noted and are addressed within the Committee Report.

The harm to the Green Belt by reason of inappropriateness, and the other harm resulting from the proposal (including landscape harm) attracts very substantial weight. The benefits of the scheme in relation to energy supply, reduced reliance on fossil fuels, reduced greenhouse gas emissions, and tackling climate change are recognised and accepted. These are afforded significant weight. However, these considerations do not clearly outweigh the very substantially weighted harms associated with this development. Very special circumstances are therefore not considered to exist. The proposal would therefore conflict with Policies L7, R2 and R4 of the Core Strategy, emerging Policies JP-G1 and JP-G10 of Places for Everyone, and the National Planning Policy Framework. It is therefore recommended that planning permission be refused.

## **SITE**

The application site measures 2.67 Ha. Located within the designated Green Belt, and close to the eastern periphery of the Trafford Borough, the site is currently used for grazing by horses. The immediate area is an urban fringe location, intersected with limited parcels of built development, including Sale Golf Club and the Fairy Lane Substation. The application site is partly contained within the Mersey Valley Floodplain which intersects the north-eastern aspect of the site. A linear air quality management area, which follows the M60 corridor, cuts through a small section of the site to the south-western aspect.

Construction of a 49.99 MW Battery Storage Facility is underway at Sawfield Nursery approximately 400m to the south—east, and appears to be nearing completion. This was approved under planning application reference 92459/FUL/17.

The site is allocated as an Area of Landscape Protection and a Wildlife Corridor. Under the Draft Local Plan, the site is retained under these designations, including the Green Belt. The site does not form any part of the Green Belt release proposed under Places for Everyone. A designated recreational route follows Golf Road past the south-western site boundary (identified as a Bridleway: Fairy Lane to Golf Road). The site is located within a Mineral Safeguarding area for Sand and Gravel.

The site and wider area is located within a Critical Drainage Area within Trafford Councils Strategic Flood Risk Assessment. The site comprises land within Flood Zones 1, 2 and 3 with those areas at highest risk of flooding located along the north-eastern boundary.

There are no designated or non-designated heritage assets within the vicinity of the site. A Site of Biological Importance is located approximately 450m to the north-east within the grounds of Sale Golf Club.

The site itself is L-shaped and comprises grass and self-seeded vegetation with trees established along some of the site boundaries. The land descends down from Golf Road towards the Mersey Valley and is bound from Golf Road by post and rail fencing with a metal field gate. It is understood that the site has recently been used for the holding of horses. Powerlines extend across the site with a pylon partly located within the site boundary.

## **PROPOSAL**

This application seeks planning permission for a proposed battery energy reserve facility. This would comprise a battery energy storage system (BESS) with a design capacity of 90 Megawatts (MW), which could operate for three hours (delivering a total of 270MWh of energy). The main elements of the facility would be the battery container units. 156 such units would be laid out on site alongside a single access road. Each unit would measure 12.2m long by 2.4m wide with a height of 2.9m. Access to the site would be taken from Golf Road and the site would be bound by 2.4m palisade fencing. Two parking spaces are proposed on-site.

Ancillary structures include a distribution network operator (DNO) substation, DNO control room, welfare room, and auxiliary transformer. Landscape and ecological improvement works are also proposed, including to the site boundaries.

The application suggests that the development would be operated as a highly flexible frequency response facility meaning that it can quickly respond to peaks and troughs in energy demand.

Battery energy storage systems (BESS), are devices that enable energy from renewables, like solar and wind, to be stored and then released when customers need power most.

The layout has been revised during the application, which has involved relocating the more prominent elements of the development such as the substation, transformer and buildings to the side/rear of the site in the interests of reducing their visibility in the public realm.

## **DEVELOPMENT PLAN**

The Development Plan in Trafford Comprises:

- The Trafford Core Strategy (TCS) adopted 25th January 2012; The Trafford Core Strategy is the first of Trafford's Local Development Framework (LDF) development plan documents to be adopted by the Council; it partially supersedes

the Revised Trafford Unitary Development Plan (UDP), see Appendix 5 of the Core Strategy.

- The Revised Trafford Unitary Development Plan (UDP), adopted 19th June 2006; The majority of the policies contained in the Revised Trafford UDP were saved in either September 2007 or December 2008, in accordance with the Planning and Compulsory Purchase Act 2004 until such time that they are superseded by policies within the (LDF). Appendix 5 of the Trafford Core Strategy provides details as to how the Revised UDP is being replaced by Trafford LDF.
- The Greater Manchester Joint Minerals Plan, adopted 26th April 2013 now forms part of the Development Plan in Trafford and will be used alongside district-specific planning documents for the purpose of determining planning applications.

## **PRINCIPAL RELEVANT CORE STRATEGY POLICIES**

L4 – Transport

L5 – Climate Change

L7 – Design

L8 – Planning Obligations

R2 – Natural Environment

R3 – Green Infrastructure

R4 – Green Belt, Countryside and other Protected Open Land

R5 – Open Space, Sport and Recreation

W1 – Economy

## **PROPOSALS MAP NOTATION**

Area of Landscape Protection

Green Belt

Mineral Safeguarding Area for Sand and Gravel

Wildlife Corridor

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

C4 – Green Belt

ENV10 – Wildlife Corridors

ENV17 – Areas of Landscape Protection

## **SUPPLEMENTARY PLANNING DOCUMENTS**

PG30 – Landscape Strategy

SPD1 – Planning Obligations

SPD3 – Parking Standards and Design

## **OTHER RELEVANT DOCUMENTS**

Greater Manchester Green Belt Assessment;  
Greater Manchester Landscape Character and Sensitivity Assessment;

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

National Planning Policy Statement for Energy (EN-1)

### **PLACES FOR EVERYONE**

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

Emerging policies relevant to this application are

JP-C7 – Transport Requirements for New Development  
JP-G1 - Valuing Important Landscapes  
JP-G10 - Green Belt  
JP-P1 – Sustainable Places  
JP-S1 - Sustainable Development  
JP-S2 - Carbon and Energy  
JP-S5 – Flood Risk and the Water Environment

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

The MHCLG published the revised National Planning Policy Framework (NPPF) on 5<sup>th</sup> September 2023. 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, which replaced a number of practice guidance documents and was updated on 20 November 2023. The NPPG will be referred to as appropriate in the report.

## **RELEVANT PLANNING HISTORY**

110443/EIASC/23 - Request for a screening opinion in respect of proposed energy reserve facility comprising a battery energy storage system (BESS) and ancillary infrastructure. *Screening Opinion Issued (29.03.23). Not EIA Development.*

Nearby sites:

Sale Golf Club, Golf Road, Sale, M33 2XU

110666/FUL/23 - Proposed battery energy storage system with an export capacity of 70 megawatts and a storage capacity of 210 Megawatts. The proposal would accommodate up to 60 battery storage cabinets along with ancillary structures. The site would be surrounded by security fencing and peripheral landscaping. *Approved with conditions 17.11.23.*

Land at Freshfields, Fairy Lane, Sale, M33 2JU

109463/FUL/22 – Proposed energy reserve facility comprising a battery energy storage system (BESS) and ancillary infrastructure. *Approved with conditions 20.03.23.*

Sawfield Nurseries, Fairy Lane, Sale, M33 2JU

92459/FUL/17 - Development of a 49.99 MW Battery Storage Facility with associated infrastructure and landscaping. *Approved with conditions 20.12.17.*

106626/VAR/21 - Application for Variation of Conditions 2 and 13 on planning permission 92459/FUL/17 (Development of a 49.99 MW Battery Storage Facility with associated infrastructure and landscaping.) to substitute various plans. *Approved with conditions 03.02.23.*

## **APPLICANT'S SUBMISSION**

Biodiversity Net Gain (BNG) Calculations  
Construction Traffic Management Plan  
Design and Access Statement (DAS)  
Ecological Impact Statement  
Fire and HSE Strategy  
Flood Risk Assessment (FRA)  
Green Belt Statement  
Landscape and Visual Impact Assessment (LVIA)  
Noise Impact Assessment (NIA)  
Preliminary Ecological Appraisal (PEA)  
Site Selection Statement  
Tree Survey

## **CONSULTATIONS**

**Environment Agency** – No objection subject to conditions.

**Environmental Health (Contaminated Land)** – No objection.

**Environmental Health (Nuisance)** – No objection. Conditions requested regarding external lighting, construction environmental management plan, and update to NIA once final plant selections made.

**Greater Manchester Ecology Unit (GMEU)** – No objection subject to conditions regarding landscaping details, landscape management plan, control/removal of invasive plant species and CEMP. Biodiversity Net Gain information required.

**Greater Manchester Fire Safety** – Concerns that the development does not accord with latest National Fire Chiefs Council (NFCC) BESS guidance dated 21<sup>st</sup> April 2023.

**Greater Manchester Minerals and Waste** – No objection, although suggest that the development should be conditioned as a temporary consent for 25 years.

**Lead Local Flood Authority (LLFA)** – No objection.

**Local Highway Authority (LHA)** – No objection. Conditions requested regarding submission of a detailed construction, transport and environment management plan (CTEMP), and no Heavy Duty Vehicles (HDV) or Heavy Goods Vehicles (HGV) trips associated with the development shall take place during school drop off and pick up hours. CTEMP to include the forecast cumulative impact with regards to other developments within the area.

**TBC Arboriculturist** – No objection. Condition requested re. tree protection fencing.

**TBC Strategic Planning** – Concerns are raised about the impact on the Green Belt. Extract:

*‘A number of schemes for battery storage use have either been granted planning permission or are awaiting determination on sites in between the M60 and River Mersey corridor. The ‘very special circumstances’ stated to support the application have also been used to support other proposals previously approved and currently awaiting determination.*

*The cumulative impact of these schemes has the potential to erode the functions of the Green Belt in this area, even if it is for a temporary period. This proposal would also extend the built development line on Golf Road / Fairy Lane further into the Green Belt.*

*Consideration therefore needs to be given to the balance between the key benefits of the proposal (i.e., the need for the development and the lack of available non-Green*



*Belt sites) against the cumulative loss of Green Belt within this area.'*

**Transport for Greater Manchester (TfGM)** – No objection in relation to Metrolink. Conditions requested regarding an Electro Magnetic Compatibility (EMC) control plan and EMC interference values. Tracking information required.

## **REPRESENTATIONS**

One letter making general comments has been received, summarised as follows:

- This planning application and the application on the adjacent site (110666/FUL/23) should be considered together.
- Trafford Council needs to urgently determine its policy for energy infrastructure in the Mersey Valley and wider Green Belt.

Ten letters have been received from properties in the wider area, expressing support for the proposal. It can be noted that these letters of support were received during the second round of consultation (following amended plans) and after significant concerns regarding the scheme were raised with the applicant. These letters are summarised as follows:

- The proposals would make a valuable contribution towards the transition to net zero, and would contribute towards addressing climate change.
- The scheme makes good use of green belt land, and is strategically located near to a grid connection with available capacity.
- The site can be decommissioned and returned to Green Belt land in the future, which could allow biodiversity to return.
- This application is too important to be determined by a Planning Officer and should be determined by a Planning Committee.
- The scheme is in line with regional policy to address climate change.

*Officer response: All representations received have been duly noted and considered. This application is to be determined at Planning Committee. For consideration of the points raised, please see Observations.*

## **OBSERVATIONS**

### **PRINCIPLE OF DEVELOPMENT**

1. S38(6) of the Planning and Compulsory Purchase 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 development plan, permission should not normally be granted.

2. The Council's Core Strategy was adopted in January 2012, prior to the publication of the 2012 NPPF, but drafted to be in compliance with it. It remains broadly compliant with much of the policy in the 2023 NPPF, particularly where that policy is not substantially changed from the 2012 version. Whether a Core Strategy policy is considered to be up to date or out of date is identified in each of the relevant sections of this report and appropriate weight given to it.
3. The NPPF is a material consideration in planning decisions, and as the Government's expression of planning policy and how this should be applied, it should be given significant weight in the decision making process.
4. Paragraph 11 (c) of the NPPF states that development proposals that accord with an up-to-date development plan should be approved without delay. Policies R4 (in respect of Green Belt) and L7 are considered to be compliant with the NPPF, and are therefore 'up-to-date' in NPPF terms and full weight can be attached to these policies. Policies R4 (Green Belt, Countryside and other Protected Open Land), L5 (Climate Change) and L7 (Design) are considered to be the most important policies for determining this application given that they control the principle of development and the impacts on the surrounding area / residents. L5.1 to L5.11 of Policy L5 are out-of-date in that they do not reflect NPPF policy on climate change. However, the remainder of this policy is compliant with the NPPF and remains up to date. In particular L5.12 which refers to 'energy generating infrastructure opportunities' is most relevant to the determination of this application, and is compliant with the NPPF. Whilst this is not an energy generating form of development, the proposal comprises infrastructure which supports renewable energy.
5. Whilst some aspects of Policy L5 referred to above are out-of-date these aspects are not determinative in the context of this application. Therefore, when considering the 'most important' policies, the 'basket' of policies and the development plan as a whole 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.

## GREEN BELT

### Green Belt Policy

6. The site is located within the Green Belt as designated within the Composite Policies Map. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The essential characteristics of Green Belt are its openness and permanence. Openness can be defined as the absence of built development. As set out at paragraph 138 of the NPPF, the Green Belt serves five purposes:

- (a) to check the unrestricted sprawl of large built up areas;
  - (b) to prevent neighbouring towns merging into one another;
  - (c) To assist in safeguarding the countryside from encroachment;
  - (d) to preserve the setting and special character of historic towns; and
  - (e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
7. The NPPF stipulates that local planning authorities should ensure that substantial weight is given to *any* harm to the Green Belt. The construction of new buildings in the Green Belt is regarded as inappropriate development (albeit with some limited exceptions). Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
  8. Very special circumstances (VSC) will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations, stated at paragraph 148 of the NPPF.
  9. Paragraphs 149 and 150 of the NPPF identify forms of development that are not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purpose including land within it.
  10. Policy R4 of the Core Strategy is consistent with the NPPF in that the policy states: The Council will continue to protect the Green Belt from inappropriate development. New development including buildings or uses for a temporary period will only be permitted within these areas where it is for one of the appropriate uses specified in national guidance, where the proposal does not prejudice the primary purposes of the Green Belt set out in national guidance by reason of its scale, siting, materials or design or where very special circumstances can be demonstrated in support of the proposal. Full weight can be attached to policy R4.

#### Impact on the Green Belt

11. The proposed development would not fall under any of the exceptions outlined in paragraph 149 of the NPPF. In addition, the proposal would also not fall under any additional exceptions listed at paragraph 150. These are closed lists. The proposal is therefore inappropriate development in the Green Belt, which is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Substantial weight is attached to any harm to the Green Belt.

12. Further to the above, the introduction of built development across the site would result in additional harm to the openness of the Green Belt, - a fundamental characteristic of this designation. Openness in Green Belt terms, as stated in the NPPG, is capable of having both spatial and visual aspects, i.e. an adverse impact on openness can be demonstrated through development of the land irrespective of visibility. Nevertheless, the visual impact is also a key factor in determining the impact on openness. Whilst the LVIA submitted with the application is assessed in detail later in this report, it is clear that the BESS would be visible from the surrounding area including from Golf Road. Harm to the openness of the Green Belt would be both visual and spatial in respect of this development.
13. A Green Belt assessment of Greater Manchester was undertaken by the GMCA in 2016, as part of the evidence base for what is now Places for Everyone. This included a detailed review of the Trafford Borough with an assessment of Green Belt purposes as set out in (a) to (d) in Paragraph 6 above. This site sits within Green Belt parcel ref. TF31. With regards to four of the five Green Belt purposes, this area of the Green Belt performs *moderately* in terms of purposes 1 (to check the unrestricted sprawl of large built up areas) and 3 (to assist in safeguarding the countryside from encroachment), and *strongly* with regards to purpose 2 (to prevent neighbouring towns merging into one another). This Green Belt parcel has no significant relationship with any nearby historic settlements, and thus has no contribution to purpose 4 (to preserve the setting and special character of historic towns).
14. The towns of Sale and Chorlton (Manchester) are separated by approximately 1km (albeit this does fluctuate). Measuring from the edge of the Metrolink line at the edge of Sale, to Redwing Avenue results in a gap of approximately 1.3km extending in a southwest – northeast direction. Nevertheless, at approximately 220m in length, the application site comprises a significant portion of this separation between these settlements. Whilst this gap has been partly urbanised in adjacent sites, it still plays a clear role in preventing the visible and physical coalescence of these settlements. It should be noted that there is also a cumulative impact of merging built development in an east-west direction that does erode the separation between these settlements as well as a north-south impact. This causes harm to the Green Belt.
15. The visual impact of this development would be mitigated to some degree through the enhancement of boundary landscaping although the BESS would provide substantive structures across the site, extensive engineered surfacing, and the scheme includes acoustic fencing. The proposed BESS would produce minimal animation / activity at the site with the use being operated largely remotely. No significant habitable buildings are proposed which one would typically associate with a settlement. The developed site would be recognisable as a separate entity, distinct from both towns, and green spaces would be

retained to the north of the site to both sides of the River Mersey. Whilst there would be an urbanising effect on the site, the proposed BESS would not directly result in the merging of Sale and Chorlton having regard to Green Belt purpose 2. It would, however add to the cumulative harm of development within the Mersey Valley which does undermine purpose 2 of the Green Belt - to prevent neighbouring towns from merging.

16. The existing development to the eastern side of Golf Road, taking into account the recently approved development adjacent to the site (110666/FUL/23) extends approximately up to a maximum of 120m from Golf Road. There is a perceptible line of development which extends from the Golf Club through to the South Manchester substation. This is illustrated below with an indicative line of existing development shown in red, approved BESS schemes within the area shown in yellow, and the application site outlined in blue:



17. The development would significantly encroach beyond the existing line of development (on both Golf Road and Fairy Lane. It is recognised that this line largely follows the boundary of the Golf Course. However, it still forms a distinct informal boundary to the development at the periphery of Sale and is one at which a more definitive impression of countryside emerges beyond. This is characterised by the undulations in the landscape, the mature trees, and the River Mersey.

18. The application site itself supports a verdant green character, and is distinctly read as a rural field, which is complemented by the long established trees, descending land towards the Mersey Valley and post and rail fence and gate. The development would heavily urbanise this parcel with extensive use of hardstanding, battery containers, associated units and the noise associated with the proposed use. The structures themselves owing to both their size and sprawling nature and the engineered layout would have a jarring physical presence on this landscape. This would be visible from Golf Road, unless significant landscaping was established to the site frontage. This landscaping would, however, itself result in the loss of long-reaching views from Golf Road toward the River Mersey. This gap reinforces the sense of space between settlements and allows views of the countryside one would associate with being at the edge of a settlement. This urbanising development would extend significantly (some 100m) beyond the existing ribbon of development to this part of the Green Belt and would represent a clear encroachment of development into the Mersey Valley. This would significantly contradict the third Green Belt purpose (to assist in safeguarding the countryside from encroachment) and conflict with the purpose for including land within the Green Belt.
19. Openness can be defined as the state of being free from built development. Paragraph 137 of the NPPF outlines that a fundamental aim of Green Belt policy is to keep land permanently open. The development proposed through this application is much larger than development in adjoining land parcels, including other approved BESS schemes within this area. This is also illustrated on the image above.
20. The site area covers 2.67 hectares, with approximately 1.75 hectares being subject to urbanising development including the access roads, hardstanding, battery containers and ancillary structures including fencing. The built development proposed in this application would significantly erode the openness of this undeveloped land. The development would also be visible from a number of viewpoints including Golf Road and from the River Mersey, albeit Officers note that this could be reduced dependent on both the proposed type, and success, of any boundary landscaping. The use proposed is temporary with a 25 year permission being sought. Subject to an appropriate land restoration strategy, it is not considered that the development would permanently harm the openness of this land. However, within those 25 years, the development would have a significant and harmful impact on the openness of the Green Belt.

### Conclusion on Green Belt

21. The proposed BESS is inappropriate development in the Green Belt which is in principle harm and attracts substantial weight in itself as per paragraph 148 of the NPPF. Additional harm is caused to the openness of the Green Belt, comprising both a physical and visual aspect, and the development would

significantly encroach into the countryside conflicting with the purposes for including land within the Green Belt. The development would also add to a cumulative impact on neighbouring towns merging through the eroding of the gap between Sale and Chorlton. Very substantial weight is attached to the overall harm to the Green Belt.

22. The NPPF at paragraph 151 acknowledges that elements of many renewable energy projects will comprise inappropriate development. In such cases developers will need to demonstrate very special circumstances (VSCs) if projects are to proceed. VSCs may include the wider environmental benefits associated with increased production of energy from renewable sources.
23. The principle of this development is therefore contrary to Policy R4 of the Core Strategy unless very special circumstances can be demonstrated in support of this proposal. Such VSCs will not exist unless the harm to the Green Belt through inappropriateness, *and any other harm* resulting from the proposal is clearly outweighed by other considerations. This is acknowledged by the applicant, and a section detailing VSCs is explored at the end of this report.

#### AGRICULTURAL LAND

24. The front portion of the site is allocated as Agricultural Land (Grade 3) classification which is defined as 'Land with moderate limitations that affect the choice of crops, timing and type of cultivation, harvesting or the level of yield. Where more demanding crops are grown yields are generally lower or more variable than on land in grades 1 and 2'.
25. Policy R4 of the Core Strategy outlines that the Council will protect existing agricultural land as an important resource for Trafford's local economy. It goes on to state that in particular the Council will protect areas south of Carrington Moss and land within Timperley Wedge. The site is not located within these specifically referred to areas.
26. It should be noted that the site, whilst grassed, is currently occupied for grazing by horses, and the site has not been used for intensive agricultural purposes since at least October 2012 (evidenced using Google Maps). It is likely that the present use has been established on this land significantly prior to 2012. On this basis, the site is not being used for the production of crops. It is not considered that the development of this site would have a significant adverse impact on the agricultural land resources within Trafford. There is a potential loss in the capability of the site to accommodate crop cultivation, however this has not taken place on this site for a significant period of time. On this basis, it is considered that the proposal would comply with policy R4 of the Core Strategy and the NPPF.

#### CLIMATE CHANGE

27. The need to mitigate and adapt to climate change is key to the delivery of sustainable development. Policy L5 of the Core Strategy requires new development to mitigate and reduce its impact on climate change factors and maximise its sustainability through improved environmental performance of buildings, lower carbon emissions and renewable or decentralised energy generation.
28. The Council has declared a Climate Emergency with a target to become a Carbon Neutral borough by 2038. As set out within the emerging Places for Everyone development plan, there is an expectation that all new development will be net zero carbon from 2028.
29. Policy L5.12 which refers to 'energy generating infrastructure opportunities' is up to date. In addition, the NPPF requires development to be planned for in ways that avoid increased vulnerability to the range of impacts from climate change, and can help to reduce greenhouse gas emissions. Paragraph 152 of the NPPF outlines how the planning systems should support the transition to a low carbon future, including supporting renewable and low carbon energy and associated infrastructure.
30. Paragraph 158 of the NPPF goes on to state that determining applications for renewable and low carbon development, local planning authorities should not require applicants to demonstrate the overall need for the renewable or low carbon energy, and recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions.
31. Battery energy storage systems (BESS) have played a key role in balancing the UK's electricity system, particularly during the Covid-19 pandemic, ensuring that that produced energy was used sufficiently. BESS can store clean energy and capture the full value of renewables. This type of energy storage will likely become increasingly crucial as the UK scales up its ambitions to achieve secure, clean and affordable renewable energy.
32. The UK has a major installed capacity of offshore wind, however, due to weather infrequencies, energy produced can sometimes be lost when it is not needed. This same principle applies with solar PV, for example at times of low demand during sunny days. BESS enables the efficient storing of this energy, which can then be rapidly released to the grid at times of high demand. Presently, at times of high demand for energy, reliance is placed on gas and fossil fuels. This is emphasised clearly within the latest National Planning Policy Statement for Energy (EN-1) (2023). This statement outlines that there are several different types of electricity infrastructure that is needed to deliver the UK's energy objectives and that a holistic approach is necessary using storage, plants interconnectors and networks together. Storage and interconnection can provide



flexibility, and can maximise the useable output from intermittent low carbon generation and can provide services locally and at the national level.

33. The proposed BESS could accommodate 90 MW of battery storage supporting the production of renewable energy. This would align with the ambitions of the Council to become a carbon neutral borough and the ambitions of Places for Everyone to decarbonise the region. It would accord with the aims of the NPPF in addressing climate change and provide a valuable contribution to cutting greenhouse gas emissions. Officers recognise and support the role that commercial low carbon, renewable and decentralised energy distribution facilities can play in reducing carbon dioxide emissions which also provide viable energy supply options to serve new and existing developments. The proposed BESS would be aligned with, and contribute towards the aims of, policy L5.12 of the Core Strategy and would align with emerging policy JP-S 2 (Carbon and Energy). This is given significant weight in favour of the application.

## MINERALS

34. The site is located within a Mineral Safeguarding Area for sand and gravel. Policy 8 of the Greater Manchester Joint Minerals Plan (2013) states that all non-mineral development proposals within the Mineral Safeguarding Area should extract any viable mineral resources present in advance of construction. The policy aims to take a balance approach to protecting mineral resources in Greater Manchester against the need to attract investment. Proposals for non-mineral development that do not allow for the prior extraction of minerals will only be permitted where:
- The need for the development outweighs the need to extract the minerals; or
  - It can be clearly demonstrated that it is not environmentally acceptable or economically viable to extract the mineral prior to non-mineral development taking place; or;
  - It can be clearly demonstrated that the mineral is either not present or of no economic value or too deep to extract in relation to the proposed development; or;
  - The development is limited or temporary and would not prevent minerals extraction taking place in the future.
35. The applicant has argued that the proposed development is clearly and urgently needed, and that the site area (2.67ha), owing to its small size, would make the prior extraction of minerals unpractical and economically unviable. The applicant has also alluded to the 132kV pylon and overhead lines which cross the site, and that the majority of the site, and surrounding area, is at risk of flooding. Whilst flood risk is not a constraint in principle, it does have the potential to introduce significant direct and indirect constraints which would undermine the financial viability of any mineral extraction on the site. GM Minerals and Waste have been consulted and agree that the pylons and overhead lines in particular would

impact how the site would be excavated. The development itself is temporary in nature and the applicant has outlined that the site would be decommissioned and the land restored after 25 years, which in the event of an approval, could be conditioned. It is considered that the proposal would meet the second and fourth exceptions of Policy 8. No further work is required in respect of mineral safeguarding.

## DESIGN AND APPEARANCE

36. The Core Strategy also attaches importance to the design and quality of the Borough's built environment. The text supporting Policy L7 advises that high quality design is a key factor in improving the quality of places and in delivering environmentally sustainable developments. Policy L7 itself states that design solutions must: be appropriate to their context; and enhance the street scene by appropriately addressing scale, density, height, massing, layout, elevational treatment, materials, hard and soft landscaping, and boundary treatments. Policy L7 is considered to be compliant with the NPPF as it comprises the local expression of the NPPF's emphasis on good design and, together with associated SPDs, the Borough's design code. It can therefore be given full weight in the decision making process.

### Design of the BESS

37. The development site is constrained through the pylon and overhead cables which extend across the site. 8m easements are required to the cables, and a 15m easement required to the pylon. Access routes extend within these easements with all operational infrastructure located outside of these areas. These easements prevent the development making truly efficient use of the land, albeit the applicant has sought to maximise the site potential, taking into account these constraints and allowing for boundary landscaping.
38. The development would be utilitarian in appearance, with the surface heavily engineered, which reflects the site's intended function as a BESS. The works would involve the installation of 156 containers (containing battery units, and invertors). Ancillary structures include the control buildings, switch rooms, DNO substation and boundary palisade fencing. These are located to the northern and western peripheries of the site. As illustrated on the elevations, the BESS would support a relatively consistent height, generally not exceeding 3.5m with the exceptions of the substation – 6.4m, and the control room – 5.5m.
39. The proposed fencing, and buildings could be finished in a darker colour (for example grey, or dark green), which would help to lessen the prominence of these structures in the context of the boundary planting. The applicant has not volunteered information regarding the finish of these structures, but it is understood that this would be feasible and were the application otherwise

acceptable a condition could be imposed to request details prior to the installation of any structures on-site.

40. No details have been provided regarding light direction, spillage and intensity. A condition could require that details are submitted to the LPA prior to the installation of any lighting on-site. This would be necessary to protect visual amenity of this area.

#### Context and Landscape Visual Impact Assessment (LVIA)

41. The site is located within the Mersey Valley. The valley either side of the River Mersey forms a unique green wedge of land which is predominantly meadowland, golf course, and agricultural land in the floodplain, containing few buildings and protected from development by Green Belt. It is a highly valued area balanced for nature conservation and recreation in close proximity to populated urban areas. The site lies within the longest stretch of continuous countryside within the Manchester Conurbation as defined by the Natural England National Character Area Profile (55: Manchester Conurbation). This site is designated on the policies map as an Area of Landscape Protection.
42. As set out in the 2004 Landscape Strategy (SPG30), the most significant pressure to the Mersey Valley is the encroachment of urban development. It is the scale of change, which threatens to override the traditional landscape pattern, from that of a river valley to one where the agricultural character becomes obscured and possibly associated more with urban development. Should further development occur the traditional floodplain character would be weakened to such an extent that urban influences would dominate and would threaten to completely remove the original characteristics of this area. The GM Landscape Character and Sensitivity Report states that development should be carefully sited to avoid areas within floodplains that have retained a naturalistic and undeveloped character, or areas that are in a state of transition to semi-natural habitat.
43. Policies L7 and R2 of the Core Strategy outline how development must be appropriate in its context, make best opportunities to improve the character and quality of an area, and protect and enhance landscape character areas. Place Objective MVO6 (set out in the Core Strategy) outlines a priority within the Mersey Valley to protect and enhance the very high quality natural environment and landscape of the area including the character of the different landscape types.
44. Policies in the draft Trafford Local Plan, whilst not currently able to be afforded any meaningful weight in the determination of planning applications, show the Council's direction of travel and ambition. Draft policy TP11 outlines how the Mersey Valley shall be protected including the very high quality natural environment including the character of the different landscape types. This

emphasises the Councils desire to continue the protection of the Mersey Valley landscape.

45. This particular site comprises grassed fields, used for grazing by horses. The land descends down from Golf Road towards Barrow Brook along the rear north-eastern boundary with a notable descent in line with the pylon. The site supports a verdant green character with the rural characteristics reinforced through longer distance views beyond the site, pockets of woodland and some open views out towards the golf course. As observed on-site, the existing site allows for medium-range landscaped views towards the Mersey Valley from Golf Road. This contributes positively to the character of Golf Road, and visually enforces the green separation between the settlements of Sale and Chorlton. It is noted that the parts of the site located closest to Golf Road are experienced in the same context as the M60 motorway, Metrolink and associated infrastructure. Pylons and overhead cables are also visible – both surrounding and crossing the site.
46. An LVIA has been submitted alongside this application which has been assessed, alongside a number of visits undertaken by the Case Officer to the application site and its surroundings.
47. The LVIA accurately identifies a number of key viewpoints towards the application site from the public realm. Viewpoints 1 – 3 illustrate the key impressions of the site from Golf Road, including via the M60 bridge. Viewpoint 5 illustrates the potential impact from the footpath adjacent to the River Mersey, and from within the golf course.
48. The development proposed would undoubtedly erode the rural characteristics of this site. The engineered surfaces, structures, boundary treatments (including acoustic and palisade fencing) and noise generation, would urbanise the site, fundamentally undermining its informal landscaped character. The perceptible green separation between the settlements would be heavily diminished when viewed from Golf Road as would longer reaching views within the Mersey Valley. Whilst planting to the Golf Road boundary would, in-time, visually enclose the development, this would still result in the loss of far reaching views from Golf Road, and the associated recreational route. This would be to the detriment of visual amenity within the public realm and would undermine the recreational value of the Mersey Valley at both an individual and cumulative level when taking into account other existing and approved developments in the area. The magnitude of change to viewpoints 1-3 would be significant. The LVIA in assessing the magnitude of change considers the screening of the development itself, but fails to attribute meaningful weight to the loss of views across the site and the contribution that the site makes to defining the landscape character of the Mersey Valley.
49. The proposal would adversely advance the most significant pressure in the Mersey Valley, which is urban encroachment. The scale and appearance of

development would damage the traditional landscape pattern and significantly undermine the agricultural and rural nature of the site whilst damaging views towards the River Mersey from Golf Road. As a result of this scheme, built development would extend some 215m of the 500m separation between Golf Road and the River Mersey itself. It would create an urban setting, incongruous with the Mersey Valley and fundamentally contrary to the aspirations of Policy R2 and SPG30 to protect this landscape.

50. Overall, the findings of the LVIA, in that the proposals would have an acceptable visual influence on the surrounding landscape character, are not agreed. The development would appear incongruous in the Mersey Valley, and would significantly detract from the landscape character, visual amenity and recreational value of this area, which would be visible within the surrounding public realm. It is acknowledged that there is already some energy generating infrastructure, however this site is of a significantly greater scale, and extends further into the Mersey Valley. The applicant has sought to mitigate the harm that will be caused to the landscape by the introduction of new planting which would partially screen the development, albeit at the expense of further reaching landscaped views across the Mersey Valley. It should be noted that cumulative harm would also exist, as this development would be viewed in the context of neighbouring BESS developments. The cumulative impact of this development, alongside other developments both constructed, and approved in the area, would further erode the landscape character, visual amenity, and recreational value of the Mersey Valley.
51. On the basis of the above, the development would have an adverse visual and physical impact on the landscape character of this area. The proposal would therefore conflict with policies L7 and R2 of the Core Strategy, emerging PfE policy JP-G1, and the NPPF.

## TREES / GREEN INFRASTRUCTURE

### Soft Landscaping

52. 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.
53. The Council's Arboriculturist has raised no objection to the impact on any existing trees within the application site. Planting proposed includes a mixture of species rich grassland, native hedge, tree and shrub mix with extensive planting along the site boundaries. Notwithstanding the adverse landscape impact of this development, the proposed species mix is contextually appropriate. This

landscaping could also contribute to a biodiversity net gain in excess of 10% as discussed later in this report. Enhancement of planting along the site boundaries, including to the Golf Road frontage, could facilitate sheltered wildlife movement along the site boundaries. Details for the management of this landscaping to ensure its maintenance for the lifetime of the development could be secured through a condition.

### Hard Landscaping

54. Limited detail has been provided regarding the hard landscaping materials. The site plan does indicate that stone and gravel would form the main surface to the proposed. This would be appropriate in the context of a battery energy storage site. Exact details of the exact materials could be secured via condition to ensure a satisfactory finish to the site. The surfacing of the access track could also be conditioned. It is expected that a durable and quality finish could be achieved which would be sufficiently robust to allow emergency vehicles to access the site in circumstances where they would be required to.
55. Palisade fencing of 2.0m height would bound the main compound, which would be set well back from the wider site boundaries behind landscaping. This approach is appropriate and negates a requirement for urban perimeter fencing along the site boundary. Details of colour could be conditioned, to ensure a subtle finish in the context of any boundary planting.
56. Were the development otherwise acceptable Officers would recommend that a condition be attached to any consent requiring the submission and implementation of a detailed landscaping scheme. This would be in the interests of according with the aims of the Core Strategy and the NPPF.

### RESIDENTIAL AMENITY

57. Policy L7.3 of the Trafford Core Strategy states that development must not prejudice the amenity of future occupants of the development and/or occupants of adjacent properties by reason of overbearing, overshadowing, overlooking, visual intrusion, noise and/or disturbance, odour or in any other way. As previously stated, L7 is considered to be up to date for decision making purposes and full weight can be attached to it.
58. The nearest residential properties along Golf Road are located approximately 135m to the west (Fairways Farm), and 86m to the south (Cloverfield Cottage). Owing to the nature of the use, siting and height of development proposed, it is not considered that the development would significantly compromise light or privacy within neighbouring sites. The development would also not appear significantly overbearing in respect of residential amenity. Extensive landscaping is also proposed to these boundaries which would provide some further screening of the development and proposed fencing.

59. A detailed Noise Impact Assessment (NIA) has been submitted with the application, carried out by suitably qualified consultants. This assessment identified that the main source of noise in this area is the traffic associated with the M60 motorway, and occasional audible contributions from bird song earlier in the mornings. The NIA has considered the impact of the development on a 'worst case' scenario.
60. The energy storage process does not inherently have any sound emissions associated with it, however, to ensure the batteries remain at the correct temperature, a series of cooling systems are used. Similarly, the inverter stations used to transform the energy from DC to AC and vice versa are cooled by fans (or similar) that can generate noise. Batteries can be charged/discharged over short periods of time with systems operating at full duty. Inversely, they can be charged/discharged over longer periods of time by operating at lower duty. The rest of the time, the systems are on a stand-by mode. Therefore, battery storage developments do not operate continuously at full duty during long periods of time. In addition, it is understood that cooling systems tend to operate at reduced speed during the night-time when the environmental temperature is lower. The NIA states that there will be 111 No. containerised battery units, 52 No. inverter units, an auxiliary transformer and a 132 kV substation. It is assumed that battery units will be served by one integrated cooling system on each side of the container.
61. The NIA concludes that under a worst case scenario, the impact upon the nearest residential receptors would not be adverse. However, it is noted that the detailed specification for many components has not yet been decided and this would not be available until final plant selections are made. Nevertheless, it is considered that plant can be specifically chosen or treated to ensure an acceptable impact in respect of noise having regard to the conclusions of the NIA.
62. Acoustic fencing is proposed along the south-eastern boundary of the compound, albeit set some 20m from the wider site boundary. The benefit that this fencing would afford, in respect of noise mitigation, has not been taken into account within the noise modelling of the NIA. A precautionary approach has been taken to the use of acoustic fencing, which would not be necessary to protect residential amenity, albeit does offer further acoustic mitigation.
63. Environmental Health Officers have reviewed the assessment and recommend the inclusions of a condition to trigger the submission of a revision to the NIA once the final plant selections are made. The condition shall require that all fixed plant and machinery associated with the development, when operating simultaneously, shall achieve a rating level of at least 3dB (LAeq) below the typical background (LA90) level at any time when measured at the nearest residential receptor. This could be strictly conditioned. Subject to a condition

reflecting this, the proposal would have an acceptable impact on residential amenity and would accord with policy L7 of the Core Strategy and the NPPF.

## HIGHWAYS IMPACT

64. Policy L4 of the Core Strategy states that “when considering proposals for new development that individually or cumulatively will have a material impact on the functioning of the Strategic Road Network and the Primary and Local Highway Authority Network, the Council will seek to ensure that the safety and free flow of traffic is not prejudiced or compromised by that development in a significant adverse way”.
65. Paragraph 109 of the NPPF states that “Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe”. Given the more stringent test for the residual cumulative impacts on the road network set by the NPPF, it is considered that Core Strategy policy L4 should be considered to be out of date for the purposes of decision making.

### Access / Generated Trips

66. It is understood the proposed development will utilise the existing 3.5m wide gated field access which is not sufficient to accommodate simultaneous access and egress to the site. Whilst a wider access is not necessarily required once the site becomes operational, the Local Highway Authority (LHA) would not support vehicles waiting on the highway to access the site during the construction phase, with particular regard to Heavy Goods Vehicles (HGVs) / Heavy Duty Vehicles (HDVs). The LHA therefore requires the access to be temporarily widened to 5.5m to accommodate construction of the development. This is considered in further detail in the construction section of this report.

### Servicing

67. It is noted that the site will be unmanned with the exception of occasional visits to undertake maintenance and those attending site will be required to take all waste and recycling away with them.

### Parking

68. It is understood the proposed development will be laid out in accordance with standard design criteria for a facility of this type, to include two parking spaces for maintenance visits. Sufficient internal turning space is also proposed to be provided to accommodate site access and egress in a forward gear.

### Conclusion



69. The proposal, when operational, is not considered to result in an unacceptable impact on highway safety, nor would the cumulative impacts on the road network be severe. Both the LHA and TfGM (subject to tracking details being provided) have raised no objection the development. The proposal is considered to accord with both policy L4 of the Core Strategy, emerging PfE policy JP-C4 and the NPPF.

## FLOOD RISK / DRAINAGE

70. The NPPF outlines strict tests in order to protect people and property from flooding, through both sequential and exception tests. In summary, these tests are designed to ensure that if there are better sites in terms of flood risk, or if a proposed development cannot be made safe from the risks of flooding, then it should not be permitted. A similar approach is embodied in Core Strategy Policy L5 and thus this aspect of Policy L5 is up-to-date for the purpose of decision-taking.
71. The application site is located within a Critical Drainage Area within Trafford Council's Strategic Flood Risk Assessment and is also located within Flood Zones 1, 2 and 3a with regards Environment Agency Flood maps (respectively low, medium and high probability of flooding). The River Mersey does benefit from flood defences. A Flood Risk Assessment (FRA) and Drainage Strategy (DS) accompany this application.
72. The FRA identifies that 35% of the site resides within Flood Zone 1, 40% within Flood Zone 2 and 25% within Flood Zone 3. The use (infrastructure of energy supply including storage and distribution systems) is classified as 'essential infrastructure' having regard to the flood risk vulnerability classification set out at Annex 3 of the NPPF. A site selection statement has considered alternative siting of the proposal. Other sites within the area, including those of a lower flood risk, were considered too small, unavailable for development, or did not benefit from highway access. The applicant has stated that there is no sequentially preferable land available for the project. Given the size and nature of the development, which has to be in close proximity to a grid supply point, this is generally accepted.
73. As the land is 'essential infrastructure' within Flood Zone 3, the exception test must be satisfied. As set out at paragraph 167 of the NPPF, in order to pass the exception test it must be demonstrated that the development would provide wider sustainability benefits to the community that outweigh the flood risk; and the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and where possible, will reduce flood risk overall.
74. In addressing the first component of the exception test, the applicant suggests that that the nature of this proposal would provide significant benefits to energy

supply, in particular placing a greater reliance on renewable energy. Officers agree with this statement and the wider benefits of this particular proposal are set out in detail in the 'climate change' and 'very special circumstances' section of this report. Furthermore, it is noted that the development would provide controls on surface water drainage by both attenuating the runoff generated and restricting outfalls to existing greenfield rates. It is not considered that the development would thereby increase flooding off-site, including downstream of the Barrow Brook. The wider sustainability benefits to the community would outweigh the limited flood risk in this instance.

75. In addressing the second component of the exception test, the applicant has demonstrated that the scheme is designed for flood avoidance and mitigation which has taken into account the proposed development lifetime (and the 1 in 100 year+ climate change flood level). The site would be operated largely remotely with occasional visits to the site by persons involved with the maintenance of the scheme. The development would be safe for its lifetime taking into account the vulnerability of its users, and is not considered to increase flood risk elsewhere. For these reasons, the exception test would be satisfied.
76. Recommendations within the FRA at sections 5 (Mitigation Measures and Residual Risk) and 7 (Surface Water Drainage Assessment) could be conditioned. Both the Environment Agency and Lead Local Flood Authority (LLFA) have raised no objection to the development in respect of flood risk. Subject to the aforementioned condition, the proposal would accord with policy L5 of the Core Strategy, emerging PfE policy JP-S5 and the NPPF.

## ECOLOGY

77. 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". This policy is considered to be up to date in terms of the NPPF and so full weight can be afforded to it. The application is accompanied by an Ecological Assessment and Preliminary Ecological Appraisal – both undertaken by suitably qualified Ecologists.
78. A statutory nature conservation site (Chorlton Water Park Local Nature Reserve) is located 0.8km east of the application site. A number of sites of biological importance (SBIs) are located within 1km of the site – Meadows at Sale Water Park, Hardy Farm, and Field by Electric Substation. The site itself is designated as Wildlife Corridor. Species which could move through, and establish on this site include mammals, bats, birds and reptiles. Species recorded within the survey are set out within the submitted Ecological Impact Assessment, undertaken in August 2023.

79. The proposed development would result in the loss of habitats within a designated wildlife corridor. The habitats comprise larger grassland, which would be replaced by gravel and the proposed structures. The applicant has committed to a compensation scheme on-site which would be through species rich grassland and new woodland/scrub. Native planting must be incorporated and this could be secured via suitably worded planning condition. The applicant has committed to delivering a 10% biodiversity net gain (BNG) within the site. Full details are expected to be received shortly and will be provided to Members in the Additional Information Report. It can be noted that BNG is not mandatory at this stage, which is expected in January 2024. However, the applicant has shown willingness to improve the ecological value of the site as a benefit of this development and this should be weighed in the balance.
80. The submitted Ecological Assessment concludes that no significant effects are anticipated to any significant ecological features on-site. During any construction works, there is potential for minor, short-term impacts, particularly upon air quality, aquatic pathways and upon the wildlife corridor. This, can however be mitigated through a detailed construction and environment management plan. The Assessment concludes the, operationally, the development would not have an adverse impact upon protected species and habitats within, and around, the site. The effects on the wildlife corridor would be minor, and it is argued that these could be enhanced due to improved dispersal corridors along field margins. Invasive non-native plant species do exist around the periphery of the site and the applicant could be reminded that it is an offence under wildlife legislation to cause these plants to spread. An invasive species management plan could be conditioned.
81. GMEU have assessed the development and agree with the conclusions of the Ecological Assessment. Any proposed lighting scheme for the site can be sensitively designed to avoid direct lighting of boundary habitats. The four proposed lighting/CCTV columns are not supported with details of light intensity or direction/spillage. A condition can require that no external lighting shall be installed on-site unless a lighting scheme has been approved in writing by the LPA. Additional conditions can include tree protection, surveys for nesting birds (if site clearance is carried out within the nesting season), landscaping implementation, and landscape management. Subject to these conditions, the proposal would comply with policies R2 and R3 of the Core Strategy, the NPPF, and The Environment Act 2021.

## AIR QUALITY

82. Paragraph 181 of the NPPF advises that planning decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas (AQMA) and Clean Air Zones (CAZ), and the cumulative impacts from individual

sites in local areas. Planning decisions should ensure that any new development in AQMAs and CAZ is consistent with the local air quality action plan (AQAP).

83. The Greater Manchester Combined Authority (GMCA) has published a joint Air Quality Action Plan (AQAP) (2016-2021) which seeks to improve air quality across Greater Manchester and to embed low-emission behaviours into the culture of our organisations and lifestyles by 2025, whilst supporting the UK Government in meeting thresholds for air pollutants at the earliest date to reduce ill-health in Greater Manchester. In managing new development the GMCA AQAP sets out a number of controls. Of relevance to this particular application are assessment of local air quality impacts from the proposed development; construction management, and, green infrastructure.
84. Policy L5 requires developers to adopt measures identified in the Greater Manchester Air Quality Action Plan, to ensure that their development would not have an adverse impact on the air quality. In this respect, L5 can be considered to be up to date for the purposes of decision making and full weight attributed to it.
85. The application site itself does not reside within an Air Quality Management Area. However, there is an extensive AQMA in the immediate surrounding area which follows the M60 motorway. A detailed Air Quality Assessment (AQA) has not been submitted with the application, however it is clear that vehicle traffic is likely to be the main influence upon the local air quality.

### Operational Phase

86. This is a development that would be operated predominantly independently with only limited direct attendance to the site which would be for site visits or any maintenance works. The units themselves are for battery storage and would not generate any constant aerial pollutants. It is not considered that the development operationally would cause any significant air pollution.

### Construction Phase

87. Without appropriate mitigation, dust emissions during construction works, or managed on-site fires, could have a significant adverse impact upon local air quality. A robust construction and environment management plan (CEMP) would be necessary to manage this impact on the environment. This should include wheel washing facilities, a construction logistics plan (to manage the sustainable delivery of goods and materials), and strict measures to control the emission of dust and dirt. No fires should be ignited on-site, and a scheme for recycling/disposing of waste should be required. Subject to these measures, it is considered that the development would not have an unacceptable residual impact upon local air quality.

## Conclusion on Air Quality Impact

88. The construction of this development, subject to the implementation of a robust CEMP, is not considered to have a significant residual impact upon air quality. Owing to the independent and technological nature of this development, its subsequent operation would not cause an unacceptable impact upon surrounding air quality. The proposal would therefore accord with the aims of the Greater Manchester AQAP in protecting air quality, and would comply with policy R5 and the NPPF.

## DEVELOPER CONTRIBUTIONS

89. 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).
90. No other planning obligations are required.

## OTHER CONSIDERATIONS

### *Construction*

91. It is accepted that a temporary adverse impact could exist during the construction phase. This would be through additional HGV and Ordinary Goods Vehicle movements towards the site, and some general construction noise in the vicinity of the site. The LHA also note that construction works could be undertaken at a similar time to other developments within the area including other BESS schemes proposed along Golf Road and Fairy Lane. However, this would be a temporary impact, and can be significantly mitigated through compliance with a detailed construction and environmental management plan (CEMP) taking into account surrounding construction projects. TfGM, the LHA and Environmental Health Officers have all confirmed that the construction phase can be made acceptable subject to the implementation of a robust CEMP. A condition is recommended that this CEMP is submitted to, and approved by the Local Planning Authority, prior to the commencement of works on-site. Specifically, this will seek to ensure that appropriate details are agreed before works start on site and to minimise disturbance and nuisance to occupiers of nearby properties and users of the highway, having regard to policies L4 and L7 of the Trafford Core Strategy.

### Fire Risk

92. The applicant confirms that lithium-ion batteries will be used within the development. It is stated that these are safe with the technology well developed. Each system will be designed with both automatic fire detection and alarming and

automated extinguishing systems. A condition could require details of this to be submitted to the LPA, and implemented, prior to first operation of the development.

93. Greater Manchester Fire Rescue Service (GMFRS) have been consulted and do have concerns with the proposed layout, identifying some conflict with the National Fire Chiefs Council (NFCC) latest BESS guidance (April 2023). In particular, the unit spacing appears to be less than 6 metres. Turning heads are not provided within the site and vehicular access to each facility, and there are not separate access points to the site to account for opposite wind conditions/directions. These changes could not be readily achieved on this site without drastically reducing the amount of battery units on-site or creating a separate vehicular access through neighbouring sites (outside of the applicant's control). These concerns are duly noted. However, the applicant has committed to designing a detailed automated fire detection/suppression system which could significantly reduce the fire risk in the event of failure of any of the battery units. Details of this could be strictly conditioned prior to the commencement of any works on site. Such a system could be designed in consultation with both GMFRS and the Environment Agency although it is noted that the layout would still not accord with the latest NFCC BESS guidance. This therefore weighs against the development as the proposal could still have an adverse impact on public safety albeit this could be tempered through mitigation as per aforementioned condition.

#### Metrolink

94. TfGM have been consulted on the application and note that the development boundary is approximately 10m from the Metrolink Operational boundary. TfGM require assurances that there will be no Electro Magnetic Compatibility (EMC) impacts on the Metrolink system or adverse impacts with respect to stray currents and earthing.
95. Conditions recommended by TfGM (in the case of an approval) would include an EMC plan being submitted to the Local Planning Authority, and studies relating to the impact of stray currents and earthing upon the Metrolink infrastructure. These could be attached to any grant of planning permission in the interests of safeguarding Metrolink infrastructure pursuant to policy L4 of the Core Strategy.

#### Ground Conditions

96. Environmental Health Officers have reviewed the proposed development site, including historical and environmental maps. No objection is raised in respect of contaminated land. The site is therefore considered to be appropriate for this development.

#### VERY SPECIAL CIRCUMSTANCES

## Identified Harm

97. As set out in this report, the proposal constitutes inappropriate development in the Green Belt, which by definition is harmful to the Green Belt. Significant harm is also caused to the openness of the Green Belt in both visual and spatial terms and the proposal would significantly conflict with the purposes of including land within the Green Belt – to prevent encroachment into the countryside and to prevent neighbouring towns from merging into each other. Very substantial weight is attached to this harm.
98. A harmful visual and physical impact upon the landscape would take place through the development of this parcel of grassed land within the Mersey Valley landscape character area. Open views across the green fields and towards the Mersey Valley would be lost which contribute significantly to the character of Golf Road (which is also a designated recreational route) and reinforces the separation between the settlements of Sale and Chorlton. Whilst this could be compensated for through a landscape buffer adjacent to Golf Road, this would enclose Golf Road funnelling views along the Metrolink and Motorway rather than out towards the countryside. It can also be noted that the engineered track and some of the BESS development would remain visible from Golf Road via the retained vehicular access.
99. The proposal would also have an adverse, temporary construction impact. Whilst this would be mitigated through the implementation of a robust CEMP, there would be increased construction vehicle movements within the site, and accessing the site from the M60 motorway causing a small increase in traffic and noise.
100. As set out in paragraph 148 of the NPPF, very special circumstances (VSC) will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations. Substantial weight is attached to these above harms.

## Identified Need

101. The Government has set out ambitious targets to significantly and rapidly reduce greenhouse gases. Recently the UK has set targets to cut emissions by 78% by 2035 (compared to 1990 levels). A 2022 report to Parliament (Progress in reducing emissions) published by the Climate Change Committee stated that tangible progress is lagging the policy ambition (targets). Nevertheless, increasing emphasis is being placed on renewables with electrification continuing to increase demand for electricity. This application argues that energy storage and flexibility is a key part of the drive towards 'clean' energy and achieving net-zero carbon emission within the UK. This is not disputed.

102. In 2018, the Government (and OFGEM) published 'Upgrading our Energy System' which seeks to enact the Governments' National Policy Statement for Energy (EN-1). This industry document seeks to encourage an enhanced frequency response which is a service required to help National Grid to balance the frequency fluctuations on the grid system and maintain a flow of electricity to meet demand at all times.
103. BESS will increase resilience of the UKs energy supply, in particular because it can store electricity at times of high supply and demand is low and then discharge the stored energy almost instantaneously, stabilising the grid during times of high demand. The innovation of smart technology such as BESS is identified within the 'Ten Point Plan for a Green Industrial Revolution' published by the Government in November 2020. The site lies within an area that imports large amounts of electricity during peak demand which is also evidenced through an Electricity North West review of Greater Manchester (Greater Manchester 2038 – A Decarbonisation Pathway). Through the use of renewable sources, this facility would improve the stability of local energy supply and reduce dependency on fossil fuels.
104. The 2023 National Planning Policy Statement for Energy (EN-1) states *inter alia* within section 3.3 'The need for new national significant electricity infrastructure' that 'there are several different types of electricity infrastructure that are needed to deliver our energy objectives. Additional generating plants, electricity storage, interconnectors and electricity networks all have a role, but none of them will enable us to meet these objectives in isolation. Electricity storage can ensure that less energy output is wasted, and it can reduce the need for new network infrastructure. Storage has a key role to play in achieving net zero, can reduce the costs of electricity whilst increasing reliability of the network. Storage can provide services at both the local and national level'.
105. As encouraged in the NPPF at paragraph 58(a) and at policy L5.12, Officers recognise that whilst this is a modestly sized project (90MW), it would still make a valuable contribution to cutting greenhouse gas emissions, and supporting the sustainable production of renewable energy.
106. These ambitions are echoed at a local level with the Council declaring a Climate Emergency and having published a Climate Action Plan which seeks to achieve an average annual 13.4% reduction rate in emissions and achieve net zero (or near-zero carbon) by no later than 2041. The proposal would make a significant contribution in the movement towards clean energy and tackling climate change at both a regional and national level in line with ambitious national targets. This carries significant weight in favour of the application.

### Site Selection



107. The applicant has undertaken a sequential assessment to identify a site which is most suitable for this development. This is set out within a detailed Site Selection Statement submitted with the application, and revised in November 2023. The criteria for which they, as a reserve power developer, generally assess sites is as follows:
- The site must be within 2km of a grid connection. Outside of 2km tends to be unviable owing to infrastructure costs (cabling) and complications of land ownership.
  - At least two hectares of land required to accommodate a 90MW BESS
  - Level and clear site is necessary.
  - Vehicular access must be achievable
  - Suitable separation distances from residential properties.
  - Compatible land uses
  - Existing landscape screening
  - Avoidance of environmental designation
  - Outside of a flood risk area, unless there is evidence to confirm the risks can be mitigated.
108. The development proposed appears to be in conflict with a number of the developers own site selection criteria. Particularly, the site is not level, is within both the Green Belt and an area of Landscape Protection, is not well screened (i.e. the site is relatively open) and 25% of the development is within Flood Zone 3. It is questionable whether the development has been submitted owing to the availability of the grid connection, and a willing landowner, with much less weight afforded to the protection of both the landscape and the Green Belt.
109. The site is located near to the South Manchester Grid Supply Point (GSP). The Planning Statement argues that the availability of grid connections is becoming 'a huge issue for clean energy development over the last few years'. Yet, the applicant has not demonstrated that other GSPs have been considered, for example Carrington. No other GSPs have been noted as discounted by the applicant, including any which may be sited outside of the Green Belt for example Carrington.
110. Notwithstanding the above, within a 2km radius of the South Manchester GSP, it is recognised that there is no undeveloped/available land outside of the Green Belt. The applicant has provided a plan – below – illustrating three sites within this 2km radius which were considered for the development.



111. Pink shading – South Manchester GSO.  
 Purple shading (Site A) – 70MW BESS granted planning permission under 110666/FUL/23.  
 Red shading (Site B) – Application site.  
 Orange shading (Site C) – Land between Metrolink and M60 motorway.
112. The applicant has argued that Site A was too small to develop a 90MW BESS. Site C has been discounted as the applicant claims that the landowner did not respond to queries. This site, which is enclosed by the Metrolink and M60 motorway would have been far more suitable for the development in respect of both Green Belt and landscape impacts as this would have been enclosed by built development. Regrettably this option was not pursued further by the applicant.
113. It is noted that the site chosen by the applicants is not in the vicinity of any designated or non-designated heritage assets, and both the LLFA and Environment Agency consider the development to be acceptable in respect of flood risk. In the surrounding context, there are other BESS developments either approved or under construction, albeit this leads to cumulative effects as identified earlier in this report.
114. It is clear that a site within the Green Belt would be required to accommodate the proposed development within a 2km radius of the South Manchester GSP. Whether a previously developed site or sites (comprising built development) could

accommodate the proposed development is uncertain. The applicant has not suggested that any such sites in this area are available and there is no evidence before Officers to contradict this. Nevertheless, it is evident that the immediate area of developed sites are within relatively small land parcels, unsuitable for the size of this development, with an increasing distance from the GSP.

#### Whether VSCs exist

115. On balance, it is considered that the considerations in favour are of a high magnitude given the benefits of the scheme to energy infrastructure provision. These benefits are afforded significant weight in favour of the application. However, these benefits do not clearly outweigh the harm through inappropriateness, harm to the openness of the Green Belt, encroachment into the countryside and harm to the landscape character, recreational value and visual amenity of this area. These harms attract very substantial weight against the development. As such it is considered that the very special circumstances do not exist. The proposal would significantly conflict with Core Strategy Policy L4, emerging PfE policy JP-G10 and Paragraph 148 of the NPPF.

#### SUMMARY AND PLANNING BALANCE

116. The proposed development would provide a battery energy storage facility (BESS) with a capacity of 90MW which could operate for three hours at a time providing 270MW into the electricity network. This would be achieved through the installation of 156 containerised battery units. The site has been chosen for this development owing to its proximity to the South Manchester Grid Supply Point (GSP) and suitability in terms of available capacity. The site is, however, located within the designated Green Belt and the Mersey Valley area of Landscape Protection.
117. The proposed development does not fall within one of the exceptions identified in paragraphs 149 and 150 of the NPPF and is therefore, by definition, inappropriate development in the Green Belt and should not be approved except in very special circumstances (paragraph 147 of the NPPF). The proposal would also have a significantly greater impact on the openness of the Green Belt and result in significant encroachment into the countryside – one of the five main purposes of the Green Belt and would add to a cumulative impact of merging neighbouring towns. Very substantial weight is attached to this Green Belt harm.
118. The development would also appear incongruous in the Mersey Valley, and would significantly detract from the landscape character, recreational value and visual amenity of this area, which would be visible within the surrounding public realm. The proposal also does not accord with the latest National Fire Chiefs Council BESS guidance and uncertainty exists over the extent of mitigation that could be provided through a fire detection and suppression system. There would also be some temporary limited harm to residential amenity through some

disturbance during the construction phase, and slightly increased traffic on the highway network.

119. Very substantial weight is attached to the harms arising from this development.
120. There are, however, considerations in favour of the proposal of significant weight. The proposal would significantly contribute to the local, regional and national effort to reduce reliance on fossil fuels, reduce greenhouse gas emissions, and tackle climate change. The development incorporates innovative technology to enable the wider, and efficient application of renewable energy. It would increase reliance on clean energy and help to stabilise renewable energy production. The UK government have set climate targets to reduce greenhouse gas emissions. This development would make a meaningful contribution to these aims.
121. There are also other benefits of the scheme which although not part of any very special circumstances case, would weigh positively in the planning balance, These include:
  - the ecological value of the site would also be greater as a result of this proposal, which could be secured via condition. This is a requirement of emerging PfE policy JP-G9. Moderate weight is afforded to this benefit.
  - Temporary economic benefits would flow from construction. Additional, temporary expenditure in the local economy would support existing services in the area. Limited weight is attached to this benefit.
122. Matters relating to highways, flood risk, air quality, and residential amenity are all considered to be acceptable subject to appropriate conditions. These are weighted neutrally as any potential harm can be adequately mitigated through conditions to ensure policy compliance.
123. Overall, the benefits of this scheme, including the significantly weighted benefits listed above, do not clearly outweigh the substantially weighted harms associated with this development. In line with paragraph 147 of the NPPF, very special circumstances are not considered to exist. The proposal would conflict with the development plan as a whole, in particular Policies L7, R2 and R4 of the Core Strategy, emerging PfE policies JP-G1 and JP-G10 and the National Planning Policy Framework. It is therefore recommended that planning permission be refused.

### **RECOMMENDATION:**

**REFUSE** for the following reasons:

1. The proposed development would constitute inappropriate development in the Green Belt, which is by definition harmful to the Green Belt. In addition, the

proposal would have a harmful impact on the openness of the Green Belt and would be contrary to the purposes of including land within the Green Belt. No very special circumstances outweigh the harm to the Green Belt by reason of inappropriateness, and the harm to the openness of the Green Belt, harm through encroachment into the countryside and harm to the landscape and recreational value of this area. The proposed development is therefore contrary to policy R4 of the Trafford Core Strategy, emerging policy JP-G10 of Places for Everyone and the National Planning Policy Framework.

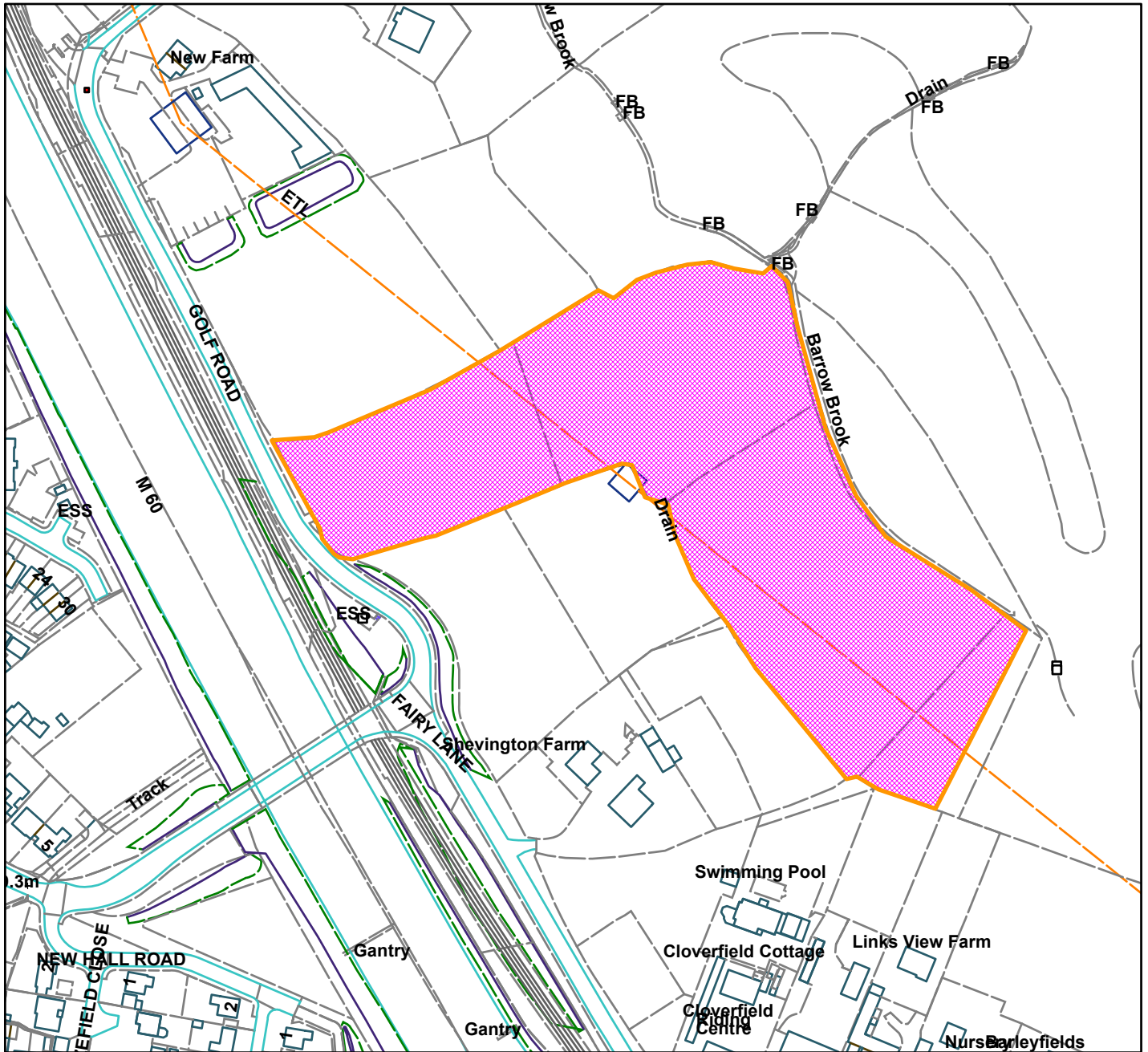
2. The proposed development by reason of its siting, layout, and appearance would urbanise the site and appear highly incongruous within the Mersey Valley landscape. This would erode and damage the landscape character, visual amenity and recreational value of this area, which would be contrary to policies L7 and R2 of the Trafford Core Strategy, emerging policy JP-G1 of Places for Everyone, the National Planning Policy Framework, and Supplementary Planning Guidance 30 – Landscape Strategy.

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RCR



Land off Golf Road, Sale



Scale: 1:2,500

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Organisation	Trafford Council
Department	Planning Service
Comments	Committee date 14/12/2023
Date	04/12/2023
MSA Number	AC0000809316 (2022)

**WARD:** Davyhulme

**111845/HHA/23**

**DEPARTURE: No**

**Retrospective application for the erection of a single storey rear garden annexe and alterations to the side boundary treatment**

10 Aldermere Crescent, Flixton, M41 8UF

**APPLICANT:** Mr & Mrs S Robinson

**AGENT:** Alderley Architecture Limited

**RECOMMENDATION: GRANT**

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**The application has been reported to the Planning and Development Management Committee as more than six representations have been received contrary to the officer recommendation.**

**SITE**

The application site relates to a two storey, semi-detached dwellinghouse located to the south of Aldermere Crescent, Flixton. The property benefits from an existing part two storey / part single storey rear extension. The property is surrounded by residential land uses on all sides. Off-street parking provision is provided by the driveway to the front of the property.

**PROPOSAL**

Retrospective planning permission is sought for the erection of a single storey rear garden annexe.

The rear annexe measures 6.52m in width and 7.16m in depth. A minimum separation distance of 750mm is retained between the garden annexe and the shared boundaries with Nos.8 and No.12 Aldermere Crescent. A minimum separation distance of 920mm would be retained to the rear site boundary. The rear annexe incorporates an area of raised decking to its north-east corner which sits a maximum height of 0.3m above the external ground level at its highest point.

The rear garden annexe has a flat roof with a maximum height of 2.8m where the ground level is at its lowest and 2.5m at the highest ground level. There are 2no. windows to the front elevation of the annexe and 1no. set of French doors to the side elevation facing No.12. There are no openings to the side elevation facing No.8 or to the rear elevation of the annexe.

The garden annexe is finished in timber cladding to the front elevation with white K-rend to the side and rear elevations. The annexe has a singly ply membrane flat roof and black uPVC windows and doors.

The submitted plans show a living room, bedroom and ensuite within the building. It is noted that, as built, the building also includes a small kitchenette area within the living space.

The application also seeks retrospective permission for timber fencing of up to a maximum of 2.1m in height on the side boundaries with Nos. 8 and 12 Aldermere Crescent.

## **DEVELOPMENT PLAN**

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

- The **Trafford Core Strategy**, adopted 25<sup>th</sup> 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<sup>th</sup> June 2006; The majority of the policies contained in the Revised Trafford UDP were saved in either September 2007 or December 2008, in accordance with the Planning and Compulsory Purchase Act 2004 until such time that they are superseded by policies within the (LDF). Appendix 5 of the Trafford Core Strategy provides details as to how the Revised UDP is being replaced by Trafford LDF.

## **PRINCIPAL RELEVANT CORE STRATEGY POLICIES**

L7 – Design

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

## **OTHER LOCAL POLICY DOCUMENTS**

SPD3 – Parking Standards and Design

SPD4 – A Guide for Designing House Extensions and Alterations

## **PROPOSALS MAP NOTATION**

None

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

None

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

The MHCLG published the revised National Planning Policy Framework (NPPF) in September 2023. 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 last updated on 1 October 2019. The NPPG will be referred to as appropriate in the report.

## **PLACES FOR EVERYONE**



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

Emerging policies relevant to this application are:

JP-P1 - Sustainable Places

### **RELEVANT PLANNING HISTORY**

108937/CPL/22. Application for Certificate of Lawful Development for proposed garden room. Approve. 17/10/2022.

106744/HHA/21. Erection of single storey rear extension. Approve with Conditions. 02/05/2022.

H13109. ERECTION OF GARAGE AND FIRST FLOOR EXTENSION TO FORM 2 ENLARGED BEDROOMS. Approve with Conditions. 01/10/1980.

H10750. ERECTION OF EXTENSION TO DINING ROOM AND KITCHEN. Approve with Conditions. 15/10/1979.

#### **95 Derwent Road**

105540/HHA/21. Erection of a garden room at the rear of the garden (Part Retrospective). Refused. 25/01/2022. **Appeal Allowed with Conditions. 23/05/2023.**

### **APPLICANT'S SUBMISSION**

A statement has been received from the applicant making the following comments: -

*The outbuilding in our garden is a mobile annexe/home. It is not a permanent structure (it can be transported), nor is it a new or separate self-contained dwelling. It is an annexe to the main house and the facilities are used by all family members. It is not independent in any way. It is reliant on the main house for everything and cannot function independently of the main house. It has the same postal address, electricity supply, water supply, same access and same garden use etc. All bills and utilities are paid for by us, the owners of 10 Aldermere Crescent. The residents of the garden annexe are my parents (paternal) and the annexe will always be functionally linked to the main house. There will always be shared use of the main house through meal*

*times, washing/drying clothes, storage and family socialising. The annexe will never be used as a separate self-contained home with a separate address, it will never be used as business premises, or a holiday let etc.*

Further details of personal circumstances have been submitted which raise issues relating to the Equality Act 2010.

## **CONSULTATIONS**

None

## **REPRESENTATIONS**

Eight objections have been received from neighbouring properties in response to this application. These objections are summarised below:

- Neighbours have suffered a loss of privacy since the structure has been built and occupants took permanent residence. There is a direct view into neighbouring properties via windows on the front façade of the structure.
- Since the occupants took up permanent residence of the structure, the dustbins (now 6 in total) were moved and now run alongside the lounge area of the neighbouring property with a 4ft fence on the boundary line. Every time someone visits the bins, they can see directly into the neighbour's lounge affecting privacy and enjoyment of the property including the noise created as it happens several times a day/evening. This is continuously disruptive and distressing.
- The occupants also use the side passage of the main house as their own direct route to the structure at the rear which means each time they go in or out, they pass the neighbour's lounge windows.
- The structure has been built too close, less than the allowable for planning, the two windows face the neighbouring house, in particular a bedroom/study leading to the landing/bathroom of the property, which affects privacy.
- In the evenings the structure is illuminated causing a visual disturbance. The applicants, occupants and/or their agents chose to mislead the council by answering 'not applicable' to giving details of external lighting thereby implying there isn't any external lighting whereas there is indeed external lighting (x3) causing visual disturbance most evenings.
- The garden annexe results in unacceptable noise disturbance due to the loud nature of the interactions between the occupants of the main house and annexe.
- The nearby application at 95 Derwent Road (105540/HHA/21) has already set a precedent restricting the use of a rear garden building to purposes ancillary to the use of the original dwellinghouse.
- No additional parking provision has been made for the parking of an additional vehicle at the property.
- This building has been permanently occupied since the 10th March 2023, it has been used as a totally independent residence with visitors & deliveries going direct to the building and not through the house.
- The original planning application approved at this property was for a garden

room with a purpose incidental to the enjoyment of the dwellinghouse and the use of the property as residential accommodation would not comply with this.

- The height of the outbuilding would mean that it would no longer comply with existing Permitted Development rights.
- No 'retrospective' planning application should be allowed, as it sets the example that anyone can build whatever they like with no regard for planning, procedures, or their neighbours.
- Due to the retrospective nature of this application, there are surely health and safety concerns around the building being fit for purpose. There is a high-water table in the area that affects many of the gardens with persistent flooding, which could affect the structure and safety of the building over time, making a residential building in this area extremely dangerous.
- Neighbours have had to deal with a lot of issues regarding an outbuilding/garden room being built at Derwent Road, to the rear of this property, which was eventually approved.
- This retrospective application is of similar height and distance to the neighbouring boundaries of said building on Derwent Road. The outbuilding/garden room built on Derwent Road (at the rear of our property) was approved on the basis that it was only allowed to be used for recreational purposes and not a residential dwelling so surely the same rules should apply for this application.
- The applicant has, from the outset, shown no regard to the planning permissions required for this construction. They have from the beginning misled the planning authorities with their intentions as the initial planning submitted was for a garden room, not a residential property as it is now.
- The construction is too tall and is higher than the 8 foot fence it is built up to and the entrance door to the building faces towards a neighbouring property's rear bedroom and has a clear view towards the rear of that house.
- If this construction is allowed to remain as a permanent dwelling then this will mean that any resident with a large back garden can build a small dwelling simply ignoring all rules and regulations.
- The building is constructed largely from timber and could pose a fire risk.

*It is noted that a condition was attached to the Appeal Decision for the application at No.95 Derwent Road (105540/HHA/21) which restricted the use of the outbuilding 'for purposes ancillary to the use as a single dwellinghouse of the dwelling known as 95 Derwent Road.' This condition does not mean that the building was approved only for recreational purposes but simply that it should only be used or occupied for purposes ancillary to the use of the main dwelling at 95 Derwent Road i.e. if the building were to be converted to living accommodation, this would need to be accommodation that is ancillary to the residential use of the main dwelling rather than forming a separate dwelling. This is discussed further in the Observations section below. Issues relating to fire risk are not a material planning consideration in respect of this type of development and would be considered under other legislation.*

## **OBSERVATIONS**

### **BACKGROUND**

1. A previous application for a Certificate of Lawful Development for a proposed

garden room at the application property was submitted on the 17<sup>th</sup> August 2022. The Certificate of Lawful Development was approved on 17<sup>th</sup> October 2022 on the basis that the garden room would be compliant with Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). Class E permits the provision without the curtilage of a dwellinghouse of *'any building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of the dwellinghouse as such, or the maintenance, improvement or other alteration of such a building or enclosure.'* The government Technical Guidance: Permitted Development Rights for Householders (September 2019) states that the term *"incidental to the enjoyment of the dwellinghouse, as such"* could include incidental uses such as garden sheds, other storage buildings, garages etc. but does not include separate self-contained living accommodation or primary living accommodation such as a bedroom, bathroom or kitchen.

2. Following an enforcement investigation, it has been confirmed that the garden room at the property was constructed as and is currently in use as residential accommodation for family members of the applicant and therefore would not comply with Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) and requires planning permission.
3. The current application has therefore been submitted to seek retrospective planning permission for the development as implemented.

#### PRINCIPLE OF DEVELOPMENT

4. The proposal is for an annexe extension to an existing residential property, within a predominantly residential area. The proposal has been submitted as a householder application and the applicant states that the building is an annexe to the main house and cannot function independently of the main house, having the same postal address, electricity, water supply, access and garden with shared use of the main house for meal times, washing / drying clothes, storage and socialising. Therefore, the proposed development should be assessed on this basis against the requirements of Policy L7 of Trafford's Core Strategy and SPD4.

#### DESIGN AND VISUAL AMENITY

5. Paragraph 126 of 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.'
6. Policy L7 of the Core Strategy requires that development is appropriate in its context; makes best use of opportunities to improve the character and quality of an area by appropriately addressing scale, density, height, layout, elevation treatment, materials, landscaping; and is compatible with the surrounding area.

7. Policy JP-P1 of the emerging Places for Everyone (PFE) Joint Development Plan states that developments should have a clear identity that, *“respects and acknowledges the character and identity of the locality in terms of design, siting, size, scale and materials used”*.
8. The design has been considered in line with Policy L7, Policy JP-P1 of the emerging PFE and guidance contained within SPD4.
9. The garden annexe measures 6.52m in width and 7.16m in depth and retains a 750mm separation distance to the two shared boundaries with the neighbouring properties either side at No.8 and No.12 Aldermere Crescent. A minimum separation distance of 920mm is retained to the rear site boundary shared with No.89 Derwent Road. The height of the structure varies between 2.5m and 2.8m due to the difference in ground levels with the land rising slightly towards the rear of the garden. It is noted that, a structure of these dimensions constructed as a garden room or for purposes incidental to the enjoyment of the dwellinghouse rather than as living accommodation, would comply with permitted development rights, as the government Technical Guidance confirms that, in relation to permitted development rights, the height of an outbuilding is measured from the highest ground level adjacent to the building wherever that might be.
10. The rear annexe incorporates an area of raised decking to its north-east corner which sits a maximum height of 0.3m above the external ground level at its highest point. The decking is therefore of a height that would not require planning permission if it were a standalone structure.
11. The rear garden annexe has a flat roof with a maximum height of 2.8m. There are 2no. windows to the front elevation of the annexe and 1no. set of French doors to the side elevation facing No.12. There are no openings to the side elevation facing No.8 or to the rear elevation of the annexe. The garden annexe is finished in timber cladding to the front elevation with white K-render to the side and rear elevations. The annexe has a singly ply membrane flat roof and black uPVC windows and doors.
12. Due to the position of the rear annexe at the rear of the garden of the application property and its flat roof design with a height of 2.8m the proposed annexe would be screened from view from the existing street scene.
13. Whilst it would be visible from neighbouring gardens, there are a number of other outbuildings within the gardens of properties in the vicinity of the application site, including the structure allowed at appeal at 95 Derwent Road in May 2022 (application 105540/HHA/21). In that appeal decision, the Inspector noted that the long gardens of houses on Aldermere Crescent gives the rear of the properties an open and verdant character and that there are several examples of outbuildings of various styles and designs in the rear gardens. The building at 95 Derwent Road has a flat roof and measures 7.35m x 5m with a height of 2.85m and is therefore similar in scale and design to the current proposal albeit the building at 10 Aldermere Crescent is L-shaped rather than rectangular. The sides and rear of the building at 95 Derwent Road were

to be finished in white masonry paint with the front elevation in render. The Inspector considered that, due to the variety of materials used in the existing outbuildings locally, this would not harm the character and appearance of the area.

14. Having regard to the above factors, it is therefore considered that the current application building is acceptable in scale and in terms of design and materials and would not have a detrimental impact on the visual amenity of the street scene or the surrounding area. As such, it is considered that the proposal would comply with Policy L7 of the Core Strategy, Policy JP-P1 of the emerging Places for Everyone and policies in the NPPF in relation to design.

## RESIDENTIAL AMENITY

15. Policy L7 of the Core Strategy states that in relation to matters of amenity development must not prejudice the amenity of future occupiers of the development and/or occupants of adjacent properties by reason of overbearing, overshadowing, overlooking, visual intrusion, noise or disturbance, odour or in any other way.

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

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

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

18. Paragraph 2.15.3 states *'Window to window distances of 21m between principal elevations (habitable room windows in properties that are directly facing each other) will normally be acceptable as long as account is taken of the fact that the facing properties may need, in fairness, to be extended also. Where ground floor extensions result in separation distances that are less than the distances specified in these guidelines these are only likely to be acceptable where fencing, planting or other screening can mitigate the impact on the privacy of neighbouring properties. Any change in ground floor level between properties, or in a property, can affect the separation distance required to mitigate potential overlooking.'*

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

- *The size, position and design of the extension*
- *Orientation of the property*

- *Presence of other habitable room windows/sources of light in neighbouring rooms*
- *Relative position of neighbouring houses and existing relationship*
- *Size of the garden*
- *Character of the surrounding area'*

20.Paragraph 3.9.2 states '*Detached buildings in rear gardens that require planning permission will be carefully assessed with regard to:*

- *Safeguarding neighbouring amenity*
- *Potential impact upon trees and/or vegetation*
- *Visual impact upon surrounding residential character'*

21.Paragraph 3.9.4 states '*The positioning and size of a garden structure can affect a neighbour's sense of enclosure and have a potential overbearing and/or loss of light impact upon a neighbouring property. Consideration should be given to the siting of a garden structure and its potential impact on neighbouring amenity. The height and bulk of garden structures should be minimised and they should not be positioned so close to neighbouring boundaries as to adversely affect neighbouring properties.'*

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

## 8 Aldermere Crescent

23.No.8 Aldermere Crescent is the non-adjoining neighbouring property located to the west of the application dwelling. This neighbouring property benefits from a single storey side and rear extension and detached garage to the rear.

24.A minimum separation distance of at least 16.9m is to be retained between the annexe window located closest to the shared boundary with this neighbouring property and the nearest ground floor window at this neighbouring property.

25.A minimum separation distance of at least 18.7m is to be retained between the annexe window located closest to the shared boundary with this neighbouring property and the nearest first floor window at this neighbouring property.

26.Any views between the front living room window of the garden annexe and the single storey rear extension at this neighbouring property would largely be screened by the existing boundary treatment, a timber fence 2.1m in height, and the detached rear garage at this neighbouring property located on the shared boundary.

27.Furthermore due to the angled nature of the rear gardens along Aldermere Crescent the rear annexe would be angled away from and not directly face the rear elevation of this neighbouring property. Any overlooking impact would therefore be further mitigated by this.

28. As noted above, a building of the same dimensions constructed for purposes incidental to the enjoyment of the dwellinghouse rather than for living accommodation could be constructed in this position under permitted development rights. The building previously allowed at appeal at 95 Derwent Road was of similar height and dimensions and positioned closer to the boundaries with neighbouring properties (between approximately 0.2m and 0.4m as opposed to between 0.75m and 0.92m in the current case). In the case of 95 Derwent Road, the Inspector concluded that the building was not sufficiently obtrusive to harm the outlook of neighbouring occupiers and that the length of the gardens and the distance from habitable room windows would reduce the likelihood of adverse overlooking or privacy issues. The Inspector therefore concluded that it would not cause harm to the living conditions of neighbouring occupiers.
29. Having regard to the above factors, it is therefore considered that the current application building does not result in any unacceptable overbearing, overshadowing or overlooking impact on number 8.
30. In relation to the 2.1m high fencing itself, it is recognised that this is only 100mm above the height that could be erected under permitted development rights. It is therefore considered that this has no undue impact on the amenity of this neighbouring property.
31. Concerns have also been raised about additional comings and goings at the side of the application property adjacent to the living room of No. 8, the positioning of bins adjacent to this boundary, additional noise and disturbance and additional lighting impacts from the application building. In relation to these issues, it is noted that, whilst there are living room windows on the side of No. 8, these are not the principal living room outlook, that bins could be stored in this position in any case and that the windows in the application building are relatively small, thus limiting the lighting impact from windows. Whilst there are exterior lights attached to the building, it is considered that these are not untypical of what might be anticipated at a domestic property and would not cause an unacceptable loss of residential amenity. It is recognised that there is inevitably likely to be some additional activity as a result of the additional accommodation but this could equally occur as a result of other forms of extension to the residential property and, given that the accommodation would remain ancillary to the main dwellinghouse, it is considered that this would not be so significant as to justify a refusal on the grounds of noise and disturbance or the other potential impacts referred to above.
32. It is therefore considered that the proposed rear garden annexe would not result in any undue overbearing, overshadowing or overlooking impact or any other unacceptable amenity impacts in relation to this neighbouring property.

## 12 Aldermere Crescent



33. No.12 Aldermere Crescent is the adjoining neighbouring property located to the of the application dwelling. This neighbouring property benefits from a single storey rear extension.
34. A minimum separation distance of at least 19.3m is to be retained between the annexe window located closest to the shared boundary with this neighbouring property and the ground floor French doors at this neighbouring property.
35. A minimum separation distance of at least 21.3m is to be retained between the annexe window located closest to the shared boundary with this neighbouring property and the nearest first floor window at this neighbouring property, and it is considered that any views between the garden annexe and the single storey rear extension at this neighbouring property would largely be screened by the existing boundary treatment, a timber fence 2.1m in height.
36. The proposed side doors at the annexe would face the rear end of the garden at this neighbouring property and therefore are not considered to cause any unacceptable overlooking impact.
37. As discussed above, in relation to the impact on No. 8, a building of the same dimensions could be erected under permitted development rights for purposes incidental to the enjoyment of the dwellinghouse. Furthermore, the outbuilding at 95 Derwent Road was considered to be acceptable in terms of impact on residential amenity by the appeal Inspector despite being significantly closer to the boundaries with neighbouring properties.
38. It is therefore considered that, having regard to the above factors, the current application building does not result in any unacceptable overbearing, overlooking or overshadowing impact on No. 12.
39. In relation to the 2.1m high fencing itself, it is recognised that this is only 100mm above the height that could be erected under permitted development rights. It is therefore considered that this has no undue impact on the amenity of this neighbouring property.
40. As discussed above, in relation to No. 8, it is considered that any additional activity and comings and goings generated by the building would not have so significant an impact as to justify refusal on this basis.
41. It is therefore considered that the proposed rear garden annexe would not result in any undue overbearing, overshadowing or overlooking impact or any other unacceptable amenity impacts in relation to this neighbouring property.

### 89 Derwent Road

42. No.89 Derwent Road is the neighbouring property to the rear of the application dwelling. This neighbouring property benefits from a single storey front side and rear extension and detached outbuilding to the rear sited on the shared boundary with the application dwelling.

43. A minimum separation distance of 920mm is to be retained between the proposed annexe and the shared boundary with this neighbouring property. A minimum separation distance of at least 18m is to be retained between the rear annexe and the single storey rear extension at this neighbouring property.
44. The proposed annexe would partially be screened from view from this neighbouring property by the existing detached outbuilding and trees to the rear of the site. There are no windows to the rear elevation facing the rear garden of this neighbouring property.
45. It is therefore considered that the proposed rear garden annexe would not result in any undue overbearing, overshadowing or overlooking impact in relation to this neighbouring property.

#### Amenity of occupiers

46. The proposed garden annexe would be served by 2no. windows to the front elevation and 1no. set of side doors to the side elevation facing No.12 Aldermere Crescent. These are considered to provide both sufficient outlook and natural lighting for the occupiers of the annexe.
47. Nevertheless, the use of the building for living accommodation would only be acceptable if it were occupied as an annexe. If it were to be used as a separate self-contained dwelling, it would have unsatisfactory facilities for the prospective occupants and would have an unsatisfactory relationship with the existing dwelling. The occupants of the main house and of the annexe would need to live together as one household for the annexe to offer an appropriate standard of living accommodation. For the avoidance of doubt, it is therefore recommended that a condition is attached requiring that the building shall not be occupied at any time other than for purposes ancillary to the use as a single dwellinghouse of the dwelling known as 10 Aldermere Crescent. This would be a similar condition to that attached by the Planning Inspector in relation to the appeal at 95 Derwent Road (application 105540/HHA/21). Whilst it has been suggested in the representations that this condition prevents the use of the building at 95 Derwent Road from being used as living accommodation, this is not the case as long as any living accommodation remains ancillary to the main dwelling.
48. In addition, the garden annexe would also not provide sufficient internal floor space to comply with Nationally Described Space Standards for a one bedroom dwelling and therefore should not be approved as a standalone dwelling in itself for this reason.
49. Subject to the condition requiring the occupation of the building to be ancillary to the main dwelling, it is considered that the proposal would not have any unacceptable impact on the residential amenity of any neighbouring dwellings and would be acceptable in relation to the amenity of the occupiers of the application building and the main dwelling at 10 Aldermere Crescent.

50. As such, the development would not result in any unacceptable impact on the amenity of any neighbouring properties and would provide an acceptable level of amenity for the occupiers of the building and 10 Aldermere Crescent itself. The development would therefore comply with Policy L7 of the Core Strategy and policies in the NPPF in this respect.

## **PARKING**

51. The proposed scheme would result in the creation of an additional one bedroom being added to the existing 3no. bedrooms currently at the application property. The Council's SPD3 standards suggest that a maximum of three parking spaces would be required for a four bedroom property. Sufficient space would be retained to the front of the property to accommodate 1no. off-street parking space as per the minimum size guidelines outlined in SPD3 and there would be space on the frontage to create an additional space if this were required. It is also considered that there is some scope for on-street parking in the vicinity of the application property. It is therefore considered that there would not be any unacceptable parking impacts.

## **EQUALITIES**

52. 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.

53. 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.

54. 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.

55. Issues have been raised in the applicant's submission that relate to equalities and as such, in making an assessment of the application proposals, it is necessary to have regard to the Public Sector Equality Duty. If it is known that

a decision could have an impact on persons with (a) protected characteristic(s), then this cannot be disregarded, whether or not that is material to the planning merits of the case.

56. Officers have had regard to this in making an assessment of the impacts of the proposed development but it does not alter their overall conclusion on the acceptability of the proposals in planning terms.

## **TREES AND ECOLOGY**

57. 1no. mature conifer tree was removed from the side boundary shared with No.12 to accommodate the garden annexe. This tree was not protected under any existing Tree Preservation Order and therefore consent was not required for these works.

## **DEVELOPER CONTRIBUTIONS**

58. The proposed development will increase the internal floor space of the dwelling by less than 100m<sup>2</sup> and therefore will be below the threshold for CIL charging.

## **PLANNING BALANCE AND CONCLUSION**

59. The scheme has been assessed against the development plan and national policy and it is considered that the proposed development would result in an acceptable form of development with regard to the amenity of neighbouring residents, and the impact on the street scene and the surrounding area more generally. The applicant has submitted details of personal circumstances in support of the application, raising issues in relation to the Equality Act 2010. Officers have had regard to this in the assessment of the application. However, it is considered that the development is acceptable in any case in relation to visual amenity, residential amenity and parking impacts.
60. All relevant planning issues have been considered in concluding that the proposal comprises an appropriate form of development for the site. The proposal complies with the development plan when taken as a whole. The application is therefore recommended for approval.

## **RECOMMENDATION:**

**GRANT** subject to conditions:

1. The permission hereby granted relates only to the details of development as shown on the submitted plans, numbers 2222 10e, received by the Local Planning Authority on 20<sup>th</sup> November 2023 and 2222 11c received by the Council on the 2<sup>nd</sup> October 2023, and associated 1:1250 site location plan.

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

2. The living accommodation hereby permitted shall not be occupied at any time other than for purposes ancillary to the use as a single dwellinghouse of the dwelling known as 10 Aldermere Crescent, Flixton, M41 8UF.

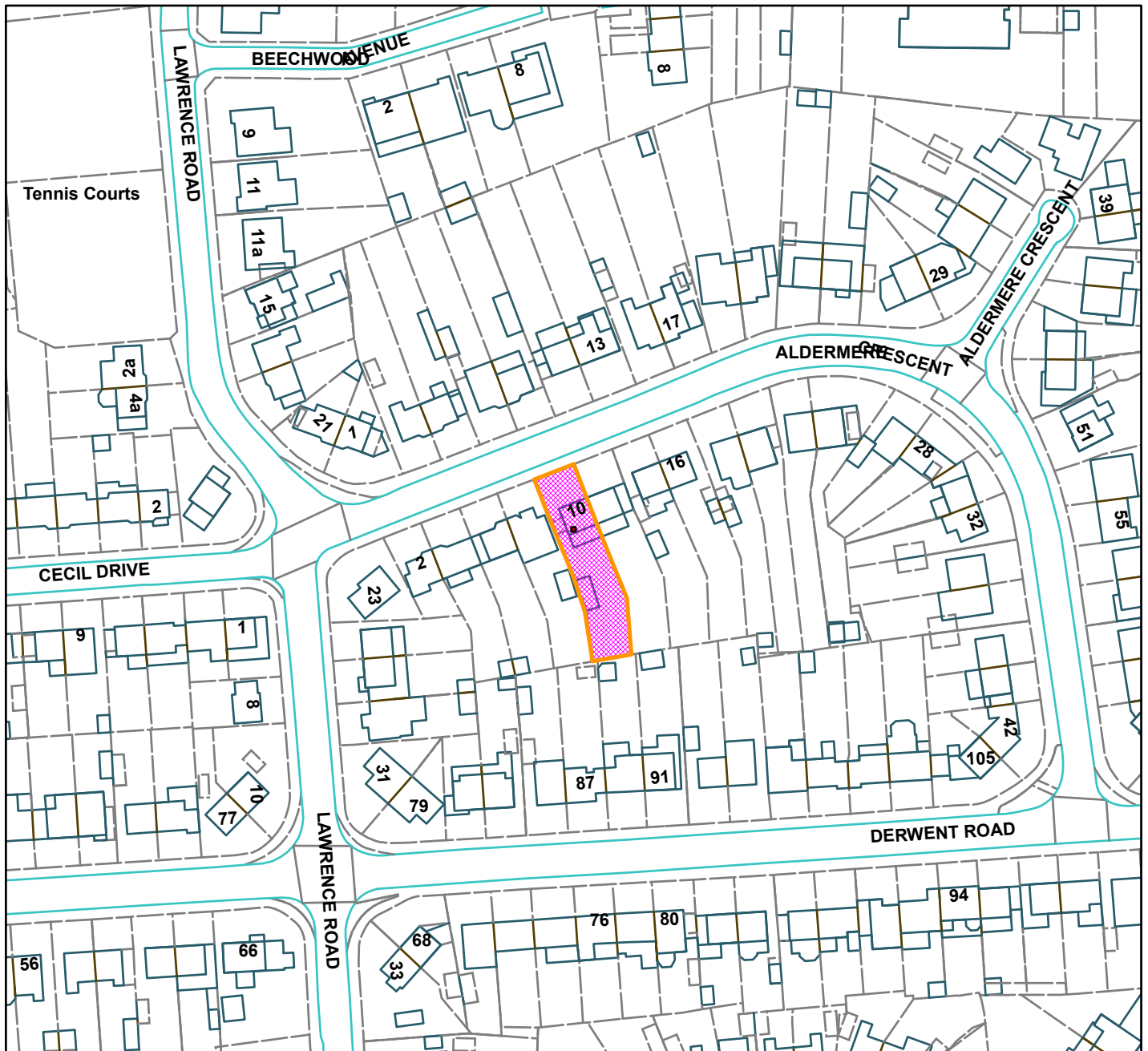
Reason: In order to prevent the additional accommodation being used as a separate dwelling which would have unsatisfactory facilities for prospective occupants and would have an unsatisfactory relationship with the existing dwelling and with neighbouring properties, having regard to Policies L4 and L7 of the Trafford Core Strategy, Policy JP-P1 of the emerging Places for Everyone and the National Planning Policy Framework.

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DC



10 Aldermere Crescent, Flixton



**Scale:** 1:1,250

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Organisation	Trafford Council
Department	Planning Service
Comments	Committee date 14/12/2023
Date	04/12/2023
MSA Number	AC0000809316 (2022)

**WARD:** Hale Barns &  
Timperley South

**111907/FUL/23**

**DEPARTURE: No**

**Change of use of existing detached external garages to educational building (Use Class F1), including 2 no. tutorial classrooms, reception area and other internal works, conversion of existing flat roof to pitched roof and other associated works.**

Rear of 2 Shaftesbury Avenue, Timperley, Altrincham WA15 7LY

**APPLICANT:** Dr Simons Academy of Science

**AGENT:** DAC Design

**RECOMMENDATION: GRANT**

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**This application is being reported to the Planning and Development Management Committee due to a call in request from Cllr Butt and more than 6 representations contrary to Officer recommendation have been received.**

### **SITE**

The application site is the rear garage of 2 Shaftesbury Avenue, which forms the end unit in commercial terrace row in Timperley. The building is constructed of brick walls with metal rear garage doors and a flat roof. Neighbouring properties to the rear are residential. To the west side is the vacant Hare & Hounds Public House. No. 2 Shaftesbury Avenue is in use a pizza takeaway, whilst to the first floor is a residential apartment. There is a rear alleyway access off Seymour Grove to the east.

The garage is understood to be currently vacant and was previously used by the pizza takeaway for storage in association with the commercial use at the front of the building.

### **PROPOSAL**

The application proposes the conversion of the existing garage to an educational building. In terms of internal layout, this would contain 2no. tutorial classrooms, a reception area and small W/C. Proposed opening hours are 5pm to 7pm Monday to Friday and 8am to 4pm on Saturday. The building would be closed on Sundays and Bank Holidays. There would be 2 employees on site and a maximum of 6 students at any one time.

The existing flat roof would be replaced by a hipped roof, with front elevation alterations including new window and door openings. The existing side windows would be bricked up. Access would be from a single front door, facing on to the rear alley, which is accessed via Seymour Grove. The proposal includes external bin storage and bicycle parking.

## Value Added

A revised location plan to include the access up to Seymour Grove was submitted. A revised application form with ownership certificate was submitted. Bin storage was also shown within the rear yard of no. 2 Shaftesbury Avenue and this area included within the application site. Amendments were also secured to provide level accessible, accessible doorways and toilet.

## **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 & Accessibility

L7 – Design

## **PROPOSALS MAP NOTATION**

Unallocated

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

None

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

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



## **PLACES FOR EVERYONE (FORMERLY GREATER MANCHESTER SPATIAL FRAMEWORK 2020)**

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

Emerging policies relevant to this application are:

JP-C7 – Transport Requirements of New Development  
JP-P1 - Sustainable Places

### **RELEVANT PLANNING HISTORY**

107633/FUL/22 - Change of use from a vacant retail unit (Class E) to a Hot Food Takeaway (Sui Generis) and associated external alterations including extraction flue and condenser units to the rear elevation  
Approved with conditions 29.06.2022

91529/FUL/17 - Change of use from shop (A1) to hot food takeaway (A5), including external alterations (erection of extraction flue).  
Approved with conditions 16.10.2017

H42291 - Erection of a two-storey side extension to shop on the ground floor and to form additional accommodation over. Erection of external staircase access to first floor  
Approved with conditions 29.05.1996

H31436 - Change of use of existing lounge to form extended sales area and erection of first floor rear extension to form new lounge  
Approved with conditions 28.06.1990

### **APPLICANT'S SUBMISSION**

Planning Statement

### **CONSULTATIONS**

**Local Highways Authority** – no objection subject to suitable bicycle storage.

## **REPRESENTATIONS**

Objections have been received from 8no. neighbouring properties, summarised as follows:

- *Parking issues and congestion from additional traffic*
- *Access road is uneven and dangerous with no lighting*
- *Concern regarding potential for future residential use*
- *Crime behind shops over recent years, with potential for increase*
- *Lack of on-site parking*
- *Access disruption and issues due to bin storage*
- *Location not suitable for educational use.*
- *Queries raised regarding opening days/times, parking spaces, whether parents would stay on site and whether Seymour Grove parking could be residents only.*
- *Access road is not a public highway and the applicant has no assumed right to develop or modify this land without owners consent.*

The representation from Cllr Butt is as follows:

*I would like to call in this application if it is anything other than a refusal, for the following reasons:*

- *The site is situated at the very end of the narrow alley way.*
- *Access to the site is severely limited*
- *The upper storey above each shop in the block are now flats and access to all of them is only from the rear entrance gate to each shop. Therefore, there is usually a mass of bins at the rear along the alleyway.*
- *Goods delivery vehicles servicing the shops persistently block the alley way and at times are obstructive to traffic flow when parked on adjacent part of Seymour Grove. This would compound the problem with the classes proposed on the site.*
- *The proposed conversion to classrooms does not equate to the nature of the development plans which appear to be more akin to a dwelling*
- *The proposed use would create an obstructive hazard adding to the bins and delivery vehicles using the narrow alleyway.*

## **OBSERVATIONS**

### **PRINCIPLE OF DEVELOPMENT**

1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF at Paragraphs 2 and 47 reinforces this requirement and at Paragraph 12 states that the presumption in favour of sustainable development does not change the statutory

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

2. The Council's Core Strategy was adopted in January 2012, prior to the publication of the 2012 NPPF, but drafted to be in compliance with it. It remains broadly compliant with much of the policy in the 2021 NPPF, particularly where that policy is not substantially changed from the 2012 version. It is acknowledged that some policies, are out of date, however, other relevant policies remain up to date and can be given full weight in the determination of this application. Whether a Core Strategy policy is considered to be up to date or out of date is identified in each of the relevant sections of this report and appropriate weight given to it.
3. The NPPF is a material consideration in planning decisions, and as the Government's expression of planning policy and how this should be applied, should be given significant weight in the decision making process.
4. Paragraph 93 states that: *To provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should: a) plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments.*
5. Paragraph 119 states that: *Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.*
6. Paragraph 120 states (among other factors), that: *Planning policies and decisions should promote and support the development of under-utilised land and buildings*
7. The proposal is for the re-use of an existing garage, as an educational use in the form of tutoring classrooms for pupils and students.
8. The use would provide a new educational facility in the community and would make efficient use of the building in a sustainable mixed use urban location. The proposal would support educational provision in the area, whilst also providing employment opportunities for staff/tutors. It is considered reasonable to include a condition restricting use of the building for educational purposes only. This is taking into the nature of parking requirement, proposed opening hours and the specifics of the proposal, which are considered less intensive than other uses within class F could be. The principle of development is considered acceptable, subject to the material considerations reviewed in the sections below.

## DESIGN, LAYOUT AND VISUAL IMPACT

9. 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. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process”*.
10. Core Strategy Policy L7 requires 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.
11. Policy L7 of the Core Strategy is considered to be compliant with the NPPF and therefore up to date as it comprises the local expression of the NPPF’s emphasis on good design and, together with associated SPDs, the Borough’s design code. It can therefore be given full weight in the decision making process.
12. The proposed hipped roof to the garage is considered to complement the roof design of the commercial terrace to the front. The height is considered appropriate, with the ridge level set below the eaves line and first floor rear window cill of the terrace. The proposed front door and windows would be well sited and of an appropriate design. It is noted these openings would provide a different appearance to neighbouring properties in the terrace, which generally feature rear storage and access doors. This appearance is not considered harmful to the character of the area or inappropriate in the context, where such openings are still present on other parts of the terrace.
13. The bricked up side window openings, new central roof light and new rear window opening are considered suitable. Satisfactory materials for the character of the building are indicated on the proposed elevations and would be conditioned. It is considered that for safety reasons, details of lighting to the front of the building should be submitted by way of a condition.
14. In summary the proposal is considered to comply with the provisions of Policy L7 and the NPPF with regard to design.

## RESIDENTIAL AMENITY

15. This section considers the potential amenity impact upon neighbouring residential properties. L7.3 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”.

#### Impact upon no. 2 Seymour Grove (neighbour to rear to south)

16. The new hipped roof of the building would be higher than the existing roof, however it would slope up away from no. 2 and the building would remain single storey. Combined with the separation provided by the alleyway access, alongside the minimum 12m facing distance and intervening fencing to the rear conservatory of no. 2, the structure is not considered to appear overbearing, nor cause undue visual intrusion or loss of outlook for this property. The new front windows would be sited at a right angle to windows within the rear elevation of no. 2 and there is not considered to be any increase in overlooking.

#### Impact upon first floor flat of no. 2 and no. 4 Shaftesbury Avenue to north

17. The new roof of the building would be sited below the first floor rear window cill level of this flat. The ridge point of the roof would be approximately 7m away from the flat window. It is considered that given the hipped roof design, along with the diagonal outlook still available to the east and west from this window, there would not be an unreasonable or significant loss of outlook, sense of enclosure or visual intrusion. There is also not considered to be any excessive loss of light or overshadowing caused.

### ACCESS/HIGHWAY, PARKING AND SERVICING

18. 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;
- Provide sufficient off-street car and cycle parking, manoeuvring and operation space;

19. 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*

#### Access

20. The existing alleyway access to the rear is approximately 5.20m in width. The northern half of the alleyway is understood to be owned by the respective properties within the commercial terrace. The southern half is understood to be owned by no. 2 Seymour Grove. Given the nature of the proposed use, it is considered that no cars would drive down the alleyway and that parents/guardians would drop off students on the road, or on the smaller side access road to the side of the commercial terrace. Alternatively cars could park close by and students could be walked to the door of the building.
21. A construction management plan is not considered necessary given the small scale of works proposed.

### Parking

22. SPD3: Parking Standards and Design for Trafford states that for use class F1 (educational), the parking requirement is 2 spaces per classroom, equating to a total of 4no. spaces in this instance. It is considered that any visitors, staff or students requiring parking could park on Seymour Grove or Lorraine Road, where there are numerous on street parking spaces. There are no parking restrictions on these roads. Any traffic generated by the building is likely to be at a low level and self-limiting due to the small size of the building. The proposal is not considered to have an unacceptable impact on highway safety, or a severe residual cumulative impacts on the road network. The Local Highway Authority have not objected to the proposal.
23. Given the lack of on-site car parking, bicycle storage is particularly necessary. Whilst stands have been indicated to the front of the building, further details are required to show exact details of the design, to be secured by condition.

### Servicing

24. A covered bin store for the building is proposed in the alleyway, whilst bin storage for the pizza takeaway is proposed in the rear yard of no. 2 Shaftesbury Avenue. The access is considered a sufficient width to accommodate the bin storage and bicycle stands to the front, whilst retaining access to the southern half.

### NOISE/DISTURBANCE

25. The proposed opening hours are 5pm to 7pm Monday to Friday and 8am to 4pm on Saturday. The building would be closed on Sundays and Bank Holidays. These opening hours are considered reasonable given the nature of the use and the mixed use nature of the surrounding area. Given the nature of the proposed use this is not considered to generate a degree of noise in operation, or in comings and goings which would be audible to an extent to be harmful to nearby residential properties. A condition is recommended, to stipulate that the use shall not be operational outside the hours of 3pm to 7pm on Monday to Friday and 8am

to 4pm on Saturdays. The longer weekday opening time than applied for is to allow a more flexible after school start time if required.

## OTHER MATTERS

26. Concern has been raised that there is potential for residential conversion. However the building is too small against national space standards for a residential use, and there are no permitted development change of use rights for conversion from educational to residential use. A residential use would require planning permission.

27. Concern has been raised regarding the use of the shared ownership alleyway for access, including mention of property deeds. The northern half of the alleyway access is understood to be owned by the respective commercial properties within the terrace. Access rights are not considered to be a planning issue but nevertheless, it appears possible to access the site using this northern half of the alleyway if required.

## EQUALITIES

28. 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.

29. 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.

30. Case law has established that appropriate consideration of equality issues is a requirement for local authorities in the determination of planning applications.
31. The building would provide a level threshold front entrance access, to provide ease of access for wheelchair users. Doors would be 90cm wide and the w/c would be accessible.
32. The measures proposed are considered to be appropriate, practical and a reasonable response to the equality impacts of the scheme.

## DEVELOPER CONTRIBUTIONS

33. This proposal is not subject to the Community Infrastructure Levy (CIL).

## **PLANNING BALANCE AND CONCLUSION**

34. The proposed tutorial classrooms would provide a new educational facility for the social benefit of pupils/students in the area. The development is also expected to provide economic benefits in the local area and employment for tutors. The design and appearance of the external alterations to the building are considered appropriate with regard to Policy L7 of the Core Strategy. The lack of on-site car parking is not considered to preclude the proposal, given the small scale nature of the scheme, taking into account Policy L4 of the Core Strategy and paragraph 111 of the NPPF.
35. Subject to conditions the application is considered to represent sustainable development and is recommended for approval.

## **RECOMMENDATION**

**GRANT** subject to the following conditions:

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

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

2. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers: 20-09-23-1 Revision A (proposed plans/elevations, as received 05.12.2023) and SP15837 (location plan, as received 04.12.2023)

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 permitted shall be constructed entirely of the materials details which are shown on plan number: 20-09-23-1 Revision A (proposed plans/elevations, as received 05.12.2023)

Reason: To ensure that the appearance of the development is acceptable, having regard to Policies L7 and R1 of the Trafford Core Strategy, the Council's adopted Supplementary Planning Document 4: A Guide for Designing House Extensions and Alterations and the National Planning Policy Framework.

4. Notwithstanding the provisions of the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 (or any equivalent Order following the amendment, re-enactment or revocation thereof) the building shall only be used for educational purposes and for no other purpose within use Class F1.

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

5. The development hereby approved shall only be open for business and tutoring purposes between the hours of 15:00 to 19:00 on Monday to Friday and between the hours of 08:00 to 16:00 on Saturday and at no time on Sunday or Bank Holidays.

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

6. Prior to first occupation of the development hereby approved, details of secure bicycle stands shall be submitted to and approved in writing by the Local Planning Authority. The bicycle stands shall be installed prior to first occupation and retained as approved for the lifetime of the development.

Reason: In order to provide bicycle storage and cater for a sustainable mode of travel, having regard to Policy L4, L5 and L7 of the Trafford Core Strategy and the provisions of the National Planning Policy Framework.

7. Prior to first occupation of the development hereby approved, details of external lighting shall be submitted to and approved in writing by the Local Planning Authority. The lighting shall be installed prior to first occupation and retained as approved for the lifetime of the development and shall only be switched on during opening hours.

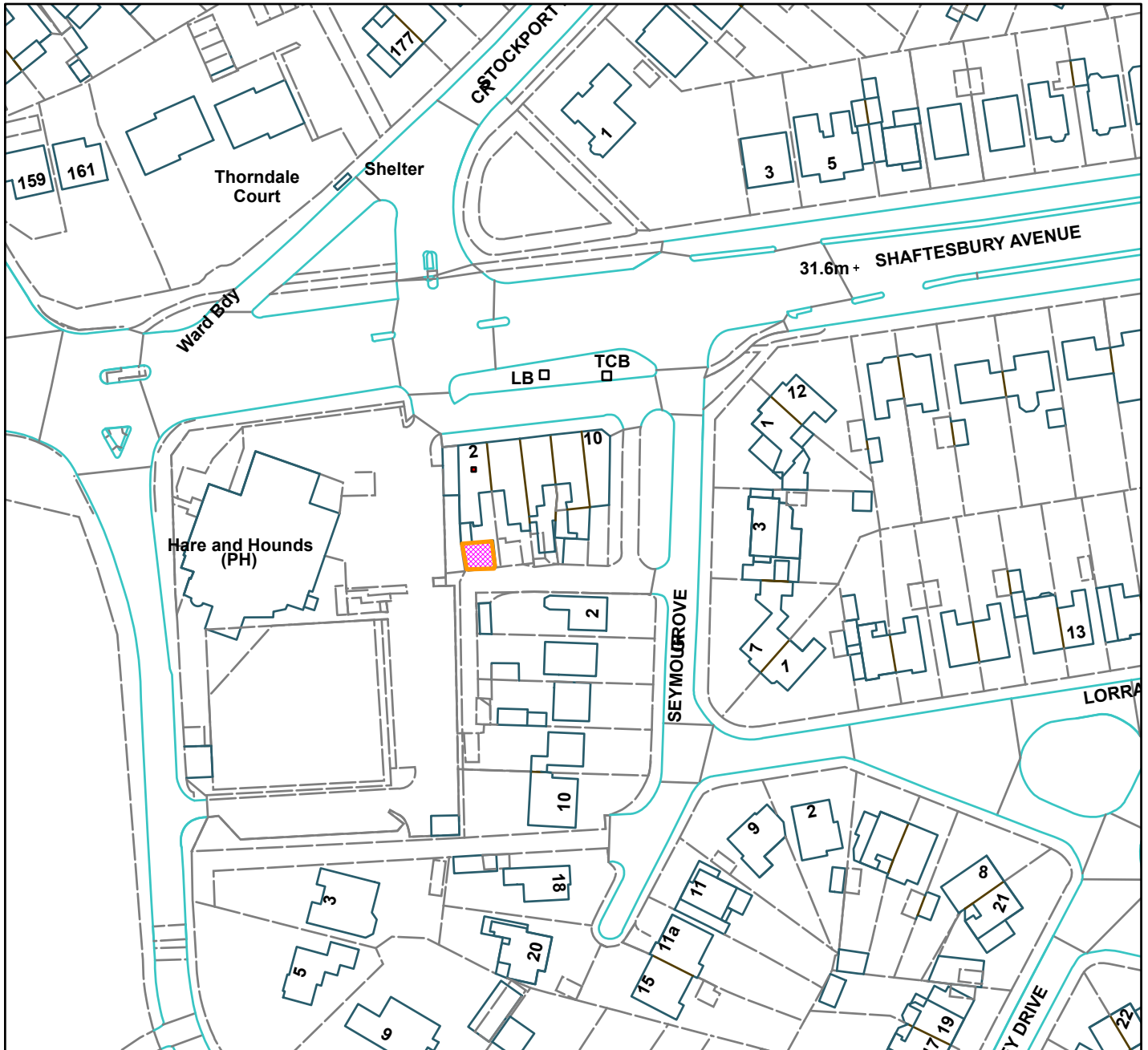
Reason: In the interests of amenity, having regard to Policy L7 of the Trafford Core Strategy and the provisions of the National Planning Policy Framework.

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GEN



Rear of 2 Shaftesbury Avenue, Timperley



Scale: 1:1,250

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Organisation	Trafford Council
Department	Planning Service
Comments	Committee date 14/12/2023
Date	04/12/2023
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