

Extension, refurbishment and subdivision of the existing Homebase store to provide a downsized unit for Homebase and a new Class A1 retail unit. The application also proposes the relocation of the Homebase garden centre, the reconfiguration of the existing car park and associated landscaping, and the creation of a new egress from the site.

Unit 1, Altrincham Retail Park, George Richards Way, Altrincham, WA14 5GR

APPLICANT: Lidl UK / Orchard Street Investment Management LLP

AGENT: Rapleys LLP / Montagu Evans

RECOMMENDATION: REFUSE

The application has been reported to the Planning and Development Management Committee since it is considered that the proposal raises a number of important issues which warrant consideration by the Planning and Development Management Committee.

SITE

The application site comprises part of the existing Altrincham Retail Park located in the Broadheath area of Altrincham. Specifically, the site relates to the existing Homebase unit (known as Unit 1) and its adjacent garden centre which is located at the eastern end of the retail park towards the A56 Manchester Road. The site also includes the surface-level car park which serves the unit (as well as serving other retailers). The existing building is of typical construction and appearance incorporating a large floorplate with a flat roof. Whilst principally single-storey the building also accommodates an internal mezzanine. The garden centre includes both covered and open elements, all enclosed by walling. The unit's service yard is positioned to the north.

The Altrincham Retail Park is accessed from George Richards Way, situated to the south, which leads from the route of the A56. Other retailers within the wider retail terrace include Argos, Boots and Currys, and there is a further area of communal car parking adjacent to these units. There is also a standalone drive-thru unit.

Adjoining the site to the north are terraced residential properties. There are further residential uses to the site's east on the opposite side of the A56, interspersed with

commercial units. There is a Grade II listed public house (The Railway Inn) which is located at the junction of the A56 and George Richards Way and which is included within the application boundary. There are additional retail warehouse units located to the south of the site on both sides of Atlantic Street, known as Atlantic Street Retail Park.

PROPOSAL

The application, which is made in full, involves the extension, refurbishment and subdivision of the Homebase unit such that two Class A1 retail units would be created (known as Unit 1A and Unit 1). The discount food retailer, Lidl, would be introduced into Unit 1A whilst Homebase would move to Unit 1. A replacement garden centre for Homebase, with both covered and open areas, is proposed adjacent to Unit 1 towards the site's eastern edge.

The reconfigured Unit 1A (for Lidl) would provide a gross internal area (GIA) of 1,858 square metres and a net sales area of 1,272 square metres. The Homebase unit (Unit 1) would reduce in size from 5,016 square metres GIA to 3,612 square metres GIA. The floorspace of the relocated Homebase garden centre would reduce from 1,295 square metres GIA to 1,231 square metres GIA. The proposed floor plans for the Homebase unit show an area of mezzanine floorspace.

The submitted plans/drawings illustrate that the new built form would largely replicate the existing design approach in terms of building scale and height, external treatment and materials, and positioning.

Vehicular access to the retail units (for customers) would continue to be taken from George Richards Way and then via a mini-roundabout which forms part of the internal road layout of the retail park. However, a new vehicular (left-out) egress is proposed directly onto George Richards Way at a mid-point between the retail park entrance and the junction of George Richards Way with the A56. The design includes a new central reserve on George Richards Way, and the changes to the highway would be delivered via a Section 278 (Highways Act 1980) Agreement. Access for service traffic would continue from Craven Road to the west of the retail park and with the route continuing past the adjacent retail terrace. The proposed Lidl unit would utilise the service yard currently used by Homebase whilst a new dedicated service yard for the reconfigured Homebase would be provided adjacent to Huxley Street.

The proposal involves some reconfiguration of the car park to the front of the units, which would reduce the number of car parking spaces across the retail park as a whole. 696 would be retained, a net loss of 94 spaces, although within this the number of dedicated disabled and parent with child spaces would increase (by 4 and 8 spaces respectively). An existing pedestrian access from George Richards Way is proposed to be removed and with a replacement access provided a short distance to the west.

Value Added

Concerns have been raised on a number of issues regarding this proposal, including in relation to highway safety, town centre impact, residential amenity (specifically noise), impact on heritage assets, design, flood risk/drainage, and tree loss. The applicant has sought to address the concerns raised through amended/additional submissions. In some cases this further information has served to remove objections or to reduce the extent of concerns, but not in all instances.

DEVELOPMENT PLAN

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

- **The Trafford Core Strategy**, adopted 25 January 2012. The Trafford Core Strategy is the first of Trafford's Local Development Framework (LDF) development plan documents to be adopted by the Council. It partially supersedes the Revised Unitary Development Plan (UDP), see Appendix 5 of the Core Strategy;
- **The Revised Trafford Unitary Development Plan (UDP)**, adopted 19 June 2006. The majority of the policies contained in the revised Trafford UDP were saved in either September 2007 or December 2008 in accordance with the Planning and Compulsory Purchase Act 2004 until such time that they are superseded by policies within the LDF. Appendix 5 of the Trafford Core Strategy provided details as to how the Revised UDP is being replaced by the Trafford LDF; and
- **The Altrincham Town Centre Neighbourhood Business Plan**. This was made on 29 November 2017 and it since forms part of the Development Plan for Trafford. Its chief purpose is in relation to the determination of planning applications within the defined neighbourhood area.

PRINCIPAL RELEVANT CORE STRATEGY POLICIES

L4 – Sustainable Transport and Accessibility

L5 – Climate Change

L7 – Design

L8 – Planning Obligations

W2 – Town Centres and Retail

R1 – Historic Environment

R3 – Green Infrastructure

PRINCIPAL RELEVANT REVISED UDP POLICIES/PROPOSALS

S11 – Development Outside Established Centres

PROPOSALS MAP NOTATION

Retail Warehouse Park Development

SUPPLEMENTARY PLANNING GUIDANCE

SPD1 – Planning Obligations

SPD3 – Parking Standards and Design

SPG24 – Crime and Security

NATIONAL PLANNING POLICY FRAMEWORK (NPPF)

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

NATIONAL PLANNING PRACTICE GUIDANCE (NPPG)

The National Planning Practice Guidance (NPPG) is a web-based resource which brings together planning guidance on various topics in one place. It was first launched by the Government on 6 March 2014 although has since been subject to a number of updates, the most recent of which was made on 19 February 2019. The NPPG will be referred to as appropriate in the report.

GREATER MANCHESTER SPATIAL FRAMEWORK

The Greater Manchester Spatial Framework (GMSF) is a joint Development Plan Document being produced by each of the ten Greater Manchester districts. Once adopted it will be the overarching development plan for all ten districts, setting the framework for individual district local plans. The first consultation draft of the GMSF was published on 31 October 2016, and following a redraft a further period of consultation commenced on 21 January 2019. The weight to be given to the GMSF as a material consideration will normally be limited given that it is currently at an early stage of the adoption process. Where it is considered that a different approach should be taken, this will be specifically identified in the report. If the GMSF is not referenced in the report, it is either not relevant, or carries so little weight in this particular case that it can be disregarded.

RELEVANT PLANNING HISTORY

H/OUT/38342 – Outline planning permission for the demolition of existing buildings and structures and redevelopment of site as a retail warehouse park including non-food retail units, garden centre, 2 restaurants, and associated parking, employment development and new access road.

Approved, 07.10.94

H/ARM/39892 – Demolition of existing buildings and structures and redevelopment of site as a retail warehouse park including non-food retail units, garden centre, 2 restaurants, and associated parking, employment development and new access road (details of siting and means of access)

Approved, 04.01.95

H/ARM/39994 – Submission of reserved matters (siting and means of access) for demolition of existing buildings and structures and redevelopment of site as a retail warehouse park including non-food retail units (140,000 sq ft), garden centre (13,700 sq ft), restaurant (3,000 sq ft) and associated car parking spaces. Employment development and construction of new access road
Approved, 16.11.94

H/OUT/39995 – Demolition of existing buildings and structures and erection of extension to retail warehouse park approved in outline under ref. H38342 comprising non-food retail unit (39,400 sq ft)
Approved, 15.02.95

H40410 – Variation of condition attached to reserved matters approval ref. 39892 in order to permit outside storage to take place within garden centre
Approved, 29.03.95

H/ARM/41090 – Erection of retail warehouse development comprising 16,666 sq m of non-food retail units, a 1,273 sq m garden centre, a 214 sq m restaurant with associated car parking, access and servicing facilities following demolition of existing buildings (details of siting, means of access, design and external appearance following the grant of outline permission refs. H38342 and H39995
Approved, 30.08.95

78734/CLEUD/2012 – Certificate of lawfulness of existing development for the installation of mezzanine floors in units 1, 2-3, 5, 6, 8a, 8b, 9 and 10 for the purposes falling within Class A1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended)
Approved, 26.07.19

APPLICANT'S SUBMISSION

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

Planning and Retail Statement
Design and Access Statement
Heritage Statement
Transport Assessment
Framework Travel Plan
Noise Assessment
Flood Risk Assessment
Drainage Strategy
Arboricultural Impact Assessment
Crime Impact Statement
Geo-environment Assessment
Air Quality Assessment

Preliminary Bat Roost Assessment
Lighting Report

Updated documentation on some of these matters has also been supplied in response to concerns raised.

CONSULTATIONS

Altrincham Town Centre Business Forum – No response received

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

Electricity North West – No response received

Environment Agency – No response received

Greater Manchester Archaeological Advisory Service – No objection

Greater Manchester Ecology Unit – No objection, subject to condition/informative (to ensure that works cease if bats were to be found, no works to trees during bird nesting season, and to request replacement bird and insect boxes)

Greater Manchester Police Design for Security – No objection, subject to condition (to ensure the development is implemented in accordance with the submitted Crime Impact Statement)

Trafford Council Heritage Development Officer – Objection raised on the grounds that harm to a designated heritage asset would be caused.

Trafford Council Lead Local Flood Authority – No objection, subject to condition (to ensure compliance with the revised Flood Risk Assessment/Preliminary Drainage Strategy)

Trafford Council Local Highway Authority – Objection raised on the grounds of the impact to highway safety brought about by the proposed new egress

Trafford Council Pollution and Licensing (Air Quality) – No objection, subject to condition (to request the provision of electric vehicle charging infrastructure)

Trafford Council Pollution and Licensing (Contaminated Land) – No objection, subject to condition (to request a site investigation and risk assessment, and subsequent verification report)

Trafford Council Pollution and Licensing (Nuisance) – No objection, subject to condition (to limit the hours of stores opening and delivery, to request a Construction Environmental Management Plan, to request a Delivery and Service Management Plan,

to ensure that the proposed noise mitigation measures are implemented, to ensure that external lighting is installed in accordance with the lighting report, and to limit the noise level from fixed plant)

Trafford Council Tree Officer – No objection, subject to condition (to ensure the implementation of details specified in the landscaping plan and to secure subsequent landscape management)

Trafford Council Waste Management – Response awaited

Transport for Greater Manchester – Support the LHA in its objection to the application

United Utilities – No objection, subject to condition/informative (to request a surface water drainage scheme, to ensure the provision of separate systems for foul and surface water, and to advise of the existence of water mains)

REPRESENTATIONS

There have been two main rounds of neighbour notification to account for the submission of amended information.

FIRST STAGE (RESIDENTS)

In Support

Four letters of support have been received. The key issues raised can be summarised as:

- Lidl offers a good range of food at low prices;
- The provision of a store in Altrincham would save trips to the Lidl at Stretford;
- There is a need for this brand of discount foodstore in this area; and
- This development would act as competition to other nearby supermarkets.

However, at the same time, one of the letters of support also objects to the loss of an existing pedestrian access between the retail park and Huxley Street.

In Objection

Eight letters of objection have been received from local residents. The key issues raised can be summarised as:

- The plans indicate that areas of landscaping within the retail park would be removed, including planting at Huxley Street;
- Existing landscaping is important in mitigating noise impacts from deliveries;
- Wildlife habitat would be destroyed;
- The proposed service yard is close to residential properties and would cause excessive noise;

- The existing Homebase received deliveries during the day; Lidl is proposing 24 hour deliveries which is unacceptable;
- There are queues of traffic caused by people trying to enter the retail park, especially at weekends, and this proposal would make it worse;
- The retail park causes backlogs of traffic along the A56 on both sides;
- The roads surrounding the retail park are already in poor condition due to the levels of traffic;
- Leaving the retail park via the existing mini-roundabout is already extremely difficult since the priority system does not favour the Homebase side;
- Existing drainage systems in the area could be damaged;
- Parking on residential streets may occur since customers may avoid entering the retail park;
- Customers may take short cuts down Sinderland Road;
- If the building were to be extended upwards then it would block light to houses and gardens;
- Lighting from the proposed development would be disruptive to residents;
- The construction process would bring heavy lorries, dust and noise;
- There is no need for another foodstore in this area;
- There are Aldi, Asda and Waitrose stores nearby which already cover the full spectrum;
- The Sainsburys and Tesco stores in Altrincham and Sale are also easily accessible by car;
- It would be more appropriate for Lidl to occupy the vacated Aldi store, or other empty units at the retail park;
- There are vacant shops in Altrincham town centre that Lidl could make use of;
- The proposal would cause air pollution;
- This is a prominent site which should not be occupied by a low quality store;
- Trolleys already get dumped in the area;
- The link behind the proposed store to Huxley Street should have consideration for pedestrian safety;
- The change from Homebase to Lidl would bring about a significant uplift in activity; and
- Vehicles and property along Huxley Street are already damaged by lorries delivering to existing businesses;

Neutral

A further letter of representation has been received which neither supports nor objects to the application but which seeks assurance regarding:

- Delivery vehicles avoiding Sinderland Road; and
- Deliveries not taking place before 0730 hours.

SECOND STAGE (RESIDENTS)

In Objection

Five letters of objection have been received from local residents. The key issues raised can be summarised as:

- The amended servicing hours would still result in later deliveries than at present, and this would disturb residents;
- Delivery vehicles would cause air pollution and excess vibration in the vicinity of the service yard;
- The introduction of cycle lanes to the A56, plus the development traffic, would bring the road to a grinding halt;
- The proposed development would create traffic congestion at a number of pinch points on the local highway network;
- There should be no store entrances to the rear;
- The roof of the development should not be any higher than the existing building;
- Smells from the store bakery would be unpleasant; and
- The cut-through to the retail park from Huxley Street would be removed.

FIRST STAGE (COMMERCIAL)

In Objection

In addition, three further letters of objection have been received from other retailers, as follows:

- From B&M Retail Ltd which occupies an existing unit at Altrincham Retail Park, and the key issues raised can be summarised as:
 - The creation of a supermarket in this part of the retail park would lead to further pressure on the already overloaded car park and access roads;
 - The surrounding road congestion is already a deterrent to shoppers on weekends and other peak commuting periods; and
 - The proposed Lidl would draw grocery spend and shoppers away from the town centre.
- From Aldi Stores Ltd which currently trades from a unit on the opposite side of George Richards Way and which has planning permission to move to an extended unit within the Atlantic Street Retail Park (with construction underway), and the key issues raised can be summarised as:
 - The planning application fails to demonstrate compliance with the sequential test which supports retail development in town centres first;
 - The submitted retail impact assessment cannot be relied upon; and
 - There are concerns that the proposed development would adversely impact upon planned investment within a defined centre.
- From Asda Stores Ltd and with Asda's Altrincham store a short distance away on George Richards Way, and the key issues raised can be summarised as:
 - The proposed development does not meet the sequential test;
 - The Lidl would compete with other supermarkets that cater for main food shopping needs, including in Altrincham and Sale town centres;

- The submitted noise assessment fails to consider the effects of delivery noise for residents;
- The proposed design is unacceptable for this prominent site;
- Several assumptions within the submitted Transport Assessment have not been justified, in particular regarding trip distribution;
- In addition, further operational assessments should be undertaken, including to consider a future year assessment;
- The proposed new vehicular egress onto George Richards Way gives rise to road safety concerns; and
- Further consideration should be given to the impact of the loss of 94 car parking spaces.

SECOND STAGE (COMMERCIAL)

In Objection

Following the submission of updated information regarding the sequential test and retail impact, as well as a revised noise assessment, further letters of objection have been submitted from Aldi Stores Ltd and Asda Stores Ltd which maintain their objection. In summary, these state:

- The proposal still fails the sequential test;
- The development could give rise to a significant adverse impact on in-centre investment; and
- The details of noise mitigation measures have not been provided.

OBSERVATIONS

The Decision-taking Framework

1. Section 38(6) of the Planning and Compensation Act 1991 states that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material consideration in planning decisions, and as the Government's expression of planning policy and how this should be applied, it should be given significant weight in the decision-taking process.

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

- i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the

development proposed; or

ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

3. Where a planning application conflicts with an up-to-date development plan, planning permission should not normally be granted, paragraph 12 of the NPPF explains.

4. The Council's Core Strategy was adopted in January 2012, two months prior to the publication of the 2012 NPPF, but drafted to be in compliance with it. It remains broadly consistent with much of the policy in the new 2019 NPPF, particularly where that policy is not substantially changed from the 2012 version.

5. When having regard to the nature of this proposal and its key considerations, development plan policies concerning retail matters (Policy W2), highways impact (Policy L4), and heritage impact (Policy R1) have been central to its assessment. However, policies L4 and R1 in particular have been formally recognised as not being wholly consistent with NPPF guidance, specifically in relation to the key tests to be applied. In both cases, it has become standard practice to revert to the test in the NPPF, in treating it as a material consideration. Indeed, in representing up-to-date government planning policy, in instances where there is conflict between a development plan and the NPPF, greater weight should be given to the NPPF. The policy tests (for L4 and R1) themselves are explained in more detail in the relevant sections of this report, and likewise in respect of the weight to be afforded to the respective development plan policy. However, whilst both inconsistent with the NPPF *and* material to this proposal's assessment, it is concluded that these are not 'most important policies' which are 'out-of-date' in the manner envisaged by paragraph 11d of the NPPF. This is when taking account of the fact that policies L4 and R1 still contain policy requirements which are NPPF-compliant.

6. Thus, paragraph 11c and paragraph 12 provide the decision-taking framework for this application.

7. Whether other Core Strategy policies that are of relevance in determining this application are consistent with the NPPF is identified in each of the relevant sections of this report (and, subsequently, the appropriate weight to be applied).

The Principle of the Development

8. The NPPF, as supplemented by the NPPG, is clear that local planning authorities should adopt a 'town centre first' approach when assessing applications for 'main town centre uses'. This is in order that town centres remain the focus of retail, commercial and leisure activity and to ensure their continued vitality and viability. Main town centre uses' are defined in the glossary

to the NPPF as: 'Retail development (including warehouse clubs and factory outlet centres); leisure, entertainment and more intensive sport and recreation uses (including cinemas, restaurants, drive-thru restaurants, bars and pubs, nightclubs, casinos, health and fitness centres, indoor bowling centres and bingo halls); offices; and arts, culture and tourism development.' Proposals for such uses which are not in an existing centre and not in accordance with an up-to-date development plan should be subject to two key tests: 1. the sequential test; and – where the amount of floorspace proposed is over 2,500 square metres gross or a locally set floorspace threshold – 2. the impact test.

9. With reference to the Proposals Map accompanying the statutory development plan, the application site forms part of a 'Retail Warehouse Park' allocation which encompasses Altrincham Retail Park and Atlantic Street Retail Park. The corresponding policy of the Core Strategy is Policy W2. This states that further development within Trafford's out-of-centre retail parks should be limited to the sale of bulky comparison goods (non-food) only. For the avoidance of doubt, 'bulky goods retail' traditionally refers to the merchandising of cumbersome items from large warehouse-style buildings in environments which are conducive to immediate transportation by car. Planning conditions are typically used to restrict the type of goods to be sold from such locations, and to prevent subdivision of the units. It has been concluded that Policy W2 is consistent with the NPPF and thus can be applied full weight for the purposes of decision-taking.

10. In general terms, it is considered that the existing Homebase unit and garden centre is consistent with this retail park allocation, and a re-positioned DIY store with garden centre would be the same. Such a conclusion cannot be reached, however, in respect of the proposed new foodstore. That being the case, it is accepted that the Proposals Map position is somewhat out-of-date. The function of the two retail parks in this part of Altrincham has evolved in recent years in reflecting wider changes within the retail warehouse sector. Thus, their use is already more diverse than that anticipated by Policy W2 (in including some more traditional 'high street' Class A1 retail (non-food units) together with some Class D2 leisure uses (including a gym and a ten pin bowling centre at the Atlantic Street Retail Park). In addition, planning permission has been granted for a new discount foodstore on the site of the former B&Q at Atlantic Street, which is currently being implemented. Granted to Aldi Stores Ltd in June 2019 (ref. 96088/FUL/18), this would replace the existing Aldi unit a short distance away at Davenport Lane and would provide a larger store and car park.

11. The 'out-of-centre' location of Altrincham Retail Park contrasts with the identification, by Policy W2, of Altrincham as the Borough's 'Principal Town Centre', and of Sale, Stretford and Urmston as 'Other Town Centres.' District Centres and Local Centres are also referred to. Outside of these identified centres, Policy W2 explains that: 'there will be a presumption against the development of retail...and other town centre-type uses except where it can be

demonstrated that they satisfy the tests outlined in current Government Guidance.’ These are the tests of ‘sequential’ and ‘impact’ as referred to in paragraph 8 of this report.

12. At this stage some reference is also given to Policy S11 of the Revised Trafford Unitary Development Plan, which precedes Policy W2. This remains saved in the absence of an adopted Trafford Land Allocations Development Plan Document. When dealing with proposals for retail development not on land within town and district centres, Policy S11 confirms the requirement for a sequential approach to site selection to be adopted. The policy is also clear that the applicant will be required to demonstrate by means of an impact study that such development would not have a serious adverse effect on the vitality and viability of any town or district centre in Trafford.

13. With this in mind, therefore, the applicant has submitted a retail assessment which seeks to address the policy tests for out-of-centre retail development. The Council’s independent retail planning consultant has been appointed to audit the assessment, and there have been a number of rounds of discussions in an attempt to resolve concerns. To reiterate, objections have been received on behalf of two other foodstore operators with stores in the area (Aldi and Asda) and with their respective consultants contending that these policy tests have not been fulfilled.

The Sequential Test

14. Current government policy in relation to the sequential test is set out in paragraphs 86 and 87 of the NPPF, which requires its application in relation to all proposals for ‘main town centre uses’ that are neither in an existing centre, nor in accordance with an up-to-date plan. Paragraph 86 requires that: ‘Main town centres uses should be located in town centres, then in edge of centre locations, and only if *suitable* sites are not *available (or expected to become available within a reasonable period)* should out of centre sites be considered’ (emphasis added). In considering edge and out-of-centre proposals, paragraph 87 continues that ‘...preference should be given to accessible sites that are well-connected to the town centre’.

15. The advice received from retail consultants on the Council’s behalf has addressed the issue of ‘disaggregation’ as it is applied in relation to the sequential test (i.e. whether the constituent elements of a proposal can be sub-divided for the purpose of considering alternative sequentially preferable sites). In this situation, disaggregation would involve separating the proposed Lidl foodstore from the reconfigured DIY use. This matter is not specifically dealt with within the NPPF and it is recognised that there is no default planning policy requirement to disaggregate when undertaking the sequential test. However, whether disaggregation is appropriate is ultimately a matter of planning judgement that can be exercised depending on the circumstances *as they apply*

to each case. Accordingly, it has been concluded that it is appropriate in this instance to consider the application proposal on the basis of whether the proposed Lidl foodstore in isolation could be accommodated on a sequentially superior site. It is notable that this is how the applicant's original assessment approached its consideration of sequential alternative sites, identifying that it is representative of a 'robust' approach. However, a reworked assessment has subsequently sought to argue that the proposed development should be treated as a whole. However, the applicant has not provided any persuasive evidence to support its revised position that the downsized Homebase and the new Lidl are commercially and/or functionally dependent, and that the only means of achieving the downsizing of the DIY store would be through the occupation of an additional adjacent unit by a discount foodstore operator. For the avoidance of doubt, in the event that it was concluded that disaggregation should not be applied to the circumstances of this case, it is accepted that there are no available or suitable sites in sequentially preferable locations to accommodate the proposal in its entirety. However, in the judgment of officers, disaggregation is appropriate in this case for the reasons set out above, and the sequential assessment should therefore consider whether there are any available or suitable sequentially preferable sites to accommodate the Lidl store.

16. There is agreement that the area of search for sequential alternatives sites should encompass Altrincham town centre, and only one potential site has been put forward for consideration. This comprises land bounded by Oakfield Road, Thomas Street and Altrincham Interchange (commonly referred to as the 'Altair site'). The Council accepts that there are no other sites which merit consideration as part of the sequential test. This includes sites within the Altrincham Town Centre Neighbourhood Business Plan which can be discounted on the basis of unsuitability for a retail development of the proposed scale, and similarly in respect of sites that the Council has recently acquired with a view to redevelopment and reuse (the Grafton Centre and the Stamford Quarter). In addition, whilst it is noted that there are some relatively large units that are currently available in Altrincham town centre, it is accepted that none are suitable to accommodate a foodstore proposal of this nature, which generally require some dedicated car parking.

17. The extant planning permission for Altair does not include provision for a foodstore (with reference to outline permission ref 86661/VAR/15 and reserved matters permission ref. 86755/RES/15). However, the applicant has confirmed that a contract has been signed between Lidl and Nikal (the Altair developer) for a discount foodstore to be provided as part of an amended future proposal. This agreement of terms between Lidl and Nikal gives an indication that the site is able, in principle, to accommodate a discount foodstore.

18. Paragraph 86 of the NPPF requires sequential alternative sites to be available or expected to become available within a reasonable period. The applicant's position is that the Altair site is not available now and it cannot be so

in a reasonable timeframe. The applicant states that the Altair site is complex and any revised proposals would take three to four years before they reached implementation stage, it is stated. In response, it is of course recognised that the Altair site cannot immediately provide for the proposed use, albeit Nikal has clearly made it available to accommodate a foodstore development as part of a wider scheme.

19. In considering what a 'reasonable period' may be for the purpose of the sequential test, the last guidance was provided by a Government publication from 2009 (Planning for Town Centres Practice Guidance on Need, Impact and the Sequential Approach) and which was superseded in March 2014. Given its date and status, it has not been directly relied upon but nonetheless it is a helpful reference point. This indicated that whether it is appropriate to assess availability over three to five years or a longer timeframe largely depended on local circumstances. It also acknowledged that major town centre schemes could take between 10 to 15 years to deliver. The timeframe for the availability of alternative sequential sites has also, more recently, been debated as part of notable planning decisions. These have also recognised that out-of-centre locations are likely to be more straightforward, and quicker, to develop than many in-centre sites.

20. It is the officers' judgement that the three to four year period suggested by the applicant for the provision of a foodstore at Altair is reflective of a reasonable timeframe. The applicant's latest statement provides a breakdown of the expected programme, which accounts for a six month period to prepare a planning application, a further six months (minimum) for the submission and determination of the application, three to six months to discharge pre-commencement planning conditions, a similar period for the appointment of contractors, and an eighteen month to two year construction process. In response, it is considered that this proposed programme for the delivery of Altair simply accounts for basic requirements necessary to bring forward a development. In providing some guidance on what might be a reasonable period, the NPPG is clear that the scale and complexity of a proposed scheme should be given due consideration, but the applicant's timetable does not indicate anything particularly onerous or complicated in the delivery of a revised Altair. To rule out sites simply on the basis that they need to go through the planning process runs the risk of available sequential alternative sites being limited to those that are already under construction or *currently* available.

21. In addition, it is not considered that there are particular circumstances – either relating to the general grocery provision in Altrincham (which is already well-provided for) or to the current Covid-19 pandemic - which mean that the 'reasonable period' within which sequentially preferable sites should become available should be truncated for the purpose of this application. As a consequence, it is concluded that the Altair site is *available* within a reasonable period, as envisaged by the NPPF, to accommodate the application proposal.

22. The applicant has confirmed that planning permission will be sought for an amended Altair scheme which will incorporate a 'metropolitan format' discount foodstore as an integral element of the overall development. It is understood that this would include a shared below-ground car park, which suggests that the store would cater for some car-borne custom. Metropolitan model foodstores are typically progressed where there is insufficient land to provide a traditional store with surface car parking, it is understood.

23. The applicant's position is that the Altair site cannot be deemed suitable for the type of development proposed at Broadheath, even when applying flexibility on issues such as format and scale as required by the NPPF. However, the necessary evidence to support this position has not been provided, despite numerous requests. For example, the exact floorspace of the Altair foodstore has not been disclosed, and nor the expected car parking provision to serve it. Nor has the applicant indicated what could be delivered on site in respect of floorspace, or car parking, or why this would be unsuitable. The applicant has indicated that the Altair foodstore development is constrained by the terms of the contract with Nikal, but it has not been prepared to share this contract or to at least confirm the important detail within it.

24. In the absence of this evidence, it is not possible to conclude that the Altair site cannot accommodate a foodstore of a comparable scale and nature to the application proposal and with a similar range and type of goods. The pursuit of a metropolitan model at Altair is indicative of operators being able to be flexible in respect of store format in order to secure representation on more challenging and constrained central sites, the Council's retail consultant has advised. As such, this advice also identifies Altair as a *suitable* site on the basis of it being able to accommodate a metropolitan model discount foodstore with underground car parking. This is considered consistent with the NPPF requirement at paragraph 87 for applicants to 'demonstrate flexibility on issues such as format and scale, so that opportunities to utilise suitable town centre or edge of centre sites are fully explored.'

25. In demonstrating compliance with the sequential test, the NPPG is clear that the burden rests with the applicant. On the subject of suitability, the applicant has not been able to substantiate its claims that the more central location of Altair cannot accommodate a foodstore development that would be comparable to what the application proposal would provide.

26. Therefore, in concluding on the sequential test, available evidence indicates that a more centrally located site is *available*, and also potentially *suitable*, to accommodate the foodstore element of the application proposal. On the matter of suitability, the necessary evidence to enable the applicant's standpoint to be accepted is presently lacking. As a result, it has not been demonstrated that the application meets the requirements of the NPPF

sequential test at paragraph 86. It is also contrary to Policy W2 and Policy S11 on that basis.

27. Finally, it is noted that the applicant has sought to provide assurance that Lidl is contractually obliged and committed to bringing forward both the Altair and Broadheath schemes. However, even where there is commitment to develop both sites, the sequential test requires that the sequentially preferable site comes forward in advance of the less central site.

The Impact Test

28. The NPPF's paragraph 89 sets out the impact test for applications for retail and leisure development that are located outside town centres and which are not in accordance with an up-to-date development plan. It requires applications for such development, which are over 2,500 square metres (or a locally set threshold), to include an assessment of:

- The impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and
- The impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and wider area, up to five years from the time the application is made.

29. This Council does not presently have a local impact testing threshold, and it is acknowledged that the floorspace proposed falls below the 2,500 square metre figure in the NPPF. However, the applicant has chosen to submit a retail impact assessment, and therefore it is incumbent on officers to examine its robustness. Furthermore, the potential for the development to impact upon town centre health has been raised as a concern by objectors, and Policy S11 requires an impact assessment irrespective of floorspace. Therefore, the matter of impact is considered of relevance to the application proposal.

30. Commentary and conclusions regarding the first strand of the impact test – the impact on investment test – are presented first, followed by coverage of the second impact on vitality and viability test. To reiterate, paragraph 90 of the NPPF confirms that: 'Where an application...is likely to have a significant adverse impact on one or more of the considerations [in paragraph 89] it should be refused.'

31. In so far as the investment impact test is concerned, additional advice in the NPPG is limited to identifying three considerations, namely:

- The policy status of the investment;
- The progress made towards securing the investment; and
- The extent to which an application is likely to undermine planned

investment based on the effect on forecast turnover, operator demand and investor confidence.

32. Altair is identified in the Core Strategy (Policy W2) and also the Altrincham Town Centre Neighbourhood Business Plan. There is no doubt that the Altair development has suffered from a series of hold ups, with the original planning permission for a mixed-use development dating back to 2008 (ref. H/OUT/68603). However, some preparatory works have recently been undertaken on site associated with the implementation of Phase 1. Lidl has informed the Council that it is contractually committed to a revised Altair development for a subsequent phase. It is considered that the Altair development comprises 'planned investment' for the purpose of the NPPF test.

33. It is fully appreciated that Altair is a very significant and much delayed scheme. Whilst the Covid-19 pandemic is resulting in challenging economic conditions, there is no evidence to suggest that the grant of this planning permission to enable Lidl to operate from Altrincham Retail Park would in itself prejudice the delivery of Altair. Significantly, it is noted that those behind the Altair planning investment (Nikal) have not expressed any concerns, and the contractual obligations between the applicant and Nikal support this position.

34. It is known that there are currently other proposed investments being considered in Altrincham town centre. This includes the Council's aspirations to bring forward the redevelopment of the Grafton Centre in conjunction with a joint venture partner, and the Council's acquisition (with Bruntwood as joint venture partners) of the Stamford Quarter with a view to improving its offer. However, in both cases at this stage the Council's investment plans are rather embryonic, and it is not considered that they constitute 'planned investment' of the form that the NPPF seeks to protect. Moreover, it is understood that any early stage visions for both the Grafton Centre and the Stamford Quarter do not support the inclusion of a discount foodstore of the type proposed.

35. As such, it is considered that there is no case for a 'significant adverse impact' on town centre investment to be demonstrated. It is therefore concluded that the application proposal accords with the requirements of the first strand of the NPPF impact test.

36. In turning to the second strand, an assessment of impact on the vitality and viability of town centres is typically based around a quantitative retail impact exercise. The NPPG provides further advice regarding how the impact on vitality and viability test should be applied. It states that it is for the applicant to demonstrate compliance with the impact test, and that the test should be undertaken in a proportionate and locally appropriate way, drawing on existing information where possible.

37. It should be commented that it is accepted that the comparison goods (or

non-food) floorspace associated with the proposed development is limited and that much of the expenditure attracted to this element of the proposal would be spent at other out-of-centre destinations in the immediate area (including at other units within the retail park). As such, it is concluded that any impacts arising from the comparison goods component on defined centres would not be material to the application of the impact on vitality and viability test. It follows that the applicant's approach to assessing the impact of convenience goods (food) has been the focus of examination.

38. The applicant's first attempt at assessing (convenience goods) quantitative impact was considered to be fundamentally flawed. An amended assessment was subsequently submitted which now correctly draws upon the Trafford Retail and Leisure Study of 2019 which provides an up-to-date baseline position, including regarding foodstore performance, convenience goods shopping behaviour and town centre health. The applicant's assessment sets out a series of updated inputs and assumptions which underpin its approach to retail impact, and it also provides a series of retail impact tables. Some of these assumptions have been concluded to be reasonable and robust, including regarding the definition of an appropriate catchment area and assessment period. However, queries have continued to be raised in respect of other aspects of the approach employed. This includes the failure to properly factor in the effects of existing retail commitments, and assigning greater levels of trade diversion from stores further afield (in Sale, for example) than is likely to occur in practice.

39. The retail consultant appointment on the Council's behalf has therefore provided its own updated assessment which makes its own adjustments. In this scenario it is concluded that the largest proportions of the Lidl convenience goods turnover would be diverted from the adjacent Aldi store and then also the Asda at George Richards Way. It is notable that both of these stores occupy out-of-centre locations, akin to the application site, and thus are afforded no policy protection. The resulting cumulative impact on the convenience goods turnover of operators within and adjacent to Altrincham town centre (namely the Sainsburys and Tesco stores), even when applying a worst case scenario through the consultant's sensitivity test, has been found to be relatively modest, equating to around a 4% impact when aggregated. As confirmed by the Trafford Retail and Leisure Study 2019, both the Sainsburys and Tesco stores have very substantial turnovers and would, it is considered, remain viable subsequent to the implementation of the Lidl proposal (in addition to the new Aldi in treating this as a retail commitment). The trade diversion from other foodstores (including Iceland) in Altrincham town centre would be more limited, and significantly no representations have been submitted which would indicate that any town centre retailers may close.

40. The NPPG sets out the key considerations in assessing the likely impact on trading levels and on town centre vitality and viability. The advice states that

'...a judgment as to whether the likely adverse impacts are significant can only be reached in light of local circumstances' and that '...in areas where there are high levels of vacancy and limited retailer demand, even very modest trade diversion from a new development may lead to a significant adverse impact'.

41. Altrincham town centre's health has been varied in recent years. Up until relatively recently it was the subject of an exceptionally high vacancy rate and had lost a clear role and function. However, it has been reinvigorated in recent years as a consequence of public and private investment. The new Altrincham Market Hall, and the unique food and beverage offer that has developed around it, as had the most transformative effect, along with wider public realm improvements. As a consequence, the Trafford Retail and Leisure Study 2019 finds the town centre to be 'highly vital and viable.'

42. Notwithstanding this, Altrincham town centre is still susceptible to wider market pressures, with the Debenhams store closing in January 2020. The long-term future of the Rackhams unit has also been uncertain. There is also concern about the general impact of the COVID-19 pandemic on all town centres, and there is the prospect of a recession impacting on future economic growth. However, the current challenging market conditions are likely to be of greatest consequence to the comparison goods and leisure sectors, and it is considered that the convenience goods function of the town centre is more resilient and less susceptible to such pressures.

43. As a result, whilst it is recognised that Altrincham town centre's vitality and viability is more precarious than it was envisaged a few months ago, it is not considered that the impacts arising from the Lidl foodstore proposal would materially impact on the trading position of its grocery operators, and thus its vitality and viability would not be undermined in a way which could be assigned to the Lidl proposal. As a consequence, it is concluded that the proposal also complies with the requirements of the second strand of the NPPF impact test regarding vitality and viability. It is also compliant with Policy W2 and Policy S11 in this respect.

Conclusions on the Principle of the Development

44. It has been outlined that there are two key tests in the NPPF which apply to an application of this nature: the sequential test; and the impact test, with the latter split into two parts and summarised as: impact on investment; and impact on town centre vitality and viability. The conclusion of officers, as supported by the appointed consultant, is that there is unlikely to be a 'significant adverse impact' on any town centre within Trafford as a result of the application proposal. However, in turning to the sequential test, the requirements of this test have not been met. This is because it has not been adequately demonstrated by the applicant that Altair is not an *available* and *suitable* sequentially preferable site for the proposed foodstore development. Claims regarding unsuitability have

not been fully evidenced. A reason to refuse the application under paragraph 90 of the NPPF is therefore triggered. In failing to meet this NPPF test, the proposal also contravenes the provisions of Policy W2 and Policy S11 in so far as they relate to the sequential test.

Highways Matters

45. The NPPF explains that transport policies have an important role to play in facilitating sustainable development and in contributing to wider sustainability objectives. Accordingly, it advises that planning decisions should ensure that developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised. Development proposals that generate significant amounts of movement should be supported by a Transport Statement/Transport Assessment, it continues. However, development should only be prevented or refused on transport grounds if there would be an 'unacceptable impact on highway safety', or 'the residual cumulative impacts on the road network would be severe', it advises (paragraph 109). Policy L4 of the Trafford Core Strategy is the relevant policy at development plan level. This is clear that planning permission will not be granted for new development that is likely to have a 'significant adverse impact' on the safe and efficient operation of the strategic road network (SRN), and the primary and local highway network. It has been concluded that the *severe* reference within the NPPF is a more stringent test for residual cumulative impacts, and thus Policy L4 (on the issue of traffic impact) is considered to be out-of-date for the purposes of decision-taking. However, as will be explained in the following paragraphs, it is the issue of highway safety (rather than traffic impact) which has been the focus of concerns (when having regard to the applicant's vehicular access proposals).

46. The highway implications of the proposed development have been carefully considered by the local highway authority (LHA) and with Transport for Greater Manchester (TfGM) also providing an important advisory role. This review has covered the applicant's initial Transport Assessment (TA) and then there has been a series of subsequent highways notes and Road Safety Audits.

47. A single access (for customers) currently serves the retail park, situated off George Richards Way and which is signalled controlled. It leads to a mini-roundabout. Whilst the proposal involves the utilisation of this existing access for entering the retail park, a new point of egress is proposed in this application off George Richards Way. This would provide a 'left-turn only' option which would lead vehicles towards the A56. It would be positioned between the existing retail park access and the George Richards Way/A56 junction. To the east of the egress a new pedestrian access is proposed to provide a connection from the car park to the George Richards Way footway. The works would also involve a new central reserve and a change in kerb alignment. The egress would not be signalled controlled; rather, the TA explains that, during the

inter-peak, exiting customers would join George Richards Way when gaps in traffic appear, whilst they would merge with traffic during peak periods when queues would build up beyond the proposed egress.

48. From the outset objections have been raised by both the LHA and TfGM regarding the principle of this egress. Whilst the applicant has sought to rely upon an outstanding unimplemented permission for a new access onto George Richards Way from the retail park further west to support their case, the circumstances and location of that access have been found to be very different. A key concern in respect of the present proposal is the nearness to the A56 major junction; a distance of only some 80 metres. The proposed egress would be in proximity to the existing George Richards Way left turn lane to the A56 and in the weaving length of vehicles changing lanes to exit George Richards Way and travel onwards. The consultees have raised the very real prospect of vehicle conflict occurring with drivers attempting to exit the retail park via the proposed egress when it is unsafe to do so and at a time when other drivers are preparing to change lanes on approach to the A56. These concerns have led the LHA and TfGM to both conclude that the proposed new egress is likely to have an 'unacceptable impact on highway safety', in reflecting the terminology of the NPPF.

49. Notwithstanding these 'in principle' objections, efforts have been made to work with the applicant to explore potential solutions. Some additional information has been provided which has been welcomed. This has included a Road Safety Audit (RSA), tracking diagrams, and some adjustments to the junction design and central reserve. However, other requested evidence to support the applicant's contrary position - that the LHA/TfGM concerns are unjustified - has not been provided. Recent requests include further site surveys to determine the level and position of lane changing in advance of the signals at the A56, and traffic modelling to determine the extent of gaps in traffic flow. The information has not been forthcoming, however. Other outstanding requests cover further vehicle tracking, an improved RSA, and an analysis of collision data. It is unfortunate that the applicant has been unwilling to fully cooperate in the face of concerns regarding highway safety and have instead requested determination of the application on the basis of the present submission and at a time when issues remain unresolved. However, the LHA's position is that the requests being made are wholly reasonable in this instance and when there are genuine and acute safety concerns; officers agree that the matter needs full and proper interrogation.

50. Accordingly, in coming to a conclusion regarding the present submission, the LHA and TfGM maintain their position that the introduction of the new egress onto George Richards Way would introduce new conflict between vehicular traffic; this would present a risk to highway users and it has not been adequately evidenced by the applicant that this risk would not be 'unacceptable'.

51. Notwithstanding this conclusion, for purposes unrelated to addressing the highways concerns, the LHA is aware that an amended proposed site layout plan has recently been submitted. This appears to introduce some further adjustments in the design of the proposed egress, including works that would be required within the George Richards Way carriageway as part of a subsequent Section 278 Agreement (although it is unclear whether the plan was intended to provide a solution to the issue as no supporting highway justification was received). This plan illustrates George Richards Way being reduced to a single lane which would prevent two lanes of traffic forming and thus the ability for drivers to switch lanes. However, at this stage this proposal similarly is not advanced enough and it has not been accompanied by necessary supporting information. Further evidence would still be needed in advance of determination to provide the LHA with the necessary comfort. This would include further modelling of the existing signalised junction at George Richards Way (to the south of the retail park entrance) when allowing for a re-designation of the carriageway to one lane. This would be in order to fully understand the implications of the road realignment on the operation of the junction and to ensure that this proposal would not then introduce a 'severe' impact on the highway network. Further drawings would also be needed to illustrate a full package of highway works and which then would be subject to the necessary scrutiny. Officers would have been prepared to work with the applicant to proactively discuss these proposals (or others) if the applicant had wished to do so. To reiterate, however, the applicant has expressed a desire for negotiations to cease. Therefore, the concluding position of the LHA, as supported by TfGM, is to object to the application on the issue of the proposed egress, as the applicant has been unable to demonstrate that an unacceptable highway safety impact would not occur.

52. In terms of other highways matters considered by the LHA/TfGM, it has been confirmed that the application proposal is acceptable. The TA provides an overview of the accessibility of the application site by non-car modes. It is explained that all roads within the vicinity of the site have footways typically of at least 2 metres in width and with pedestrian crossing facilities over busy roads (including at George Richards Way and the A56). The footway along the southern side of George Richards Way is designated as a shared footway/cycleway, it is explained, and with some cycle parking provided within the retail park. The A56 is a bus corridor and with the nearest bus stop located close to the existing Homebase and which is used by a number of services on routes between Altrincham town centre, the Trafford Centre and Manchester city centre. There is a further bus stop located on George Richards Way. The nearest tram stop and railway station is at Navigation Road which is some 900 metres to the site's south east. Notwithstanding the existence of some public transport options and that there is the prospect of some walk-in/cycle custom, given the nature and function of retail parks (including the availability of free and convenient car parking) and the way in which food shopping is undertaken, it is to be expected that the majority of customers would arrive by motor vehicle.

53. The submitted TA estimates the potential increase in vehicle trips associated with the proposed development (based on trip rate information from the TRICS database). It predicts that the development would increase the number of peak hour vehicle trips by 53 arrivals and 53 departures on a typical weekday, and 75 arrivals and 82 departures on Saturdays. In using LINSIG junction modelling the TA then considers the effects of this traffic increase on local roads. This includes at key junctions adjacent to the site. The TA identifies that the retail park access/George Richard Way is operating *within* capacity during peak hours and would continue to do so with the development in place. No significant uplift in vehicle queue length in this location is anticipated. For the A56/George Richards Way, the TA distinguishes between the different 'arms' of the junction and highlights that some are presently operating, at peak times, *above* capacity, *at* capacity or *within* capacity. However, whilst there would be some increase in traffic flows, no changes in these overall capacity positions are anticipated. Nonetheless, the TA forecasts that vehicle queue lengths for George Richards Way at the A56 junction would increase, and would in fact double during the typical Saturday peak. Overall, when placing the anticipated uplift in traffic in the context of the existing baseline environment, the TA records that there would be no *material* change in traffic conditions. This is a position that is accepted by the LHA, and thus it is concluded that the general increase in traffic attributable to this development could be absorbed by the local highway network and without giving rise to a 'significant adverse' or 'severe' impact. For the avoidance of doubt, this conclusion does not account for the unidentified traffic impacts which could result from the undeveloped revised egress proposals referred to above.

54. The retail park as a whole currently provides parking for up to 790 cars, and 351 of these spaces are located within the application site. The TA explains that the full car park is known to operate *within* capacity for the majority of the week, and with the spaces in front, and to the east, of the existing Homebase unit typically the least popular with customers (given their more peripheral location and in an area of the retail park where the number of retailers is less concentrated). 94 car parking spaces would be lost through this proposal, thereby reducing the number of spaces to 257 within the application site and 696 spaces across the park as a whole. However, within this, the number of dedicated disabled and parent with child spaces would increase (by 4 and 8 spaces respectively).

55. One of the objectives of Policy L4 is to ensure that new developments provide adequate levels of car parking. SPD3: *Parking Standards and Design* sets out the Council's maximum standards for parking provision across a broad range of uses. The use of maximum, rather than minimum, standards is intended to discourage excessive parking provision which could otherwise promote car use. The SPD identifies that, in this location, 1 parking space for every 14 square metres of Class A1 food retail (gross) floorspace is the

maximum requirement. For Class A1 non-food retail uses, the equivalent figure is 1 parking space for every 20 square metres of (gross) floorspace, and 1 space for every 40 square metres of Class A1 retail warehouse/bulky goods (gross) floorspace. The precise application of these standards to this proposal is difficult, however, given that this is not a standalone retail development served by one dedicated car park. Rather this is an existing retail park environment with a number of different component parts which fall into different categories within SPD3, and with the full car park available to all retail park customers, who may choose to visit different units as part of the same trip. The TA estimates that the new discount foodstore plus the retained smaller Homebase is likely to generate a maximum cumulative demand for 192 spaces on a typical Saturday afternoon under normal trading conditions. When having regard to evidence indicating a surplus of parking spaces for the majority of the week, and which is corroborated by on-site observations, and when noting that Lidl/Homebase customers would have access to other spaces across the retail park, the LHA has concluded that the proposed parking arrangements would be adequate to cater for the demands of the development and of the retail park as a whole. The LHA is also satisfied that the proposal would provide sufficient car parking for all user groups, consistent with the aspirations of SPD3.

56. There is currently parking for up to 8 cycles outside of the Homebase store. SPD3 also specifies the Council's cycle parking standards for new development. The SPD is clear that (unlike the approach to car parking) these are minimum standards and that a higher level of provision may be encouraged where appropriate. When applying these standards to the proposed development, the TA identifies a minimum requirement for 6 additional cycle spaces. In incorporating provision for 8 further cycle spaces, and in a covered cycle store to the front of the shop units, the proposal would satisfy policy expectations.

57. In terms of servicing, the TA confirms the intention to utilise the existing retail park service access which leads from Craven Road. Deliveries to the Homebase store are not anticipated to change in quantity, whilst one to three service vehicles per day would be expected to the new foodstore. It is explained that all deliveries would take place clear of the adopted highway and within the dedicated service yards, and thus the LHA has confirmed its acceptance.

58. In concluding the topic of highways, the proposed new egress unto George Richards Way is objected to by the LHA and TfGM due to the potential unacceptable risks posed to highway safety, and with it incumbent on the applicant to adequately demonstrate that such an impact would not occur. Whilst a revised egress design has recently been supplied which *may* present a solution, this has not been formally provided as a response to highways objections and it is not fully developed. On this basis, the proposal triggers a reason for refusal under paragraph 109 of the NPPF and it is also contrary to Policy L4 (which is consistent with the NPPF on the matter of highway safety).

Impact on Heritage Assets

59. Protecting and enhancing the historic environment is an important component of the NPPF. The document introduces the term 'heritage assets' which are defined (within the glossary) as: 'a building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions'. Such heritage assets can be 'designated' or 'non-designated'. It is the conservation of heritage assets in a manner appropriate to their 'significance' which is the focus of the NPPF, and with this significance defined as: 'the value of a heritage asset to this and future generations because of its heritage interest. Significance derives not only from a heritage asset's physical presence but also from its setting'.

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

61. That being the case, Policy R1's approach is in line with the statutory duties in the Planning (Listed Buildings and Conservation Areas) Act 1990, which are still engaged. This (at Section 66) requires decision-makers to pay special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses. Therefore, whilst the terminology of the NPPF may reduce the weight that can be applied, Policy R1 nonetheless remains of some relevance given the statutory obligations.

62. There are a number of designated heritage assets within the vicinity of the application site. These comprise: a former canal warehouse on the south side of the Bridgewater Canal (Grade II listed); the former Lloyds bank building at nos. 139 to 141 Manchester Road (Grade II listed); and the Railway Inn public house, Manchester Road (Grade II listed). In addition, the Bridgewater Canal is recognised as a non-designated heritage asset, and with the bridge over the canal at Manchester Road (known as Broadheath Bridge) having the same non-designated status.

63. The application upon its submission was deemed insufficient in its assessment of the significance of these heritage assets, and in turn its

consideration of the impacts that would occur on this significance was also found to be lacking. It has been the impact of the proposal on the listed Railway Inn (and specifically its setting) which has been of most concern to the Council's Heritage Development officer. It is accepted that, in the case of the other identified heritage assets, the site is separated from them either by George Richards Way and/or by other retail warehouses (and thus their setting would be largely unaffected and any impact would be negligible).

64. However, the Railway Inn is in fact contained within the application boundary; it is positioned at the junction of George Richards Way and the A56 Manchester Road, at the south-eastern corner of Altrincham Retail Park. It is understood that the area of the application site originally formed the Broadheath railway station, goods shed and viaducts. However, it was demolished in the late 1980s, along with a terrace of shops to the north of the Railway Inn. The Altrincham Retail Park was constructed in the early 1990s. The Railway Inn was, however, retained. The listing description explains that the building is of mid-19th century origin although with later alterations. It is of red/purple brick with a pitched welsh slate roof and chimney stacks. Its street (A56) frontage is of two-storeys with three bays and an off-centred doorway. Its gabled elevation to George Richards Way is at an acute angle.

65. The importance of respecting the setting of a heritage asset is established by the statutory obligation referred to above, and it is also reflected in the policy objectives of the NPPF and the Core Strategy. A Historic England document *The Setting of Heritage Assets: Historic England Good Practice Advice in Planning* (2017) defines setting as: 'the surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of the asset, may affect the ability to appreciate that significance or may be neutral.' For the purposes of decision-taking, it is necessary to understand the extent to which setting contributes to the significance of a heritage asset. Setting is also described as being a separate term to curtilage. Whilst curtilage is a legal expression which refers to the extent of a property boundary, setting is chiefly a visual term and the way in which the host structure is experienced.

66. A revised and expanded Heritage Assessment refers to the fact that substantial demolition and redevelopment in recent decades has removed the listed building's historic context. 'The pub stands entirely isolated amongst a network of busy multi-lane roads/junctions and the large Altrincham Retail Park, resulting in its setting now entirely lost', it is stated. Following on from this, the assessment records that the contribution of setting to the asset's significance is low. Further to this, it is concluded in the assessment that the proposed development 'would not affect the setting of the Grade II Railway Inn.'

67. This conclusion – that there would be no impact on significance - is not

accepted by the Council's Heritage Development officer. From this perspective it is acknowledged that the current immediate setting of the listed pub is defined by the expanse of car park. However, the Railway Inn formed the end of a terrace, and whilst the remainder of that terrace has been demolished, several properties remain of adjoining terraces. The building is therefore part of a wider, fragmented street scene which includes these retained 19th century buildings both to the north and south along the western side of Manchester Road, it is concluded. Further to this, the current car park acts as an undeveloped buffer surrounding the pub. The form of the building, including its gables and roofscape as well as its principal elevation, are clearly appreciated when moving along Manchester Road in both northerly and southerly directions.

68. The new Heritage Assessment models the proposed development from only one arbitrary viewpoint (from a location looking north-east towards the site from the junction of Manchester Road, George Richards Way and Viaduct Road). A more thorough assessment would have included a broader range of views, including looking southwards, in order that the impact of the development on kinetic views could be appreciated (which is what would be experienced in practice), the Heritage Development officer has advised.

69. The application proposal involves a sizeable extension which would extend the retail warehouse terrace much closer to the A56. Whilst limited in scope, the modelled viewpoint serves to demonstrate the prominence of the proposed development, with its side (blank) elevation positioned within six metres of the Manchester Road footway. This is corroborated by a CGI image submitted with the package of plans/drawings. The associated buildings to the site's north would also be partially obscured from certain aspects. There has been some amendment to the treatment of the extension's eastern elevation, with some of the detailing from the front elevation now continuing. This includes a cladded trim to the upper element and dark grey cladded columns. This elevation would also include timber fencing to surround the garden centre. No shopfront glazing is incorporated. Whilst the revisions provide some improvement, there is still some concern that this is not an appropriate design response for such a noticeable corner of the development *and* which has heritage sensitivity. The suitability of the scheme in general design terms is covered in further detail in the subsequent section of this report.

70. As a consequence of scale, siting, form, appearance and materials, the result - it is considered - is an unsympathetic development in the context of the relationship with the Railway Inn. It would be observed within the setting of the listed building and it would reduce the visual connection between the public house and the adjacent 19th century buildings. As a consequence, the Heritage Development officer has concluded that the proposed development would be harmful to the significance of the listed building by virtue of the impact on its setting. The extent of harm has been described as 'moderate.'

71. As previously advised, the NPPF acknowledges that there can be levels of harm to the significance of a designated heritage asset. The Heritage Development officer has confirmed that the reference to 'moderate' harm would translate to 'less than substantial' harm to significance as referred to by paragraph 196 of the NPPF. Where a development proposal would lead to less than substantial harm to significance, paragraph 196 continues that this harm should be weighed against the public benefits of the proposal. It should be reiterated, however, that Policy R1 does not explicitly allow for a development to result in any harm to heritage assets. The identification of 'moderate' or 'less than substantial' harm to the setting of the pub therefore amounts to a development plan policy conflict. That this approach is not consistent with the NPPF has, of course, previously been reported. However, even when relying upon the NPPF approach, paragraph 194 is clear that the harm arising requires a 'clear and convincing justification'. Furthermore, in accordance with the statutory presumption embodied in the Planning (Listed Buildings and Conservation Areas) Act 1990, significant weight and importance should be afforded to heritage harm in the planning balance.

72. The NPPG explains that 'public benefits' may follow from many developments and could be anything that delivers economic, social or environmental objectives as described by the NPPF. The applicant's submission refers to the benefits that this development would bring. It is acknowledged that the proposal represents investment by the joint applicants in the retail park and the wider area, and that this would support the objectives of the NPPF in utilising the planning system to help build a strong, responsive and competitive economy (paragraph 8). It is explained that the new Lidl store would provide approximately 40 new job opportunities, and with Lidl's employment arrangements typically supporting the hiring of local people. The positions would range from managerial to store assistants and cashiers. The proposal would also ensure the retention of jobs at the Homebase unit, it is explained, and with a recent letter provided on behalf of Homebase suggesting that 50 in-store jobs would be protected. These economic benefits are given weight, and particularly so in light of the current national economic uncertainty as a consequence of the Covid-19 pandemic. It is also recognised that the development would support some construction jobs, albeit it only for a temporary period, and that there could be potential for some wider economic benefits during construction associated with investment in local supply chains.

73. Further to this, it is acknowledged that the proposal is consistent with NPPF principles supporting the utilisation of suitable brownfield land within existing settlements and in promoting a more efficient use of land, particularly in sustainable locations. As previously reported, the accessibility credentials of the application site are considered to be reasonable such that some customer journeys to the site may be made in sustainable ways. The development would also enable the introduction of a new food retailer, not currently represented, to the local grocery market, and would provide for improved consumer choice and

competition.

74. The exercise of balancing harm to heritage assets against public benefits is a matter of planning judgement. Whilst not an extensive list, it is evident that there is a collection of benefits that would arise and which would be welcomed, and particularly some economic-led gains. Harm of any grade to the significance of designated heritage asset is unwanted, although in this case the harm to significance that would be inflicted on the Railway Inn by virtue of the impact on setting is 'less than substantial.' Whilst the applicant's position that the historic context of the pub has been entirely removed is not accepted, equally on balance it is recognised that there has been *some* dilution in setting and that the character of the A56 corridor in this location is also influenced to some degree by highways infrastructure, busy traffic, and other modern warehouse and standalone commercial developments. From this position, and when applying the necessary judgement to the circumstances of this proposal, it is considered that the additional harm to setting - of a 'less than substantial' nature - would be sufficiently outweighed by the cumulative public benefits that are expected to arise.

75. Accordingly, it is concluded that the policy test at paragraph 196 of the NPPF has been fulfilled and that the heritage harm would be outweighed. However, the proposal remains at odds with Policy R1 and there is also some variance with the statutory duty. These matters are returned to in due course as part of the concluding planning balance.

Design and Visual Amenity

76. The creation of high quality buildings and places is fundamental to what the planning process should achieve, according to the NPPF. Paragraph 124 explains that 'good design is a key aspect of sustainable development, it creates better places in which to live and work, and helps make development acceptable to communities.' Within the statutory development plan this objective is expressed by means of Policy L7 of the Core Strategy, with the accompanying text similarly noting that 'high quality design is a key element to making places better and delivering environmentally sustainable developments.' It has been concluded that Policy L7 is consistent with the NPPF and thus it is up-to-date for the purposes of decision-taking.

77. In October 2019 the Government published its National Design Guide. It is based on national planning policy, practice guidance and objectives for good design as covered in the NPPF. The document outlines the Government's priorities for well-designed places in the form of ten characteristics. The first such characteristic is 'context'. This is defined as 'the location of the development and the attributes of its immediate, local and regional surroundings.' A well-designed new development responds positively to the features of the site itself and the surroundings context beyond the site boundary, it is continued.

'Identity' is a further characteristic. 'The identity...of a place comes from the way that buildings, streets and spaces, landscape and infrastructure combine together and how people experience them.' It continues that 'well-designed places have a positive and coherent identity that everyone can identify with.'

78. The site forms part of an existing retail park, which has a particular character which is reflective of its form and function and which is typical of such out-of-centre retail destinations. The location is characterised by relatively low-rise, flat-roof development which occupies large floorplates and which is fronted by surface-level car parking with onward highway connections. However, this part of the retail park is in the most prominent location; towards the frontage of the A56 and its junction with George Richards Way. The Grade II Railway Inn is positioned at this intersection. Equally, the retail park in this location is also influenced by the route of the A56, which is largely commercial in character, which accommodates road infrastructure and which can be congested at peak times. Beyond the listed pub, uninterrupted views of the site and the wider retail terrace are also available from George Richards Way across the existing open car park. Built form in the area is typically modern although there are pockets of other more historic fabric.

79. The proposed development would involve the extension of the existing warehouse terrace closer to the A56 on an area of current car park. New built form, of a lesser amount, would also be provided to the north towards Huxley Street. Efforts have been made to ensure that the proposed development would reflect the existing appearance and palette of materials present within the retail park. The existing Homebase unit is composed of blockwork cladding with a composite cladding trim at the upper level and with this composite cladding repeated to form a series of columns. The open area of the garden centre has similar column structures composed of blockwork. The west-facing elevation of the garden centre includes timber fencing. The entrance to the existing Homebase comprises an aluminium shopfront positioned towards the eastern end of the unit. The extension to the Homebase unit would take the form of the repositioned garden centre. It would be subordinate in height to the main unit, akin to the existing garden centre. It would have a blockwork plinth and with areas of glazing incorporated set within aluminium frames. The remainder of the unit would be updated through the provision of dark grey cladding columns, which would be repeated for the garden centre, and replacement cladding for the upper trim (also followed through for the garden centre).

80. The new Lidl store, in replacing the existing garden centre, would adopt a similar form and scale to the adjacent Homebase. It would feature a glazed entrance and adjacent curtainwall glazing on the south-facing elevation overlooking the car park. This would wraparound to encompass some of the west-facing elevation. It would also include dark grey cladding columns, to tie in with the adjacent unit, and a cladded upper trim (although of a greater depth).

81. In terms of hard landscaping, the proposal involves the provision of brick pavements at the store entrances to tie in with existing surface materials, and the re-tarmacking of the majority of the car park. New furniture is proposed outside of the units, including a trolley bay and cycle store.

82. What is proposed is functional in its appearance and has an identity that is consistent with the rest of the retail park and the wider surroundings including other commercial and retail developments on the A56 and to the south of George Richards Way. The new discount foodstore would largely take the place of existing built form and would nestle in between the refurbished Homebase and the remainder of the retail terrace, which is set back. It would mainly be observed in views from George Richards Way. However, the area of the new garden centre is more problematical in design terms. This element would be seen in the context of both George Richards Way and the well-trafficked A56 and would encroach into the setting of the Railway Inn. It is recognised, however, that some progress has made to deliver an improved appearance. Whilst the scale and position of the proposed extension has not altered, some changes have been made to its external treatment as it faces the highway. This includes the introduction of some column and upper level detailing, which would provide some variation to the elevation and which would serve to soften the way the development was perceived. The extent of applied timber fencing has also reduced. Conditions could also be imposed on any grant of planning permission to further ensure a level of design quality, for example to request full material specifications.

83. Overall, it is considered that the proposal would deliver a development with an identity which would cater for its users and which in many ways would be reflective of the characteristics of this area of Broadheath. However, from the previous commentary it is evident that the proposal has not taken full account of all aspects of context since some harmful impact to a heritage asset has been identified. Policy L7, consistent with the National Design Guide, also requires development to be appropriate to its surroundings. The elevational improvements have, however, moderated the strength of design objections and there is recognition that this is an environment with a varied character. With this in mind, whilst it is maintained that the proposal would not fully meet all design principles established by Policy L7, the extent of policy variance is not considered significant enough to trigger a policy conflict and to warrant a recommendation of refusal on design grounds. When taken as a whole, it is considered that the proposal constitutes a reasonable design response which has some positive elements of character and which generally satisfies the requirements of Policy L7, the NPPF and the National Design Guide. *Some* departure from policy and guidance, when having regard to local heritage, is however placed on record (consistent with previous conclusions) and this is a matter that will be returned to as part of the concluding planning balance.

Landscaping and Green Infrastructure

84. The NPPF is clear that the creation of well-designed places is also dependent on the incorporation of appropriate and effective landscaping (paragraph 127). Policy L7 of the Trafford Core Strategy also refers to the importance of ensuring that new developments are appropriately landscaped. In addition to this requirement, there is a separate Core Strategy expectation (as articulated by Policy L8 and Policy R3, and complemented by SPD1: Planning Obligations) for development proposals to contribute on an appropriate scale to the provision of 'specific green infrastructure' (SGI), which includes tree planting and other forms of soft landscaping. The scale of provision should be tailored to the specifics of the proposal since the intention is that it would mitigate specific issues in that area, the SPD advises. This could include the effects of urban heat or of air and water pollution, or to address local ecological impacts. Policy R3 is regarded as being in step with the NPPF and thereby afforded full weight for decision-taking, whilst Policy L8 is generally consistent with the NPPF although lesser weight should be applied.

85. Existing soft landscaping at the site takes the form of a band of grass with some trees at intervals at the George Richards Way frontage, and similarly at the A56 boundary. There are also clusters of shrubs at the rear of the site which it is assumed were planted in parallel with the development of the retail park in order to provide some screening for the residential properties in this location.

86. The applicant's initial landscape proposals, as contained within an Arboricultural Impact Assessment and accompanying landscape scheme, involved the removal of 20 trees to facilitate the development. This included some trees within the car park, but also eight trees lost along the George Richards Way frontage (and only two retained). Only 17 trees were proposed to compensate for the trees removed. The Council's Tree officer was accepting of the removal of trees within the car park when noting that they had been planted in substandard conditions and are in poor shape anyway. However, the trees at the site's frontage, whilst not mature, are regarded as being in good health and vigour with full crowns and significant amenity potential in the longer term. In addition, whilst the proposal to plant heavy standard trees was welcomed in principle, concern was expressed that the supporting planting specifications would not provide favourable conditions to enable the new trees to flourish

87. A revised landscape proposal has since been submitted. Whilst it has not been possible to reduce the extent of tree lost at the site frontage, this scheme allows for more compensatory tree planting, including at the main vehicular entrance to the retail park from George Richards Way. One for one tree replacement is now proposed (20 new trees). In addition, this provides for the retention and enhancement of areas of low-level shrub and tree planting at Huxley Street to the rear (although some loss would still occur). Further adjustments have also been made to the planting specifications in order to ensure better planting establishment. These landscaping adjustments have

enabled the Tree officer to remove the objection, subject to conditions being imposed to ensure the improved soil/root/planting conditions, and to secure landscape implementation and maintenance in accordance with the revised scheme. Whilst it is noted that even the revised landscaping scheme does not allow for an overall uplift in tree planting, in accordance with the expectations of policies L8/ R3 and SPD1 (and thus there would be no landscape improvement in the short term), the Council's Tree officer has advised that there could be long term gain in tree cover provided that the new trees are well-planted (as indicated) and appropriately maintained. Conditions are therefore recommended to secure this. It is on this basis that it is concluded that the requirements of Policy L7 have been fulfilled and similarly in respect of the aspirations of policies L8/R3, and SPD1.

Residential Amenity

88. In addition to ensuring that developments are designed to be visually attractive, the NPPF (at paragraph 127) advises that planning decisions should create places that provide a high standard of amenity. Policy L7 of the Core Strategy contains a similar requirement, and with it made clear that new development must not prejudice the amenities of neighbouring occupiers by reason of being overbearing or of overshadowing, overlooking, visual intrusion, noise/disturbance or in any other way.

89. To the immediate north of the application site there are residential properties which could be impacted upon. These include the streets of Huxley Street, Princess Street and Sinderland Road. The existing service yard to the Homebase unit is located in close proximity to this area, surrounded by timber fencing. The application proposal involves the demolition of some of the existing retail unit in this area, at a pinch point close to the site's boundary. In addition, an area of low-level landscaping which serves to provide some screening to the unit's rear elevation is proposed to be largely removed. This work would create a second service yard, and thus the existing Homebase service yard would be utilised by Lidl and then the new service yard by Homebase.

90. When having regard to the separating distance to residential properties, the provision of replacement landscaping to provide some screening, and that some existing built form would be lost, there are no overriding concerns with regard to issues of overshadowing, overbearingness, or visual intrusion from the building extension itself. In addition, there would be no overlooking problems given the focus of glazing to the retail units on the principal car park-facing elevations.

91. However, a cautious approach has been taken in respect of the potential for *noise* impacts, primarily in the context of the proposed new foodstore use and the possibility of a very well-visited facility including by service vehicles as well as customers. The potential to impact upon Huxley Street residents in particular

has been the focus of concerns.

92. Deliveries to the retail park (including to the existing Homebase) are presently restricted by condition and are limited to 0730 to 2000 Monday to Saturday, and with no deliveries permitted on Sundays (although the application submission advises that, in reality, deliveries do not occur until after 0800 hours). The current hours of opening of the Homebase store are 0800 to 2000 Monday to Saturday, and 1000 to 1600 on Sundays. The application upon its submission sought 24 hour deliveries to the new Lidl unit throughout the week (Monday to Sunday).

93. First stage consultation with the Council's Nuisance team identified shortcomings with the content of the submitted noise assessment and it was concluded that a case had not been made that an intensification of use brought about by the addition of a new foodstore and a new service yard (potentially operating through the night) would not be detrimental to noise-sensitive receptors in the vicinity of the site. Noise complaints from neighbours are already received associated even with the Homebase unit, the consultation response advised.

94. Following a number of iterations and continued dialogue with the Nuisance team, the applicant's latest request, upon which a revised noise assessment has been based, proposes the following hours of activity for the new Lidl. No changes over current times are proposed for the Homebase:

- Deliveries between 0800 and 2200 hours Monday to Friday; and between 0800 and 2000 hours on Saturdays and Sundays; and
- Store opening of 0800 to 2200 hours Monday to Saturday (including Bank Holidays); and 1000 to 1600 hours on Sundays.

95. Therefore, more restricted hours of delivery to the Lidl unit have now been offered by the applicant when compared with the original proposal. However, the most recent noise assessment acknowledges that even under this scenario reasonable noise levels would still be exceeded at the nearest residential properties on Huxley Street (when stood outside). It therefore proposes the erection of an acoustic barrier at the perimeter of the service yard to provide some noise mitigation. It has been confirmed that this would take the form of a 4.1m high close-boarded timber fence which would be erected at the Huxley Street boundary, behind an existing area of landscaping and then close to the south-western corner of the garden of no. 8 Huxley Street. There is presently a lower fence (3 metres high) in this general location with razor wire atop and which is substandard in its appearance since it has weathered over time.

96. The residential amenity implications of the proposed fence itself have been examined, in terms of the potential for it to cause overshadowing or to have an overbearing effect. A fence at this height directly aligning the residential property's boundary would be of a concern, but in this case a separating distance

would be maintained. When having regard to the effects of the existing fence, and then the proposed fence's improved exterior (and with new planting proposed to further soften its appearance), it is concluded that there would be no significant adverse residential amenity effects brought about by the proposed noise mitigation.

97. That being the case, whilst the acoustic barrier is welcomed, the final consultation response from the Nuisance team is not supportive of the applicant's amended request. Even with the fence it is still considered necessary to impose even more restrictive delivery and opening hours in the interests of preventing undue noise and disturbance and to protect surrounding residents. In summary, conditions are recommended which would impose the following limits for the Lidl:

- Deliveries between 0800 and 2000 hours Monday to Saturday, and between 1000 and 1600 hours on Sundays; and
- Store opening of 0800 to 2200 hours Monday to Saturday (including Bank Holidays), and 1000 to 1600 hours on Sundays.

98. Further noise-related conditions are recommended to provide added amenity safeguards, including to request a Servicing Management Plan (to ensure that the delivery process is appropriately managed by the retailers), to request a Construction Environmental Management Plan (to ensure that potential environmental effects arising during the construction stage are mitigated), and to limit the noise levels from any fixed plant to be installed. Conditions to transfer the hours restrictions for Homebase to the new unit are also necessary.

99. The Nuisance team has also considered the applicant's submitted lighting report, which explains that new lighting is proposed in the customer car park and to serve the two service yards. When having regard to the choice of luminaires and their location, it is concluded that the proposed lighting would not cause light overspill to the detriment of surrounding residential occupiers.

100. Overall, and with a series of crucial conditions in place, it is concluded that the proposed development would not have a significant adverse impact on standards of residential amenity in the locality. It is considered that the requirements of Policy L7 and the NPPF on this topic have therefore been met.

Other Environmental Health Matters

101. The NPPF advises local planning authorities to ensure that planning decisions prevent both new and existing developments from contributing to, or being put at risk from, unacceptable levels of soil, air or water pollution or land instability (paragraph 170). Within the Core Strategy this objective is covered by Policy L5 (Climate Change), which states that development that has potential to cause adverse pollution (of air, water or ground) will not be permitted unless it can be demonstrated that adequate mitigation measures can be put in place (and

with this aspect of Policy L5 regarded as being up-to-date).

102. Advice on these matters has been sought from the Council's Contaminated Land and Air Quality teams. Taking account of the submitted Geo-Environmental Desk Study which supports the application, the consultation response confirms that there are no overriding contamination concerns, although with a condition recommended to provide for further site investigative works and for subsequent remediation if necessary.

103. No consultee concerns have been raised regarding the potential for the development to lead to a deterioration in levels of air quality, although there is an expectation that the submitted Construction Environmental Management Plan would include measures to control the emission of any dust and dirt from the demolition and construction processes. There is also a requirement for low emission vehicle charging infrastructure to be installed within the development (to be conditioned), which could help to promote the uptake of low emission vehicles. Compliance with Policy L5 on these matters, together with the NPPF, has therefore been concluded.

Flooding and Drainage

104. The NPPF, at paragraph 148, is clear that the planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It advises local planning authorities to direct development away from areas at highest risk of flooding by applying the sequential test and then, if necessary, the exception test. Major development should incorporate sustainable drainage systems to manage surface water run-off, paragraph 165 advises, unless there is clear evidence that this would be inappropriate. The accompanying NPPG establishes a hierarchy of sustainable drainage options which commences with drainage into the ground (infiltration).

105. The applicable policy in the Trafford Core Strategy is Policy L5. This also explains that development will be controlled in areas at risk of flooding, and it also supports the use of sustainable drainage measures. This aspect of Policy L5 is also regarded as being up-to-date.

106. The application is accompanied by a Flood Risk Assessment (FRA) which has been reviewed by the Lead Local Flood Authority (LLFA). The FRA confirms that the site is located in Flood Zone 1, which means that it is exposed to the lowest annual probability of river or sea flooding (a less than 1 in 1,000 risk). As a result, there is no need for the sequential or exception tests to be applied.

107. The application is also supported by a Preliminary Drainage Strategy which similarly has been subject to LLFA assessment. This indicates that the site may be suitable for infiltrating surface water into the ground, although before

being confirmed this would need to be subject to further testing. The two-option strategy also allows for some storage attenuation on site. The LLFA is satisfied that the applicant has in place an outline scheme for effectively managing surface water which accords with the principles of the drainage hierarchy and which would ensure that, whichever option is selected, it would limit the run-off likely to be generated such that it would not increase the risk of surface water flooding. The site layout would not be affected if either scenario was selected, it is understood. A condition is recommended in order that the necessary ground testing work is carried out, and that the appropriate scheme is implemented, maintained and managed.

108. Overall, it is concluded that the proposal is compliant with the NPPF on the matter of flood risk and also meets the terms of Policy L5.

Ecological Impact

109. Planning policies and decisions should contribute to and enhance the natural and local environment, including by minimising impacts on - and providing net gains for – biodiversity, the NPPF is clear (paragraph 170). At the development plan level, Core Strategy Policy R2 similarly seeks to ensure that new development would not have an unacceptable ecological impact (and with this policy regarded as being up-to-date).

110. The application submission includes a Preliminary Roost Assessment, which has been reviewed by the Greater Manchester Ecology Unit. The consultation response accepts that the building to be reworked and extended has negligible bat roosting potential, and thus the findings of the survey – that the proposed development would not impact upon local bat populations – is accepted. However, evidence of birds nesting on the building has been identified, the consultation response records, and with the application site containing both bird and invertebrate boxes. Therefore, conditions/informatives are recommended to restrict certain works to the period outside of the bird nesting season, and to request the provision of replacement box habitat. The proposal is therefore considered compliant with Policy R2 and the relevant provisions of the NPPF.

Crime Prevention and Security Measures

111. Paragraph 127 of the NPPF states that planning policies and decisions should ensure that development proposals create places that are safe, and where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion and resilience. This is supported by Policy L7 of the Trafford Core Strategy which requires applicants to demonstrate that a proposed development would help to create a safe environment and reduce the potential for crime.

112. The application submission includes a Crime Impact Statement, which has been prepared in conjunction with the Greater Manchester Police (GMP) and with the GMP also acting as consultee in reviewing the document. The consultation response confirms acceptance with the submitted CIS, although with a condition requested to ensure that the recommendations contained within the document are adhered to. Overall, it is considered that the proposed development has been satisfactorily designed when having regard to the objective of minimising the potential for crime through design (and thereby meeting the requirements of Policy L7 and the NPPF on this matter).

Other Planning Considerations

113. In wrapping up any remaining matters (including issues that have been raised in the letters of representation which have not been addressed to date), it can be confirmed that it is no longer a requirement of national planning policy for applicants promoting new retail development to demonstrate a 'need' for the development proposed.

114. For the avoidance of doubt, the submitted plans do not allow for any customer entrances to the retail units from the north.

115. Pedestrian access to the retail park from the Huxley Street area to the north would still be available.

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

DEVELOPER CONTRIBUTIONS

117. The application proposal would appear to be subject to the Community Infrastructure Levy (as a supermarket in a location outside of a defined town centre).

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

PLANNING BALANCE AND CONCLUSION

119. The application site forms part of Altrincham Retail Park in the Broadheath area of Altrincham. It currently accommodates the existing Homebase store, its associated garden centre and car parking. The purpose of this full planning application is to extend and subdivide the existing Homebase to create two adjacent units. Unit 1 would comprise a new retail warehouse unit and garden centre for occupation by Homebase, and Unit 1a would comprise a discount

foodstore to be occupied by Lidl. The application also proposes a new left-out egress from the site, a new pedestrian access from George Richards Way, and related reconfiguration of the existing car park.

120. Section 38(6) of the Planning and Compensation Act 1991 requires applications to be determined in accordance with the development plan unless material considerations indicate otherwise. That remains the starting point for decision making. The NPPF is an important material consideration.

121. The decision-taking structure to be applied in the determination of this application is that set out at paragraph 11c and paragraph 12 of the NPPF since this is not a proposal in which policies of 'most importance' have been deemed 'out of date', (which would otherwise result in paragraph 11d of the NPPF being engaged.)

122. The application site is in an out-of-centre location for the application of retail and main town centre planning policy. The applicant has submitted a retail assessment which has been reviewed by the Council's independent retail consultant. It has been concluded that the proposal would not result in a 'significant adverse impact' on town centres when having regard to the two strands of the impact test as set out in paragraph 89 of the NPPF. However, in relation to the sequential test (as referred to at paragraphs 86 and 87 of the NPPF), it has been found that this test is not met since it has not been demonstrated that the sequentially preferable Altair site in Altrincham is not available *and* is not suitable to accommodate a discount foodstore. The applicant's claims regarding the unsuitability of the Altair site in particular have not been verified. This site, which the applicant is contractually committed to, should be brought forward before any grant of planning permission for such a store at Altrincham Retail Park. Thus, the NPPF test is not passed. In failing in this regard, the proposal is contrary to Core Strategy Policy W2 having not satisfied 'the tests outlined in current Government guidance.' It is also at odds with saved Revised UDP Policy S11 which requires the sequential approach to site selection to be adopted.

123. The proposed development involves the provision of a new point of egress for customers when exiting the retail park car park onto George Richards Way. Concerns have been raised regarding the principle of this proposal by both the LHA and TfGM. The presence of this egress in close proximity to the major road junction of the A56/George Richards Way is likely to pose a highway safety risk to road users and to increase the potential for collisions. The applicant has been asked to provide additional information to evidence their position that no adverse impacts would occur, however the response is that that officers have all necessary information needed to support the application in highway terms. Overall, it is concluded that it has not been adequately proven by the applicant that the proposed egress would not have an unacceptable impact on highway safety. The stipulation at paragraph 109 of the NPPF, that such impacts should

not occur, has thereby not been satisfied. The proposed development is therefore contrary to this Government guidance and also to Policy L4 of the Core Strategy.

124. It has also been concluded that the proposed development would result in harm of a 'less than substantial' nature to the significance of the Grade II listed Railway Inn. However, the public benefits stemming from the proposal would sufficiently outweigh the harm arising, it is considered. These benefits are principally economic focussed although with it also recognised that the development is in accordance with planning principles associated with maximising the use of brownfield land and of locating development in sustainable locations. The proposed foodstore would also provide improved consumer choice. Some heritage harm would nonetheless arise and - as a consequence of this - the proposal also contravenes the requirements of Policy R1. Allied to this, the proposed would not deliver a form of development which would fulfil the statutory duty in the Planning (Listed Buildings and Conservation Areas) Act 1990 by virtue of the impact on the listed building's setting.

125. Furthermore, whilst not sufficient to generate an independent design reason for refusal, it has been stated that the proposed development does not fully meet all expectations, as set out in Core Strategy Policy L7 and the National Design Guide, intended to ensure that a proposed new development would be fully respectful of a site's context, including local heritage.

126. The proposal has been found to be acceptable in all other respects including on matters of drainage and flood risk, landscaping, crime and security, and ecological impact. Several important conditions would be needed to ensure that the development would operate in a manner which would not be detrimental to residential amenity, specifically on the subject of noise and disturbance.

127. Whilst the proposal has been found to result in some benefits, as outlined above, it is evident that there is clear conflict with the development plan and with national policy. It is considered that there is no reason to take a decision other than in accordance with the development plan and relevant guidance. Therefore, the application is recommended for refusal on the grounds of its failure to comply with the NPPF and it also being contrary to policies S11, W2 and L4.

RECOMMENDATION: REFUSE for the following reasons:

1. There is a sequentially preferable site which is available within a reasonable period and also potentially suitable to accommodate the proposed foodstore development. When demonstrating flexibility on issues such as format and scale, it has not been adequately demonstrated by the applicant that this

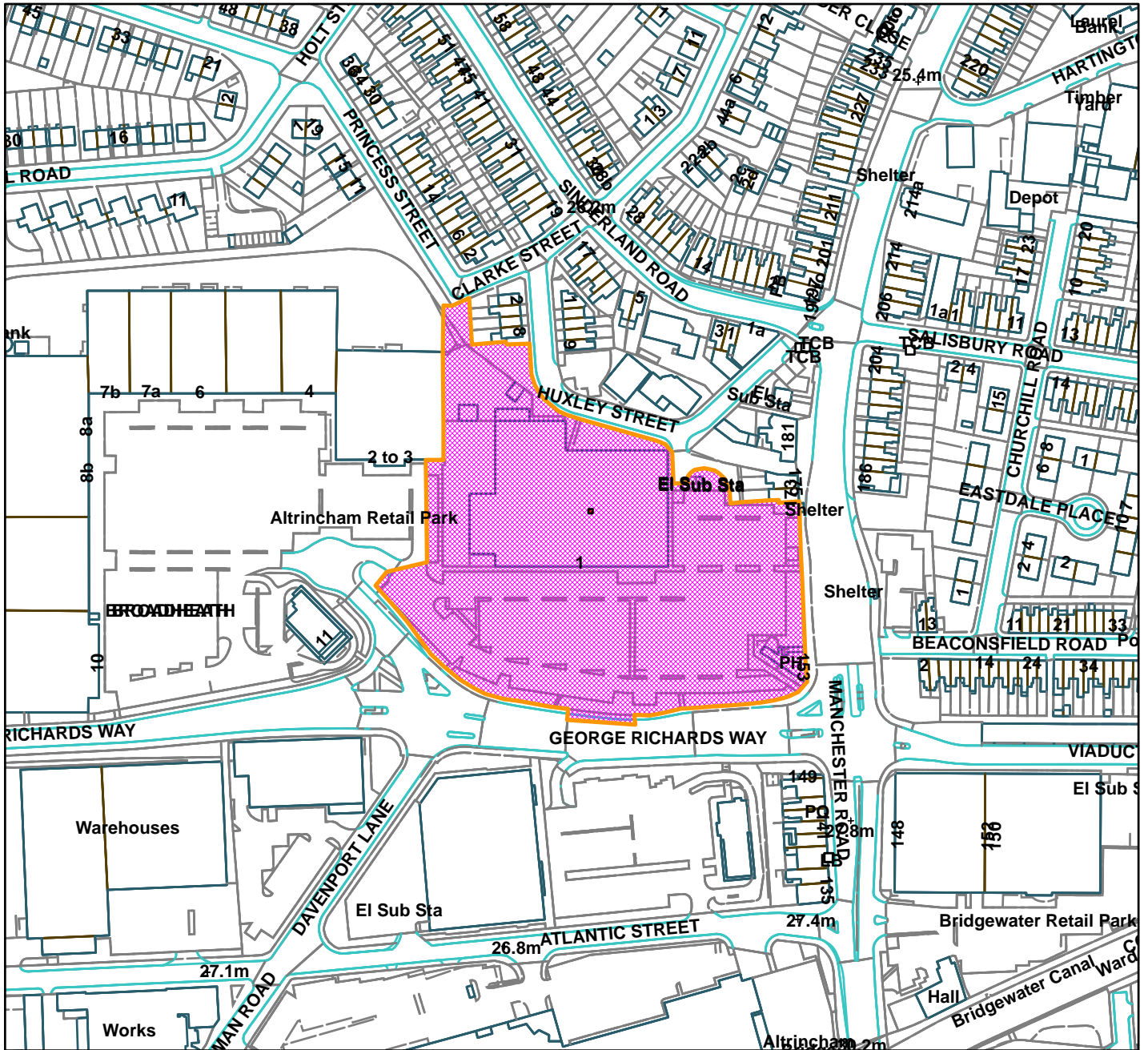
alternative site is not suitable. As such, it is considered that the application proposal fails to satisfy the sequential test at paragraph 86 of the NPPF and thus a reason to refuse the application at paragraph 90 of the NPPF applies. The proposal is also contrary to saved Policy S11 of the Revised Trafford Unitary Development Plan and Policy W2 of the Trafford Core Strategy.

2. The proposed development involves the introduction of a new point of egress for customer traffic onto George Richards Way which has the potential to introduce significant vehicular conflict. It has not been adequately demonstrated by the applicant that this would not have an unacceptable impact on highway safety and thus a reason to refuse the application at paragraph 109 of the NPPF applies. The proposal is also contrary to Policy L4 of the Trafford Core Strategy.

BB



Unit 1, Altrincham Retail Park, George Richards Way, Altrincham (site hatched on plan)



Scale: 1:2,500

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Organisation	Trafford Council
Department	Planning Service
Comments	Committee date 16/07/2020
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MSA Number	100023172 (2012)

WARD: Hale Barns

100044/HHA/20

DEPARTURE: No

Remodelling of existing property including erection of a single storey rear extension and a first floor side extension over the existing single storey side element, the provision of a roof terrace above the proposed single storey rear extension, lifting of the roof ridge height with new roof space accommodation, erection a detached double garage with accommodation above and other external alterations

Foxwood, 78A High Elm Road, Hale Barns, Altrincham, WA15 0HX

APPLICANT: Mr Budebs

AGENT: Tsiantar Architects Ltd

RECOMMENDATION: GRANT SUBJECT TO CONDITIONS

The application is reported to the Planning and Development Management Committee due to being called in by Cllr Dylan Butt.

SITE

The application site comprises a two storey detached property located on High Elm Road in Hale Barns. The property is of brick constructed with a hipped tiled roof and white upvc framed window openings. There is a front driveway and side attached double garage. The site features a rear garden, whilst the remainder of the large site is covered by woodland to the side and rear. Neighbouring properties are entirely residential and are bordered by well-established hedges, bushes and trees.

PROPOSAL

This application seeks planning permission for the remodelling of existing property including erection of a single storey rear extension and a first floor side extension over the existing single storey side element, the provision of a roof terrace above the proposed single storey rear extension, lifting of the roof ridge height with new roof space accommodation, erection a detached double garage with accommodation above and other external alterations.

Specifically the single storey rear extension would project 3.90m with a width of 8.70m, with a flat roof height of 3.10m. The first floor side extension would project 5.70m with a length of 9.50m and be sited above the existing attached garage. The ridge height of the property is proposed to be raised from 8m to 9.70m and the roof would feature new side, front and rear gable ends, replacing the existing hipped design with single front gable end.

The detached garage would have a width of 6.60m and length of 7.60m. The roof eaves height would be 3.50m with a ridge height of 7.20m. There would be accommodation above the garage in the form of a small granny annexe, ancillary to the main property.

Proposed materials include:

- Facing brick to match existing
- White render – smooth finish
- Aluminium cladding
- Painted timber fascia and soffit boards
- Slate roof tiles
- New & replacement aluminium windows & doors
- Sectional garage doors
- Natural stone
- Aluminium plinth
- Painted steel column
- Glass balustrade

This proposal in part replicates the previously approved application 96502/HHA/19 with the main differences being the addition of new second floor with raised roof, front and rear gable features, rear roof terraces and detached garage.

The site of the proposed garage has already been cleared of trees, as evidenced in the site photos. TPO applications 99551/TPO/19 and 99225/TPO/19 granted permission for the removal of these trees.

No trees are proposed to be removed as part of this householder application. Tree protection fencing is proposed around existing trees as is shown on drawing titled Tree Protection Plan.

The total additional internal floor space proposed is approximately 262.20sqm.

Value added:

At the request of the Council, amended proposed plans were submitted to move the location of the new garage from the front to the side of the property. A gable end was removed from the main property, window proportions altered and materials simplified. A Tree Protection Plan was also submitted. Neighbours were subsequently re-consulted.

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

R2 – Natural Environment

L4 – Sustainable Transport and Accessibility

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 and Design

SPD4 – A Guide for Designing House Extensions and Alterations

PROPOSALS MAP NOTATION

Group TPO 33

PRINCIPAL RELEVANT REVISED UDP POLICIES/PROPOSALS

None

NATIONAL PLANNING POLICY FRAMEWORK (NPPF)

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

NATIONAL PLANNING PRACTICE GUIDANCE (NPPG)

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

GREATER MANCHESTER SPATIAL FRAMEWORK

The Greater Manchester Spatial Framework is a joint Development Plan Document being produced by each of the ten Greater Manchester districts and, once adopted, will be the overarching development plan for all ten districts, setting the framework for

individual district local plans. The first consultation draft of the GMSF was published on 31 October 2016, and a further period of consultation on the revised draft ended on 18 March 2019. A Draft Plan will be published for consultation in summer 2020 before it is submitted to the Secretary of State for independent examination. The weight to be given to the GMSF as a material consideration will normally be limited given that it is currently at an early stage of the adoption process. Where it is considered that a different approach should be taken, this will be specifically identified in the report. If the GMSF is not referenced in the report, it is either not relevant, or carries so little weight in this particular case that it can be disregarded.

RELEVANT PLANNING HISTORY

99551/TPO/19	Works to trees within TPO 033, specifically, the felling of 5 trees and the crown reduction of 1 Oak	Approved with conditions 08.01.2020
99225/TPO/19	Works to trees within TPO 33, specifically, the felling of 2 trees and the crown reduction of 2 trees as shown on the submitted plan.	Approved with conditions 18.12.2019
96502/HHA/19	Erection of a single storey rear extension and a first floor side extension over the existing single storey side element including the provision of a roof terrace above the proposed single storey rear extension.	Approved with conditions 20.05.2019

APPLICANT'S SUBMISSION

CIL Form
Bat Report
Tree Protection Plan

CONSULTATIONS

Council's Tree Officer – 22.05.2020

Given the number of trees on site and the fact they are protected by TPO, there are concerns that the works proposed could damage the trees during the construction process. As such it is requested that a Tree Protection Plan is submitted.

A further response was received on 12.06.2020 following the submission of the Tree Protection Plan:

I am confident that the trees will be protected as long as the alignment of fencing and ground protection is used as per the drawing.

REPRESENTATIONS

The application was advertised through notification letters sent to immediate neighbours. Five objections were received from nos. 1, 2, 4, 5 + 7 The Copse. In summary the following concerns were raised:

-Loss of trees / woodland, which form an important local nature asset, which help reduce local noise, air pollution and flooding.

-Overlooking / loss of privacy from rear roof terraces / balconies upon our properties.

-Extension will afford a lack of visual amenity, being located next to the Copse and does not fit in.

-Any visible part of the extension must be in strict compliance with properties of the area.

-The additional accommodation it is assumed would be for the purpose of additional habitation which would engender additional noise and disturbance from use to the properties it is overlooking bringing about further traffic generation.

A request to call in the application to planning committee was received by Cllr Butt on the 21st June, citing residents' concerns above.

OBSERVATIONS

PRINCIPLE OF DEVELOPMENT

1. The application proposal is for extension and alteration works to an existing dwelling in a residential area, which are considered acceptable in principle; however the main issues for consideration are the design / appearance, amenity impact upon neighbouring residential amenity, impact upon trees and ecology.

DESIGN AND APPEARANCE

2. With regard to design and appearance, the proposal should meet with the requirements of the NPPF and Policy L7 of the Core Strategy and with SPD4.
3. Policy L7: Design from the Core Strategy states that:

L7.1 "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*”.

4. Much of the extension works to the main property are in the form of the first floor side extension and works to the roof which involve raising the ridge height and converting the roof form from hipped to gable. The proposed roof includes front and rear gable features and two rear dormer windows to create a new second floor, over the footprint of the existing property. The existing distance of 1m would be maintained to the west site boundary and it is considered the sense of spaciousness is retained within the large plot.
5. The new front gable end roof features of different heights and sizes would serve to break up the mass of what would otherwise be relatively wide frontage and help reduce the scale of the extended property. Front gables would match neighbouring properties within the vicinity which have this feature. The dual pitched main roof with side gable ends would also match immediate properties, in comparison to the existing hipped roof. In this sense it is considered that the proposal would integrate well within the streetscene.
6. In terms of the raising of the main roof ridge from 8m to 9.70m, it is acknowledged that neighbouring properties opposite on the north side of High Elm Road are dormer bungalows, which feature much lower roof heights. However the adjoining neighbour no. 78 is of a similar height and scale, as shown on the street scene plan. Other properties on the south side of High Elm Road are also two / two and a half storeys. Furthermore and importantly the property is set against a backdrop of large mature trees, to the south and east, and this characteristic significantly reduces its prominence. As such the raised roof ridge of the property is considered to sit comfortably within the street scene and would not appear unduly prominent or intrusive.
7. The single storey rear extension would be modest in scale and would retain a sufficient amount of garden space to the rear. A flat roof would wrap over the single storey rear extension and between the main property and detached garage, linking these elements together. A suitable degree of separation would still be provided at first floor level between the garage and the main property. The flat roof form would be suitable and allow the extension to appear as a complementary addition to the main body of the property.

8. The relationship between the proposed garage and main property would replicate the existing arrangement, which features a main property, with smaller side garage to the east. The garage would be set back from the front elevation of the main property, reducing its prominence and allowing it to appear subservient. In relation to the scale of the main property; the building would appear complementary and proportionate. The two separate garage doors help break up the frontage and the smaller windows above provide a hierarchy up to roof level.
9. In terms of the detailed design of the property, there are a variety of architectural styles within the local area. Various properties have been refurbished with more modern materials, whilst others retain their more traditional appearance and original simple character of brick walls, tiled roofs and upvc / timber framed doors and windows. Several properties do feature a mix of white render and brick walls, as is proposed. The use of slightly different proposed materials including aluminium cladding, windows, doors and plinth and natural stone would provide a high quality, contemporary appearance and would not appear unduly prominent. The use of more noticeable glass balustrades is reserved for the rear elevation. Additional windows / doors would be well proportioned and suitably sited within the elevations.
10. In summary the proposal is considered to be appropriate in its context, appropriately addressing scale form, massing and elevation treatment. The design and appearance complies with Policy L7 Design and SPD4.

RESIDENTIAL AMENITY

11. This section considers the potential amenity impact of the proposal upon nearby residential properties.
12. Policy L7; Design also states that:

L7.3 "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 nos. 63, 65 and 67 High Elm Road

13. These are the properties opposite on the north side of High Elm Road.

14. The proposed extensions would project no further than the front elevation of the existing property. The increase in height of the roof and new second storey would be diminished against the backdrop of large mature trees. The alteration, extensions works and materials are considered acceptable in design and appearance and would sit comfortably within the street scene, alongside other two / two and a half storey properties on the south side of High Elm Road.
15. In this regard there is not considered to be any undue visual intrusion, overbearing impact, loss of light or privacy for these properties.

Impact on nos. 78B and 78C High Elm Road (adjacent to Pine Close / 2 Warren Drive)

16. These are the neighbouring properties to the side to the north east.
17. The existing tree cover, siting of these properties side on to the applicant property and separation distance of approximately 30m means that the extensions would be barely visible from these properties. Due to the scale, form and siting of the extensions there would be no overbearing impact, undue visual intrusion, loss of light or privacy for these properties.

Impact upon nos. 33 + 35 Warren Drive

18. These are further neighbouring properties to the side to the north east.
19. The existing tree cover and significant facing distance of approximately 70m means that the extensions would not be visible from these properties. Due to the scale, form and siting of the extensions there would be no overbearing impact, undue visual intrusion, loss of light or privacy for these properties.

Impact upon no. 78 High Elm Road

20. This is the neighbouring property to the side to the west.
21. The projection of the single storey rear extension would comply with SPD4 which allows for a 3m projection past the rear of a neighbouring property, plus the distance the extension is sited in from the boundary line.
22. The new second floor level and raised roof would have no material impact upon no. 78 in that the rear three storey elevation of the applicant property is sited approximately 1.20m increasing to 2m behind the rear elevation of no. 78.

23. The rear roof terrace and balcony at second floor level would both be enclosed within the rear gable ends of the property and would not be open at the sides. This has the effect of significantly reducing lateral overlooking. They are located within the centre and east side of the property, away from the boundary with no. 78. The fully open rear roof terrace at first floor level would be sited within the centre of the roof of the single storey rear extension. There would be a 12m minimum distance provided to the west boundary line from this terrace.
24. Furthermore there is well established boundary treatment in the form of large trees and hedges. There have been no objections received from no. 78 and a first floor rear roof terrace of the same size and siting was approved through the previous application 96502/HHA/19. Taking these factors into account there would not be an increase in overlooking towards the rear garden / elevation of no. 78.

Impact upon properties on the Copse

25. These are the neighbouring properties to the rear to the south, which have rear gardens facing opposite the applicant property. Some of these properties have made objections to the application.
26. The rear roof terrace and balcony at second floor level would both be enclosed within the rear gable ends of the property and would not be open at the sides. This has the effect of significantly reducing lateral overlooking and perceived rear overlooking. The terrace and balcony would have no greater overlooking to the rear than a large full height window in this regard.
27. There is a significant facing distance between the rear elevation of the property and rear gardens / elevations of properties on the Copse. An approximate 40m distance to the rear garden boundaries and 70m facing distance to the rear elevations of these properties would be provided. Alongside the existing tree cover, this significant facing distance is considered sufficient to ensure that there would be no material increase in overlooking from the rear balconies / roof terrace.
28. Whilst the objections in this regard from properties on the Copse have been taken into account, the facing distance and retention of trees are considered to mitigate these concerns.

29. The proposed accommodation above the garage would be ancillary to the main property and would not be a separate property. In this regard there is not considered to be any additional noise or disturbance to neighbours, above that which could normally be associated with the main property.

TREES

30. There have previously been trees removed at the site, however this was done separately through TPO applications 99225/TPO/19 and 99551/TPO/19. These were low quality, older and decayed trees which were removed for reasons of good woodland management. No trees are proposed to be removed through this current planning application, as it stated on the drawing titled – Tree Protection Plan.
31. The Tree Protection Plan demonstrates how existing trees on the site would be suitably retained and protected during construction works to avoid damage. A condition is requested, to ensure that this protection plan is implemented prior to site preparation or construction works.

ECOLOGY

32. As the proposal would involve major alterations to the roof of the property, a Preliminary Roost Assessment Bat Survey has been carried out by Beetle Ecology in support of the application. The aim of the survey was to determine the actual or potential presence of bats and the need for further survey or mitigation work.
33. The survey results indicate that the property offers no roosting opportunity for bats and no evidence of any presence either current or historic was recorded during the surveys. Refurbishment and extension of the current building will have no impact upon the status of bats in this area.
34. There was no evidence to suggest that the property had been used as a maternity roost. The survey was undertaken just outside of the optimal time for maternity roosts but due to the undisturbed nature of the interior of the loft spaces any evidence of such use in the past would have been obvious.
35. Taking into consideration the results and findings from the evidence, opportunity surveys conclusions were that no further surveys are necessary. The

observations made during the survey confirm that no bat activity was recorded either in or on the property.

36. Although no evidence of bat activity was found within the property it is recommended that during the refurbishment work on the building for the roof tiles and fascia boards to be removed carefully by hand. The contractor undertaking the work must be made aware that if any bats are found on any other part of the demolition then work must cease immediately and advice sought from a licensed bat worker. A planning informative to this effect will be attached to any approval.

ACCESS, HIGHWAYS AND CAR PARKING

37. The proposal would involve an increase in the number of bedrooms within the property from 4no. to 7no. As such it is considered that the maximum parking standard of 3 spaces for a 4no. plus bed property is required, in accordance with Policy L4 and SPD3.
38. The site plan shows that there is sufficient space on the driveway and in the new garage to accommodate in excess of 3no. parking spaces. The existing access point to the road would remain unaltered. The application is therefore considered acceptable on highways grounds.

DEVELOPER CONTRIBUTIONS

39. The proposal would increase the internal floor space of the dwelling by approximately 262.20sqm. The proposal may be subject to the Community Infrastructure Levy (CIL) and is located in 'hot' zone for residential development, where consequently private market houses will be liable to a CIL charge rate of £80 per square metre, in line with Trafford's CIL charging schedule and revised SPD1: Planning Obligations (2014). The proposal will be assessed accordingly by the Council's CIL department.

PLANNING BALANCE AND CONCLUSION

40. The proposed development is considered not to cause harm to the character and appearance of the dwelling or street scene by reason of its design, scale and materials, and therefore it is considered appropriate within its context. As such it is considered that the proposed development would be in accordance with policy L7 of the Trafford Core Strategy, SPD4 and government guidance contained within the NPPF. In addition, the proposed development would have no

significant impact on the amenity of surrounding properties and therefore meets the aims of SPD4, the Core Strategy and the NPPF in this respect.

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 866 PL05 D; 866 PL04 C, 866 PL03 B; 866 PL06 A.

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

3. Notwithstanding any description of materials in the application no works involving the use of any materials listed below shall take place until samples and / or full specification of materials to be used externally on the building [Slate roof tiles; New & replacement aluminium windows & doors; Natural stone; Aluminium plinth; White render – smooth finish; Aluminium cladding and Sectional garage door] have been submitted to and approved in writing by the Local Planning Authority. Such details shall include the type, colour and texture of the materials. Development shall be carried out in accordance with the approved details.

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

4. The living accommodation [above the detached garage] 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 78A High Elm Road.

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

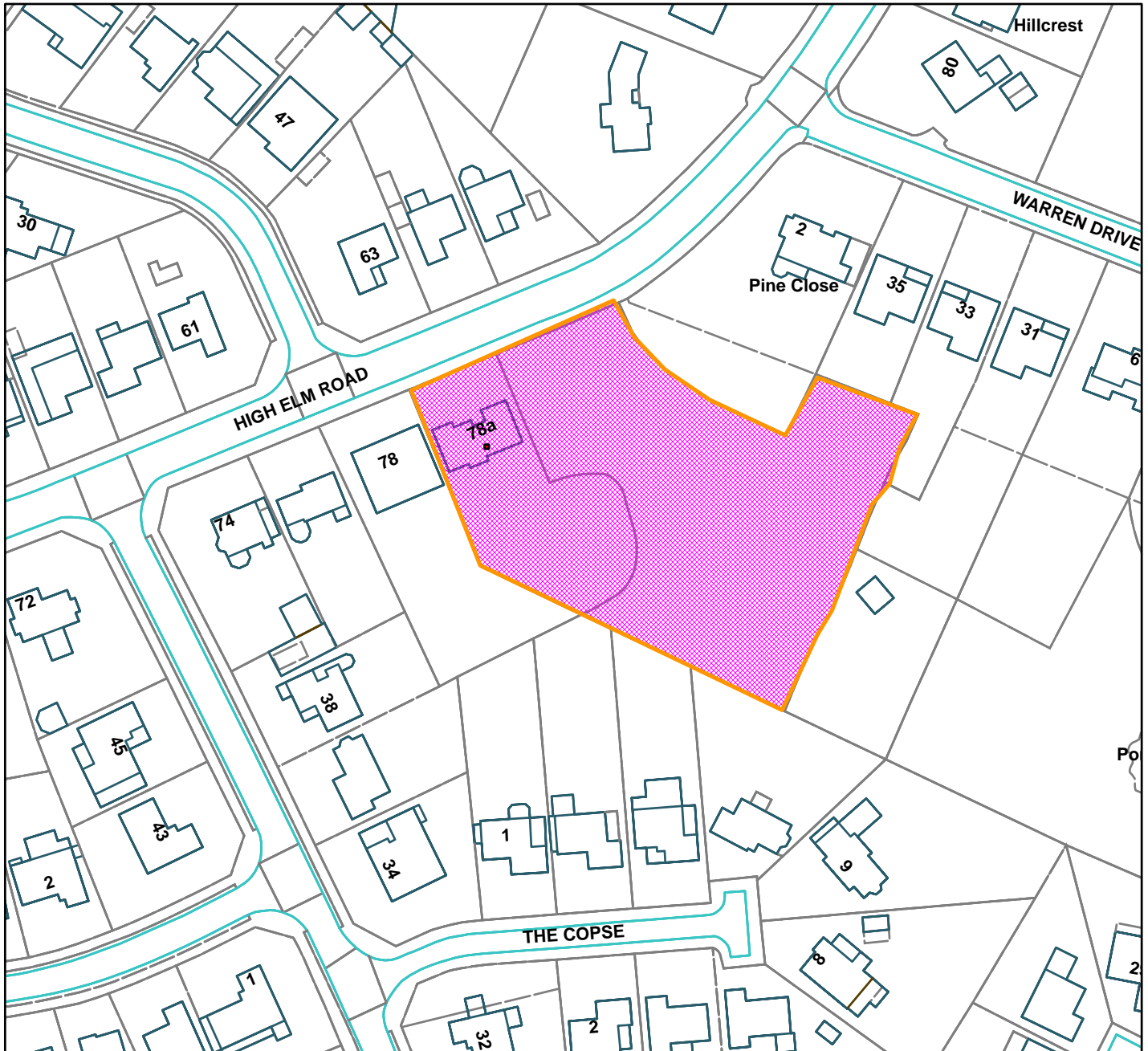
5. No development or works of site preparation shall take place until all trees that are to be retained within or adjacent to the site as shown on the submitted drawing, no. 866 PL06 A have been enclosed with temporary protective fencing in accordance with BS:5837:2012 'Trees in relation to design, demolition and construction. Recommendations'. The fencing shall be retained throughout the period of construction and no activity prohibited by BS:5837:2012 shall take place within such protective fencing during the construction period.

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

GEN



Foxwood, 78A High Elm Road, Hale Barns (site hatched on plan)



Scale: 1:1,250

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Organisation	Trafford Council
Department	Planning Service
Comments	Committee date 16/07/2020
Date	06/07/2020
MSA Number	100023172 (2012)

WARD: Hale Barns

100577/HHA/20

DEPARTURE: No

Erection of first floor side extension, rendering of all external walls, replacement windows, re-roofing existing roof and introduction of front gable features, modification of existing openings and associated external alterations.

3 Millway, Hale Barns, WA15 0AE

APPLICANT: Mr Heyman

AGENT: MKW Architecture Ltd

RECOMMENDATION: GRANT SUBJECT TO CONDITIONS

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

SITE

The application site comprises a two storey detached residential property located on north east side of Millway in Hale Barns. The property is constructed of brick walls with a dual pitched tiled roof and white upvc framed window / door openings. The ground floor has a larger footprint than the first floor, with projections to the front and side. The site features a front driveway and rear garden. Neighbouring properties are entirely residential and are bordered by well-established hedgerows.

PROPOSAL

This application seeks planning permission for the erection of a first floor side extension, rendering of all the external walls, replacement windows, re-roofing of existing roof and formation of front gable features modification of existing openings and other external/ alterations.

Specifically the first floor side extension would project 4.20m with a length of 8.40m. The roof height would be 5m with a ridge height of 7.10m

The entire property would be rendered soft white in colour. Replacement windows would be powder coated aluminium, anthracite grey in colour. The front elevation would see altered window / front door positions and a replacement window instead of the current garage door. There would be two new small gable roof features above existing first floor windows. The rear elevation would see now bi-fold doors in place of current windows / door.

The total additional floor space proposed is approximately 30.40sqm.

Value added:

At the request of the Council, amended proposed plans were submitted which set down the roof ridge of the side extension and introduced gable end roof features to the front elevation of the existing part of the property. The rear bedroom window of the side extension was also reduced in size following concerns from the neighbour at no. 8 Castleway.

Interested neighbours were subsequently re-consulted for 7 days.

DEVELOPMENT PLAN

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

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

PRINCIPAL RELEVANT CORE STRATEGY POLICIES

L4 – Sustainable Transport and Accessibility

L7 – Design

For the purpose of the determination of this planning application, these policies are considered 'up to date' in NPPF Paragraph 11 terms with the exception of maximum parking standards in L4.

OTHER LOCAL POLICY DOCUMENTS

SPD3 – Parking and Design

SPD4 – A Guide for Designing House Extensions and Alterations

PROPOSALS MAP NOTATION

None to note

PRINCIPAL RELEVANT REVISED UDP POLICIES/PROPOSALS

None

NATIONAL PLANNING POLICY FRAMEWORK (NPPF)

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

NATIONAL PLANNING PRACTICE GUIDANCE (NPPG)

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

GREATER MANCHESTER SPATIAL FRAMEWORK

The Greater Manchester Spatial Framework is a joint Development Plan Document being produced by each of the ten Greater Manchester districts and, once adopted, will be the overarching development plan for all ten districts, setting the framework for individual district local plans. The first consultation draft of the GMSF was published on 31 October 2016, and a further period of consultation on the revised draft ended on 18 March 2019. A Draft Plan will be published for consultation in summer 2020 before it is submitted to the Secretary of State for independent examination. The weight to be given to the GMSF as a material consideration will normally be limited given that it is currently at an early stage of the adoption process. Where it is considered that a different approach should be taken, this will be specifically identified in the report. If the GMSF is not referenced in the report, it is either not relevant, or carries so little weight in this particular case that it can be disregarded.

RELEVANT PLANNING HISTORY

74638/HHA/2010	3 Millway Hale Barns WA15 0AE	Erection of first floor side extension, two storey rear extension and conversion of existing integral garage to kitchen and playroom.	Refused 23 February 2011
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Reason for refusal:

“The proposed rear extension by reason of its projection, scale, height and massing in close proximity to the common boundary with the adjoining property, no. 8 Castleway (Wickle Close), would give rise to overlooking and loss of privacy to the detriment of the amenity that the adjoining occupants could reasonably expect to enjoy. As such the proposal is contrary to Proposals D1 and D6 of the Revised Trafford Unitary Development Plan and the Council's approved Planning Guidelines: House Extensions.”

APPLICANT'S SUBMISSION

CIL Form

CONSULTATIONS

N/A

REPRESENTATIONS

The application was advertised through notification letters sent to immediate neighbours. Two letters of objection were received:

No. 5 Millway

“Registering an objection to the application as I do not think the extension above the garage is in keeping with the rest of the area and will give the property a dominating appearance in comparison to other properties on the road. The extension will also block out light from the south side due to its close proximity to the boundary, plus it is a full two storey extension. It will make the road feel built up and more like a town rather than a village”

No. 8 Castleway

In summary:

“We wish to formally object to these proposals on the grounds that the proposed development will have a significant and detrimental effect on our privacy

Proposed bedroom has a large rear full height window / Juliet balcony rather than a similar sized window to the rest of the property. Combined with the direct alignment of the two windows I am concerned that this would lead to privacy issues in both directions. The house is of course built on higher ground than ours and is already very dominant, this new development and large window would be very intrusive.

We have no desire to prevent the improvement of the property however the proposal in its current format is completely unacceptable”.

OBSERVATIONS

PRINCIPLE OF DEVELOPMENT

1. The proposal is for extension and alterations works to an existing residential property, within a predominantly residential area. The key issues for consideration in this application are the design and appearance of the development, its impact on residential amenity, and the level of parking provision.

DESIGN AND APPEARANCE

2. Policy L7: Design from the Core Strategy states that:

3. L7.1 *"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"*.
4. SPD4 requires a minimum 1m separation distance to the boundary line for first floor / two storey side extensions. The purpose of this is to maintain the prevailing character of the area and space around properties, avoid terracing and retain external access to the rear garden for bin storage and garden maintenance purposes.
5. The first floor side extension would provide a 1.20m separation to the east site boundary, in accordance with SPD4 and this would be the same as the existing ground floor side wall of the property. Whilst the extended property would sit closer to the east boundary at two storey, it would retain the 3.60m separation to the west boundary at two storey.
6. Properties on Millway are of a variety of sizes, with some filling most of the width of the plot at two storey, whilst others feature single storey side extensions or garages, which provide more separation at first floor. The adjacent neighbouring property to the east, no. 5 by comparison is a new build and features a 2.10m separation between its side elevation and the shared boundary with no. 3 and a 1.70m separation between its other side elevation and no. 7. The applicant property as extended would not sit centrally within the site at two storey, however on balance its combined separation to both boundaries is similar to neighbours and particularly no. 5 Millway.
7. The roof ridge of the first floor side extension would be set down by 0.30m from the main roof ridge of the existing property and was considered acceptable within a previous application on the site. Furthermore the front elevation of the existing part of the property would feature two new gable ends at first floor level. These design features serve to break up what would otherwise be a relatively wide front elevation which would otherwise have little architectural detailing or relief.
8. This is also important in that the proposed rendered elevations, whilst not unduly prominent, would make the property more noticeable than the neighbours. The set down in height of the side extension and the introduction of gables help to break up the mass of the extended dwelling and it is considered to have a minimal impact on the street scene. There are some properties within the vicinity which also featured rendered elevations, namely no. 33 Chapel Lane and no. 2 Millway.

9. Taking these factors into account, the first floor side extension is considered appropriate in order to maintain sufficient space around the property and preserve the character of the area.
10. The windows / doors across the extension would be well sited within the elevations and are of a suitable shape and size. The powder coated aluminium, anthracite grey windows across the property would complement the soft white render well and result in a high quality appearance.
11. The proposed extension would be constructed to match the main property as altered. It is therefore considered that the proposed extension would have an acceptable impact within the wider streetscene and being of a design to be in keeping with the character of the host property, therefore in accordance with Policy L7 of the Core Strategy and SPD4.

RESIDENTIAL AMENITY

12. This section considers the potential amenity impact of the proposal upon adjacent residential properties.
13. Policy L7; Design also states that:
14. *L7.3 "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. 1 Millway

15. This is the neighbouring property to the side to the north west. The first floor side extension would be on the opposite side of the property to no. 1 and would have no amenity impact upon this property.

Impact upon no. 5 Millway

16. This is the neighbouring property to the side to the south east.
17. The first floor side extension would project no further than the front and rear elevations of the existing property. A 1.20m separation distance would be provided with the side boundary line, which is considered sufficient in accordance with the 1m general requirement from SPD4. In this regard there would be no overbearing impact, undue visual intrusion or loss of light caused upon the side

elevation of no. 5. Similarly no first floor side windows are proposed and there would be no increase in overlooking.

Impact upon no. 6 Castleway

18. This is the neighbouring property to the rear to the north, which has a rear garden bordering that of the applicant property.
19. The first floor side extension would project no further than the rear elevation of the existing property and the properties are sited diagonally opposite. In this regard and combined with the appropriate design, there would be no overbearing impact, undue visual intrusion, loss of light or undue overlooking caused upon the rear elevation of this property.

Impact upon no. 8 Castleway

20. This is the neighbouring property to the rear to the north east, which has a rear garden bordering that of the applicant property.
21. No. 8 has raised an objection stating that the first floor side extension would result in a rear bedroom window, directly opposite the rear bedroom window of their property, whereas currently there is no window opposite. It is stated that this would cause very serious overlooking privacy issues. Concern is also given that no. 3 Millway is sited on higher ground than no. 8 and that the extension would be dominant.
22. The first floor side extension would be level with the rear elevation of the existing property and the existing facing distance of 19m between the bedroom windows would be maintained. Despite being slightly less than the general 21m requirement between habitable room windows from SPD4, this is only the same distance as the existing relationship between the properties and is considered acceptable in this regard.
23. Furthermore the first floor rear window proposed at the application site would be positioned slightly off centre in relation to the rear bedroom window of no. 8 and not directly opposite which limits overlooking.
24. There is already some mutual overlooking between the properties, in part due to the two storey rear extension of no. 8, which projects closer to the rear boundary than other properties on Castleway and has reduced the facing distance. An amended elevation plan was submitted to reduce the size of the proposed rear bedroom window to limit overlooking and alleviate concerns of the neighbour.
25. Taking these factors into account, there is not considered to be a material increase in overlooking towards the rear elevation of no. 8 Castleway.

26. The applicant property is sited on higher ground than no. 8 Castleway by approximately 0.50m, however after visiting both sites, this is marginal and the properties appear to be level due to the applicant property being of a lower height and design than no. 8 Castleway. As the extension would be level with the existing rear elevation, there is not considered to be an unreasonable level of visual intrusion or any overbearing impact / loss of light.

PARKING

27. The proposal would increase the number of bedrooms within the property from 4no. to 5no. It would result in the loss of 1no. parking spaces which can currently be provided in the internal garage.

28. However there would be sufficient space remaining on the front driveway for 3no. parking spaces, which is considered a proportionate parking requirement. As such the proposal is considered acceptable on highways grounds.

DEVELOPER CONTRIBUTIONS

29. The total additional floor space proposed is approximately 30.40sqm, which at less than 100sqm is not subject to the Community Infrastructure Levy (CIL).

PLANNING BALANCE AND CONCLUSION

30. The proposed development is considered acceptable in design and appearance. There is not considered to be any adverse impact upon the amenity of neighbouring residential properties by way of visual intrusion, overbearing impact, loss of light or privacy. The application complies with the Council's Core Strategy, SDP4 and the NPPF 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.

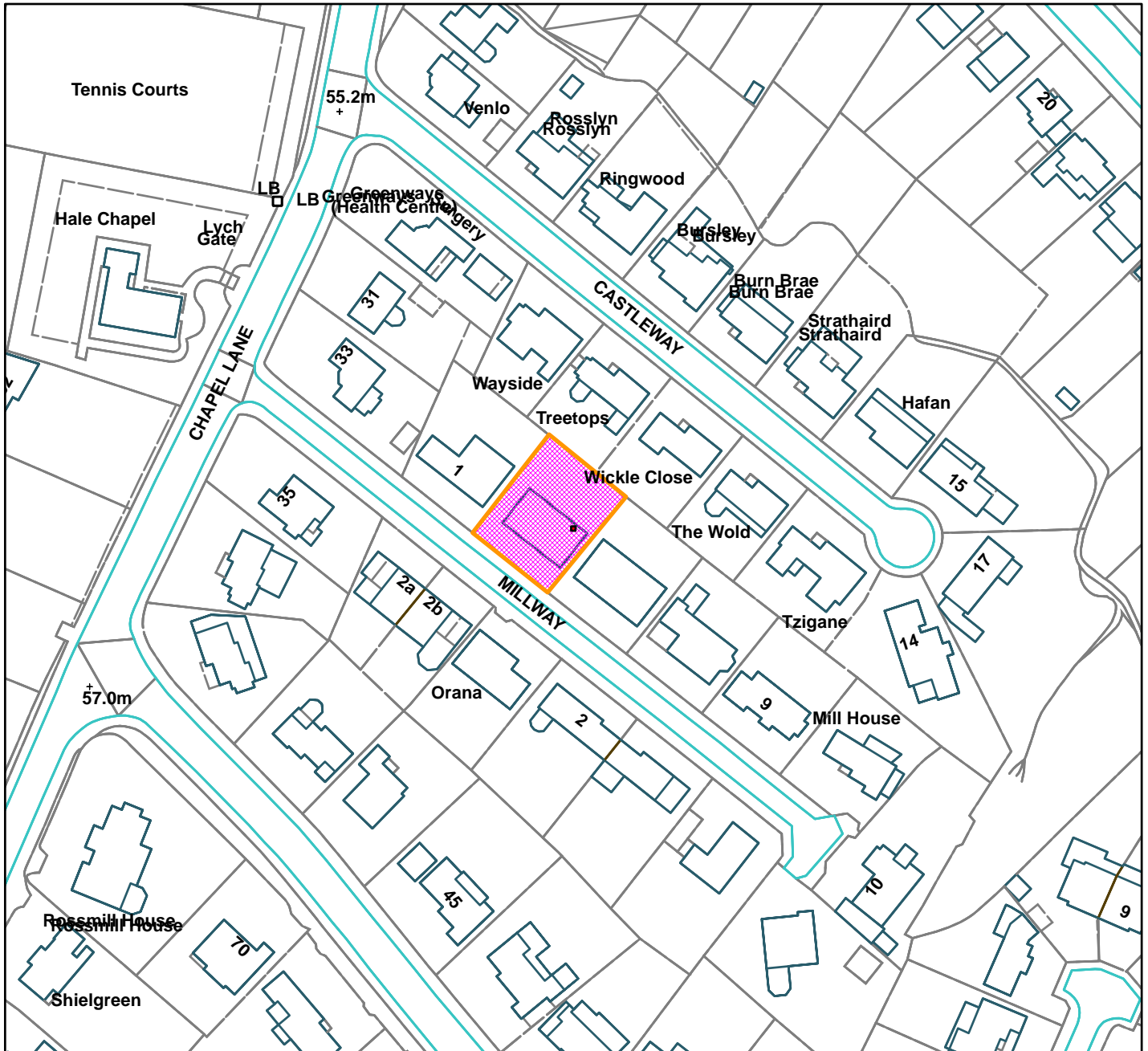
2. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers: P-002 Rev 02; P-003 Rev 01; P-100 Rev 00; P-101 Rev 01 and P-201 Rev 02,

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

GEN



3 Millway, Hale Barns (site hatched on plan)



Scale: 1:1,250

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Organisation	Trafford Council
Department	Planning Service
Comments	Committee date 16/07/2020
Date	06/07/2020
MSA Number	100023172 (2012)

Demolition of existing dwelling and erection of 3 detached houses with associated access, car parking and landscaping

Great Heys , 74 Bankhall Lane, Hale Barns, WA15 0LW

APPLICANT: PH Property Holdings Limited

AGENT: Avison Young

RECOMMENDATION: GRANT

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

SITE

The application relates to a 0.58 ha site on the southern side of Bankhall Lane. The site is currently occupied by a single detached dwelling house, known as Great Heys, with associated access off Bankhall Lane leading to an area of hardstanding for parking. The house is situated in the northern half of the site and to the rear (south) are extensive gardens including a swimming pool and outbuildings and mature trees and a pond. The site boundaries largely comprise mature vegetation. The site is narrower at the northern end and widens out considerably at the southern end. The levels slope gently down across the site from northeast to southwest.

To the south of the site is open countryside contained within the Green Belt and it also forms part of a Protected Area of Landscape Character. For clarification the application site is not itself in the Green Belt or Protected Area of Landscape Character. There is a public right of way (PRoW Hale 3) footpath running along the western boundary, with a field beyond which is also in the Green Belt and approximately 150 metres to the west is the site of Bank Hall, which is a Grade II listed building in use as a day nursery.

To the east is a rectangular piece of undeveloped greenfield land beyond which is The Merridale, a cul-de-sac of detached residential properties. To the north is established residential development in South Hale comprising predominantly detached houses with well vegetated front boundaries.

The existing property on the site is of no particular architectural interest dating from the second half of the 20th century and the site is not within a Conservation Area, having been removed from the South Hale Conservation Area alongside the residential

properties to the east in March 2017. It does adjoin the South Hale Conservation Area to the north.

PROPOSAL

Planning permission is sought for a development comprising 3 no. two storey 5 bed detached dwellings. A new access would be created at the north-western corner of the site off Bankhall Lane with the existing access closed and infilled with hedging. The houses will be accessed off an internal drive and would each have integral two-car garages in addition to parking spaces on the driveways. All of the properties have substantial private garden areas.

The different house types all have a similar design theme which reflect the traditional pitched roofs and feature gables predominant in the local area but with contemporary additions. The palette of materials proposed is red brown brick, buff stone and slate roof.

The total floorspace of the proposed new dwellings would be approximately 1371 m².

Value Added: Amendments have been made to the development layout to retain a mature Oak tree on the site frontage and to include ponds on site to mitigate for the loss of (swimming pool and pond) for Great Crested Newts.

DEVELOPMENT PLAN

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

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

PRINCIPAL RELEVANT CORE STRATEGY POLICIES

- L1 – Land for New Homes
- L2 – Meeting Housing Needs
- L4 – Sustainable Transport and Accessibility
- L7 – Design
- L8 – Planning Obligations
- R1 – Historic Environment

R2 – Natural Environment
R3 – Green Infrastructure

PROPOSALS MAP NOTATION

None

SUPPLEMENTARY PLANNING GUIDANCE

SPG1 – New Residential Development
SPD1 – Planning Obligations
SPD3 – Parking Standards and Design
SPD5.21a – South Hale Conservation Area Appraisal
SPD5.21a – South Hale Conservation Area Management Plan
SPG30 – Landscape Strategy

GREATER MANCHESTER SPATIAL FRAMEWORK

The Greater Manchester Spatial Framework is a joint Development Plan Document being produced by each of the ten Greater Manchester districts and, once adopted, will be the overarching development plan for all ten districts, setting the framework for individual district local plans. The first consultation draft of the GMSF was published on 31 October 2016, and a further period of consultation on the revised draft ended on 18 March 2019. A Draft Plan will be published for consultation in summer 2020 before it is submitted to the Secretary of State for independent examination. The weight to be given to the GMSF as a material consideration will normally be limited given that it is currently at an early stage of the adoption process. Where it is considered that a different approach should be taken, this will be specifically identified in the report. If the GMSF is not referenced in the report, it is either not relevant, or carries so little weight in this particular case that it can be disregarded.

NATIONAL PLANNING POLICY FRAMEWORK (NPPF)

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

NATIONAL PLANNING PRACTICE GUIDANCE (NPPG)

The National Planning Practice Guidance (NPPG) is a web-based resource which brings together planning guidance on various topics in one place. It was first launched by the Government on 6 March 2014 although has since been subject to a number of updates, the most recent of which was made on 22 July 2019. The NPPG will be referred to as appropriate in the report.

NATIONAL DESIGN GUIDE

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

RELEVANT PLANNING HISTORY

96465/FUL/18 – Demolition of existing dwelling and redevelopment of the site to provide a new 64 bedroom care home (Use Class C2) together with associated access, car parking and landscaping.

Appeal against non-determination dismissed 7th August 2019.

The Inspector's report sets out the main issues for consideration of the appeal application to be:

- The effects of the proposal on the character and appearance of the area;
- Whether it would provide satisfactory access to shops and services;
- Whether it would provide acceptable living environment having regard to amenity space and the model of care;
- Whether it would preserve or enhance the character or appearance of designated heritage assets including the South Hale Conservation Area and the Grade II listed Bank Hall; and
- The effects on protected species

The Inspector dismissed the appeal for three reasons:

- The impact on the character and appearance of the area
- The living environment and model of care proposed at the home
- Unacceptable access to the local area for care home residents.

92767/FUL/17 – Demolition of existing dwelling and redevelopment of site to provide a new 72 bedroom care home (Use Class C2) together with associated access, car parking and landscaping.

Refused 17th April 2018 for the following reasons:

1. The proposed development, by reason of its scale, density, mass and use change, would fail to preserve or enhance the character and appearance of the adjacent South Hale Conservation Area and would lead to less than substantial harm to the significance of this designated heritage asset which would not be outweighed by the public benefits of the development. It is thus considered contrary to Policy R1 of the Trafford Core Strategy, the South Hale Conservation Area Supplementary Planning Document (SPD5.21), and the National Planning Policy Framework.
2. The proposed development, by reason of its scale, density, mass and use change, would be inappropriate to the site's semi-rural context. It would thus cause appreciable harm to the character, appearance and enjoyment of the surrounding countryside landscape and would have a detrimental impact on the visual appearance and character of the street scene and the surrounding area. It is thus

considered contrary to Policy R2 and Policy L7 of the Trafford Core Strategy, and the National Planning Policy Framework.

3. Available information indicates that protected species are present on site and would be disturbed by the proposed development. It is not considered that the planning merits of the proposed development sufficiently justify the resultant impact to protected species. As such, the proposal is considered contrary to Policy R2 of the Trafford Core Strategy, and the National Planning Policy Framework.

The application below relates to the rectangular parcel of land immediately to the east of the application site:

96290/OUT/18 - Outline application with all matters reserved for the erection of 1 no. dwellinghouse with landscaping, access and other associated works – Resolution to Grant

APPLICANT'S SUBMISSION

The applicant has submitted the following information in support of the application. These documents will be referred to as necessary within this report:-

- Planning Statement
- Heritage Statement
- Design and Access Statement
- Transport Statement
- Ecological Statement and addendum to provide bat survey results from nocturnal surveys on the mature trees and the buildings
- Arboricultural Impact Assessment and Method Statement
- Landscape and Visual Report
- Combined Flood Risk Assessment and Outline Surface Water Drainage Strategy
- Geo Environmental Assessment Report
- Design for Security Statement

CONSULTATIONS

GM Ecology Unit - No objection subject to conditions to ensure that the mitigation Strategies for both bats and great crested newts are implemented in full. Comments are discussed in more detail in the Observations section of the report.

Local Highway Authority – No objection in principle subject to conditions. Comments are discussed in more detail in the Observations section of the report.

Lead Local Flood Authority – No objection in principle subject to a condition requiring the development to be implemented in accordance with the details set out in the flood risk and drainage documents submitted in the support of the application. Comments are discussed in more detail in the Observations section of the report.

Trafford Council, Arboriculturalist – No objection on the basis of the amended layout and arboricultural information, subject to appropriate conditions. Comments are discussed in more detail in the Observations section of the report.

Trafford Council, Heritage Development Officer - No objection in principle subject to appropriate boundary landscaping treatments. Comments are discussed in more detail in the Observations section of the report.

Trafford Council, Pollution & Licensing, Land Contamination – No objection in principle subject to contaminated land conditions. Comments are discussed in more detail in the Observations section of the report.

United Utilities - No objection subject to conditions relating to surface water drainage and requiring that foul and surface water is drained on separate systems.

REPRESENTATIONS

Neighbours: Objections from 18 separate addresses were received in relation to the plans originally submitted. Grounds of objection summarised as follows:

Character of the Area

- Detrimental impact on setting of and outlook from the Conservation Area
- The South Hale Conservation Area has recently been appraised and the officers and planning committee need to observe the importance of this. It is specifically mentioned in the conservation plan not to build adjacent to the area.
- Fails the test of preserving or enhancing the character or appearance of the designated heritage assets.
- Doesn't reflect character of the Conservation Area which is spacious, verdant

- Overdevelopment of site, one or two houses would be appropriate
- Too many roads within the site they are a waste of space and push forward the front house resulting in the oak having to come down
- Development is forward of the building line – closer than that allowed next door - too prominent and overbearing and results in Plot 1 being out of character with the area
- The development would result in urban sprawl
- Planners have made the developers move the rear houses forward resulting in loss of the oak tree – this demonstrates overdevelopment
- Sensitive site – loss of frontage trees out of character
- Will change the character of the road and impinge on the rural feel and openness of both Bankhall Lane and the field behind which is part of the green belt.
- No attempt to maintain the current view from the footpath in the Bollin Valley.
- Detrimental impact on green belt

Trees and Ecology

- Loss of pond and swimming pool and no suitable replacement will impact on Great Crested Newts. Lack of properly agreed mitigation for protected species
- Loss of biodiversity in general
- Unacceptable loss of trees, in particular the Oak on the site frontage. The tree is protected as it is in the Conservation Area – it must not be felled. Plot 1 should be amended to retain the Oak which is a local landmark.
- Impinge on wildlife corridor
- Application forms states no impact on environment – clearly wrong. There are protected mammals, birds and aquatic creatures on the site and assessments made have not fully ensured the due regard to the environment.

Residential Amenity

- Increased noise and disturbance especially during construction
- Loss of view
- Air pollution

Highways Issues

- 3 dwellings would have negative implications for ingress and egress at the site
- Highway safety concerns due to access being so close to a dangerous bend.

Procedural

- Planner's attention is drawn to the findings of the recent 2019 Inquiry relating to the site which is directly relevant to this decision
- Planners should have informed Members at the Planning Meeting in May when considering 96290/OUT/18 that they were already in discussions about this site.
- A single dwelling on the site would be consistent with the view of the planners expressed in granting permission to develop the next door site. The reduction on that site from 3 houses to 1 was stated as an 'added value' point in the report. The sites are side by side on the same road with the same environment.
- Concerns different case officers involved on the sites – may not be sufficient communication between them to ensure a consistent approach.
- Members stated at the May Committee that they were concerned that 96290/OUT/18 would set a precedent
- Developer has not engaged with residents – more commercial attacks on countryside areas

OBSERVATIONS

BACKGROUND

1. In 2019 a Public Inquiry was held in relation to a proposal for a 64 bed care home on this application site (96465/FUL/18). The outcome of the Inquiry is a material

consideration in relation to this application. The Inspector dismissed the appeal for three main reasons. Two of the reasons the appeal was dismissed related to the proposed care home use. The third related to the visual impact of the development on the character and appearance of the development.

2. In terms of character and appearance the Inspector's main concerns related to the fact that the proposed building would extend across the site and that its edges would be close to the boundaries, in particular the building would extend to the south well beyond the rearmost extent of the existing dwelling. He concluded that the 'very substantial' building would result in significant residual harm to the character of the area as it would disrupt the rural character and diminish the transitional role of the site.
3. In terms of visual impact the Inspector considered that the building would be incongruous and obtrusive and clearly visible from the gaps in the hedgerow where there are field gates to the east and west of the site and that although the site is bounded by mature vegetation, there are gaps within it alongside the PRow, to which the building would be very close, particularly at one point and that even with additional planting, the sense of a very large development close to the PRow would remain. He stated that *'The viewer would have the perception of a large building and the views of the building would be sequential meaning that the experience would be one of there being a single large building stretching across much of the site and ending close to its boundaries.'* He concluded that the proposal would conflict with CS policy R2 which includes a requirement for proposals to protect and enhance landscape character and also with Policy L7 which amongst other things broadly seeks to improve an area's character and quality.
4. It is also of relevance that an outline application (96290/OUT/18) for the erection of one dwellinghouse on the parcel of land to the east of the application site was considered at the Planning and Development Management Committee in May 2020. Members resolved to grant the application subject to the submission of additional information relating to newts. This application was already lodged at the time of the appeal Inquiry and the Inspector made reference to the potential for a *'modestly sized housing scheme'* on the site. A number of objectors have referred to the outline application in relation to the current proposal and referred to the need for a consistent approach. However it should be noted that the site of the outline application is materially different to the current site as it is smaller, entirely undeveloped greenfield land and is also allocated as a wildlife corridor on the UDP proposals map which the application site is not.

PRINCIPLE OF DEVELOPMENT

The Decision Taking Framework

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

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

6. Where development plan policies are out of date, the presumption in favour of sustainable development in the NPPF (as described in paragraph 11d) may apply – namely applying a ‘tilted balance’ under which permission will be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole (see paragraph 11d(ii)), or where the application of policies in the NPPF that protect areas or assets of particular importance provide a clear reason for refusing the development proposed (see paragraph 11d(i)). In the latter case, policies relating to designated heritage assets are listed under footnote 6 of the NPPF and are therefore central to the assessment of these proposals.
7. The Council cannot demonstrate a 5 year housing land supply and the ‘most important’ policies are therefore deemed out of date. Some are also not fully consistent with the NPPF. Therefore, it is necessary to consider at the outset how the presumption above applies.
8. Under limb d(i) of the presumption in favour it is necessary to consider harm to heritage assets. As demonstrated later on in this report, it is considered that there is no harm to heritage assets with no clear reason for refusing the development proposed and thus the tilted balance in limb 11d(ii) is triggered.

HERITAGE ASSETS

9. As the proposals have the potential to affect the setting of a listed building the statutory requirement under Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess must be taken into account. The site is also adjacent to the South Hale Conservation Area. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires Local Planning Authorities to pay, “*special attention in the exercise of planning functions to the desirability of preserving or enhancing the character or appearance of a conservation area*” in the determination of planning applications.
10. The NPPF identifies the setting of a heritage asset as *‘the surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral’*.
11. Paragraph 189 of the National Planning Policy Framework requires developers to describe the significance of any heritage assets affected, including any contribution made by their setting. Paragraph 192 calls on local planning authorities to take

account of the desirability of new development making a positive contribution to local character and distinctiveness. Furthermore paragraph 190 states that local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.

12. Paragraph 193 of the NPPF establishes that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be).
13. The NPPF sets out that harm can either be substantial or less than substantial and the NPPG advises that there will also be cases where development affects heritage assets but from which no harm arises. Significance is defined in the NPPF as the value of a heritage asset to this and future generations because of its heritage interest, which includes any archaeological, architectural, artistic or historic interest. The significance of a heritage asset also derives from an asset's setting, which is defined in the NPPF as 'the surroundings in which a heritage asset is experienced'.
14. Policy R1 of the Core Strategy states that all new development must take account of surrounding building styles, landscapes and historic distinctiveness and that developers must demonstrate how their development will complement and enhance existing features of historic significance including their wider settings, in particular in relation to conservation areas, listed buildings and other identified heritage assets. This policy does not reflect case law or the tests of 'substantial' and 'less than substantial harm' to the significance of heritage assets in the NPPF. As Policy R1 of the Core Strategy is out of date for decision making purposes, the requirements of Paragraph 11 of the NPPF are engaged. In view of this, heritage policy in the NPPF can be given significant weight and is the appropriate means of determining the acceptability of the development in heritage terms.
15. The site is not located within a Conservation Area however it is adjacent to the South Hale Conservation Area (to the north) and Bank Hall a Grade II listed building is located approximately 150m to the west of the application site.
16. The applicant has submitted a Heritage Statement in support of the application which concludes there will be no harm to the setting of the listed building or the adjacent Conservation Area as a result of the development.
17. The application site lies within the setting of Bank Hall, a Grade II listed building. Due to the separation distance between the site and Bank Hall, along with the existing intervening vegetation and open fields, it is considered that no harm would be caused to the significance of the listed building.

18. The application site was removed from South Hale Conservation Area [SHCA] in 2017. It was concluded that a section of the SHCA between Bankhall Lane and Rappax Road to the east contains numerous pockets of mid to late 20th century development of insufficient quality or historical architectural character to warrant inclusion in the Conservation Area. The application site is referred to specifically. The boundary was redrawn to include the north side of Bankhall Lane opposite the application site.
19. The redevelopment of Great Heys to provide a 64 bed care home was the subject of a Public Inquiry in 2019. The appeal was dismissed, however the Inspector concluded that the proposed care home would at worst have 'a neutral effect and would not therefore appear discordant with the character or appearance of the Conservation Area'.
20. The current application proposes considerably less built form on the site and an element of spaciousness is retained between the dwellings and boundaries. It is considered that existing mature vegetation and trees should be retained where possible in order to preserve views into the Conservation Area along Bankhall Lane and looking northwards along the existing PRow running along the western boundary of the site. The retention of the mature Oak on the site frontage is positive in this respect and subject to additional strengthening of the landscaping where necessary, in particular adjacent to the PRow and on the front boundary it is concluded that the development will not harm the significance of South Hale Conservation Area as a whole. An amended landscaping scheme has been submitted to address this and can be conditioned accordingly.
21. It is considered that the proposed development is well designed and will utilise high quality materials. The existing building has no particular architectural merit and utilises poor materials. The proposed augmentation of key areas of landscaping will also contribute to the appearance of the site. The character of the site will be spacious and verdant and consequently it is considered that the development will make a positive contribution to local character and distinctiveness compliant with para 192 of the NPPF. No harm would arise to the SHCA,
22. It was previously established through consultation with GMAAS as part of the planning application and subsequent Public Inquiry at the site in 2019 that the redevelopment of the site did not threaten any known or suspected archaeological heritage.

Conclusion on Heritage Assets

23. For the foregoing reasons and subject to the attachment of appropriate conditions relating to materials and landscaping, it is considered that the development will be compliant with the requirements of the Planning (Listed Buildings and Conservation Areas) Act 1990, Policy R1 of the Core Strategy and the NPPF in relation to the

impact on the adjacent heritage assets. Therefore in terms of paragraph 11 of the NPPF there is no clear reason for refusing the development on heritage grounds.

Housing Land Supply

24. The NPPF places great emphasis on the need to plan for and deliver new housing throughout the UK. Local planning authorities are required to support the Government's objective of significantly boosting the supply of homes. With reference to Paragraph 59 of the NPPF, this means ensuring that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed, and that land with permission is developed without unnecessary delay.
25. Policy L1 of the Trafford Core Strategy seeks to release sufficient land to accommodate 12,210 new dwellings (net of clearance) over the plan period up to 2026. Policy L1 is out of date in so far as the calculation of housing need should be based on the more up to date 2014 'Local Housing Need' (LHN) figures. Using the 2014 LHN calculations, 1,362 net homes per annum are required. Given Trafford's historic under delivery of housing a 20% buffer is included within this figure. The Government introduced their own figures for housing need, known as the Housing Delivery Test. The Government's assessment shows that Trafford met 47% of its housing requirement for 2015-2018.
26. Regular monitoring has revealed that the Council's housing land supply is in the region of 2.4 years. Additionally, the Council is required to demonstrate how many new homes it is actually delivering in the Government's Housing Delivery Test. Therefore, there exists a significant need to not only meet the level of housing land supply identified within Policy L1 of the Core Strategy, but to meet the more up to date LHN figure and also to make up for a historic shortfall in housing completions.
27. Paragraph 68 of the NPPF states that small and medium sized sites can make an important contribution to meeting the housing requirement of an area, and are often built-out relatively quickly. To promote the development of a good mix of sites it indicates at bullet point c) that local planning authorities should support the development of windfall sites through their policies and decisions – giving great weight to the benefits of using suitable sites within existing settlements for homes.
28. The application proposal would deliver 2 additional housing units (net). This is a limited contribution towards meeting the Borough's housing need, although officers still consider that significant weight should be afforded in the determination of this planning application to the scheme's contribution to addressing the identified housing shortfall, and meeting the Government's objective of securing a better balance between housing demand and supply.
29. Policy L1 states that an indicative 80% target proportion of new housing provision shall be met on brownfield land. The application site is considered to be part

brownfield / part greenfield. To achieve the 80% brownfield target, Policy L1.7 advises that the Council will release sustainable urban area greenfield land in the following order of priority:

- Firstly land within the Regional Centre and Inner Areas;
- Secondly, land that can be shown to contribute significantly to the achievement of the regeneration priorities set out in Policy L3 and/or strengthen and support Trafford's 4 town centres; and
- Thirdly land that can be shown to be of benefit to the achievement of the wider Plan objectives set out in Chapters 4 and 5 of this Plan (Strategic Objectives and Place Objectives).

30. The first and second priority cannot relate to this proposal because the site does not sit within either the Regional Centre or Inner Area or within any of the borough's town centres. Therefore the application will need to be considered against the third points of Policy L1.7. Strategic Objectives SO6 (reduce the need to travel), SO7 (secure sustainable development) and SO8 (protect the historic built environment) are considered to be most relevant to this application.

31. It was accepted under the consideration of the care home application previously proposed for the site that the site is located in a sustainable location for the majority of user groups and a consistent approach should be taken in the consideration of this application.

32. The NPPF at paragraph 61 requires local planning authorities to plan for an appropriate mix of housing to meet the needs of its population and to contribute to the achievement of balanced and sustainable communities. This approach is supported by Core Strategy Policy L2, which refers to the need to ensure that a range of house types, tenures and sizes are provided. Policy L2 as a whole is generally consistent with the NPPF however references to housing numbers and housing land supply are out of date. The application proposes 3 family homes. Policy L2 also states that development should be on a site of sufficient size to accommodate adequately the proposed use and all necessary ancillary facilities for prospective residents; appropriately located in terms of access to existing community facilities; and not harmful to the character or amenity of the immediately surrounding area.

33. Policy L2.12 sets out affordable housing requirements. The proposal is for 3 no. units only and has a net floorspace increase of 885.5 m² once the floorspace of the existing building on the site has been deducted and therefore falls below the triggers for any affordable housing contribution.

Conclusion on Principle of Development

34. Therefore in principle the increase in the number of houses on the site from one to three is considered to be acceptable and that this is a viable windfall site in a sustainable location that is already in residential use.
35. However the following issues still need to be considered: design and the impact on the character and appearance of the site and surrounding area, highway safety, residential amenity and impact on protected landscape and species. These issues are considered in more detail in the following sections of the report.

DESIGN

36. Paragraph 124 of the NPPF states: *The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.*
37. Paragraph 130 urges local planning authorities to refuse development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions. It continues in para 131 to state that when determining applications, great weight should be given to outstanding or innovative designs which promote high levels of sustainability, or help to raise the standards of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.
38. The National Design Guide was published by the Government in October 2019 and sets out how well-designed buildings and places rely on a number of key components and the manner in which they are put together. These include layout, form, scale, appearance, landscape, materials and detailing.
39. This states at para 120 that *'Well-designed homes and buildings are functional, accessible and sustainable'* and goes on to state at para 122 that *'Successful buildings also provide attractive, stimulating and positive places for all, whether for activity, interaction, retreat, or simply passing by.'*
40. Policy L7 of the Trafford Core Strategy reflects the importance of design quality to the Borough's built environment and states: *In relation to matters of design, development must: be appropriate in its context; make best use of opportunities to improve the character and quality of an area; enhance the street scene or character of the area by appropriately addressing scale, density, height, massing, layout, elevation treatment, materials, hard and soft landscaping works, boundary treatment; and, make appropriate provision for open space, where appropriate, in accordance with Policy R5 of this Plan.*

41. Policy L7 'Design' is considered to be compliant with the NPPF and therefore up to date for the purposes of determining this application as it comprises the local expression of the NPPF's emphasis on good design and, together with associated SPDs, the Borough's design code.
42. As indicated above the existing house on the site dates from the mid-20th century has no particular historic or architectural merit. The building uses modern materials and has a sprawling footprint that extends across much of the width of the site at the northern end. The South Hale Conservation Area to the north of the site comprises a verdant and spacious residential area and there is commonality in the style of many of the dwellings although there is a mix of dwelling styles and periods of design. Bankhall Lane itself contains a mix of styles, from contemporary new build through to Edwardian and Victorian traditional two and three storey dwellings.

Layout, Scale and Massing

43. The application proposes three detached dwellings set within their own distinct spacious plots. A single point of vehicular access is proposed from Bankhall Lane at the north-western corner of the site. Curving driveways lead to each dwelling.
44. Plot 1 occupies the northern part of the site, with Plots 2 and 3 situated to the south roughly parallel to one another. As a result of changes to the scheme to allow for the retention of a mature Oak tree on the front boundary of the site, Plot 1 has been moved back from the site frontage resulting in a minimum set back from Bankhall Lane of 9m. Concerns have been raised that this is forward of the building line agreed on the plot to the east as part of planning permission 96290/OUT/18, however it is noted that the setback of Plot 1 from Bankhall Lane is comparable to that of No. 2 The Merridale and greater than 92, Bankhall Lane to the east.
45. The location of Plot 2 has also been slightly amended as a result of the retention of the Oak but the main rear elevation of the property still retains a gap to the rear boundary of the site of 20 metres and Plot 3 would retain 22 metres to the rear garden boundary. Minimum gaps of 14 metres would be retained to either side boundary with the retention of existing boundary planting proposed and also additional planting where needed in sparser sections of the boundaries. A gap of 6 m is maintained between Plots 2 and 3. As a result it is considered that the layout is adequately spacious.
46. The houses would have large, well landscaped gardens with parking set behind the building lines allowing more green space in front of the dwellings and preventing parking from dominating the appearance of the development. The garden areas and driveways will ensure the built development on the site is broken up and retains appropriate levels of spaciousness and planting to contribute to the semi-rural character of the area.

47. All of the houses have 2 floors of accommodation with maximum ridge heights of between 8.8 and 9.2 metres which is not considered excessive given the character of properties in the vicinity.
48. The new houses form a total floor area of 872m², which equates to circa 15% of the site's 0.58ha area and this is comparable to footprint to plot size ratios of properties in the vicinity of the application site. The density of the development is therefore considered acceptable in this location.
49. It is considered that the layout, scale and massing of the development successfully reflects the character of the residential development in the wider area and by setting the main massing of the development away from the edges of the site and situating the built development more centrally it respects the transitional character of the site.

External Appearance

50. The houses have been designed with hipped roofs, gable features and varying ridge and eaves levels which provide character to the roof form. The hipped roof design also assists in reducing the mass of the structure at roof level. The three houses all have individual designs but the design approach is continued across the development. This approach seeks to integrate into the local area by using a recognisable traditional form with the addition of contemporary elements such as the clerestory glazing and feature chimneys.
51. The proposed new buildings will be of high-quality materials, red-brown brick, buff stone and slate which respect the traditional design of dwellings within the adjacent conservation area whilst also responding to its semi-rural character.
52. It is considered that subject to the use of appropriate high quality materials the development of three contemporary homes that respect the vernacular of the area will assimilate well into the character of the area.

Landscaping

53. It is considered that a good landscaping scheme is essential to ensure that the development reflects the verdant character of the adjacent Conservation Area, has an acceptable impact on the Bankhall Lane streetscene and also assists in ensuring that the other boundaries of the site reflect the semi-rural character of the location.
54. Planting is proposed around the boundary of the site to reinforce the green characteristics of the conservation area's setting. The majority of the boundary trees and hedgerows will be retained by the development; however in order to create the new access a short section of the existing hedgerow to the front boundary with Bankhall Lane will be removed. However the gap in the front boundary left by the existing entrance is proposed to be infilled with a new section of instant hedgerow

and the development will introduce significant quantities of new, larger stock hedgerows and trees, both to the boundaries of the site and internally.

55. A large oak on the front boundary previously proposed for removal is now retained within the scheme and as indicated in the foregoing heritage section a landscaping condition will be attached to ensure appropriate levels of planting are maintained along the key site boundaries.
56. The development would result in the removal of the swimming pool and ornamental pond from the rear garden. However two new ponds and associated tree and shrubs planting are proposed in the southwestern corner of the site.
57. Gates and gateposts are proposed within the site one set in from the main access to the site and a further three to define the individual driveways on the plots. It is not considered that these should be unduly prominent given their siting within the plots however full details will be required and a condition relation to boundary treatments is recommended accordingly.

Crime Prevention

58. GMP Design for Security has reviewed the proposals and provided a statement submitted with the application. This recommends that the development be constructed to secured by design standards. They have also provided advice about heights of boundary treatments and recommend that the pedestrian / vehicular route into the site is well illuminated to deter criminals and improve surveillance. The specifications of the lighting and boundary treatments can be addressed through the use of appropriate conditions.

Accessibility

59. In relation to accessibility the supporting information states that the external doors will have level thresholds and provide no obstacle. Once inside, the house will provide accessible toilet facilities as well as spacious door openings to all rooms and will surpass current access standards adopted in Part M of the Building Regulations

Conclusion on Design

60. Good quality design is an integral part of sustainable development. The NPPF and PPG including the National Design Guide recognise that design quality matters and that the planning process should be used to drive up standards across all forms of development. For the foregoing reasons it is considered that the design of the scheme is appropriate in this location and would not result in material harm to the street scene or character of the area in compliance with Core Strategy Policy L7 and the NPPF.

IMPACT ON THE CHARACTER AND APPEARANCE OF THE SURROUNDING LANDSCAPE

61. The site lies at a transitional point between the residential area to the north and the wooded River Bollin corridor to the South. There are currently fields on three sides although as stated above outline permission has been granted for a dwelling on the land on the eastern side of the site.
62. Policy R2 states that developers should demonstrate how their proposals protect and enhance the landscape character, biodiversity, geodiversity and conservation value of the Borough's natural urban and countryside assets having regard not only to its immediate location but its surroundings.
63. The site is influenced by both the Wooded Claylands Landscape Character Type (LCT) and the Wooded River Valley LCT, the characteristics of which are set out in Trafford Landscape Strategy: SPG 30 (2004) and the appeal Inspector identified a clear interrelationship between the site and these two LCTs. He commented that 'When walking along the Public Right of Way (PRoW) from Bankhall Lane, there is some sense of the site's domestic character' although he went on to state that the vegetation either side of the PRoW provided a tunnel effect which channelled views to the wooded valley area to the south.
64. Significant consideration has been given to the impact of the development on the character and appearance of the surrounding landscape and it is recognised that both the Public Inquiry decision and the recommendation on the application on the adjacent site are material considerations when assessing the acceptability of the current proposal.
65. While both the Public Inquiry outcome and the application on the adjacent site are relevant there are a number of material differences between the sites and the proposals.

96290/OUT/18

66. A number of objectors to the current scheme consider that the same approach should be taken to this site as was taken to the adjacent parcel of land to the east when 96290/OUT/18 was determined. However this piece of land is smaller (0.4 ha as opposed to 0.58 ha) is a previously undeveloped greenfield site and is within a wildlife corridor. The outline approval would result in a net increase of 1 dwelling in principle.
67. The application site is larger as set out above and is previously developed with an established domestic character as it already contains a large property and associated domestic outbuildings and hardstanding. The application site is not within a wildlife corridor although ecological considerations are still relevant. The proposed development would result in a net increase of 2 dwellings.

96465/FUL/18

68. While it relates to the same site the current proposal is materially different from the care home scheme that was dismissed at Public Inquiry last year.
69. Although the findings of the Inspector in relation to the impact of the care home proposal on landscape character are of relevance to any development on the site and the principle of the Inspector's comments have been used to inform the current scheme, it should be noted that the previous development was for a significant 64 bed care home, arranged over two storeys with a part-basement. The care home proposal involved the creation of a series of interlinked buildings or 'wings' on a broadly regular alignment. A total of four buildings were proposed, with three connecting glazed links. The application submission indicated an overall gross internal area across the three floors, of 3,450 m². That contrasts with a proposed floorspace over three separate buildings of 1371 m² in the current scheme. The care home building would have been significantly larger (by several times) than any other building within the adjacent townscape. Furthermore, it would have occupied a proportion of the plot that is uncharacteristically high in the adjacent townscape.
70. The Inspector took the view that the proposed amount of built form on the plot would disrupt the rural character of the local area and significantly diminish the transitional role of the site. He also considered it was out of keeping with the prevailing form of development and would be incongruous and obtrusive.
71. The Inspector identified a key view as being from the PRoW (views from the site to the east were also identified but the Inspector acknowledged this site was unlikely to remain entirely devoid of development). He noted that the care home was a very substantial building extending across much of the site and close to the plot boundaries.
72. The Inspector acknowledged that the site is a residential plot of domestic character but given the care home's relationship with the surrounding fields and proximity to the river corridor; the proposed development would result in a very substantial amount of built form projecting further towards the open countryside.
73. He considered that even with additional planting, the sense of a very large development close to the PRoW would remain. The viewer would have the perception of a large building and the views of the building would be sequential meaning that the experience would be one of there being a single large building stretching across much of the site and ending close to its boundaries.
74. The development proposals are significantly different. The care home scheme proposed sprawling, expansive accommodation which greatly increased the density of the site and would have occupied over 30% of the plot, whereas the three proposed dwellings will occupy circa 16% of the plot. The care home scheme also

involved hardstanding for 23 cars. In addition, the proposed dwellings will maintain the residential use of the site.

75. It is acknowledged that the amount of built form on the site will be increased and the position of the houses therein will extend further to the south, however a minimum distance of 20 metres is retained to the rear boundary. The care home retained only 7 metres to the rear boundary. In addition, minimum gaps of 14 metres would be retained to the side boundaries. The care home retained only 5.5m on the eastern side and 8 metres on the western side. Built development on the site would be broken up as a result of the proposal for three separate dwellings with generous gardens and driveways as opposed to one contiguous building as was the case with the care home. However in view of the sensitivity of the site it is considered that permitted development rights should be removed to ensure any proposed future alterations are sympathetic to the character of the area.

Conclusion on Impact on Character and Appearance of the Surrounding Landscape

76. The Inspector's concerns relating to character and appearance in the previous appeal scheme are clear that in dismissing the appeal for a care home, he was of the opinion that the substantial proposed building, which would have extended across the site to the south and close to the boundaries, would have disrupted the rural character and significantly diminished the transitional role of the site.
77. The current proposal for three separate dwellings is clearly very different in that it retains significant gaps to the rear boundary and the nearest house is set away from the PRoW on the western boundary. The current scheme has a significantly lower floor area and footprint and by setting the main massing of the development away from the edges of the site and breaking up the built development through the use of plentiful landscaping the development sustains the transitional character of the site in accordance with Policy R2 and Policy L7 of the Trafford Core Strategy, and the National Planning Policy Framework.

RESIDENTIAL AMENITY

78. In addition to ensuring that developments are designed to be visually attractive Para 127 of the NPPF advises that planning decisions should create places that provide a high standard of amenity for existing and future users.
79. 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.

80. Policy L5 also states that development that has potential to cause adverse pollution (including light or noise) will not be permitted unless it can be demonstrated that adequate mitigation measures can be put in place.
81. SPG1 New Residential Development sets out the guidelines that relate to all forms of new residential development. With regards to privacy, the Council's Guidelines states that for new two storey dwellings, that the minimum distance between dwellings which have major facing windows is 21 metres across public highways and 27 metres across private gardens. The SPG states that 'Where *three storey* dwellings (houses or flats) are proposed, the minimum distances are increased by 3 metres over the above figures and for *four or more storeys*, the figures as for 3 storeys apply.
82. With regard to overshadowing SPG1 states that 'In situations where overshadowing is likely with a main elevation facing a two storey blank gable then a minimum distance of 15 m should normally be provided.' The SPG states that 'Distances to rear garden boundaries from main windows should be at least 10.5 m for 2 storey houses and 13.5 m for 2 storey flats or houses or flats with 3 or more storeys.
83. The impacts on both existing and prospective residents are assessed below.

Amenity Impacts on Existing Properties

84. There are fields to the south of the site and a PRoW and fields to the west of the site. The nearest residential properties are a significant distance away in either direction and any impact is therefore not material.
85. At the present time the nearest residential properties to the east of the site are on The Merridale, the garden boundaries of which are approximately 40 metres away from the eastern side boundary of the application site at the narrowest point. However it is noted that Members recently resolved to grant outline permission for a property on the land adjoining the site to the east. Even so, the distances between the nearest side elevation of Plot 2 on the proposed development would be 14 m away from the eastern site boundary and further 8 metres away from the side of the outline footprint which is compliant with the adopted guidelines.
86. To the north the nearest property opposite the site is No. 67 Bankhall lane. This property is set back on its plot behind mature front boundary vegetation and fencing. The front of Plot 1 on the proposed site would be approximately 18 metres away from the front garden boundary of No. 67 and approximately 43 m away from the house frontage.
87. Given these relationships it is not considered that the development would be overbearing, overshadowing or result in overlooking or visual intrusion.
88. For clarification there is no right to a particular view under planning legislation.

Amenity Levels within the Site

89. The houses are laid out in three plots. Plot 1 is at the front of the site with Plots 2 and 3 roughly parallel to each other to the rear.
90. In terms of relationships between the properties the main interfaces are where the front (north) elevation of Plot 2 looks onto the southern elevation of Plot 1 and where the western side elevation of Plot 2 is adjacent to the eastern side elevation of Plot 3.
91. The southern elevation of Plot 1 would be between 13 and 14 metres away from the main front elevation of Plot 2 at the nearest point. At this point the facing elevation in Plot 1 contains a garage window and utility room door at ground level and at first floor a small secondary bedroom window and bathroom window. As a result there is no requirement for light or outlook in relation to these windows and they can be obscure glazed to prevent interlooking between the properties.
92. The front elevation of Plot 2 does contain a number of main habitable room windows. A distance of 15 metres is usually sought between main habitable room windows and a two storey elevation opposite. The nearest ground floor windows in the front elevation of Plot 2 serve a large 'through room' comprising drawing room and retreat. The two windows are 13 and 14 metres away from the southern elevation of Plot 1. This is below the 15m guideline but these are large windows and in combination it is considered that the associated rooms would have adequate light and outlook.
93. With regard to the relationship between the side elevations of Plots 2 and 3 a gap of approximately 6 metres is maintained between the adjacent side elevations. The windows at first floor level in Plot 2 are secondary and can be obscure glazed. The only ground level window serves a study. While this is the sole window to the study it is not considered that this is a main room that requires outlook and it is noted that there are a significant number of other family rooms at ground level including dining room, kitchen/breakfast room, drawing room and retreat, family room and media room all of which benefit from good levels of natural light and outlook.
94. The only ground floor side facing window in Plot 3 is also a study and again there are numerous other family rooms at ground floor level in Plot 3 which benefit from good levels of natural light and outlook and therefore the lack of significant outlook from the study room is not considered a material amenity issue for the future occupiers of the property. A 1.5 metre 'instant' holly hedge is proposed on the boundary between the two and this is considered appropriate. The only first floor window in the east elevation of Plot 3 serves a bathroom and can be obscure glazed.

Amenity Space

95. SPG1: New Residential Development states that most new dwellings should provide some private outdoor space and that this is necessary for a variety of functional requirements such as sitting out and children's play. The guidance sets out recommended garden area sizes and advises that for 3 bedroom semi-detached houses 80 sq. m of garden space will normally be acceptable. All of the proposed private garden areas are significantly in excess of that guideline.

Noise

96. In terms of general noise from the proposed development it is not considered that a development of three family homes would result in anything more than general domestic noise levels and would not cause a material disturbance to adjacent offsite residents.

97. With regard to concerns raised about the construction phase, noise and disturbance is an unfortunate side effect of all new construction development but if properly controlled, the impacts can be mitigated. It is recommended that a condition requiring a management plan relating to the environmental impacts of the demolition and construction phases is submitted for the prior written approval of the Local Planning Authority to prevent undue disruption for nearby properties.

External Lighting and Air Pollution

98. The GM Police Design for Security Team has indicated that external lighting should be provided on site to deter criminals. However it is considered that a lighting scheme should be submitted for the prior written approval of the Local Planning Authority to ensure that it does not cause light pollution in the surrounding area to the detriment of either neighbours or wildlife.

99. With regard to air pollution the site is not located in an Air Quality Management Area and it is not considered that a net increase of two dwellings would result in a material increase in pollution levels in the vicinity.

Conclusion on Residential Amenity Impacts

100. It is considered that the scheme overall represents a well-designed development that provides a pleasant place to live and contributes to the wider residential area. For the foregoing reasons and subject to appropriate conditions, the impact of the proposed development on the residential amenity of both existing adjacent occupiers and future occupiers of the development is considered to be compliant with Policies L5 and L7 of the Trafford Core Strategy and the NPPF.

HIGHWAYS IMPACTS AND PARKING

101. Core Strategy Policy L4 states: [The Council will prioritise] the location of development within the most sustainable areas accessible by a choice of modes of transport. Maximum levels of car parking for broad classes of development will be used as a part of a package of measures to promote sustainable transport choices. The aim of the policy to deliver sustainable transport is considered to be consistent with the NPPF.
102. Para 103 of the NPPF states 'The planning system should actively manage patterns of growth in support of these objectives. Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions, and improve air quality and public health.'
103. 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'.
104. Policy L4.14 to L4.16 sets out the requirement to comply with the adopted maximum car and cycle parking standards as set out in Appendix 3 to the Core Strategy and within adopted SPD3.
105. Core Strategy Policy L7 states: In relation to matters of functionality, development must incorporate vehicular access and egress which is satisfactorily located and laid out having regard to the need for highway safety; and provide sufficient off-street car and cycle parking, manoeuvring and operational space.

Access

106. At present a single dwelling takes direct access onto Bankhall Lane through a single vehicle access near the eastern boundary of the site. As part of the proposals a 4.5 metre private gated drive is proposed to the western side of the plot, thereby achieving maximum visibility for the site, improving highway safety when compared to the existing access. The new access should be provided before first occupation of any of the proposed dwellings.
107. As part of the new access, a pedestrian footway is proposed from Bankhall Lane into the site. This will provide pedestrian access to local bus stops and Hale centre and this arrangement is acceptable to the LHA.

Servicing

108. It is proposed to provide adequate and suitably located refuse / recycling storage facilities for the proposed development within the site with a bin storage area adjacent to the private access suitable for kerbside collection as at present.

Parking

109. The car parking standards as detailed within Supplementary Planning Document 3 (SPD3) state that for this location C: each four bedroom plus dwelling unit requires three car parking spaces. The proposed development comprises of three five-bedroomed dwellings, equating to a required car parking provision of three spaces per dwelling. It is proposed to provide at least three spaces for each of the dwellings which meet the requirements of SPD3.

110. The parking arrangements have sufficient space for disabled access and car turning facilities to allow future occupiers to leave the properties in a forward gear.

111. The minimum cycle parking standards as detailed within SPD3 states that for a four or more-bedroom dwelling unit requires two communal or four allocated cycle spaces. The LHA are satisfied that cycle parking can be accommodated within the proposed garages.

PRoW

112. A Public Right of Way (Footpath No 3, Hale) runs along the western side of this development. Any work to the boundary with the PRoW should ensure the recently surfaced right of way is not damaged by this development, and should damage occur, carry out repairs to the satisfaction of the LHA. Any change to the boundary treatment should not narrow the right of way and should be in a position to allow the developer to continue to maintain the boundary hedge which it understood is to be retained within the development. The right of way should remain open for public use during construction if possible. Should it be necessary for safety reasons for the applicant to seek temporary closure or diversion of the path during the construction of the works, a Temporary Traffic Regulation Order will be required. A condition relating to boundary treatments has already been recommended above and a Construction Method Statement condition can include reference to the retention of the PRoW.

Conclusion on Highways Impacts

113. The proposed development is considered to be acceptable in terms of access, servicing, parking and overall accessibility subject to conditions relating to the above comments and an additional condition requiring the submission of a construction method statement prior to development commencing. On this basis it is considered that the development would not result in any unacceptable impact on highway safety

or amenity and that the development is therefore compliant with the requirements of Core Strategy Policies L4 and L7 and the NPPF.

TREES AND ECOLOGY

114. Policy R2 of the Trafford Core Strategy seeks to ensure that all developments protect and enhance the Borough's biodiversity. In addition, Paragraph 175 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"*.
115. Policy R2 of the Core Strategy (Natural Environment) is considered to be consistent with the NPPF and therefore up to date as it comprises the local expression of the NPPF's emphasis on conserving and enhancing the natural environment. Accordingly, full weight can be attached to it in the decision making process.
116. Paragraph 175 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"*. It also states requires that developers take opportunities to incorporate biodiversity improvements in and around developments.
117. The application was accompanied by an Ecological Statement and an addendum to provide bat survey results from nocturnal surveys on the mature trees and the buildings. Great Crested Newt (GCN) and Bat mitigation strategies have also been submitted.

Bats

118. Results of surveys carried out at the property in 2017 and 2018 found a small common pipistrelle day roost within the southern apex of the property, with additional bat field signs recorded within the loft void during the internal inspection. Given the presence of these roost sites, additional nocturnal surveys comprising two dusk and a single dawn were carried out at the property in May and June 2020 over the active period for bats and during suitable weather conditions. Results of the surveys have confirmed the presence of a small roost site for common and soprano pipistrelles at five individual roost locations around the building. These roosts are predominantly beneath wooden shingles on the external walls of the property. The data recorded indicates that the roosts are used by low numbers of bats (1-5) and is similar to the level of use previously identified in 2017 and 2018. From the results of the most recent surveys no bat roost within tree T37 (Oak) was identified. However this tree is now being retained within the development in any event.
119. Given the limited use identified, the supporting ecological statement identifies the roost sites as being of low conservation status and therefore the loss of this roost

site is unlikely to result in a significant effect to the bat local population. It goes on to state that a European Protected Species Licence will be required prior to the demolition of the existing building and full details of the methods employed to demolish the roost sites will be detailed within the licensing document submitted to Natural England.

120. Mitigation for loss of the roost sites is proposed to comprise the implementation of four bat boxes on retained mature trees and three integrated bat boxes on the new residential dwellings. In addition, it is stated that as a matter of good practice, any lighting implemented as part of the development shall be designed to avoid excessive light spill onto retained boundary habitat or the bat boxes installed as part of the mitigation scheme.
121. The GM Ecology Unit have confirmed that the level of bat survey undertaken at the site is appropriate and that no further bat surveys need to be undertaken before deciding the application. They also confirm that the mitigation measures proposed for the avoidance of harm to bats are satisfactory and proportionate to the level of disturbance to bats that the scheme will cause. Providing that the measures proposed are implemented in full the GMEU consider that that the nature conservation status of bats would be capable of being conserved. A condition is therefore recommended to ensure this.

Great Crested Newts (GCN)

122. The supporting ecological information states that the results of 2019 surveys confirmed the presence of GCN both within the ornamental pond and in the swimming pool with the latter identified as a breeding pond. Data pertaining to the peak count of GCN recorded indicated that the population recorded was a 'medium population'.
123. In view of the proposed removal of the pond and swimming pool as part of the development proposals, a Great Crested Newt Strategy has been submitted. The main components of the strategy comprise:
- The removal of GCN from the construction zone prior to the commencement of development operations using standard translocation equipment as per the Great Crested Newt Mitigation Guidelines over an appropriate trapping period for a medium population
 - The creation of an in-situ receptor area to receive any GCN captured during the translocation exercise
 - The installation and maintenance of a GCN exclusion fence around the construction zone which will remain in-situ for the duration of the construction phase
 - The creation of additional long-term GCN terrestrial habitat areas through the retention of existing habitat features where practicable and the creation of new higher quality habitats on site and linkages to offsite habitats.

124. The strategy also includes details of habitat creation and enhancement as follows:

- Two compensation ponds, with suitable planting of emergent vegetation and pond margin
- Two hibernacula and two log piles
- The creation of tussock grassland (EM10 or equivalent)
- The provision of a new native species hedgerow surrounding the mitigation area
- Enhancement of existing hedgerows boundaries through planting of native species and removal of non-native species.

125. The GMEU have confirmed that they accept that the mitigation measures proposed for the avoidance of harm to GCNs are satisfactory and that providing that the measures proposed are implemented in full, the nature conservation status of GCN's would be capable of being conserved. A condition is therefore recommended to ensure this.

126. Should permission be granted an informative will be attached to ensure the applicant is aware that implementing the method statements for the mitigation of harm to bats and GCN's will require appropriate Licenses to be obtained from Natural England. Obtaining the Licenses is a separate process from any grant of planning permission.

127. Before a licence can be granted three tests must be satisfied. These are:

- i) That the development must meet a purpose of "preserving public health or public safety, or other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequence of primary importance for the environment";
- ii) That there is "no satisfactory alternative";
- iii) That the derogation is "not detrimental to the maintenance of the populations of the species concerned at a favourable conservation status in their natural range".

128. With regard to point i) it is considered that the proposal would contribute to housing supply and create employment opportunities ii) if the affected building and water bodies were to remain in situ it would stymie the wider development of the site and it is not considered therefore that there is a satisfactory alternative. In relation to point iii) the GMEU have confirmed that providing the mitigation measures proposed are implemented in full they consider that the nature conservation status of great crested newts and bats would be capable of being conserved. On this basis it is considered likely that a licence will be issued.

129. In relation to tree removals the GMEU comment that although any tree losses are regrettable, taking into account that there is space within the site to accommodate

new tree planting as compensation for lost trees they do not consider that the loss of trees will have a substantive effect on the nature conservation value of the area in the long term. However the site includes potential bird nesting habitat. All British birds' nests and eggs (with certain limited exceptions) are protected by Section 1 of the Wildlife & Countryside Act 1981, as amended and a nesting bird condition is therefore recommended.

130. 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.
131. The application is supported by an Arboricultural Assessment and Method Statement. The Assessment concludes that due to the loss of the trees, it is proposed that along with the general soft landscaping for the development, further supplementary tree planting will support the application. This will have a number of benefits for the development and the character of the area as this would provide a greater diversity of age class on the site increasing sustainability, give a greater diversity of species and therefore wildlife habitat and as some of the trees proposed for removal are to the rear of the site some of the replacement planting will be situated to the front of the development. Therefore, the tree cover and amenity value in the locality will increase.
132. The proposal initially included the removal of a mature Oak referred to in the Arboricultural Assessment as T37. The Council's Arboriculturist commented that the tree should be retained within the development, as it would retain the 'rhythm' of the treescape along Bankhall Lane and help the new development to blend in. The tree is attractive and prominent but does have several defects. However if carefully pruned to reduce the branches overhanging the road and some of the decayed and dead branches, it would be an attractive feature of the new development. The retention of the Oak as part of the development is therefore welcomed and the proposed landscaping scheme is considered appropriate in terms of the species proposed.
133. No objections are raised to the other trees proposed for removal. The majority are within the centre of the site and not particularly visible to the public. Apart from the Oak (T37) the other trees proposed for removal from the front of the site adjacent to the roadway are either young and therefore easily replaced, or not in good condition. Landscaping and tree protection conditions are recommended accordingly.

Conclusion on Trees and Ecology

134. Subject to replacement tree, hedge and shrub planting, protection of nesting birds and the mitigation measures proposed in relation to Bats and Great Crested Newts being implemented in full it is considered that the impact of the proposals on protected species and biodiversity would be compliant with Policy R2 of the Core Strategy and the NPPF.

FLOODING, DRAINAGE AND CONTAMINATION

135. Policy L5 of the Trafford Core Strategy states that *“the Council will seek to control development in areas at risk of flooding, having regard to the vulnerability of the proposed use and the level of risk in the specific location”*. At the national level, NPPF paragraph 155 has similar aims, seeking to ensure that development in high risk areas of flooding is safe without increasing flood risk elsewhere.

136. The application site is located in Flood Zone 1 and therefore is considered to be at low risk of flooding. The Lead Local Flood Authority has been consulted and has stated that there is no objection to the proposed development provided that development is carried out as detailed in the Combined Flood Risk Assessment and Outline Surface Water Drainage Strategy submitted in support of the application. This should be secured by way of a planning condition to ensure that the mitigation measures detailed within the documents are put in place to

- Limit the surface water run-off generated for all storm events up to the 1 in 100-year event plus climate change so that it will not exceed 5l/s and not increase the risk of flooding off-site, and
- Provide 86m³ attenuation flood storage on the site to a 1 in 100-year event plus climate change.

137. This will prevent flooding by ensuring the satisfactory disposal of surface water from the site in accordance with Policy L5 and the NPPF.

138. Policy L5 also states that *‘Development that has potential to cause adverse pollution (of air, light, water, ground), noise or vibration will not be permitted unless it can be demonstrated that adequate mitigation measures can be put in place’*.

139. A Phase 1 Geo-Environmental Assessment Report has been submitted in support of the application. In relation to site contamination the Council’s Pollution and Housing section have considered the submitted information and stated that having reviewed the information they hold in relation to the proposed development, including historical maps, this confirms that there are potentially areas of infilled ground on the site which will need to be investigated to confirm that the site is suitable for residential development. In accordance with paragraph 178 of the NPPF which requires planning decisions to take into account ground conditions and risks arising from contamination, and Policy L5 referred to above, it is recommended that

conditions requiring investigation and risk assessment in relation to contamination on site and if necessary submission of a remediation strategy and verification report are attached to any approval.

140. Subject to the conditions recommended above it is considered that the scheme is compliant with the requirements of Policy L5 of the Core Strategy and the NPPF.

OTHER MATTERS

141. It is not considered that granting permission for this scheme would set a precedent or be inconsistent with other decisions relating to the site for the reasons set out in the foregoing report.

142. Officers involved in reaching this recommendation are aware of the decision on the site to the east and the findings of the Public Inquiry on this site as set out in the foregoing report.

DEVELOPER CONTRIBUTIONS

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

144. In accordance with Policy L8 of the Trafford Core Strategy and revised SPD1: Planning Obligations (2014) it is necessary to provide an element of specific green infrastructure. In order to secure this, a landscaping condition will be attached to make reference to the need to provide tree, hedge and shrub planting, reflective of details submitted.

145. No other planning obligations are required.

PLANNING BALANCE AND CONCLUSION

146. It is considered that the proposed development is compliant with the relevant development plan policies set out in the adopted Trafford Core Strategy, which would in itself indicate that planning permission should be granted. However, as the Council's development plan policies relevant to the supply of housing are out-of-date, it is also necessary to assess the development against NPPF paragraph 11 d) i. and ii. above. The footnote to paragraph 11 d) i explains that the policies of the NPPF referred to include those which relate to habitats protection, heritage and flood risk; the assessment of the scheme on these areas and assets of particular importance does not lead to a conclusion that 'provides a clear reason for refusing the development proposed'. Paragraph 11(d)(ii) of the NPPF – the tilted balance – is therefore engaged, i.e. planning permission should be granted unless any adverse

impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole. This exercise is set out below:

Adverse Impacts

147. The following adverse impacts of granting permission have been identified: -

With moderate weight:-

- Intensification of residential use on the site with associated impact on landscape character

148. These adverse impacts must be assessed as to whether they outweigh the benefits of granting permission when assessed against the policies in the NPPF as a whole. The following benefits resulting from the scheme have been identified: -

Scheme Benefits

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

With substantial weight:-

- Provision of 2 additional homes, suitable for families. The proposals would contribute towards addressing the identified housing land supply shortfall and substantial weight has been given to this benefit.

With moderate weight:

- This is a well-designed scheme with green infrastructure and biodiversity benefits which will improve the appearance of the site and establish an attractive place to live.
- Economic benefits that will flow from construction and occupation. Additional expenditure into the local economy will support existing services in Hale Barns

With limited weight:-

- New Homes Bonus and Council Tax Revenue will benefit the Borough and the local community.

150. The benefits arising from the scheme are numerous and one can be given substantial weight. The adverse impact, relates to the intensification of the residential use on the site and associated minor impact on landscape character. It is therefore considered that it has been demonstrated that the adverse impacts of the

development **do not** significantly and demonstrable outweigh the benefits. The proposals therefore comply with Paragraph 11(d) of the NPPF which is an important material consideration which should be given significant weight and justifies the departures from development plan policy identified above. Additionally, through the analysis in the report above it has been concluded that the development would have no significant effects subject to appropriate mitigation and monitoring, secured by planning conditions. Accordingly the application is recommended for approval.

RECOMMENDATION

GRANT subject to the following conditions:-

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

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

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

19182 (PL) 001 - Plot 1 Plans and Elevations
19182 (PL) 002 A - Plot 2 Plans and Elevations
19182 (PL) 003 A - Plot 3 Plans and Elevations
19182 (PL) 004 D - Proposed Site Plan
M3228-PA-01-V8 – Landscape Layout

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

3. Notwithstanding any description of materials in the application, no above-ground construction works shall take place until samples and full specifications of all materials to be used externally on all part of the building hereby approved have been submitted to and approved in writing by the Local Planning Authority. The specifications shall include the type, colour and texture of the materials. The samples shall include constructed panels of all proposed brickwork illustrating the type of joint, the type of bonding and the colour of the mortar to be used, with these panels available on site for inspection, and retained for the duration of the build. Development shall be carried out in accordance with the approved details.

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

4. a) Notwithstanding the details shown on the approved plans, the development hereby permitted shall not be occupied until full details of both hard and soft landscaping works have been submitted to and approved in writing by the Local Planning Authority. The details shall include the formation of any banks, terraces or other earthworks, hard surfaced areas and materials, planting plans, specifications and schedules (including planting size, species and numbers/densities), existing plants / trees to be retained and a scheme for the timing / phasing of implementation works.
(b) The landscaping works shall be carried out in accordance with the approved scheme for timing / phasing of implementation or within the next planting season following final occupation of the development hereby permitted, whichever is the sooner.
(c) Any trees or shrubs planted or retained in accordance with this condition which are removed, uprooted, destroyed, die or become severely damaged or become seriously diseased within 5 years of planting shall be replaced within the next planting season by trees or shrubs of similar size and species to those originally required to be planted.

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

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

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

6. The development hereby permitted shall not be brought into use until the means of access and the areas for the movement, loading, unloading and parking of vehicles have been provided, constructed and surfaced in complete accordance with the plans hereby approved.

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

7. No development or works of site preparation shall take place until all trees that are to be retained within or adjacent to the site as identified in the Arboricultural Method

Statement ref. TRE/GHBL/Rev A dated 30th June 2020 have been protected in accordance with the tree protection measures set out in the method statement. The protection measures shall be retained throughout the period of construction and no activity prohibited by the method statement shall take place within the exclusion zones / root protection areas identified on Method Statement Plan GHBL/MS/01 Rev. A.

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

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

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

9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification)

- (i) no external alterations shall be carried out to the dwellings
- (ii) no extensions shall be carried out to the dwellings
- (iii) no outbuildings (including garages or carports) shall be erected within the curtilage of the dwellings
- (iv) no vehicle standing space or other areas of hardstanding shall be provided within the curtilage of the dwellings
- (v) no buildings, gates, walls, fences or other structures shall be erected within the curtilage of the dwellings
- (vi) no means of access shall be constructed to the curtilage of the dwellings
- (vii) no windows or dormer windows shall be added to the dwellings

other than those expressly authorised by this permission, unless planning permission for such development has been granted by the Local Planning Authority.

Reason: To protect the residential and visual amenities of the area and landscape character having regard to Policy L7 of the Trafford Core Strategy and the National Planning Policy Framework

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any equivalent Order following the amendment, re-enactment or revocation thereof) upon first installation the

windows listed below 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.

- Plot 1 – First floor window in the southern elevation.
- Plot 2 – First floor windows in the western elevation
- Plot 3 – First floor window in the eastern elevation

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

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

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

12. Other than the demolition of buildings and structures down to ground level, and site clearance works, including tree felling, no development shall take place until an investigation and risk assessment in relation to contamination on site (in addition to any assessment provided with the planning application) has been submitted to and approved in writing by the Local Planning Authority. The assessment shall investigate the nature and extent of any contamination on the site (whether or not it originates on the site). The assessment shall be undertaken by competent persons and a written report of the findings submitted to and approved in writing by the Local Planning Authority before any development takes place other than the excluded works listed above. The submitted report shall include:

- i) a survey of the extent, scale and nature of contamination
- ii) an assessment of the potential risks to human health, property (existing or proposed) including buildings, crops, livestock, pets, woodland, and service lines and pipes, adjoining land, ground waters and surface waters, ecological systems, archaeological sites and ancient monuments;
- iii) where unacceptable risks are identified, an appraisal of remedial options and proposal of the preferred option(s) to form a remediation strategy for the site.
- iv) a remediation strategy giving full details of the remediation measures required and how they are to be undertaken
- v) a verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

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

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

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

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

14. No development shall take place, including demolition, until a European Protected Species Licence has been granted in relation to Great Crested Newts. Any work carried out on site following the granting of such a licence shall be in full accordance with the details set out in the submitted Great Crested Newt Mitigation Strategy prepared by FPCR Environment and Design Ltd and dated July 2020 unless an alternative strategy is required under the terms of the European Protected Species Licence. The mitigation measures provided in accordance with the Mitigation Strategy shall be implemented in full prior to first occupation of any of the buildings hereby approved and shall be retained and maintained thereafter.

Reason: In order to protect and enhance the ecology of the site and to mitigate any potential loss of habitat for protected species having regard to Policy R2 of the Trafford Core Strategy and the National Planning Policy Framework.

15. Demolition works to any of the existing buildings on the site shall not take place until a European Protected Species Licence has been granted in relation to bats. The works shall then be carried out in full accordance with the measures relating to bats set out in the letter from FPCR Environment and Design Ltd Ref. 9481 / KH / KG and

dated 30th June 2020 unless an alternative strategy is required under the terms of the European Protected Species Licence.

Reason: In order to protect any bats that may be present on the site having regard to Policy R2 of the Trafford Core Strategy and the National Planning Policy Framework.

16. No part of the development shall be occupied until the mitigation measures in relation to bats, set out on drawing ref. EP-002 'Ecology Mitigation' have been implemented in full and the approved measures shall be retained thereafter.

Reason: In order to protect and enhance the ecology of the site and to mitigate any potential loss of habitat for protected species having regard to Policy R2 of the Trafford Core Strategy and the National Planning Policy Framework.

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

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

18. No above ground construction works shall take place until a full external lighting scheme and a Lighting Impact Assessment has been submitted to and approved in writing by the Local Planning Authority in respect of exterior lighting installations in order to demonstrate compliance with the Obtrusive Light Limitations of The Institution of Lighting Professionals Guidance Notes for the Reduction of Obtrusive Light GN01:2011, including details of any necessary mitigation measures to ensure an acceptable impact on amenity and bats. Any mitigation measures shall be implemented in full before the development hereby permitted is first occupied and shall be retained thereafter.

Reason: In the interests of residential amenity and a protected species, having regard to Policies L7 and R2 of the Trafford Council and the National Planning Policy Framework.

19. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to and approved in writing by the local planning authority. The approved Statement shall be adhered to throughout the demolition/construction period. The Statement shall provide for:

- i. the parking of vehicles of site operatives and visitors
- ii. deliveries to site and loading and unloading of plant and materials including times of access/egress
- iii. storage of plant and materials used in constructing the development
- iv. the erection and maintenance of security hoardings including decorative displays and information for members of the public, including contact details of the site manager
- v. wheel washing facilities, including measures for keeping the highway clean during demolition and construction works
- vi. Measures to control the emission of dust and dirt
- vii. a scheme for recycling/disposing of waste resulting from demolition and construction works
- viii. proposed days and hours of demolition and construction activity (in accordance with Trafford Councils recommended hours of operation for construction works)
- ix. Measures to ensure the adjacent PRow remains open and is protected from damage during construction work.

Reason: To ensure that appropriate details are agreed before works start on site and to minimise disturbance and nuisance to occupiers of nearby properties and users of the highway, having regard to Policy L4 and Policy L7 of the Trafford Core Strategy and the National Planning Policy Framework. The details are required prior to development taking place on site as any works undertaken beforehand, including preliminary works, could result in adverse residential amenity and highway impacts.

20. The development hereby permitted shall only be carried out in accordance with details set out in the Combined Flood Risk Assessment and Outline Surface Water Drainage Strategy (05/05/20 Rev C / J6876 / Bell Munro Consulting Ltd) and the following mitigation measures detailed within the Flood Risk Assessment:

- Limiting the surface water run-off generated for all storm events up to the 1 in 100-year event plus climate change so that it will not exceed 5l/s and not increase the risk of flooding off-site.
- Provision of 86m³ attenuation flood storage on the site to a 1 in 100-year event plus climate change.

The approved measures shall be implemented in full before the development hereby permitted is first occupied and shall be retained and maintained thereafter.

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

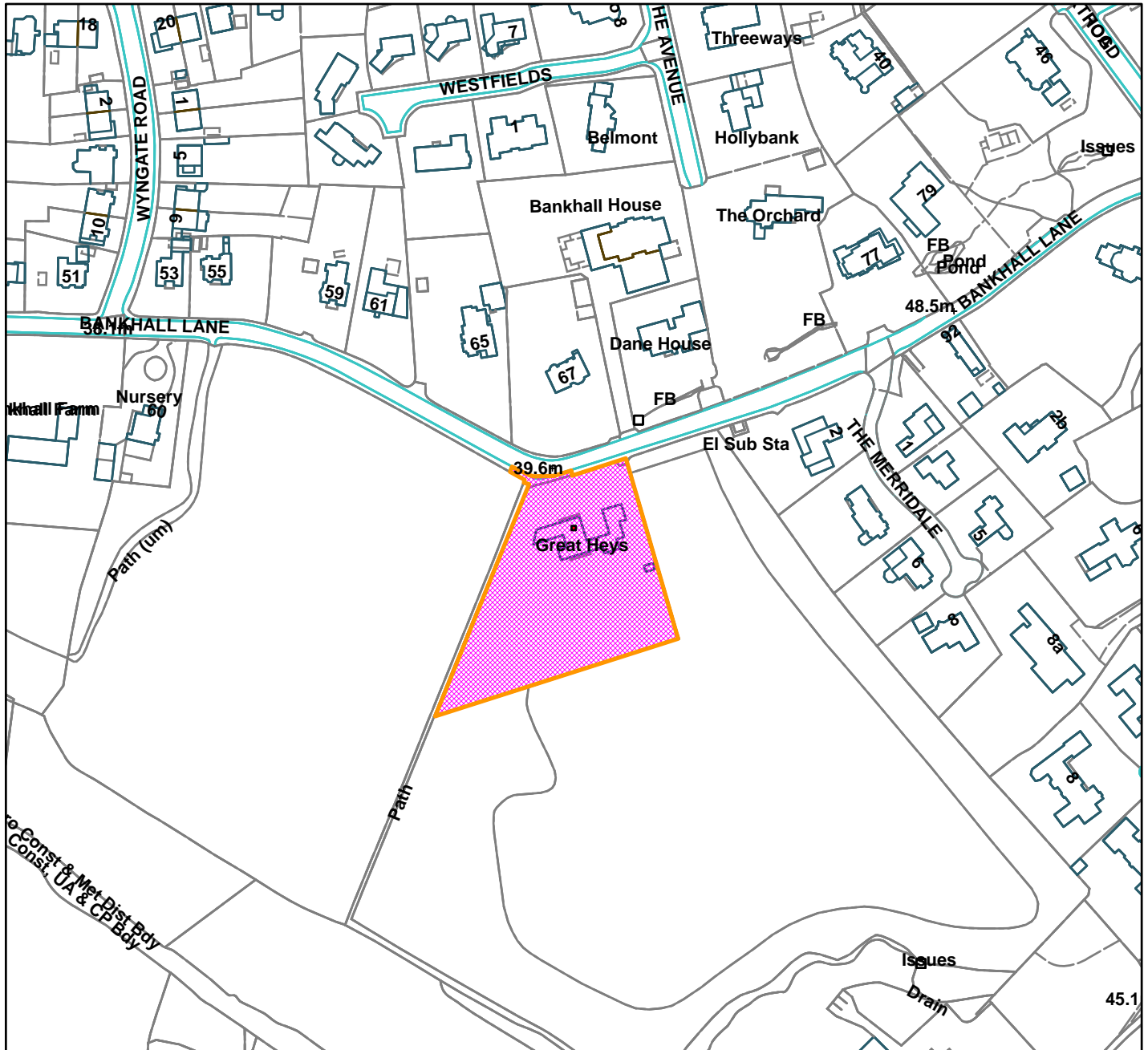
21. The site shall be drained via separate systems for the disposal of foul and surface water.

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

JJ



Great Heys, 74 Bankhall Lane, Hale Barns (site hatched on plan)



Scale: 1:2,500

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Organisation	Trafford Council
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