

WARD: Sale Central

109111/FUL/22

DEPARTURE: No

**Application for the demolition of Sale Masonic Hall and erection of a three-storey apartment building; and the retention and conversion of the former Sale Police Station to provide 30no. dwellinghouses (20 apartments and 10 houses), with associated landscaping and amenity provision.**

Masonic Hall And Police Station, Tatton Road, Sale, M33 7EE

**APPLICANT:** Southway Housing Trust

**AGENT:** Nexus Planning

**RECOMMENDATION: MINDED TO GRANT SUBJECT TO LEGAL AGREEMENT**

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**EXECUTIVE SUMMARY**

The application relates to the site of Sale Masonic Hall and the former Sale Police Station, which is partly situated within the boundary of Sale Town Centre.

The application proposes the demolition of the existing Masonic Hall, the erection of a three storey building and the conversion of the former Sale Police Station to provide a total of 20 apartments and 10 houses across the site.

Thirteen letters of support and one letter of objection were received in relation to the originally submitted plans. Following a re-consultation subsequent to the submission of amended plans, one letter of support and one letter of objection have been received from neighbouring residents.

The principle of development is considered to be acceptable.

The existing buildings are considered to be non-designated heritage assets. Whilst the demolition of the existing Masonic Hall building would harm its significance, the significance is considered to be low (para. 29-30). It is considered that the overall harm of the proposed development would be moderate, taking into account the proposed building and proposed alterations to the former Police Station (paras 31 – 33).

The development does not include the provision of any car parking. The applicant has sought to address this shortfall through a review and extension of the timing of parking restrictions on the residential streets close to the application site, and while this approach is accepted by officers in terms of limiting harm to existing residents, it cannot address the issue of the absence of accessible car parking provision. The application includes the provision of 30 secure cycle parking spaces. (paras. 90-101)

There will be a loss of privacy to some existing residents (paras. 60, 62 and 66 - 67); and a shortfall in the provision of amenity space for future residents against the recommendations in SPD1 (paras 70-71).

The scale, massing, design and appearance of the proposed development is considered to be acceptable, would provide a more attractive outlook for most neighbouring residents (paras 45-49), and generally have a less overbearing impact and a reduced level of overshadowing on most of the neighbouring properties on Chapel Road (paras. 67-68).

The benefits of the development include the provision of 30 shared ownership properties in a highly sustainable location, the contribution it would make towards addressing the Council's identified housing land supply shortfall (para. 13) and the regenerative benefits of the scheme overall (para. 129).

Applying the tilted balance in NPPF paragraph 11 d), it is considered that the adverse impacts of granting planning permission would not significantly and demonstrably outweigh the benefits of doing so. The application is therefore recommended for approval with conditions, subject to the completion of a S106 legal agreement securing financial contributions for a review of the existing permit parking area on surrounding streets (para. 93) and a full financial contribution towards Education provision (para. 122-123).

## **SITE**

The application site comprises of Sale Masonic Hall and the former Sale Police Station. The former Police Station lies within the boundary Sale Town Centre and the Masonic Hall lies just outside of the town centre boundary.

Sale Masonic Hall is a three storey brick built building, characterised by a light blue tiled principal façade fronting Tatton Road. A Hall was originally built on the site in 1882, which has undergone various extensions and alterations during the early and mid-20<sup>th</sup> Century. The Hall has primarily been used for local Masonic meetings, conference, exhibitions and functions, though is now vacant and boarded up.

The existing Masonic building sits on the edge of the public footpath and encompasses a large proportion the site, with a very small yard area to the rear and a narrow secondary access to the north elevation, which is also a shared access to the rear gardens of No.s 57 – 63 Chapel Road.

The former Sale Police Station is located within the southern part of the site and comprises of a two storey building, erected in 1881 for the Cheshire Constabulary and now forms a distinctive local landmark. A service yard lies to the rear of the building.

The character of the surrounding area is mixed, comprising of residential properties, commercial units, offices, and a public house. Two storey terraced residential properties on the western side of Tatton Road directly face the site. Two storey residential terraced properties and commercial properties on Chapel Road, bound the site to the north and east. An alleyway that provides access to the neighbouring properties, No.'s 37 – 49 Chapel Road, bounds the site to the rear. 'The Railway' public house lies to the far south-eastern corner of the site.

## **PROPOSAL**

The application proposes the demolition of the existing Masonic Hall, the erection of a three storey building and the conversion of the former Sale Police Station to provide a total of 20 apartments and 10 houses across the site. The proposal would provide a mix of 11 x 1-bed apartments and 9 x 2-bed apartments and 6 x 2-bed houses and 2 x 3-bed houses.

The proposed new building would have the appearance of a two storey building with accommodation in the roof space from the front elevation facing Tatton Road and the appearance of a three storey building to the rear. The building would have a maximum ridge height of 11.35m and maximum eaves height of 7.67m to the front and 10.07m to the rear, with a maximum depth of 16.23m. The main body of the proposed building would measure 39.24m in length. A flat roofed two storey link is proposed to adjoin the new building and the former Police Station building.

It is proposed that the external elevations would comprise of brickwork with recessed elements to provide breaks and visual interest to the building. Recessed brickwork and string courses also provide vertical divisions on the front and rear elevations and large glazed windows provide a vertical emphasis.

The ground floor layout of the proposed building would include a central communal entrance off Tatton Road, providing access to the apartments on the ground, first and second floors, with a lobby, stairwell, lift and small store room.

The proposed conversion of the former Sale Police Station would provide four two-storey dwellinghouses fronting Tatton Place. Four apartments would also be provided within the building where it fronts Tatton Road. An existing doorway on the Tatton Road frontage would be utilised to provide a communal access to three of these apartments and access into the communal garden area to the rear. The proposal would include the reinstatement of a doorway on the south-western corner of the front elevation, which would provide a private entrance to a ground floor apartment. An access ramp is proposed to this entrance.

The application also includes the installation of doors and additional windows to the Tatton Place (southern) elevation and the installation of doors and bricking up of two existing windows to the rear elevation and a first floor door to the side elevation of the former Police Station building.

Other works will include a communal hard and soft landscaped garden to the rear of the apartments and a brick cycle and bin store located within the garden, adjacent to the rear boundary and also southern boundary fronting Tatton Place. The cycle and bin store would have a flat roof and would be softened in appearance with adjacent planting, along with the western and northern elevations facing into the site.

No car parking is proposed for the development.

### Floorspace

The total floorspace of the proposed development would be 2,241m<sup>2</sup>.

### Value Added

The application originally proposed the creation of car parking spaces to the front of the site, on the Tatton Road and Tatton Place frontages, along with the relocation of existing public accessible parking spaces on Tatton Place. Following concerns from Officers, including the LHA, the proposed new parking spaces have been removed and the existing public accessible parking spaces have been retained. Small front gardens are now proposed to serve the houses within the former Police Station building off Tatton Place.

Alterations have been made to the internal layout in order to provide an improved quality of living space and compliance with the Nationally Described Space Standards. Improvements have also been made to the external elevations of the building, including door and window designs, positioning and materials. Following concerns from Officers and Sale Civic Society, amended plans have also been submitted that retain an existing external staircase to the west elevation of the former Police Station.

A second daylight and sunlight study has also been submitted to include the proposed apartments and houses.

## **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 Houses  
L2 - Meeting Housing Needs  
L3 – Regeneration and Reducing Inequalities  
L4 – Sustainable Transport and Accessibility  
L5 – Climate Change  
L7 – Design  
L8 – Planning Obligations  
W1 - Economy  
R1 – Historic Environment  
R2 – Natural Environment  
R3 - Green Infrastructure

## **PROPOSALS MAP NOTATION**

Main Office Development Areas  
Sale Town Centre

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

None relevant

## **SUPPLEMENTARY PLANNING GUIDANCE/DOCUMENTS**

SPG1 New Residential Development (2004)  
Revised SPD1: Planning Obligations (2014)  
SPD3: Parking Standards and Design (2012)

## **PLACES FOR EVERYONE**

Places for Everyone (PfE) is a joint Development Plan Document being produced by nine Greater Manchester districts (Bolton, Bury, Manchester, Oldham, Rochdale, Salford, Tameside, Trafford and Wigan). Once adopted, PfE will be the overarching development plan, setting the policy framework for individual district Local Plans. The PfE Regulation 19 consultation concluded in Autumn 2021 and the Plan was submitted to the Secretary of State for Levelling Up, Housing and Communities on 14 February 2022. Independent Inspectors have been appointed to undertake the Examination in Public of the PfE Submission Plan and the timetabled hearings have now been completed with further updates from the Inspectors possible. Whilst PfE is at a significantly advanced stage of the plan making process, for the purposes of this application it is not yet advanced enough to be given any meaningful weight, such that it needs consideration in this report.

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

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

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

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

## **RELEVANT PLANNING HISTORY**

### **Sale Masonic Hall**

**102286/FUL/20** - Demolition of Sale Masonic Hall and the erection of 29 apartments, with associated landscaping and amenity provision – Refused 18.06.2021.

### **Sale Police Station**

**H40349** - Construction of new vehicular access onto Tatton Road – Approved with conditions 29.03.1995.

**H11783** - Alterations to yard entrance to improve access and provision of two lay-byes for use by police operational vehicles – Approved 10.07.1980.

### **Adjacent site: 51 – 53 Chapel Road**

110971/PMA/23 - Application to determine if prior approval is required for a proposed change of use from Commercial, Business and Service (Use Class E) to 6no Apartments (Use Class C3) under the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) - Schedule 2, Part 3, Class MA – Currently under consideration.

## **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:-

- Air Quality Assessment
- Bat Survey Report
- Crime Impact Statement
- Daylight and Sunlight Assessment
- Design and Access Statement
- Drainage Strategy
- Heritage Statement
- Hibernation Survey Report

- Housing Development Statement
- Landscape Proposal
- Noise Impact Assessment
- Phase 1 Desktop Study
- Planning Statement
- Preliminary Roost Assessment and Ecological Walkover
- Statement of Community Involvement
- SuDS Pro-Forma
- Transport Statement
- Waste Management Strategy

## **CONSULTATIONS**

**Strategic Planning & Development** – No objections. Key comments are discussed in the Observations section of this report.

**Housing Strategy and Growth** – No objections, the proposal would bring much needed affordable housing into Sale. The site is situated within the ‘moderate’ market location with a requirement of 25% affordable housing under Trafford’s current good market conditions. The development is a fully affordable housing scheme, on a key brownfield site, within Sale Town Centre. The recent Housing Need Assessment 2019 confirmed that the majority of the affordable accommodation required in Sale is 1 and 3 bed houses and 2 or more bed flats. There is an annual net need of 62 new affordable housing units required in Sale with 51% being intermediate tenure (shared ownership) and 49% being for affordable/social rent.

### **Heritage and Urban Design –**

**Masonic Hall:** Whilst the building has been altered it is regrettable that the heritage asset is proposed for demolition in its entirety. Notwithstanding this, the replacement building, in comparison with the previous scheme, is an improvement in terms of the height, scale and appearance. However, I remain concerned regarding the massing and form (flat roof to rear) of the building and the visual impact this will have on the terraces opposite and also how the building will appear behind the former Police Station. Details of boundary treatment, eaves, verges and ridge and the recording of the building are agreed via condition.

**Former Police Station:** The retention and conversion of the building is welcomed. A number of revisions have been secured which include painted timber sliding sash windows; new timber panelled doors; reinstatement of door to the main entrance to the corner; retention of the taking down stairs to the east elevation and the removal of canopies and simple stone architrave proposed. There are no objections to the re-siting of the bin and cycle store to accommodate the retention of the taking down stairs. A door (fixed shut) is required to the top of the stairs serving House 10 and access to the rear of the site adjacent to the stairs. Landscaping and details of the boundary treatment should also be agreed via condition.

Do not object to the proposed development and consider the harm overall will be moderate taking into account the significant alteration of the existing Masonic Hall, its proposed replacement and the proposed alterations to the former Police Station. There would be no harm to setting of Sale Town Hall but some negligible harm to setting of 29-55 Tatton Road due to the height, scale, massing and form of the replacement building.

Full comments can be viewed on the Council's website and key comments are discussed in the Observations section of this report.

**LHA** – No objections subject to the developer entering into an agreement to secure revisions to the existing parking restrictions on the surrounding roads. Recommend conditions relating to cycle parking and requiring a Travel Plan and the submission of a Construction Environmental Management Plan. Key comments are discussed in the Observations section of this report.

**Environmental Protection: Air Quality** – No objections. Recommend a condition requiring the submission of a Construction Environmental Management Plan to reduce the impacts of dust during the construction phase.

**Environmental Protection: Contaminated Land** – No objections. The phase 1 assessment confirms that previous uses of the site potentially have resulted in contamination occurring and that an intrusive site investigation is recommended to ensure any potential risks to future site users are identified and can be remediated accordingly. A condition is recommended accordingly.

**Environmental Protection: Nuisance** – No objections. Recommend conditions relating to ventilatreportrfion, mechanical plant noise limit, glazing and the provision of a Construction Environmental Management Plan.

**LLFA** –Comments to be reported in Additional Information Report

**Waste Management** – No objections.

**GMEU** – No objections. Conditions relating to future bat surveys and the provision of bird and bat boxes are recommended. Key comments are discussed in the Observations section of this report.

**Sale Civic Society –**

Police Station: Pleased that the traditional timber sash windows are proposed to be re-instated to help restore / preserve the historical integrity of the overall structure.

Strongly object to the removal of the steps to the side of the building leading from the Court Room to Tatton Place. These steps are where persons, when sentenced by the Magistrate to serve a custodial sentence, were “sent down” literally from the Court Room to an awaiting “Black Maria” at the bottom of the steps to be taken to jail. This



feature of the building is pointed out on local history walks and is an important historical, as well as an architectural feature of the building.

The style and design of the doors are not that of the historic Police Station door on Tatton Place.

Masonic Hall: Firmly believe that the historical 1880s section of the building should be retained for conversion to flats.

Question the window design, which appears out of keeping with the area. Recommend revisions to the design and window positions of the central brick edifice to the Tatton Road elevation.

The foundation stone to the Masonic Hall extension could be retained and incorporated into the new structure as a link to the history of the site.

If none of the historic Masonic Hall building can be saved, then greater effort / thought should be given to reclaiming / reusing some of the existing features of the historic building.

**Transport for Greater Manchester –** No objections. It is considered that the predicted trip generation associated with the development is unlikely to result in a material impact on the highway network. To ensure pavement parking does not occur outside the site, physical measures could be implemented to restrict this as part of the development and the original space proposed for parking could be utilised as footway. Additional TROs may also be necessary. A robust Construction Traffic Management Plan should be employed as part of the development. Full comments are discussed in the Observations section of this report.

**United Utilities –** No objections, recommend a condition requiring the development to be carried out in accordance with the submitted Foul and Surface Water Drainage Design drawing.

## **REPRESENTATIONS**

Thirteen letters of support and one 'neutral' letter have been received in relation to the originally submitted plans, from six residents of Sale (including two properties on Tatton Road and Chapel Road) and two residents of Northenden, Manchester and one letter that did not provide their address. A summary of the reasons for support given are: -

- Positive refurbishment of former police station and redevelopment of derelict site of the former masonic lodge.
- This will bring a breath of fresh air and vibrancy in this corner of Sale Town Centre.
- The Sale Masonic Hall is not being used / maintained.
- Excellent location for living, near the city centre and canal, providing every day needs and beautiful scenery. The place is convenient and quiet for people to live.

- The proposals have made a balance between traditional view and modern needs of housing.
- The height of the apartments are in harmony with the surrounding buildings.
- Support the affordable housing scheme as more local people can have the opportunity to get their first foot on the housing ladder.
- We have been ranting in Sale for over 7 years and a chance to buy an affordable home, without having to move our lives out of the area would be welcome.
- I am desperate for a property in South Manchester to be close to my family.
- There needs to be more options of affordable housing in Sale.

One letter of objection has been received in relation to the originally submitted plans, from a resident of Sale, which raises the concerns that there is no consideration for parking or additional schools in already saturated school system.

Following a re-consultation subsequent to the submission of amended plans, two letters have been received from neighbouring residents. One letter was from a resident of Chapel Road (who also commented on the originally submitted plans), commenting that the developer has stated that the occupiers of the development site will not have access to on-street parking permits and seeks clarification that this will be a permanent measure. They also state that the new plans look great. One letter was from a resident of Tatton Road, objecting to the application on the grounds that the parking spaces have been removed from the plans and that cars currently park incorrectly, which will only get worse when residents of the new development look for somewhere to park.

## **OBSERVATIONS**

### **BACKGROUND**

1. In June 2021 Officers recommended to the Development Management Planning Committee that planning permission should be granted, subject to a legal agreement for the demolition of the Sale Masonic Hall and the erection of 29 apartments, with associated landscaping and amenity protection (reference 102286/FUL/20). This application attracted strong opposition from neighbouring residents and the Ward Councillors at the time. Their concerns predominantly related to the size and massing of the building, a loss of privacy and the lack of car parking provision. Members resolved to refuse the application for the following reasons: -

1. *The proposed development by reason of its site coverage, height, scale, massing and layout would have a dominating and adverse impact on the street scene, fail to integrate with and complement neighbouring development, fail to make the best of the opportunity to improve the character and quality of the area and represent an overdevelopment of the site. The proposed development is therefore contrary to Policy L7 of the Trafford Core Strategy, the National Planning Policy Framework and the National Design Guide.*

2. *The proposed development would have a harmful impact on the amenity of existing residential properties and future occupiers of the proposed development by reason of:*

*(a) its proximity to existing windows serving residential properties on Tatton Road and Chapel Road which would result in significant overlooking and a unacceptable reduction in privacy for occupiers of these neighbouring properties; and*

*(b) the size of internal living space of the proposed apartments would not meet the nationally described space standards (NDSS) which would result in an unacceptable living environment for occupiers of the proposed development.*

*The proposed development would therefore be contrary to Policy L7 of the Trafford Core Strategy, the Council's adopted Planning Guidance 1: New Residential Development, the National Planning Policy Framework and the Technical Housing Standards.*

3. *The proposed development would not provide sufficient off-street car parking for occupiers of the development , including accessible car parking, which would result in:*

*(i) On-street car parking generated by the development and a level of harm to residential amenity which would not be mitigated by the proposed Traffic Regulation Order measures.*

*(ii) A development that was not fully accessible and useable by all sections of the community.*

*The proposed development would therefore be contrary to Policies L4 and L7 of the Trafford Core Strategy, Trafford SPD3 Parking Standards and Design, the National Planning Policy Framework and the National Design Guide.*

2. Following this refusal, the applicant has sought to address these concerns, along with acquiring the adjoining site of the former Sale Police Station. Whilst the proposal now covers a larger site area, the number of residential units has only increased by one. The larger site area has enabled the applicant to reduce the height of the proposed building substantially, changing it from a part three, part four storey building to a two storey building with accommodation in the roof space, when viewed from the front and a three storey building when viewed from the rear. The design of the proposed building is also considered to be more in keeping and sympathetic to the setting of the former Police Station building and the neighbouring terraced properties.

## THE DECISION-TAKING FRAMEWORK

3. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF at Paragraphs 2 and 47 reinforces this requirement and at Paragraph 12 states that the presumption in favour of sustainable development does not change the statutory status of the development plan as a starting point for decision making, and that where a planning application conflicts with an **up-to-date** (emphasis added) development plan, permission should not normally be granted.
4. The Council's Core Strategy was adopted in January 2012, prior to the publication of the 2012 NPPF, but drafted to be in compliance with it. It remains broadly compliant with much of the policy in the 2021 NPPF, particularly where that policy is not substantially changed from the 2012 version. Whether a Core Strategy policy is considered to be up-to-date or out-of-date is identified in each of the relevant sections of this report and appropriate weight given to it.
5. The NPPF is a material consideration in planning decisions, and as the Government's expression of planning policy and how this should be applied, should be given significant weight in the decision making process. Paragraph 11 (c) states that development proposals that accord with an up-to-date development plan should be approved without delay. Paragraph 11 (d) states that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, planning permission should be granted unless:
  - (i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
  - (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
6. The Council's current housing land supply figure is in the range 3.47 to 3.75 years and the most recent Housing Delivery Test figure (2021) is 79%. This housing supply and delivery position automatically triggers Paragraph 11d) but does not automatically render development plan policies out of date. It is for the decision maker to determine what weight to give to development plan policies and this can take into account the specific characteristics of the housing land supply position such as the extent of the shortfall and the steps being taken to remedy it.

7. The footnote to Paragraph 11(d)(i) explains that the policies of the NPPF that protect areas or assets of particular importance include those which relate to habitats protection, designated heritage assets and flood risk. The assessment of the scheme against NPPF policies relating to habitats protection and designated heritage assets (set out later in this report) 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.
8. Paragraph 11(d)(ii) requires that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole. This exercise is set out within the 'Planning Balance and Conclusion' section of this report.

## PRINCIPLE OF RESIDENTIAL DEVELOPMENT

9. The NPPF states that 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 (paragraph 105). The policy objectives within the NPPF include providing new housing in suitable locations which offer a good range of community facilities and with good access to jobs, services and infrastructure, including public transport. The Core Strategy, Policy L4 in particular, promotes development within the most sustainable locations, or where development comes forward in less sustainable locations in the Borough will deliver, or significantly contribute towards the delivery of measures to improve the sustainability of the location. Policy L2 requires new development to be appropriately located in terms of access to existing community facilities (and/or deliver complementary improvements to social infrastructure) to ensure the sustainability of the development.
10. The site is in a highly sustainable location, with part of the site, the former Police Station, lying within Sale Town Centre, and part of the site, the Masonic Hall, lying adjacent to the boundary of Sale Town Centre. The site has easy walkable access to transport and services including Sale Metrolink stop and shops within the town centre. Much of the surrounding area to the north and north-east is already residential in character.
11. Policy L1 of the Core Strategy sets out an indicative 80% target proportion of new housing provision to use brownfield land and buildings. The NPPF also requires policies and decisions to support development that makes efficient use of land and states that planning decisions should "*give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs*" (paragraph 120c). The application site is previously developed land and the proposed development will therefore

contribute towards the 80% target of new housing provision to use brownfield land as set out in Policy L1.

12. The NPPF places great emphasis on the need to plan for and deliver new housing throughout the UK. The Government's current target is for 300,000 homes to be constructed each year to help address the growing housing crisis. Local planning authorities are required to support the Government's objective of significantly boosting the supply of homes. With reference to Paragraph 60 of the NPPF, this means ensuring that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.
13. Policy L1 of the Core Strategy controls the number and distribution of new homes across the Borough. As noted above, the latest housing land supply calculation suggests that the Council's supply is in the range of 3.47 to 3.75 years (which includes a 20% buffer for historic under delivery). Given the lack of five year housing land supply, and the age of this policy (including the need to use the more recent 'standard method' of calculating housing need), it is now out of date and should be given limited weight.
14. Policy L2 of the Core Strategy indicates that all new residential proposals will be assessed for the contribution that would be made to meeting the Borough's housing needs. Policy L2 remains up to date in respect of the levels of affordable housing required and in terms of site specific requirements for development (L2.2). Full weight can be given to this part of the policy. Other parts of this policy, for example in relation to dwelling mix, are not up to date and should be given limited weight.
15. Given that the Council cannot demonstrate a five year supply of deliverable housing sites and that this site constitutes previously developed land in a sustainable location adjoining a residential area, residential development on this site is therefore acceptable in principle and would make a positive contribution to the Council's housing land supply.

### Housing Type and Mix

16. Policy L2 indicates that the proposed mix of dwelling types and sizes should contribute to meeting the housing needs of the Borough as set out in the Council's Housing Strategy and Housing Market Assessment. Policy L2 as a whole is generally consistent with the NPPF, however references to housing numbers and housing land supply are out of date and less weight should be afforded to Policy L2.5.
17. The proposed development would provide 20 apartments, with a mix of 11 x 1-bed apartments and 9 x 2-bed apartments and 10 houses, with a mix of 2 x

1-bed houses, 6 x 2-bed houses and 2 x 3-bed houses. The proposal would therefore make a much needed contribution to housing supply targets, and would deliver new housing on an unexpected 'windfall' brownfield site. Policy L2.4 of the Core Strategy sets out a target split of 70:30; small:large (3+ beds) residential units, with 50% of the small homes being suitable for families. The proposed development comprises largely of 1 and 2-bed apartments and houses and thus does not include any 'large' homes that would contribute towards the 70:30 target split referred to in Policy L2. Despite this, it is recognised that the 2-bed and 3-bed units (which comprises 56.6% of the development) can be occupied by families. Policy L2 as a whole is generally consistent with the NPPF however references to housing numbers and housing land supply are out of date.

18. Policy L2.7 states that 1-bed general needs accommodation will normally only be acceptable for schemes that support the regeneration of Trafford's town centres and the Regional Centre. It is considered given the proximity of Sale Town Centre that the 1-bed element of the proposal constitutes an acceptable proportion of the units within the development.

### Affordable housing

19. The NPPF defines affordable housing as: housing for sale or rent for those whose needs are not met by the market (including housing that provides a subsidised route to home ownership and/or is for essential local workers). It includes affordable housing for rent (including affordable rented and social rented), starter homes, discount market sales housing, and other affordable routes of home ownership (including shared ownership and rent to buy). Paragraph 65 states that affordable homes should be sought within all new residential proposals for major development (i.e. developments for ten units or more) and indicates that with major developments, at least 10% of the homes should be available for affordable home ownership as part of the overall affordable housing offer. Core Strategy Policy L2.3 states that in order to meet the identified affordable housing need within the Borough, the Council will seek to achieve, through this policy, a target split of 60:40 market: affordable housing.
20. The application site is located within a 'moderate' market location and thus has a requirement of 25% affordable housing under Trafford's current good market conditions. Core Strategy Policy L2 seeks a 50:50 split in the affordable housing units to be provided between intermediate (commonly shared ownership) and social/affordable rented housing units, unless exceptional circumstances can be demonstrated. The proposed development would be wholly affordable, with all units shared ownership. The development is to be delivered by Southway Housing Trust, with specific funding from Homes England to support a shared ownership scheme.

21. The recent Housing Need Assessment 2019 confirmed that the majority of the affordable accommodation required in Sale is 1 and 3 bed houses and 2 or more bed flats. There is an annual net need of 62 new affordable housing units required in Sale with 51% being intermediate tenure (shared ownership) and 49% being for affordable/social rent. The Homes England grant for the proposed development is for a 100% shared ownership scheme. It is therefore unfortunately that affordable/social rented units will not be provided on the site. It is recognised however that the development would be 100% affordable, providing 30 new affordable residential units within Sale and therefore is considered acceptable on balance.

## HERITAGE AND DESIGN

22. Section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990 advises that *“In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority ... shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.”*

23. Policy R1 of the Core Strategy states that all new development must take account of surrounding building styles, landscapes and historic distinctiveness and that developers must demonstrate how their development will complement and enhance existing features of historic significance including their wider settings, in particular in relation to conservation areas, listed buildings and other identified heritage assets. As indicated above this policy does not reflect case law or the tests of ‘substantial’ and ‘less than substantial harm’ to the significance of heritage assets in the NPPF. As Policy R1 of the Core Strategy is out of date for decision making purposes, the requirements of Paragraph 11 of the NPPF are engaged. In view of this, heritage policy in the NPPF can be given significant weight and is the appropriate means of determining the acceptability of the development in heritage terms.

24. Paragraph 195 of the NPPF states *“Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including development affecting the setting of a heritage asset)”*. The NPPF further sets out that the identified significance should be taken into account when considering the impact of a proposal on a heritage asset in order to *“avoid or minimise any conflict between the heritage asset’s conservation and any aspect of the proposal”*.

25. Paragraph 199 of the NPPF establishes that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation. The NPPF sets out that harm can either be substantial or less than substantial. There will also be



cases where development affects heritage assets but from which no harm arises.

26. Paragraph 203 identifies that the effect of an application on the significance of a non-designated heritage asset should also be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
27. There are no designated heritage assets included within the application site and the site is not located close to any Conservation Areas. The nearest designated heritage asset is the Grade II listed former Lloyd's Bank on the corner of Ashfield Road and School Road. The application site lies just within its setting but given the intervening distance and townscape there is not considered to be any harm to its setting.
28. The existing Masonic Hall has been identified as a non-designated heritage asset. A Hall has occupied this site since the late 19<sup>th</sup> Century and is one of a number of clubs, institutions and civic buildings which illustrate the municipal development of the town during this period. The 19<sup>th</sup> Century gable is visible adjacent to the former Police Station, albeit it has now been refaced with the distinctive blue façade and the chimneys truncated. These alterations in conjunction with flat roofed extensions to the east and north appear to have been undertaken in the mid-20<sup>th</sup> Century.
29. The Council's Heritage and Urban Design Manager considers that the existing building has some historic significance with social and communal interest, having served the community as a headquarters and recruitment centre for the 3rd Cheshire Regiment; a Conservative working men's club and a Masonic Hall for the past Century.
30. The Council's Heritage and Urban Design Manager considers that there would be harm in the loss of the existing building overall, though nevertheless acknowledges that the architectural and historic significance of the heritage asset is low and of local significance. Whilst it is understood that the mid-20<sup>th</sup> century alterations have impacted on the Hall, they are considered to represent an interesting phase in the life of the building during this period.
31. The application site also includes the former Sale Police Station, which is a two storey building dating from 1881 that was built for the Cheshire Constabulary. The building was constructed from Cheshire common brick with red stock and sandstone dressing. The neo classical design results in three prominent pediments addressing the corner of Tatton and Chapel Road and is a distinctive local landmark on the corner of Tatton Place and Tatton Road. The building is also readily visible from the bend in the road where Ashfield

Road becomes Tatton Road. The proposed new building on the site of the former Masonic Hall would form a backdrop to this building. It is noted that the eaves and ridge heights of the proposed building would be greater than that of the former Police Station, with a maximum ridge height of 11.35m and eaves height of 7.67m to the front elevation. Whereas the former Police Station has a maximum ridge height of 9.8m and eaves height of 7.1m along the Tatton Road frontage. The former Police Station building is also characterised by a central gable feature that extends above the eaves line and chimneys that have a maximum height of 11.65m above ground level.

32. The Council's Heritage and Urban Design Manager has expressed a concern regarding the massing and form of the proposed flat roof to the rear of the proposed building and how it will appear behind the former Police Station. It is noted however that the ridge line of the proposed building would be 2.5m lower than existing Masonic Hall building, the proposed eaves to the front elevation would be situated 1.9m lower than the parapet to the front elevation of the Masonic Hall and the proposed three storey flat roofed projection to the rear would only be 1m higher than the two storey flat roofed rear element of the existing building. The maximum depth of the proposed building would also be 10m less than the existing building and therefore would project significantly less across the rear elevation of the former Police Station than the existing Masonic Hall.
33. The Council's Heritage and Urban Design Manager considers that the significant alteration of the existing Masonic Hall, its proposed replacement and the proposed alterations to the former Police Station would result in an overall moderate harm. Officers agree with this conclusion.
34. The site also lies within the setting of two further non-designated heritage assets: Sale Town Hall and Library and No.'s 29-55 Tatton Road. Sale Town Hall and library were built from 1910 onwards, creating a municipal core to the town. The Town Hall fronts School Road, with elevations also on Tatton Road. Views of the proposed building within the setting of the rear of the Town Hall and library would be achieved from the junction of Tatton Road and Ashfield Road.
35. The application site is enclosed on the west, north and east by late 19th and 20th century terraced houses, along Tatton Road (No.'s 29-55). The proposed development would be viewed directly within the setting of these terraced properties and would have a significantly greater height and massing. The full extent of the development is clearly visible in views of this non-designated asset from Tatton Road and due to the proposed height, massing and form it will result in a visual impact on these properties and their appreciation from the street scene. However, as noted above, the proposed building would have a lower height than the former Masonic Hall that it would replace.

36. The Council's Heritage and Urban Design Manager considers that the proposal would not result in any harm to the setting of Sale Town Hall, though would result in negligible harm to the setting of No.'s 29 – 55 Tatton Road due to the height, scale, massing and form of the proposed development. Officers agree with this conclusion.

### Design, Massing, Layout

37. Paragraph 126 of the NPPF states that *“The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities”*. Paragraph 130 states that *“Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions”*.
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. The Council's adopted planning guidance for new residential development (referred to onwards as 'PG1') notes that *“development should complement the characteristics of the surrounding area”* and that *“if a taller building is to be allowed it will normally need significantly more space around it than would a lower building for it to be properly assimilated in the area”*.

43. Paragraph 2.4 of PG1 further states that *“Whilst the Council acknowledges that the development of smaller urban sites within small scale housing or flat developments makes a valuable contribution towards the supply of new housing in the Borough, the way in which the new buildings relate to the existing will be of paramount importance. This type of development will not be accepted at the expense of the amenity of the surrounding properties or the character of the surrounding area. The resulting plot sizes and frontages should, therefore, be sympathetic to the character of the area as well as being satisfactorily related to each other and the street scene.”*
44. The area surrounding the application site is characterised by varying styles of buildings and form. Two storey terraced properties on the western side of Tatton Road directly face the site. Two storey residential terraced properties and commercial properties on Chapel Road, bound the site to the north and east. An alleyway that provides access to these neighbouring properties on Chapel Road bounds the site to the rear. ‘The Railway’ public house lies to the far south-eastern corner of the site and the former Sale Police Station, located on corner of Tatton Road and Tatton Place, bounds the site to the south.
45. The application proposes the erection of a new three storey residential building, following the demolition of the existing Masonic Hall and the conversion of the former Sale Police Station into residential accommodation. The proposed new building would have the appearance of a two storey building with accommodation in the roof space from the front elevation facing Tatton Road and the appearance of a three storey building to the rear. A flat roofed two storey link is proposed to adjoin the new building and the former Police Station building.
46. The ridgeline and eaves level of the front elevation of the building would be lower than the existing Masonic Hall, thus reducing the vertical mass along Tatton Road. The appearance from Tatton Road of a two storey building with accommodation within the roof space is reflective of the neighbouring terraced properties on Tatton Road, though it is recognised that the proposed building would be of a greater height than the terraced houses. It is thus considered that the proposed building would be acceptable in terms of its height within the existing streetscene. The building would be set back from the front boundary of the site by 0.55m to form an area of defensible space to the front elevations of the ground floor apartments. Low level railings and planting would lie along the front boundary of the site.
47. The external elevations of the proposed building would comprise of brickwork that features recessed elements to provide breaks and visual interest to the building. Recessed brickwork and string courses also provide vertical divisions on the front and rear elevations and large glazed windows provide a

vertical emphasis. The string courses also complement the existing banding to the former Police Station building.

48. The proposed external alterations to the former Police Station are considered acceptable and to complement the existing building. Following the advice of Officers and objections from Sale Civic Society, the applicant has submitted amended plans that retain an external staircase to the eastern side elevation of the building.
49. The design of the development is therefore considered acceptable and would not result in material harm to the visual appearance and character of the street scene and surrounding area in compliance with Core Strategy Policy L7 and the NPPF.

## RESIDENTIAL AMENITY

50. In relation to matters of amenity protection, Policy L7 states development must be compatible with the surrounding area; and not prejudice the amenity of the future occupiers of the development and/or occupants of adjacent properties by reason of overbearing, overshadowing, overlooking, visual intrusion, noise and/or disturbance, odour or in any other way.
51. A range of issues have been considered under the broad topic of residential amenity in this case. All issues are considered in turn below, and with the impacts on both existing and prospective residents discussed.

### Daylight and Sunlight

52. The applicant has submitted a Daylight and Sunlight Report in support of the application that includes an assessment of the impact that the proposed development would have on the levels of daylight and sunlight afforded to neighbouring houses on Tatton Road and Chapel Road. This assessment has been undertaken fully in accordance with the Building Research Establishment (BRE) Guidelines '*Site Layout Planning for Daylight and Sunlight – A Guide to Good Practice 3rd Edition (2022)*'.
53. The results of the assessment identify that in regards to daylight quantity (Vertical Sky Component), the impact of the proposed development on all of the assessed neighbouring properties would be acceptable. All of the assessed windows adhere to the BRE guideline.
54. The results of the assessment in regards to sunlight show that the impact of the proposed development on all assessed neighbouring properties (ie

neighbouring windows within 90 degrees of due south) is acceptable, adhering to the BRE guideline.

55. The results of the assessment in regards to overshadowing of neighbouring amenity spaces identify the impact of the proposed development as being 'unnoticeable'. All assessed gardens fully adhere to the BRE guidelines and will continue to receive adequate sunlight on the 21<sup>st</sup> March (equinox).
56. Daylight and Sunlight Report in regards to the impact on neighbouring properties and gardens therefore concludes that the impact of the proposed development on the daylight and sunlight of neighbouring properties and gardens to be 'negligible', in accordance with paragraph H5 of the BRE Guide.
57. All of the proposed apartments and houses would have windows on either or both the front and rear elevations, ensuring that each apartment has a front, rear or dual aspect outlook and natural daylight to the main habitable room. The applicant has submitted a Daylight and Sunlight Report in support of the application that includes an assessment of the levels of daylight and sunlight that the proposal would achieve for future occupants of the development. The assessment concludes that all of the proposed habitable rooms would achieve the recommended target for daylight illuminance in accordance with the BRE Guide. The assessment also identified that the living / dining / kitchen rooms within the apartments would achieve the recommended minimum of 1.5 hours of direct sunlight on the 21<sup>st</sup> March in accordance with the BRE Guide. The submitted report thus concludes that the proposed development would provide an acceptable level of daylight and sunlight for the enjoyment of future occupants.

#### Privacy and Overshadowing

58. PG1 New Residential Development sets out the guidelines that relate to all forms of new residential development. With regards to privacy, the Council's Guidelines states that for new two storey dwellings (houses or flats), that the minimum distance between dwellings which have major facing windows is 21m across public highways and 27m across private gardens. The PG states that where three storey dwellings (houses or flats) are proposed, the minimum distances are increased by 3m over the above figures and for four or more storeys, the figures as for 3 storeys apply.
59. With regard to overshadowing PG1 states *that "In situations where overshadowing is likely with a main elevation facing a two storey blank gable then a minimum distance of 15m should normally be provided"*. PG1 further states that *"Distances to rear garden boundaries from main windows should be at least 10.5m for 2 storey houses and 13.5m for 2 storey flats or houses or flats with 3 or more storeys"*.

### Impact on properties on Tatton Road

60. Two storey terraced properties fronting Tatton Road are situated directly opposite the site. It is recognised that a distance of only 11.8m would lie between habitable windows on the front elevation of the proposed development at ground and first floor levels and the front elevation of these neighbouring properties. This distance is significantly short of the recommended distance set out in PG1 (21 metres). It is noted that this distance is across a public highway and that the existing ground floor windows of the properties on Tatton Road do not currently benefit from a good level of privacy, as they are immediately adjacent to the public footpath on a relatively busy thoroughfare close to the town centre. It is however recognised that a loss of privacy is likely to occur to the first floor windows because of this significant shortfall in the separation distance. In situations like this, it is normal practice to look to see whether there are any similar relationships on surrounding streets. Whilst no direct comparisons are available here, it is not uncommon for two and a half or three storey buildings to be situated opposite two storey properties, particularly in a terraced street scene, and in these tight situations it is common for residents to use blinds to protect their privacy. It is also considered that the proposed building would provide a more attractive outlook for residents of Tatton Road than does the existing building.
61. The proposed second floor accommodation on the Tatton Road frontage would be served by roof light windows within the roof slope. The applicant has submitted a cross section plan that demonstrates that views from these windows would only be skyward and views of the front elevations of the neighbouring properties on Tatton Road would be extremely difficult, if not impossible.
62. It is acknowledged therefore, that the proposed development would result in a degree of harm in the form of a loss of some privacy to the first floor front windows of neighbouring properties on Tatton Road. This is considered to be an adverse impact of the scheme. However, it is also noted that this adverse impact has been substantially reduced from the previously refused proposal, which was for a taller building and included standard windows at second floor level, directly facing the neighbouring houses and also an additional storey to that now proposed.

### Impact on No.'s 55-63 Chapel Road

63. Two storey terraced properties on Chapel Road bound the site to the north and east. No.'s 55 – 63 Chapel Road lie to the north of the site. It is understood that these properties contain patio doors (serving habitable rooms), bedroom and bathroom windows on the rear elevations and roof

slopes. A minimum distance of 10.08m would lie between the two and half and three storey side elevation of the proposed building and the rear habitable room windows of these properties. It is noted that the two storey outriggers of these properties do not have windows on the rear elevation, though they do have velux windows within the roof slopes. The existing former Masonic Hall building has a flat roof where it lies closest to these neighbouring properties. The proposed building would have a pitched roof that drops down to a flat roof, with an eaves height 1.9m lower than the existing building at the front, though it is recognised that the ridge of the proposed building would be 1.78m higher than the flat roof of the existing building and the three storey flat roofed element to the rear would be 1.05m higher than the existing building. Whilst it is recognised that the separation distance to these neighbouring properties is less than that recommended within PG1, it is considered that the siting and massing of the proposed building would not have a more harmful impact on these neighbouring houses than the existing building it would replace.

64. A window is proposed at first and second floor level to the northern side elevation of the proposed building. These would form secondary windows to lounges, with main windows provided to these rooms on the south-easterly elevation. The submitted plans state that the windows to the north elevation would be fixed shut and obscure glazed. In order to protect the privacy of the properties and rear gardens of No.'s 55 – 63 Chapel Road, it is recommended that a condition is attached requiring the two windows to the north elevation are obscure glazed and fixed shut in perpetuity.
65. As discussed in the '*Daylight and Sunlight*' section above, the applicant has also demonstrated through the submission of an overshadowing assessment that the proposed development would not result in an unacceptable level of overshadowing of neighbouring gardens.

#### Impact on No.'s 37 – 49 Chapel Road

66. No.'s 37 – 49 Chapel Road are two storey terraced properties that lie to the east of the site. A service alley to these properties lies between these houses and the rear boundary of the application site. A minimum distance of 20m, increasing to 27.7m would lie between the three storey element of the proposed building and habitable room windows on the rear elevations of these neighbouring properties. As detailed above, PG1 sets out that a minimum distance of 30m should lie between dwellings (including flats) with major facing windows, when the separation is across private gardens. It is recognised that the separation distance between the rear habitable room windows and the rear elevations of these neighbouring properties fall below the standard set out in PG1 and that the proposal would result in a significant number of residential windows within the site (that currently do not exist) facing towards these neighbouring properties. It is therefore recognised that



the proposal would result in a greater level of overlooking of these neighbouring properties than is currently possible from the existing commercial building. This is considered to be an adverse impact of the scheme.

67. It is noted that these neighbouring properties are positioned at a slight angle to the existing houses and thus the views from the windows of the proposed development would not be directly facing the windows of these neighbouring properties. Furthermore, an existing commercial building at No.51-53 Chapel Road, which lies immediately along the common boundary with the application site, would restrict views of the northern end of the proposed building from the neighbouring property No.47 and to a lesser extent No.49 Chapel Road.

68. The existing two storey rear element of the Masonic Hall, measuring up to 9.3m high, is situated either very close to or on the rear boundary of the application site. The proposed building would be set a minimum distance of 7.3m, increasing to 18.5m away from the eastern rear boundary. The existing building is of particularly poor architectural quality to the rear and as such, it is considered that the proposed development would have less of an overbearing impact on the properties and gardens of No.'s 37-49 than the existing building and would also provide a more attractive outlook.

69. A cycle and bin store is proposed to be located adjacent to the far south eastern corner of the site, adjacent to the alleyway of Chapel Road. The proposed cycle and bin store would have a maximum height of 2.6m. Whilst it is noted that a distance of only 3.7m would lie between the proposed cycle store and the rear boundary of No.37 Chapel Road, a 1.8m - 2m high fence lies along the rear boundary of No.37. An existing boundary wall would also be retained along the eastern boundary of the site, which would partially screen views of the cycle store from the small rear gardens of No.'s 37 and 39 Chapel Lane. It is recommended that a condition is attached requiring full details of the boundary treatment is submitted and agreed to ensure that the resulting boundary wall would have a good quality finish, thus further improving the outlook for these neighbouring residents on Chapel Road.

### Amenity for Future Residents

70. PG1: New Residential Development sets out the Council's standards and 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 flats, 18m<sup>2</sup> per flat of adequately screened communal area is considered generally sufficient for these functional requirements.

71. The proposed landscaping scheme seeks to provide a total of 151m<sup>2</sup> of amenity space for the future residents to the rear of the proposed building and former Police Station, an average of 5m<sup>2</sup> per unit. Five of the ground floor apartments and four of the houses would benefit from small private garden areas to the rear, and a shared garden is provided to the rear of the building. This provision would be a significant shortfall from the recommended standard in PG1, and must be considered as an adverse impact of the scheme.
72. Central Government's 'Technical Housing Standards – nationally described space standards' (NDSS) (published March 2015 and amended May 2016) *“deals with internal space within new dwellings and is suitable for application across all tenures. It sets out requirements for the Gross Internal (floor) Area of new dwellings at a defined level of occupancy as well as floor areas and dimensions for key parts of the home, notably bedrooms, storage and floor to ceiling height”* (para 1). The applicant states that the proposal fully complies with NDSS. Officers have requested a full breakdown of the proposed accommodation to demonstrate this, which will be reported in the Additional Information Report.

### Noise

73. A small industrial unit is located to the north-east of the site, at No.51-53 Chapel Road. The premises was last occupied by Sale Glass & Glazing, though is now vacant. The Railway Public House, which adjoins the site to the south and east, also benefits from a beer garden. The applicant has submitted a Noise Impact Assessment (NIA), which includes a 3D noise model to assess noise from road traffic, the commercial premises and beer garden. The NIA has been reviewed by the Council's Pollution and Housing Team, who have confirmed that the NIA recommends that the noise mitigation scheme includes a whole dwelling ventilation system for apartments with windows located on the north, east and south facing facades. This will serve as an alternative to opening windows for fresh air flow and background ventilation. A condition is therefore recommended accordingly to ensure that the appropriate noise mitigation measures are carried out in order to protect the amenity of future occupants and the operations of neighbouring businesses.

### Conclusion on Residential Amenity

74. In regards to the impacts of the proposed development on the amenity of existing residents it is considered that the siting, massing and layout of the proposal, when considered as a whole, would not have a materially greater overbearing impact or result in any materially greater loss of light or overshadowing to neighbouring properties and gardens than does the existing Masonic Hall. It is also considered that the proposed building would provide a

more attractive outlook for most neighbouring residents. It is noted that the proposed development will result in reduced privacy to the first floor windows on the front elevation of the neighbouring properties on Tatton Road and the rear windows of houses on Chapel Road to the east. There is therefore some limited conflict with Policy L7 in relation to its impact on the residential amenity of these neighbouring residents in that some will appreciate the reduced overbearing nature of the proposed development when compared to the existing building, whilst others will be impacted to some degree by an increase in the number of windows and thus overlooking.

75. In regards to the impacts of the proposed development on the amenity of future occupants of the development, the scheme would provide an attractive apartment block in a sustainable location close to local amenities. However, it is noted that the amenity space for the proposed development would fall short of the guideline set out in PG1.

## LANDSCAPING

76. The application proposes a hard and soft landscaping scheme to form the communal amenity space to the rear of the development. The communal amenity space would contain a mixture of hard surfacing, planting including shrubs and seven trees. Benches are also proposed at various locations through the garden space. Seating areas would be set away from the rear elevations to protect the privacy of residents.
77. Landscaped front gardens are also proposed to the former Police Station, including front gardens for four of the proposed houses. This would significantly enhance the site, which currently comprises of built form and very little vegetation. It is considered that a low level hedge and railings would be appropriate along the Tatton Road frontage, helping to provide a degree of defensible space to the front of the ground floor units, whilst also helping to soften the appearance of the development at ground level.
78. Officers are currently awaiting amended proposed landscaping plans that include the latest amendment to the position of the bin and cycle store and the retention of the external staircase to the east elevation of the former Police Station. Officers have also sought clarification from the application regarding the proposed boundary treatment. An update on these matters will be provided within the Additional Information Report.
79. Conditions are recommended to ensure that a high quality landscaping scheme and boundary treatment is provided.

## ECOLOGY

80. 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"*.
81. 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.
82. The applicant has submitted an Ecological Appraisal including a bat survey. This report has been considered and accepted by the Greater Manchester Ecology Unit (GMEU), which concludes that the existing building has a negligible value to bats roosting and the surrounding habitats within the site are of only local and in part limited value to biodiversity.
83. Paragraphs 174d), 179b) and 180d) of the NPPF requires developments to take opportunities to incorporate biodiversity improvements in and around developments. The submitted landscaping scheme includes the provision of big hotels, which is welcomed. GMEU have however recommended that given the scale of the proposed development that it would also be beneficial to provide bat and bird boxes. It is therefore recommended that a condition is attached requiring the submission of details for the provision of bat and bird boxes within the site.

## HIGHWAYS

### Sustainable Location

84. Para 105 of the NPPF states *"Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions, and improve air quality and public health."*
85. Paragraph 111 of the NPPF states that *"Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe"*.
86. Policy L4 of the Core Strategy states that the Council will prioritise the location of development within the most sustainable areas accessible by a choice of modes of transport.

87. The site is located in a highly sustainable and accessible location given its close proximity to the Sale Metrolink stop, bus services and cycle infrastructure. Sale Metrolink Station is located 320m away, providing frequent services between Altrincham, Manchester and Bury. Bus stops providing frequent services to Altrincham, Trafford Centre, Wythenshawe and Eccles are also located within a short walk on a number of roads around Sale Town Centre. The site is located 150m away from the Bridgewater Way cycle route which is one of six 'Cycleways' in Greater Manchester that provides cyclists with a traffic-free route link from Altrincham to Castlefield in Manchester City Centre and the Trafford Centre.
88. It is also noted that the site is partly located within the boundary of Sale Town Centre, which provides many services, amenities and employment opportunities, which would make walking and cycling genuine alternatives to travelling by car or public transport.

#### Car and cycle parking

89. 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. Policy L4 sets out, amongst other things, the Council's car parking standards.
90. The Council's car parking standards as detailed within Supplementary Planning Document 3 (SPD3) state that for this location, each 1-bed dwelling unit requires 1 car parking space, and each 2 or 3-bedroom dwelling unit requires 2 car parking spaces. These maximum standards generate a requirement for a total of 47 car parking spaces. There is no specific standard for accessible parking, and SPD3 states that it should be considered on a case by case basis. The application does not include the provision of any car parking, either general needs or accessible, to serve the proposed development. There is however an existing on street dedicated accessible parking bay on Tatton Place which could accommodate four or more cars outside the application site. It is however time limited for a maximum of three hours Monday to Saturday 8am to 6pm.
91. Plans originally submitted with the application included the provision of 12 new car parking spaces, albeit this included a proposal to relocate the four existing accessible on-street town centre spaces from Tatton Place to Tatton Road in order to allow for 12 private car parking spaces on Tatton Place for residents of the proposed development. The LHA objected to the siting and layout of the proposed parking bays, raising serious highway safety concerns regarding insufficient intervisibility between road users at the Tatton Place / Tatton Road junction and users of the proposed parking bays along Tatton

Place. They advised that the proposal could create a road safety problem at a location where none currently exists and stated that the *“provision of 12 private spaces fronting the carriageway could result in an intensified number of motor vehicle turning movements including reversing manoeuvres, on a one-way street in a heavily residential area, and across what is also a signed pedestrian route to the town centre, Sale tram stop and a number of other services and amenities”*. The proposed works would also take place on an adopted highway and thus would require the developer to apply for a stopping up order. The LHA advised that it would not wish to see any reduction in the adopted public highway at this location.

92. Following this objection from the LHA the applicant submitted amended plans removing the proposed parking bays and retaining the existing public accessible parking bays on Tatton Place.
93. The application site is located within a resident parking restriction zone, with parking on Tatton Road restricted to permit holders only between 09:00 and 20:00. Following discussions with the LHA, the applicant has agreed to fund (through a S106 legal agreement) a review and extension of the timing of parking restrictions on the residential streets close to the application site to prohibit parking into the evenings and throughout the weekend (times to be agreed subject to consultation). The LHA has also advised that residents of the proposed development would not be eligible for a Residents' Only Parking Permit. The applicant has also confirmed that purchasers of the apartments will be made aware of this. It is therefore considered that this should prevent any parking by residents of the new development on existing streets at times when parking spaces are most needed, and thereby adequately mitigate any harm to residential amenity that may arise from the provision of no car parking within the site.
94. In support of the application, the applicant has submitted a Transport Statement (TS), which confirms that future residents of the development will be made aware that no parking is provided within the site. The TS details that the current car ownership statistics (2011 Census) show that at present, approximately 23% of households in Trafford do not own a car, while 49% of households only have one vehicle. The applicant Southway, who are a Housing Association, also state that in their experience residents of affordable units have significantly lower levels of car ownership and typically, tenants are more likely to be younger, single person households on low income who do not own or have access to a car.
95. The TS further states that at present, approximately 13% of existing residents in the ward travel less than 2 kilometres to their place of work, 17% of residents travel more than 2 kilometres, but less than 5 kilometres and 11% work mainly from home (2011 Census data). This equates to 42% of residents where travelling by sustainable modes is highly likely. The TS

states that this would suggest that around 13 residents of the proposed development would not require access to a car to get to work. It further states that it is reasonable to assume in this accessible location that some longer commuting trips, between 5 and 10 kilometres, could be done by bus or train, with such distances representative of a journey between Sale and Altrincham (6 kilometres) and Sale and Manchester (9 kilometres).

96. The TS advises that the data regarding the travel modes used by existing residents within the ward indicate that there are already many residents travelling to work in a sustainable manner and there are no reasons to suggest that this would not continue to be the case for the proposed development.
97. The applicant has also confirmed that in order to manage travel by residents at the proposed development, they agree to a condition requiring the submission and implementation of a Travel Plan to encourage travel to the site by non-car modes.
98. The minimum cycle parking standards as detailed within SPD3 state that 1 cycle parking space is required for a 1-bed dwelling unit, 1 communal or 2 allocated spaces are required for a 2 or 3-bedroom dwelling unit. The proposed development includes the provision of a communal cycle store that would accommodate 30 secure cycle parking spaces, thus meeting the minimum standard within SPD3. The provision of sufficient secure cycle parking also helps to provide alternative forms of transport for the residents.
99. The Council's car parking standards set out in SPD3 also contain a minimum accessibility parking standard. SPD3 states that for residential dwelling developments the provision of accessibility parking spaces should be negotiated on a case-by-case basis. The LHA has confirmed that they would normally have sought a minimum of three accessible parking spaces to have been provided within the site. The LHA acknowledges that no accessible parking spaces are proposed within the site and does not raise an objection to the application on these grounds in this instance. This issue needs to be considered in the balance, weighed against the serious objection on highway safety grounds to the provision of on-site parking of any type and the other benefits of the scheme. It is noted that three existing accessible parking spaces on Tatton Place would be retained, which could be used by visitors to the site who have a 'Blue 'Badge'.
100. Based upon the above information, the LHA has raised no objections to the planning application.

### Conclusion on highways

101. It is considered that the proposed development is sustainably located near to a number of sustainable transport options, which offer a genuine alternative to the private car. A good level of secure cycle parking would also be provided to serve the development. Due to the highly sustainable location of this brownfield site on the edge of the town centre, combined with the review and extension of the timing of parking restrictions on the residential streets close to the application site, zero car parking provision is considered to be acceptable in this instance. It is acknowledged however that there is no disabled car parking provided, and for this reason the scheme is contrary to Core Strategy Policy L4. This is considered to be an adverse impact of the scheme.

## AIR QUALITY

102. Paragraph 186 of the NPPF advises that planning decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and Clean Air Zones, and the cumulative impacts from individual sites in local areas. Planning decisions should ensure that any new development in Air Quality Management Areas and Clean Air Zones is consistent with the local air quality action plan.
103. Policy L5 requires developers to adopt measures identified in the Greater Manchester Air Quality Action Plan, to ensure that their development would not have an adverse impact on air quality. In this respect, L5 can be considered to be up to date for the purposes of decision making and full weight attributed to it.
104. The site is located within an Air Quality Management Area (AQMA) and as such the applicant has submitted an Air Quality Assessment in support of the application. Environmental Protection have reviewed the Assessment, which indicates that changes in annual mean concentrations of nitrogen dioxide due to vehicle movements associated with the development do not lead to a significant impact at any receptor in the Air Quality Management Area. The modelling also confirms that all concentration changes are negligible with reference to the Institute Air Quality Management significance criteria.
105. Environmental Protection have further advised that the qualitative construction dust risk assessment shows that without appropriate mitigation, the site presents a risk for adverse impacts during construction. Therefore in order to ensure that the development does not present a nuisance risk or impacts on the wider environment, it is recommended that a condition is attached requiring the submission and implementation of a Construction and Pre-Construction Environmental Management Plan.



106. It is considered that the proposed development complies with the NPPF and Policy L5 with regard to air quality.

## FLOODING, DRAINAGE AND CONTAMINATION

107. 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.
108. The application site falls within Flood Zone 1 as defined by the Environment Agency, having a low probability of flooding although the site does fall within a Critical Drainage Area. The applicant has submitted a Drainage Strategy, which has been reviewed by the LLFA. The LLFA raise no objections to the Drainage Strategy, though have sought clarification from the applicant regarding whether the drainage system will remain private. An update on this will be provided within the Additional Information Report.

### Contamination

109. 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’*.
110. In relation to site contamination the Council’s Pollution and Housing Team have considered the content of the Phase 1 desk top study submitted in support of the application. The desk top study identified a range of contaminants on the site, including heavy metals, PAHs, hydrocarbons, and asbestos which could potentially pose a risk to future site occupants and site workers. Accordingly, the Pollution and Housing Team advise that an additional investigation is necessary to further delineate the risks present, and to provide details of mitigation measures required to render the site suitable for its intended use. Conditions requiring such investigations to be carried out and a subsequent verification report is therefore recommended.
111. 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.

## SECURITY

112. Policy L7.4 of the Trafford Core Strategy states that, in relation to matters of security, development must demonstrate that it is designed in a way that

reduces opportunities for crime and must not have an adverse impact on public safety.

113. A Crime Impact Statement (CIS) has been submitted alongside the application and makes a number of recommendations, mainly in regards to access points. Greater Manchester Police's Design for Security section has been consulted and does not raise any objections to the originally submitted plans. Since receiving their consultation response, amended plans have been submitted, which includes the retention of the external stairs to the eastern side of the Police Station building. Greater Manchester Police's Design for Security have therefore been re-consulted on the amended plans. An update on their position will be provided within the Additional Information Report.

## SUSTAINABILITY AND ENERGY EFFICIENCY

114. Policy L5 of the Core Strategy states that "*New development should ...maximise its sustainability through improved environmental performance of buildings, lower carbon emissions and renewable or decentralised energy generation*" and that development will need to demonstrate how it contributes towards reducing CO<sub>2</sub> emissions within the Borough. For major development the policy states there is potential to deliver CO<sub>2</sub> reduction target of up to 5% above current Building Regulations. It is considered that Policies L5.1 to L5.11 are out-of-date as they do not reflect NPPF guidance on climate change, whilst the remainder of the policy is compliant with the NPPF and remains up-to-date.
115. The applicant has submitted a Carbon Budget Statement, which confirms that the proposed all electric building takes advantage of the de carbonisation of the grid, reducing the carbon emissions significantly closer to net zero than a building which uses gas for heating. It further confirms that "The buildings exclude the use of combustion equipment for providing space heating and hot water and therefore there will be no additional local pollution sources associated with the building services". The submitted statement also confirms that the development would comply with Building Regulations AD Part L (Vol 1: Dwellings) and planning requirements of a CO<sub>2</sub> reduction target of up to 5% above current Building Regulations.
116. While it is noted that Policy L5 is out of date in relation to NPPF guidance on climate change it is considered that the environmental efficiencies that the scheme seeks to achieve is in accordance with the general thrust of the NPPF guidance. It is recommended that a condition is attached to ensure that the strategy for energy efficiency and low/zero carbon technologies for the development as set out in the submitted Carbon Budget Statement are implemented and retained thereafter. Subject to this condition the proposal is

thus considered acceptable to ensure compliance with Policy L5 and the NPPF.

## EQUALITIES

117. The Policy L7.5 of the Core Strategy requires that development should be fully accessible and usable by all sections of the community and Paragraph 127 of the NPPF reinforces this requirement by requiring planning decisions to ensure that developments create places that are safe, inclusive and accessible.
118. Under the provisions of the Equality Act 2010, specifically Section 149 Public Sector Equality Duty (PSED), all public bodies are required in exercising their functions to eliminate discrimination, advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and foster good relations. Having due regard for advancing equality involves: removing or minimising disadvantages suffered by people due to their protected characteristics; taking steps to meet the needs of people from protected groups where these are different from the needs of other people; and encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low. The relevant protected characteristics of the PSED include age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex and sexual orientation. The PSED applies to Local Planning Authorities in exercising their decision making duties with regards planning applications.
119. The proposed development will incorporate inclusive access throughout the development. The primary pedestrian access to the proposed building is via security controlled doors, with level threshold, situated off Tatton Road, with Houses 1, 2, 3, 4, 5, 6, 9 and 10 and apartment 16 also benefiting from direct access, again with level threshold, at street level. A secondary pedestrian route to the proposed building can also be accessed through a fob-controlled access gate off Tatton Road through to the landscaped area to the rear of the site.
120. Internally, all upper floors will be accessed via a centrally located Part M compliant lift.
121. It follows that as the development does not include any on-site car parking, there can be no on-site accessible car parking provision. Three public accessible parking bays are located adjacent to the site on Tatton Place, which could be used by visitors to the site who have a 'Blue Badge' permit.

## DEVELOPER CONTRIBUTIONS

122. Policy L2.2 states that residential development will be appropriately located in terms of access to existing community facilities and/or deliver complementary improvements to schools. Based on the Department for Education's School Places Score Card rates, as recommended by the DfE, the development would generate a primary and secondary school yield. However, the Primary school percentage vacancies at nearby schools is greater than 5%, therefore there are expected to be sufficient surplus places at Primary schools to absorb the yield generated by the proposed development.
123. The Secondary school around the application site collectively have a percentage vacancy rate of -3.1%. A financial contribution of £24,753 is therefore required for 1 Secondary school place. The applicant has agreed to this financial contribution, which will be secured through a legal agreement.
124. The proposed development would fully comprise of affordable units in the form of shared ownership, by a registered provider. The proposal therefore falls within one of the exemption categories for the Community Infrastructure Levy (CIL) under Regulation 49 and as such no CIL contribution would be required.
125. 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 and provision will be brought forward as part of the landscaping scheme required by condition.

## **PLANNING BALANCE AND CONCLUSION**

126. Section 38(6) of the Planning and Compulsory Purchase Act 2004 is clear that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise.
127. The NPPF is a material consideration in planning decisions, and as the Government's expression of planning policy and how this should be applied, should be given significant weight in the decision making process. As the Council does not have a five year supply of housing land, paragraph 11(d) of the NPPF is engaged. An assessment of the scheme against paragraph 11(d)(i) does not suggest that there is a clear reason for refusal of the application when considering the matters referred to in footnote 7, including in relation to habitat protection and designated heritage assets. The application therefore falls to be considered against Paragraph 11(d)(ii): granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

### Adverse Impacts

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

- The demolition of the existing Masonic Hall, which has been identified as a non-designated heritage asset, though its historical significance is considered to be low.
- The proposed building would cause negligible harm to the setting of the neighbouring non-designated heritage assets, the former Police Station and No.'s 29-55 Tatton Road.
- The development does not include the provision of any accessible car parking to serve the development, and thus does not comply with L4.
- The separation distance between habitable room windows on some neighbouring properties falls short of the recommended distances set out in PG1. Some loss of privacy is therefore likely to occur.
- Shortfall in the provision of amenity space for residents against the recommendations in SPD1.

### Scheme Benefits

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

- The delivery of 30 additional affordable residential properties in a highly sustainable location.
- The proposals would contribute towards addressing the identified housing land supply shortfall and the Council's policy aspiration to maximise the use of previously developed land for housing.
- The scale, massing, design and appearance of the proposed development is considered to be acceptable and appropriate to the location of the site and would provide a more attractive outlook for most neighbouring residents.
- The proposed development would generally have a less overbearing impact on most of the neighbouring properties on Chapel Road when compared to the impact of the existing Masonic Hall.
- Enhanced biodiversity on the site.
- Economic benefits that will flow from construction and occupation. Additional expenditure into the local economy will support existing services in the area.
- A financial contribution to education, though this is given negligible weight as it is to mitigate the impacts of the proposed development.

### Conclusion

130. A number of the benefits arising from the proposed development can be given substantial weight. Substantial weight is given to the contribution the scheme will make immediately to the Council's five year housing land supply and the regenerative benefits of the scheme overall, together with affordable housing being provided in excess of the Council's policy requirements.

131. The main adverse impacts relate to the lack of disabled car parking provision, and the loss of privacy for neighbouring residents on Tatton Road and Chapel Road. Whilst some conflict with Core Strategy Policies L4 and L7 has been identified and the absence of disabled car parking would not normally be considered acceptable, given the constraints and location of this site where it has not been possible to provide any car parking at all, in the face of a serious highway safety objection, the scheme is considered to comply with the development plan as a whole.
132. Having carried out the weighted balancing exercise under Paragraph 11 (d)(ii) of the NPPF, it is considered that the adverse impacts of granting planning permission would not significantly and demonstrably outweigh the benefits of doing so. The application is therefore recommended for approval.

### **RECOMMENDATION: MINDED TO GRANT SUBJECT TO LEGAL AGREEMENT**

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

- (i) To complete a suitable legal agreement under S106 of the Town and Country Planning Act 1990 (as amended) to secure:
  - A financial contribution (sum to be agreed) for a review of the existing residents' permit parking area on surrounding streets.
  - A financial contribution of £24,753 contribution towards off-site education facilities, towards secondary school places;
- (ii) To carry out minor drafting amendments to any planning condition.
- (iii) To have discretion to determine the application appropriately in the circumstances where a S106 agreement has not been completed within three months of the resolution to grant planning permission.
- (iv) That upon satisfactory completion of the above legal agreement that planning permission be GRANTED subject to the following conditions (unless amended by (ii) above):
  1. The development must be begun not later than three years beginning with the date of this permission.

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

2. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers:
  - JDA-Z1-00-A-DR 0001 Rev 2
  - JDA-Z1-00-A-DR-0003 Rev 13
  - JDA-Z1-00-A-DR-0004 Rev 8
  - JDA-Z1-XX-A-DR-0005 Rev 8
  - JDA-Z1-00-A-DR-0006 Rev 13
  - JDA-Z1-RF-A-DR-0007 Rev 12
  - JDA-Z1-00-A-DR-0008 Rev 10
  - JDA-Z1-XX-A-DR-0009 Rev 4
  - JDA-Z1-XX-A-DR-0012 Rev 1

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

3. The residential units hereby permitted shall only be used for the purposes of providing affordable housing (as defined by the NPPF Annex 2, or any subsequent amendment thereof) and shall not be offered for sale or rent on the open market.

The residential units hereby permitted shall comprise 30no. affordable housing units (all of which shall be shared ownership).

None of the residential units hereby permitted shall be occupied unless and until details of the occupancy criteria to be used for determining the qualifying criteria of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced have been submitted to and approved in writing by the Local Planning Authority. The affordable housing shall be provided and managed thereafter in accordance with the approved details.

This planning condition shall not apply to the part of the property over which:- (i). a tenant has exercised the right to acquire or any similar statutory provision and for the avoidance of doubt once such right to acquire has been exercised, the proprietor of the property, mortgagee in possession and subsequent proprietors and their mortgagees in possession shall be permitted to sell or rent the property on the open market; (ii). a leaseholder of a shared ownership property has staircased to 100% and for the avoidance of doubt once such staircasing has taken place the proprietor of the property, mortgagee in possession and subsequent proprietors and their mortgagees in possession shall be permitted to sell or rent the property on the open market.

Reason: To provide a satisfactory level of affordable housing and to comply with the requirements of Policy L2 and L8 of the Trafford Core Strategy and the NPPF.

4. Notwithstanding any description of materials in the application, no above ground construction works shall take place (except for the demolition of buildings and structures down to ground level, and site clearance works) until samples and a full specification of materials to be used externally on the building have been submitted to and approved in writing by the Local Planning Authority. Such details shall include the type, colour and texture of the materials. Development shall be carried out in accordance with the approved details.

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

5. Except for the demolition of buildings and structures down to ground level, and site clearance works, no above ground construction works shall take place unless and until a detailed façade schedule for all elevations of the building has first been submitted to and approved in writing by the Local Planning Authority. The schedule shall be provided in tabulated form with cross referencing to submitted drawings, include the provision of further additional drawings and the building of sample panels on site as necessary and shall include:

- i. All brickwork detailing
- ii. All fenestration details and recesses including detailed drawings to a scale of not less than 1:20 and samples and/or manufacturer's specifications of the design and construction details of all external window and door systems (including technical details (mullions and transoms, methods of openings), elevations, plans and cross sections showing cills and reveal depths/colour).
- iii. All entrances into the building
- iv. The siting of any equipment on the roofs of the development
- v. The means of dealing with rainwater and any necessary rainwater goods that may be visible on the external façade of the buildings
- vi. The siting of any external façade structures such as meter boxes
- vii. The siting, design and material/finish of the louvres indicated for mechanical ventilation
- viii. The external appearance of the lift overrun.
- ix. All eaves, verge and ridge details.

This condition shall apply notwithstanding any indications as to these matters which have been given in the application. The development shall thereafter be carried out solely in accordance with the approved detailed façade schedule.

Reason: To ensure a high quality standard of development in the interests of visual amenity and in protecting the original design intent and quality of the



proposed development, having regard to Policy L7 of the Core Strategy and the National Planning Policy Framework.

6. Except for the demolition of buildings and structures down to ground level, and site clearance works, no above ground construction works shall take place unless and until a scheme for the closing-off of the existing first floor door to the east side elevation of the former Sale Police Station, including details of brickwork treatment to the external elevation and security features, has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out solely in accordance with the approved scheme.

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

7.
  - 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 boundary and internal site fences/gates, including low level railings and hedges to Tatton Place and front boundary treatment to Tatton Road, the formation of any green roofs, banks, terraces or other earthworks, hard surfaced areas and materials, planting plans, specifications and schedules (including planting size, species and numbers/densities), details of the raft system in relation to the trees to include area the system will cover and soil to be used 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 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.

8. The development hereby approved shall not be occupied until a schedule of landscape maintenance, including that for the residents' garden, for the lifetime of the development has been submitted to and approved in writing by the Local Planning Authority. The schedule shall include details of the arrangements for its

implementation. Development shall be carried out in accordance with the approved schedule.

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

9. The development hereby approved shall not be occupied until a scheme for the rear (eastern) boundary wall to the site has first been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of its height, design, materials and brick detailing. Development shall be carried out in accordance with the approved schedule.

Reason: To ensure that a satisfactory appearance is achieved to the rear boundary of the site, having regard to its location, the nature of the proposed development and having regard to Policy L7 of the Trafford Core Strategy and the National Planning Policy Framework.

10. No development shall take place, including any works of demolition and site preparation, until a Construction and Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall address, but not be limited to the following matters:

- i) Suitable hours of construction and pre-construction (including demolition) activity;
- ii) Measures to control the emission of dust and dirt during construction and pre-construction (including demolition) and procedures to be adopted in response to complaints of fugitive dust emissions;
- iii) A scheme for recycling/disposing of waste resulting from demolition and construction works;
- iv) Measures to prevent disturbance to adjacent dwellings from noise and vibration, including any piling activity and plant such as generators;
- v) Information on how asbestos material is to be identified and treated or disposed of in a manner that would not cause undue risk to adjacent receptors;
- vi) The parking of vehicles of site operatives and visitors;
- vii) Loading and unloading of plant and materials (all within the site) including times of access/egress;
- viii) Storage of plant and materials used in constructing the development;
- ix) The erection and maintenance of security hoardings including decorative displays and facilities for public viewing, where appropriate;
- x) Wheel washing facilities and any other relevant measures for keeping the highway clean during demolition and construction works;
- xi) Contact details of site manager to be advertised at the site in case of issues arising;
- xii) Information to be made available to members of the public.

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

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

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

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

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

12. The development hereby approved shall not be occupied until the cycle parking hereby approved has been provided in accordance with the facilities shown on drawing no. JDA-Z1-00-A-DR-0006 Rev 13 and made available for use. The cycle parking shall be retained in perpetuity.

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

13. The development hereby approved shall not be occupied unless and until a Waste Management Strategy has first been submitted to and approved in writing by the Local Planning Authority. The strategy shall detail how the refuse and recycling bins shall be made available for collection on bin day and then how they will be returned to their approved storage area thereafter. The approved strategy shall be implemented for the lifetime of the development.

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

14. No installation of any externally mounted plant and equipment (including, but not limited to: utility meter boxes, flues, lighting, security cameras, alarm boxes) shall take place until details (including the location, design, method of support, materials and finishes) have been submitted to and approved in writing by the Local

Planning Authority. Such plant and other equipment shall not be installed other than 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.

15. No development, including demolition of the existing building, shall take place until a detailed survey and photographic record in accordance with Level 2 of Historic England's Understanding Historic Buildings: A Guide to Good Recording Practice (2016) of the building's historic features, has been submitted to and approved in writing by the Local Planning Authority. A copy of the report shall also be deposited in Trafford Local Studies Library.

Reason: In accordance with paragraph 205 of the NPPF to record and advance understanding of heritage assets impacted on by the development and to make information about the heritage interest publically accessible, prior to the commencement of works on site, having regard to Policy R1 of the Trafford Core Strategy and the requirements of the National Planning Policy Framework. The details are required prior to development, including demolition, taking place on site as any works undertaken beforehand, including preliminary works, could result in an adverse impact on the site's historic features.

16. Upon first installation the windows in the north elevation shall be fitted with, non-opening lights and textured glass which obscuration level is no less than Level 3 of the Pilkington Glass scale (or equivalent) and retained as such thereafter.

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

17. 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 the 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, service lines and pipes, adjoining land, ground waters and surface waters, ecological systems.

- 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
- iv) 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.

18. 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. The assessment is required prior to development taking place on site to mitigate risks to site operatives.

19. The rating level (LAeq,T) from all fixed plant and machinery associated with the development, when operating simultaneously, shall be selected and/or acoustically treated to achieve a rating level of 5dB (LAeq) below the typical background (LA90) level at the nearest noise sensitive location. Noise measurements and assessments shall be carried out in accordance with the latest published edition of BS 4142 "Rating industrial noise affecting mixed residential and industrial areas".

Reason: In the interests of the residential amenity of future occupiers of the development having regard to Policy L7 of the Trafford Council and the National Planning Policy Framework.

20. The development hereby approved shall be carried out fully in accordance with the strategy for energy efficiency and low/zero carbon technologies as set out in the submitted Carbon Budget Statement Revision P2 and retained as such thereafter.

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

21. Within 6 months of 80% occupancy (24 units) of the development hereby permitted a full Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall include:

- A firm commitment to targets detailed within the Travel Plan, the stated measures shall not only be concerned only with providing information and will also include incentives and initiatives to encourage the use of non-car modes of travel and reduce single occupant vehicle trips;
- Realistic and quantifiable targets that shall be reviewed and monitored against the baseline which will be established within 3-months of 80% occupancy (24 units) of the site;
- A strategy for addressing failed targets;
- Resident travel surveys shall be completed every 12 months from the date of first operation, and for a minimum period of 5 years.

The approved Travel Plan shall be implemented for a period of not less than 10 (ten) years from the first date of operation.

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

22. If the demolition hereby approved does not commence before 1<sup>st</sup> March 2024, the building shall be reassessed for bat roosting potential and the findings, presented in a written report, shall be submitted to and approved in writing by the Local Planning Authority prior to any development taking place. Development, including any mitigation measures shall proceed in accordance with the approved scheme.

Reason: In the interests of the preservation of bats, a protected species, having regard to Policy R2 of the Trafford Core Strategy and the National Planning Policy Framework.

23. No above ground construction work shall take place unless or until a scheme detailing the provision of bat and bird boxes throughout the site has been submitted to and approved in writing by the Local Planning Authority.

Development shall be carried out in accordance with the approved details and retained thereafter.

Reason: To ensure suitable biodiversity measures are incorporated into the development, having regard to Policy R2 of the Trafford Core Strategy and the NPPF.

24. No above ground construction work shall take place unless or until a Crime Impact Statement, in relation to the amended plans hereby approved, has first been submitted to and approved in writing by the Local Planning Authority. The Statement shall demonstrate how Secured by Design principles and specifications will be incorporated into the design of the development to prevent crime and enhance community safety. Thereafter development shall proceed in accordance with the approved details, which shall be retained thereafter.

Reason: To ensure that appropriate details are incorporated into the design stage of the development, in the interests of crime prevention and the enhancement of community safety, having regard to Core Strategy Policy L7 and the National Planning Policy Framework.

25. No above ground construction works shall take place unless or until full details of glazing specification has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include ventilation details that provide a minimum of 25 dB Dn,e,w in the open position and 25 dB RW throughout. Windows are to remain openable for purge ventilation and at the discretion of the residents. The development shall be carried out in accordance with the approved ventilation scheme, which shall be maintained in good working order thereafter.

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

26. A 'post construction' validation report shall be submitted to and approved in writing by the Local Planning Authority prior to first occupation of the development hereby approved, which shall include details of the 'as-built' ventilation and glazing mitigation measures for each residential unit and identify any deviation from the agreed scheme.

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

27. The drainage for the development hereby approved, shall be carried out in accordance with principles set out in the submitted Foul & Surface Water Drainage Design Drawing 3329/001, Rev P1- Dated 07/22 which was prepared by integra. For the avoidance of doubt surface water must drain at the restricted rate of 2l/s. Prior

to occupation of the proposed development, the drainage schemes shall be completed in accordance with the approved details and retained thereafter for the lifetime of the development.

Reason: To ensure a satisfactory form of development and to prevent an undue increase in surface water run-off and to reduce the risk of flooding.

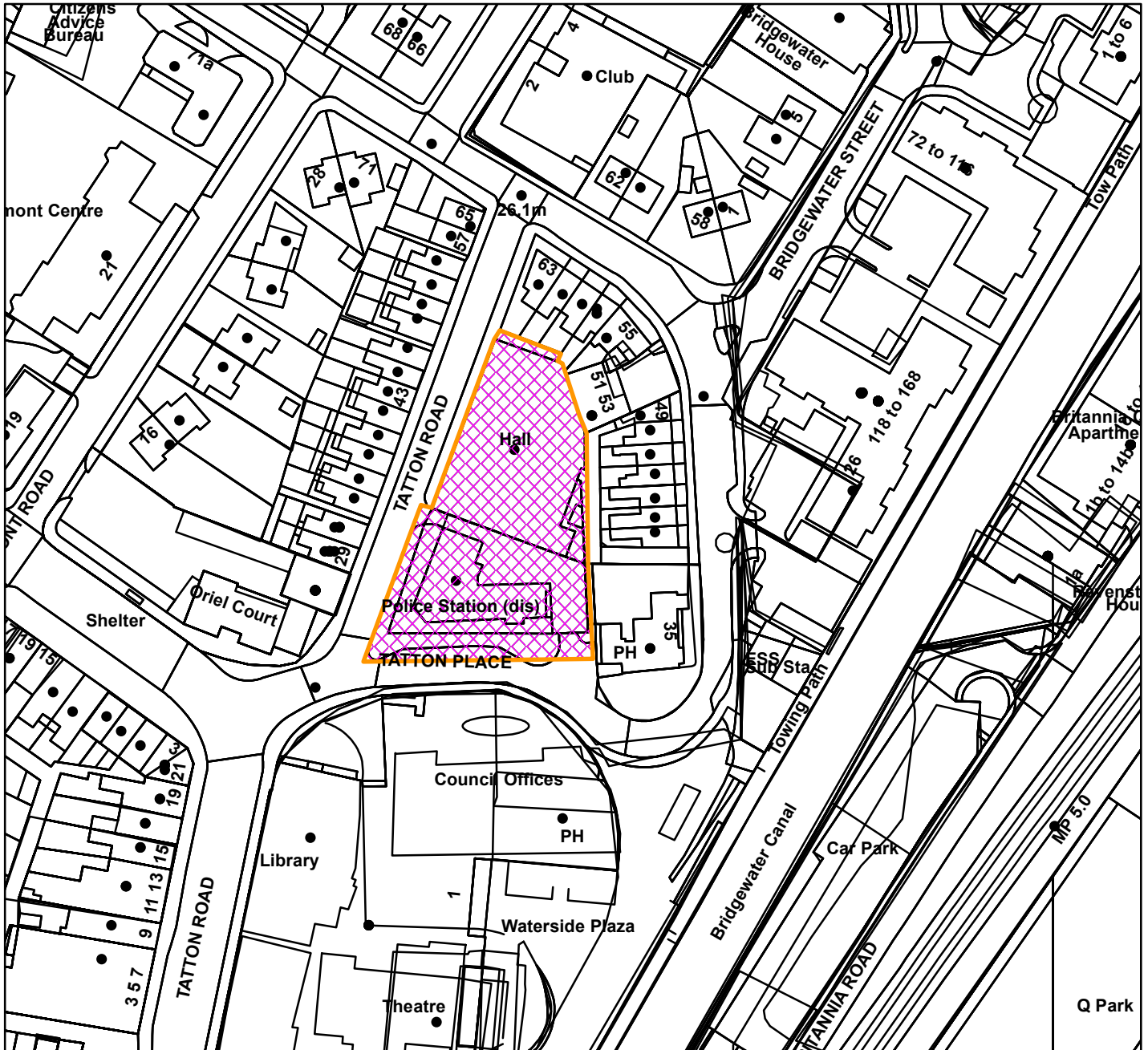
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VW





Masonic Hall and Police Station, Tatton Road, Sale,  
(site hatched on plan)



Scale: 1:1,250

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Organisation	Trafford Council
Department	Planning Service
Comments	Committee Date 13/07/2023
Date	27/06/2023
MSA Number	100023172 (2022)

**WARD:** Brooklands

**109558/FUL/22**

**DEPARTURE:** No

**Erection of two decked shelters to create additional customer space in association with the cafe (Class E) at the former booking hall.**

Brooklands Metrolink Station, Marsland Road, Sale, M33 3SQ

**APPLICANT:** Us Four

**AGENT:** Goldcrest Design Services Ltd.

**RECOMMENDATION: REFUSE**

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

**SITE**

The application site comprises a landscaped embankment and staircase adjacent to and within the setting of the former Booking Hall (Booking Hall) of the Brooklands Station, which is Grade II listed. The Booking Hall is currently operated as a coffee shop.

The Booking Hall and the site are located on the southern side of Marsland Road and close to its junction with Hope Road and Brooklands Road. The Booking Hall is constructed from red brick with blue brick dressings and a Welsh slate roof. The building is entered from the bridge that crosses over the Metrolink and Bridgewater Canal, with stairs down to the platforms either side of the booking hall.

The front elevation with the street entrance at Marsland Road is single storey. The rear elevation facing the former Station Masters House (now public house) is two storeys. The Booking Hall is highly visible due to its elevated position and proximity to the highway and railway. The application site in particular affords views of the Booking Hall from the junction with Brooklands Road with existing landscaping and trees in the foreground.

The site also lies within the setting of 2-8 Framingham Road and 2-12 Brooklands Station Approach (Non-designated Heritage Asset), Sale and Brooklands Cemetery (Registered Park and Garden Grade II) and Sale and Brooklands Cemetery Chapel (Grade II listed).

**PROPOSAL**

The applicant is seeking planning permission for the creation of outdoor raised eating/drinking areas associated with the existing cafe use at Brooklands Metrolink Station. The proposal comprises the erection of two covered structures (buildings) and associated raised outdoor areas constructed from timber with steel sheet hipped roofs and timber lattice panels.

Covered Area (building) 1 would have a depth of 4m set behind an open raised area (which would be just under 7.4m in depth overall), a width of 2.1m, ridge height of 3.1m and eaves height of 2.5m when measured from the ground level at Marsland Road. A second raised area (3.6m x 1.5m) to the east of the covered structure will be surrounded by timber lattice fence panels 2.3m high. The whole structure would be elevated to align with the ground level at Marsland Road and then extend over the slope down towards Brooklands Station Approach adjacent to the forecourt to The Brook PH. When viewed and measured from the ground level at Brooklands Station Approach, Covered Area 1 would have a ridge height of 7.75m and eaves height of 7.2m. The structure and area of underbuild would be clad in timber panels creating the appearance of a two storey timber building when viewed from the bottom of the slope.

Covered Area (building) 2 would have a width of 5.5m, a depth of 3.45m, a ridge height of 3.5m and an eaves height of 2.5m. The whole structure would be elevated to align with the ground level at Marsland Road and then extend over part of the slope down towards Brooklands Station Approach adjacent to the forecourt to The Brook PH. When viewed and measured from the ground level at Brooklands Station Approach, Covered Area 2 would have ridge height of 6.8m and eaves height of 5.8m. The structure and area of underbuild would be clad in timber panels creating the appearance of a one and a half / two storey building when viewed from the bottom of the slope.

## **DEVELOPMENT PLAN**

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

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

## **PRINCIPAL RELEVANT CORE STRATEGY POLICIES**

L7 – Design

R1 – Historic Environment

## **PROPOSALS MAP NOTATION**

Listed Building (Ref. no. 458/3/10022)

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

None

## **National Design Guide (NDG)**

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

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

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

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

### **PLACES FOR EVERYONE**

Places for Everyone (PfE) is a joint Development Plan Document being produced by nine Greater Manchester districts (Bolton, Bury, Manchester, Oldham, Rochdale, Salford, Tameside, Trafford and Wigan). Once adopted, PfE will be the overarching development plan, setting the policy framework for individual district Local Plans. The PfE Regulation 19 consultation concluded in Autumn 2021 and the Plan was submitted to the Secretary of State for Levelling Up, Housing and Communities on 14 February 2022. Independent Inspectors have been appointed to undertake the Examination in Public of the PfE Submission Plan and the timetabled hearings have now been completed with further updates from the Inspectors possible. Whilst PfE is at a significantly advanced stage of the plan making process, for the purposes of this application it is not yet advanced enough to be given any meaningful weight, such that it needs consideration in this report.

### **RELEVANT PLANNING HISTORY**

89246/LBC/16: Listed Building consent for the change of use from dis-used ticket office to a hot food cafe with new signage and internal works including replacement of ceiling, plasterwork and coving. Re-siting of internal partition wall and refurbishment of window openings. Approved with Conditions, 4 July 2017.

88954/ADV/16: Advertisement consent for 4no externally illuminated fascia signs. Approved with Conditions, 3 July 2017.

88953/COU/16: Change of use from dis-used ticket office to cafe. Approved with

Conditions, 4 July 2017.

75123/FULL/2010: Change of use and alterations to existing car parking area to south and east and enclosed yard to create landscaped beer terrace with retractable canvas canopy; Formation of enclosed bin store to east of ticket office building. Approved with Conditions, 23 May 2011.

75124/LB/2010: Application for Listed Building Consent for change of use and alterations to existing car parking area to south and east of public house to create landscaped beer terrace with retractable canvas canopy; Formation of enclosed bin store to east of ticket office building. Approved with Conditions, 23 May 2011.

76723/NMA/2011: Non material amendment to planning permission ref. H/71706 (Demolition of existing 1930's single storey side extension on supporting pillar and creation of new access stairs between Marsland Road and Brooklands Approach Road) to relocate access stairs further away from building. Approved 28 April 2011.

H/71706: Demolition of existing 1930's single storey side extension on supporting pillars and creation of new access stairs between Marsland Road and Brooklands Approach Road. Approved with Conditions, 6 November 2009.

H/LB/71705: Listed Building Consent to demolish existing 1930's single storey side extension on supporting pillars and creation of new access stair between Marsland Road and Brooklands Approach Road. Replacement of existing roof on inbound platform shelter. Removal of existing shelter on outbound platform and erection of new replacement shelter. Approved with Conditions, 18 September 2009.

### **APPLICANT'S SUBMISSION**

Heritage Statement  
CIL Questions

### **CONSULTATIONS**

#### **Heritage and Urban Design Manager responded on the 22<sup>nd</sup> March 2023 –**

Objects to the application on heritage and design grounds. A summary of the comments is provided below with the full comments imbedded within the report.

Based on the current proposals, it is considered that the proposed development would be conspicuous by virtue of its appearance, siting, form, use and materiality and will cause major harm (less than substantial) to the setting of the former Booking Hall and wider Station complex. Furthermore, the structures will result in minor harm to the setting of the adjacent non-designated heritage asset (2-8 Framingham Road and 2-12 Brooklands Station Approach).

There is no scope for amendments to the proposal therefore it is recommend the

application is refused or withdrawn.

### **Environmental Health**

No objections to this development on the grounds of nuisance. There are no residential receptors in the immediate vicinity likely to be unduly impacted by the development.

### **Arboriculturist Officer**

Has concerns as to how close the works are and what the impact of the foundations/installation of the new shelters will have on the nearby mature elm tree.

Recommends a Tree Protection Plan that covers trees within influencing distance of the application site. This must comply with BS5837 (2012) Trees in relation to Design, Demolition and Construction. The plan should include foundation details or information on how the shelters are to be secured in the ground.

### **Transport for Greater Manchester**

TfGM own and Metrolink currently has the maintenance responsibility for the land on which the structures will be erected and whilst both parties support the application in principle, require the applicant to provide additional information in relation to foundation design, interface with Metrolink steps, tree protection, drainage and the stability of the embankment which could be secured by condition.

### **REPRESENTATIONS**

The neighbouring properties were notified by letter on the 24<sup>th</sup> January 2023 and were re-consulted on the 31<sup>st</sup> March 2023 due to the change of proposal description.

1 letter of support has been received from a neighbour. 150 letters of support and 1 representation have been received from the general public. The comments are summarised below:

#### **Significance to the Community**

- This proposal would increase capacity for a local café, providing an outdoor family area, an area to socialise and community space, attracting more local people to the area
- The café have contributed much to the local community, with the café seen as a local asset and is very popular within the area for the community and therefore the proposal is considered an excellent addition to the neighbourhood.
- Limited indoor space and formally expanding the outdoor space would improve access for parents like myself who often visit with a pushchair, scooter or kids bike.
- Customers frequently spill out onto the pavement due to the current lack of space. The shelters would be safer than having people sat out as they do at the

moment. The proposed seating does not impede on any paving as it covers an area that cannot be used.

### Supporting Local Business

- With many small businesses closing down this extra space will help this independent business survive and allow a valued local business to expand in these difficult economic times, especially post COVID.
- The building isn't being used for anything important so why not knock it down to support local businesses
- It will provide a much needed external area for the numerous local businesses that do not have any of the 'coffee culture' that exists in Sale and other areas.
- The expansion could attract people to the area who would use other local stores and amenities.
- Disappointed the Council want to block a plan that would preserve elements of our culture and supports this small business to thrive and grow and offer employment.

### Sympathetic Design and In Keeping with the Previous Extension

- The area was an eyesore before Us Four moved in. It is very well kept and makes the area better. The café has brought back to life this previously empty building in a sympathetic manner. Encouraging such usage to prevent old buildings sitting idle and falling into decay.
- Historically there was a building adjacent to the current one and therefore having a deck in that position is acceptable and would not spoil the original appearance of the station building.
- The proposal replicates the original Brooklands Station, restoring the building to how it first looked when it very first opened years ago.

### Enhance the Street Scene and biodiversity

- The proposed development is in keeping with the area without affecting any amenities and the shelters have been designed in a sympathetic way reminiscent of the original building.
- The proposal is would be good use of a building that is deteriorating and would improve the road, removing bushes which collect litter and attract rodents.
- It isn't detrimental to the area or having a negative effect on biodiversity as there is lots of space in the immediate area that offers excellent green space and opportunities for creating natural habitats.

## **OBSERVATIONS**

### **PRINCIPLE OF DEVELOPMENT**

1. The main issues to be considered under this application are the impact on the character and setting of the Listed Building as well as impact on the design of the existing property, the wider street scene and the character of the wider area, residential amenity and highway safety.

2. S38(6) of the Planning and Compensation Act 1991 states that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise.
3. The NPPF is a material consideration in planning decisions, and as the Government's expression of planning policy and how this should be applied, should be given significant weight in the decision making process.
4. Paragraph 11 of the NPPF indicates that plans and decisions should apply a presumption in favour of sustainable development. Bullet point d of paragraph 11 indicates that where there are no relevant development plan policies or the policies which are most important for determining the application are out of date planning permission should be granted unless:
  - i. The application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
  - ii. Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
5. The application site is located adjacent to Brooklands Station, Grade II listed, and also lies within the setting of 2-8 Framingham Road and 2-12 Brooklands Station Approach (Non-designated Heritage Asset), Sale and Brooklands Cemetery (Registered Park and Garden Grade II) and Sale and Brooklands Cemetery Chapel (Grade II listed). In this particular case therefore, the most important policies for determining this application are L7 'Design' and R1 'Historic Environment.'
6. Policies relating to design and heritage are considered to be 'most important' for determining this application when considering the application against NPPF Paragraph 11 as they control the principle of the development. Whilst Policy L7 (Design) of the Core Strategy is up-to-date with the NPPF, Policy R1, relating to historic environment, does not reflect case law or the tests of 'substantial' and 'less than substantial harm' in the NPPF. Thus, in respect of the determination of planning applications, Core Strategy Policy R1 is out of date in this respect. However, its primary focus, which is the protection of heritage assets, is aligned with the NPPF.
7. Although Policy R1 of the Core Strategy can be given limited weight, no less weight is to be given to the impact of the development on heritage assets as the statutory duties in the Planning (Listed Buildings and Conservation Areas) Act 1990 are still engaged. Heritage policy in the NPPF can be given significant weight and is the appropriate means of determining the acceptability of the development in heritage terms.



8. The proposal must therefore demonstrate compliance with heritage policy contained within the NPPF, considered in light of the statutory duties in the Planning (Listed Buildings and Conservation Areas) Act 1990 and Policy L7 and R1 of the Core Strategy in order to be acceptable in principle.

## **DESIGN AND IMPACT ON THE STREETSCENE AND THE CHARACTER OF THE AREA**

9. The publication of the National Design Guide (NDG) in October 2019 emphasises the Government's commitment to achieving high quality places and buildings. The document outlines and illustrates the Government's priorities for well-designed places in the form of ten characteristics. These are identified as: context, identity, built form, movement, nature, public spaces, uses, homes and buildings, resources, and lifespan. These characteristics can be applied to proposals of all sizes, the document sets out, including new buildings, infill developments, major proposals and larger scale developments such as urban extensions. In a well-designed place an integrated design process would the ten characteristics together to create an overall character of place.
10. In taking forward advice in the NPPF and the NDG, this Council has produced their own Trafford Design Code, which has recently gone out for consultation and in time will be adopted as supplementary planning guidance. The document will set out design principles for new development across the Borough, when having regard to local distinctiveness and local vernacular. Adoption is anticipated later in 2023. The Strategic Design Principles in the TDC include 'Design with Character and Beauty' and set out that an understanding of the character of a place is essential to producing a contextual, sympathetic and high quality design proposal.
11. The site sits in a very prominent and elevated position on the top of the bridge at Marsland Road close to its junction with Hope Road and Brooklands Road. A number of features gel together to make this small area one of the most attractive corners of Sale. These include the station building itself, a characteristic local landmark, the Bridgewater Canal to the east, Brooklands Station Approach and the parade of traditional shops to the south (non-designated heritage assets designed in the distinctive black and white half-timbered Cheshire vernacular style), in addition to the tree lined approach to the station along Marsland Road from both the east and west. The area has been used as a film set in the past.
12. Representations received make reference to the unsympathetic brick and concrete extension that used to adjoin the south east elevation of the booking hall. Images of it can still be seen on Google Street View. Listed building consent was granted in 2009 for its removal as part of a series of measures proposed to improve the look, feel and usability of the station. The committee report for that retrospective application commented that its removal would '...significantly improve the appearance of the station and would return the main station building to its original form. Furthermore it has opened up views of this attractive building from the east,

which were previously obscured in part by the extension. The design and detailing of the east elevation of the main building has only become clear now the extension has been demolished...'

13. In addition to opening up views of the eastern approach to the station, the creation of a new steps down to the Altrincham bound platform and the associated landscaping, which has now matured, have opened up views from Marsland Road towards the former station masters house (now The Brook public house), the parade of shops on Brooklands Station Approach and the tree lined vista separating the canal from the railway. Similarly views have been opened up in the opposite direction from Brooklands Station Approach back towards The Brook, the booking hall and the attractively landscaped steps leading up to Marsland Road.
14. Where the landscaping to the steps now exists, the proposed development would introduce a series of timber structures, buildings and trellis, appearing as single storey from Marsland Road and two storey from Brooklands Station Approach. The structures will read as a single mass which would be wider than the single storey Booking Hall. When viewed from Marsland Road, they will appear incongruous, visually compete with and obscure views of the listed Booking Hall, whilst from Brooklands Station Approach they will look akin to two storey timber garden buildings. The requirement to build the structures on stilts because of their siting on a steep slope, the design and the proposed materials - including the steel sheet roof and the need to clad the area below the platform in timber boarding - would dominate and seriously detract from the setting of the listed buildings, the non-designated heritage assets on Brooklands Station Approach and the character of the area as a whole.
15. The materials proposed for the construction of the proposed structures, timber, is not considered to be appropriate in this setting where all other buildings are either brick built or otherwise black and white half-timbered Cheshire vernacular style. The timber will be difficult to maintain and its appearance is likely to deteriorate over time particularly given the maintenance difficulties that the sloping nature of the site will present. Moreover, no details have been submitted on how the engineering works and supporting columns for the structures might impact on the structural integrity of the embankment. The proposed development would undo the benefits that the removal of the previous structure on this site has brought about. The landscaping would be lost adjacent to the steps, views of the eastern elevation of the listed Booking Hall from both Marsland Road and Brooklands Station Approach would be blocked, whilst the steps to and from the Altrincham bound platform would be largely enclosed with the timber structures and trellis screens either side of them.

#### Design and security

16. The enclosure of the steps will reduce the natural surveillance that currently exists (enabled by the removal of the former structure, the opening up of the area and

the introduction of low level landscaping) and is likely to make those using the steps feel less safe. The steps incorporate two half landings, sandwiched at right angles between the two main flights of steps. The steps are lit, for safety reasons, by three lighting columns sat within the application site which will need to be removed to accommodate the development. The application doesn't indicate what will happen to the lighting columns but it is evident that the steps will not be as well-lit and therefore the area around the steps would be less safe, particularly at night.

17. The timber shelters are shown as structures that will be open to the road. It is not clear how the raised platforms will be secured when the café is closed. If left open it introduces opportunities for anti-social behaviour while if they are enclosed with timber doors or other high level screening it will add further to the incongruous nature of the scheme.
18. The proposed development represents poor design, is contrary to Core Strategy L7, the draft Trafford Design Code, the National Design Code, and in accordance with NPPF paragraph 134 should be refused. It would also be specifically contrary to Policy L7.4 which seeks to ensure that development is designed in a way that reduces opportunities for crime and does not have an adverse impact on public safety.

## **IMPACT ON HERITAGE ASSETS**

### Legislation and Policy

19. Section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990 states that "In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority...shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."
20. The Planning (Listed Buildings and Conservation Areas) Act 1990 refers to the "preservation" or "enhancement" of the special architectural or historic interest of the heritage asset or its character and appearance. The NPPF sets out in Chapter 16 of the document decision-making policies using different terminology, referring in particular to "conservation of significance". It is important to note that "conservation" and "preservation" are concerned with the management of change in a way that sustains a heritage asset's special interest or significance. However, "conservation" has the added dimension of taking opportunities to enhance significance where opportunities arise and where appropriate.
21. Paragraph 194 of NPPF requires an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance.

22. Paragraph 195 of NPPF 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.”
23. Paragraph 197 indicates that when local planning authorities are determining planning applications, they should take account of:
  - a) The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
  - b) The positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
  - c) The desirability of new development making a positive contribution to local character and distinctiveness.
24. Paragraph 199 of the NPPF states that “When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance”.
25. Paragraph 200 of the NPPF states that “Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction or from development within its setting) should require clear and convincing justification.”
26. Paragraph 202 of the NPPF advises that “where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including, where appropriate, securing its optimum viable use.”
27. Paragraph 203 of the NPPF states that “The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.”
28. Policy R1 of the Trafford Core Strategy states that “Developers must demonstrate how the development will complement and enhance the existing features of historic significance including their wider settings, in particular in relation to conservation areas, listed buildings and other identified heritage assets.”

29. Policy L7 of the Trafford Core Strategy states that “In relation to matters of design, development must:
- Be appropriate in its context;
  - Make best use of opportunities to improve the character and quality of an area;
  - Enhance the street scene or character of the area by appropriately addressing scale, density, height, massing, layout, elevation treatment, materials, hard and soft landscaping works, boundary treatment.

### Heritage Significance

30. Significance is defined in the NPPF as ‘The value of a heritage asset to this and future generations because of its heritage interest. That interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset’s physical presence, but also from its setting.’ Setting of 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.’
31. The Railway Station was opened in 1859 following the construction of the Manchester South Junction and Altrincham Railway, the line having been constructed in 1849. The line was owned jointly by the London and North Western Railway and the Manchester, Sheffield and Lincolnshire Railway from the start of operations. This was one of the first truly suburban railways and was instrumental in the development of its hinterland. Brooklands Station was built at the request of local residents at Marsland's Bridge. It was sponsored by a Manchester banker called Samuel Brooks who guaranteed it and built a housing development along the new Brooklands Road. The line was electrified in 1931; since 1992 it has been a part of the Manchester Metrolink system.
32. The Booking Hall fronts Marsland Road and is constructed from red brick with blue brick dressings and a Welsh slate roof. The building is entered from the bridge with stairs down to the platforms. The street entrance is single storey, three bays with central entrance. The rear elevation facing the former Station Masters House (now public house) is two storeys. The bays are framed by blue brick pilasters; the east elevation having been restored in 2009. Windows are sited in arched recesses with a framed arched doorway, continuous blue brick band is present over the heads of the openings. The windows comprise of 1 over 1 with plate glass windows. The hipped roof comprises of a blue brick cornice band, bracketed eaves and timber fascia with single chimney. Whilst the building is diminutive in scale, it is a distinctive landmark with clear views of the east, west and north elevations of the application site from Marsland Road which enable the building to be experienced.

33. The Station comprises of a number of other buildings and structures including the red brick road bridge with segmental arch carries a glazed iron footbridge to the Manchester platform. This bridge must predate the station, and likely to have been built in 1849. The Manchester platform has a three bay hipped roof canopy on cast iron columns, each carrying four filigree brackets. The canopy has been truncated on the rail side because of the electrification and has a timber fascia. The back of the building is in red brick, with blue brick and stone bands and various arched openings. The Altrincham platform has the base of the staircase with banding as above and the three bay former Station Masters house with arched doorways, pilasters and brackets. Welsh slate roof with end stacks. Any canopies that this platform may have had are now gone. The end elevations of the Station Masters house have small first floor windows and projecting eaves on brackets.
34. In summary, Brooklands Station has a high level of significance for its aesthetic, historical, evidential and communal values. This derives from its aesthetic value, in particular the richness of the architectural detailing and classical style, materials and its landmark quality within views from Marsland Road and within the Station complex. The historical value is illustrated by the significance of the railways as the first truly suburban railway and its association within Samuel Brooks. Furthermore, the Station contributes to the social and commercial history of Brooklands and its development as a residential suburb. Evidential value is found in the remaining historic fabric and construction of the Station buildings.
35. The application site also lies within the setting of 2-8 Framingham Road and 2-12 Brooklands Station Approach (Non-designated Heritage Asset), Sale and Brooklands Cemetery (Registered Park and Garden Grade II) and Sale and Brooklands Cemetery Chapel (Grade II listed).

#### Impact on Heritage Assets

36. Paragraph 195 of NPPF states that Local planning authorities should assess and take into account the significance of any heritage asset that may be affected by a proposal including by development affecting the setting of a heritage asset. In addition, as defined in Annex 2 of NPPF, significance derives not only from a heritage asset's physical presence but also from its setting.
37. Although the proposal would not directly attach to the former Booking Hall, given its close proximity to the Booking Hall, the site is part of the wider setting of the listed building. The application site is currently open, except for trees and allows views of the Grade II listed building and for its significance to be appreciated.
38. The proposal comprises the erection of two covered structures with extended timber panels around area 1. The two structures with adjoining panels and landscaped area would be elevated to align with the ground level at Marsland Road. The structures would be considerable additions to the setting of the former Booking Hall and the street scene. Given that the Booking Hall is small in scale,

being only single storey at Marsland Road, the proposed structures are considered to visually compete and obscure views of the Booking Hall. As demonstrated by the proposed elevations, the extended panels around area 1 would visually connect both area 1 and 2, which will appear to be a bulky and incongruous structure to dominate the Booking Hall. The proposed structures in terms of their size and height will completely obscure key views of the Booking Hall especially from the east. Given that the application site and the former Booking Hall are located in a very prominent, elevated position at Marsland Road and close to its junction with Hope Road and Brooklands Road, the proposed structures would have an even greater detrimental impact upon the existing open views of the Grade II Listed Building and views across the site towards the Metrolink line. This would harm the setting through creating a large visually dominant and competing feature within its grounds.

39. There is a further concern regarding the loss of landscaping and the significant engineering works and levelling of the embankment to street level. The applicant has not sufficiently demonstrated how these works would appear within the wider area and the extent of the engineering works required to support the proposed platforms and shelters. The true extent of these works and the impact on the east elevation of the Grade II Listed Building is unclear from the proposed drawings.
40. The proposed works will alter the sloping topography from Marsland Road to the Station Approach in association with covered area 1 and increase the prominence of this structure. Again these works will harm the setting and appreciation of the Grade II listed building and visually distract from its landmark appearance.
41. The proposal includes two hipped roof canopy structures which would be constructed from timber frames with timber lattice panels and the hipped roofs formed of steel sheets giving the appearance of roof slates. The proposed style and materiality of these structures are considered to be at odds with the Booking Hall and other buildings of Brooklands Station. The timber canopies have similar character of a garden setting which is out of keeping with the character of this busy urban area and a former train station. The expanse of timber would be in complete contrast to the red brick with blue brick dressings of the former Booking Hall, which is conspicuous and unsympathetic to the historic building rather than enhancing its character and setting.
42. It is noted from the accompanying heritage statement submitted by the applicant fails to acknowledge the former Booking Hall is a listed building and as such the proposal fails to comply with paragraph 194 of the NPPF. The heritage statement states the site had previously housed an extension directly linked to the Booking Hall. It also includes a photograph (undated) which indicates a 1930s single storey extension to the east elevation. The remnants of this 1930s concrete structure were removed in 2009 under applications H/LB/71705 and H/71706 and the area to the east was landscaped, which was considered a positive change to the historic building and restored the building to its original 1859 appearance.

Therefore, the fact that there was previously an extension attached to the Booking Hall does not justify the current proposal in being acceptable.

43. The proposed development is located close to 2-8 Framingham Road and 2-12 Brooklands Station Approach (Non-designated Heritage Asset). Given its siting, appearance and materiality, the proposed development will cause minor harm to the setting of these non-designated heritage assets as it will visually distract in views of these buildings from Marsland Road.

### Heritage Conclusion

44. The proposal is therefore considered to be conspicuous by virtue of its appearance, siting, form, use and materiality and will cause major harm (less than substantial) to the setting of the former Booking Hall and wider Station complex. Furthermore the structures will also minor harm the setting of the adjacent non-designated heritage asset (2-8 Framingham Road and 2-12 Brooklands Station Approach).
45. This harm will nevertheless require a clear and convincing justification and should be weighed against the public benefits of the scheme as required by paragraphs 199, 200 and 202 of the NPPF. The application fails to minimise the harm of the proposal (paragraph 195 NPPF) and potential harm has not been sufficiently justified and public benefits do not outweigh the harm of the proposal to heritage significance. As such, it is considered that the proposal does not comply with the heritage policies of the NPPF. In making this assessment, great weight has been given to the desirability of preserving the special interest of the listed building and bearing in mind the statutory duty of Section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990.

### **EQUALITIES**

46. The Equality Act became law in 2010. Its purpose is to legally protect people from discrimination in the workplace and in wider society. The Act introduced the term 'protected characteristics', which refers to groups that are protected under the Act. These characteristics comprise: age, disability, gender reassignment, marriage and civil partnerships, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.
47. As part of the Act, the 'public sector equality duty' came into force in April 2011 (Section 149 of the Act), and with it confirmed (via Section 19 of the Act) that this duty applies to local authorities (as well as other public bodies). The equality duty comprises three main aims: A public authority must, in the exercise of its functions, have due regard to the need to:
  - eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;



- advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

48. Case law has established that appropriate consideration of equality issues is a requirement for local authorities in the determination of planning applications, and with this requirement directly stemming from the Equality Act 2010.
49. The shelters would be accessed from Marsland Road, which slopes down from east to west, therefore whilst the plans submitted show level access they do not take account of the change in land levels from the pavement. Therefore further information regarding the accessibility of the structures along with available circulation space within the proposed shelters is required, which as this has not been provided, this weighs against the proposal within the planning balance.

## **OTHER MATTERS**

### Residential Amenity

50. No residential properties are located in proximity to the proposed development. Therefore, the proposed development would not cause any harm to residential amenity.

### Parking/Highways

51. The proposed development would not alter the existing parking arrangement of the associated coffee shop and station. It is not considered to cause a parking impact.

### Trees

52. There are no TPOs located within the application site. As demonstrated on the proposed site plan, a palm tree, rowan tree and the planting scheme adjacent to the staircase will be removed as a result of the proposed works. The Council's Arboriculturist Officer has concerns as to how close the works are and what the impact of the foundations/installation of the new shelters will have on the nearby mature elm tree. As this information has not been submitted, it is not possible to say whether the protected elm tree would survive in the longer term. If the application were to be approved, a condition would require the applicant to submit a Tree Protection Plan to comply with BS5837 (2012) Trees in relation to Design, Demolition and Construction.

### Metrolink

53. TfGM own and Metrolink currently has the maintenance responsibility for the land on which the structures will be erected and support the scheme in principle. If the

application were to be approved, conditions would require the applicant to submit Risk Assessments and Method Statements, a full arboriculture assessment and detailed design for the drainage of the development.

## **DEVELOPER CONTRIBUTIONS**

54. The proposal would create less than 100sqm of additional internal floor space and is not subject to the Community Infrastructure Levy (CIL).

## **PLANNING BALANCE AND CONCLUSION**

55. The letters of support expressed views that the proposed development will contribute to social and economic benefits, in summary:
- The development would create a community space in the area and bring people together.
  - The development would help the growth of independent business, attract more people to the area and provide more job opportunities.
  - Putting the site into viable use would better manage the area and keep the area clean.
56. It is noted that the proposed development would create limited employment for new staff. It is also acknowledged that the cafe provides food service and a place for people to socialise, however it is not the number of representation received, rather the weight attached the material considerations raised which must be considered.
57. It is considered that the former Booking Hall is already a viable use as the café has been operating without the proposed development. There is also a variety and quantity of food and drink offerings within the locality. The proposed development will not address the root cause of littering in the area. These identified benefits are considered to be limited and would not outweigh the major harm (less than substantial) to the setting of the former booking hall and wider station complex, in terms of paragraph 202 of the NPPF.
58. The Grade II listed former booking hall and wider station complex for the reasons identified in the report. The proposal will also cause minor harm to the setting of the adjacent non-designated heritage assets at 2-8 Framingham Road and 2-12 Brooklands Station Approach, and harm the character of the wider area. Moreover, the introduction of the buildings and trellis around the station steps will reduce natural surveillance to the detriment of public safety, particularly for the more vulnerable, and contrary to the government's commitment to making streets safer places. Furthermore the application has failed to demonstrate that it could be constricted without damage to the adjacent and high quality elm tree.
59. Great weight has been given to the desirability of preserving the listed building in reaching this view. The proposal is not acceptable in heritage terms with regard to

the NPPF and Policy R1 of the Core Strategy. Given the above, the application is recommended for refusal.

**RECOMMENDATION: REFUSE for the following reasons:**

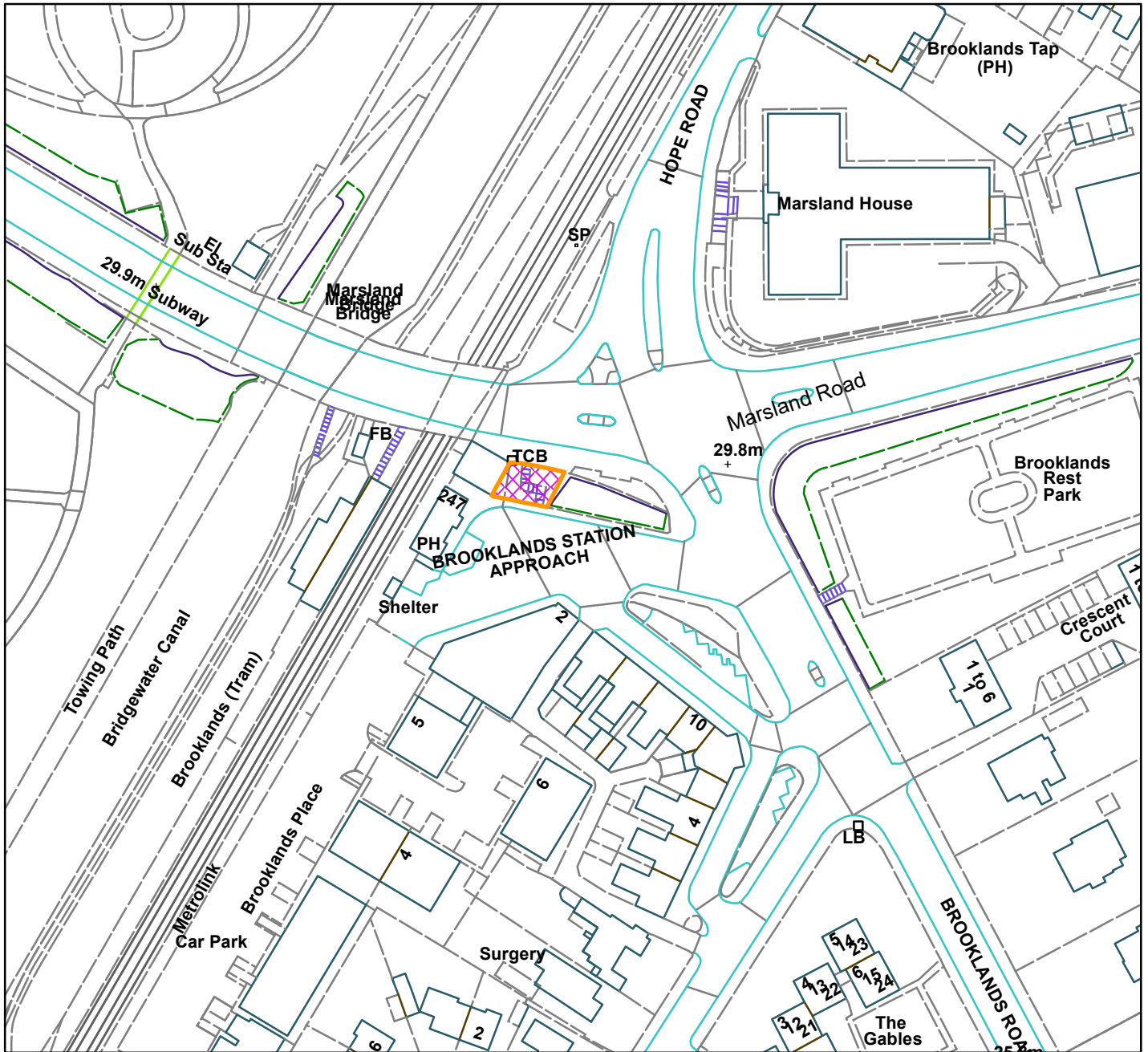
1. The proposed development, by reason of its siting, design, appearance, form and materiality and will cause major harm (less than substantial) to the setting of the former Booking Hall and wider Station complex. The proposal will also minor harm the setting of the adjacent non-designated heritage asset (2-8 Framingham Road and 2-12 Brooklands Station Approach). The identified harm has not been sufficiently justified and outweighed by any public benefits. The proposal would be contrary to the NPPF and Policy R1 of the Core Strategy.
2. The proposed development, specifically by reason of its location, siting, form, external appearance, materials and resultant loss of landscaping represents poor design which will seriously detract from the character and appearance of the wider Brooklands Station streetscene. The proposal would therefore be contrary to Core Strategy L7, the draft Trafford Design Code, the National Design Code, and paragraph 134 of the National Planning Policy Framework.
3. The proposed development, by reason of the design and siting of the proposed structures including the trellising, would result in the removal of lighting columns and the creation of a series of enclosures around the steps at Brooklands Metrolink station. This will seriously reduce natural surveillance around the steps, and fail to reduce opportunities for crime to the detriment of public safety. The proposal would therefore be contrary to Core Strategy L7.4, the draft Trafford Design Code, the National Design Guide, and paragraph 134 of the National Planning Policy Framework.
4. The applicant has failed to demonstrate, through the submission of appropriately detailed drawings and technical specifications, that the development will not harm the elm tree, a tree worthy of Tree Preservation Order status which makes a significant contribution to the character of the area, sited at the bottom of the embankment to the south of the application site. The loss of the tree would seriously detract from the character of the area and diminish the biodiversity value of the site. The proposal is therefore contrary to Core Strategy Policy L7 and R2, the draft Trafford Design Code, the National Design Guide and the National Planning Policy Framework.

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CC



Brookland Metrolink Station, Marsland Road, Sale  
 (site hatched on plan)



Scale: 1:1,250

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Organisation	Trafford Council
Department	Planning Service
Comments	Committee Date 13/07/2023
Date	30/06/2023
MSA Number	100023172 (2022)

**WARD:** Timperley North

**109953/FUL/22**

**DEPARTURE:** No

**Demolition of existing building and construction of 5 no. new dwellings with associated access, parking and landscaping.**

Homestead, 121 Park Road, Timperley, Altrincham, WA15 6QQ

**APPLICANT:** PIC (Park Road) Ltd

**AGENT:** Euan Kellie Property Solutions

**RECOMMENDATION: GRANT**

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**The application is reported to the Planning and Development Management Committee as more than 6 representations have been received which are contrary to the recommendation to grant.**

**Executive Summary**

The application relates to the development of land at 121 Park Road, Timperley. The application site is currently occupied by a late C19 villa known as 'Homestead'. The building is currently vacant, having previously been occupied by a community centre. A temporary library was also accommodated to the rear of the site during the development of the new library building within Timperley District Centre. 121 Park Road is recognised by the Local Planning Authority as a non-designated heritage asset.

Planning permission is sought for the erection of 5 no. dwellings following the demolition of the existing building. Four of the proposed new build properties will be served by the access road at the neighbouring site, 119 Park Road, whilst the property to the front of the site on the east side, will be served by a new separate access from Park Road.

The application has received letters of representation from 63 different addresses, of which 60 are in objection and 3 in support. The main concerns relate to the loss of the existing building, loss of a community building, scale and design of the proposed new dwellings, impact on residential amenity and increased traffic and highway safety issues and loss of trees. All representations have been duly noted and considered as part of the application appraisal.

The 'tilted balance' under NPPF paragraph 11d is engaged due to Core Strategy Policy L2 being out of date given the absence of a five year housing land supply. Substantial weight is given to the moderate contribution that the proposed 5 new family dwellings would make to the Council's housing land supply.

In weighing the planning balance, considerable importance and weight is given to the

desirability of preserving the non-designated heritage asset. The proposal would result in the demolition of the existing villa and therefore the total loss of its significance which is attributed major harm. Nevertheless, this significance is considered to be at the lower end of the spectrum when identifying non-designated heritage assets.

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

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

## **SITE**

The application site currently comprises 121 Park Road, a late C19 villa known as 'Homestead', centrally located within the site with car parking to the front and rear. The building is currently vacant, having been previously used as a Community Centre and housing a temporary library building to the rear of the site during the construction of the new library within Timperley District Centre.

Access to the site is provided from Park Road with a driveway running along the western boundary of the site to the rear car park. There are existing stone gate piers to the front of the site with a timber gate set back from the entrance.

The surrounding area is primarily residential in character. The adjacent site, 119 Park Road, is currently being developed with the erection of 4 no. dwellings to the rear of the site and the conversion of the former GP surgery to a dwellinghouse.

## **PROPOSAL**

Permission is sought for the erection of 5 no. dwellings following the demolition of the existing building on site. The development would comprise 1 no. pair of 3 storey semi-detached properties and 3 no. 3 storey detached dwellings. Three dwellings would be provided to the rear of the site with 2 no. dwellings fronting Park Road.

Access to Plots 1-4 is to be taken from the approved access for the development of the adjacent site at 119 Park Road. A new access is proposed off Park Road to Plot 5.

**Value Added:** - Amended plans have been received further to discussions around design. The amendments are summarised as follows:

- Swap siting of detached and semi-detached dwellings to the rear of the site;

- Introduction of more architectural detailing to the properties within Plots 4 and 5 to the front of the site;

## **DEVELOPMENT PLAN**

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

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

## **PRINCIPAL RELEVANT CORE STRATEGY POLICIES**

L1 – Land for New Homes  
L2 – Meeting Housing Needs  
L3 – Regeneration and Reducing Inequalities  
L4 – Sustainable Transport and Accessibility  
L5 – Climate Change  
L6 - Waste  
L7 – Design  
L8 – Planning Obligations  
R1 – Historic Environment  
R2 – Natural Environment  
R3 – Green Infrastructure

For the purpose of the determination of this planning application, Policy L2 is considered to be partly out of date and Policy L1 is considered out of date in NPPF Paragraph 11 terms. This is addressed in more detail in the Principle section of this report.

Policy R1 of the Core Strategy, relating to historic environment, does not reflect case law or the tests of 'substantial' and 'less than substantial harm' in the NPPF. Thus, in respect of the determination of planning applications for designated heritage assets, Core Strategy Policy R1 is out of date in this respect.

Although Policy R1 can be limited weight, no less weight is to be given to the impact of the development on heritage assets. 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.

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

All remaining policies referred to above are considered ‘up to date’ in NPPF Paragraph 11 terms.

### **PROPOSALS MAP NOTATION**

None

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

None

### **SUPPLEMENTARY PLANNING DOCUMENTS**

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

### **PLACES FOR EVERYONE**

Places for Everyone (PfE) is a joint Development Plan Document being produced by nine Greater Manchester districts (Bolton, Bury, Manchester, Oldham, Rochdale, Salford, Tameside, Trafford and Wigan). Once adopted, PfE will be the overarching development plan, setting the policy framework for individual district Local Plans. The PfE Regulation 19 consultation concluded in Autumn 2021 and the Plan was submitted to the Secretary of State for Levelling Up, Housing and Communities on 14 February 2022. Independent Inspectors have been appointed to undertake the Examination in Public of the PfE Submission Plan and the timetabled hearings have now been completed with further updates from the Inspectors possible. Whilst PfE is at a significantly advanced stage of the plan making process, for the purposes of this application it is not yet advanced enough to be given any meaningful weight, such that it needs consideration in this report.

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



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

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

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

### **RELEVANT PLANNING HISTORY**

88511/FUL/16 – Installation of a prefabricated building to the rear of Riddlings Community Centre to serve as a temporary library.  
Approved with conditions 12.08.2016

H/18389 – Use of community centre for operation of children’s play group  
Approved with conditions 11.08.1983

H/17169 – Change of use from library to community centre  
Deemed consent 14.12.1982

The following application at the adjacent site, 119 Park Road is also considered of interest:

105662/FUL/21 – Conversion of existing building to provide 1 no. dwelling (C3), erection of 4 no. dwellings (C3) demolition of existing bungalow and associated access and landscaping works.  
Approved with conditions 13.12.2021

### **APPLICANT’S SUBMISSION**

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

- Planning Statement
- Heritage Assessment
- Design and Access Statement
- Arboricultural Impact Assessment
- Transport Assessment
- Schedule of Accommodation
- Ecology
- EV Charging Specification

### **CONSULTATIONS**

**Lead Local Flood Authority** – No objection in relation to drainage.

**United Utilities** – Request drainage condition.

**Local Highway Authority** – No objection on highways grounds subject to acceptable visibility splays and bin storage arrangements.

**Pollution and Licensing (Nuisance)** – No objection on nuisance grounds.

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

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

**Cadent Gas** – No objection

**Heritage Development Officer** – The application property is considered to be a non-designated heritage asset in accordance with Annex 2 of the NPPF, i.e. a building, monument, site, place, area or landscaping identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. Objection is raised to the demolition of the building and therefore total loss of significance. This is weighed in the planning balance within the report. More detailed comments are incorporated within the Heritage section of the report below and full comments are available to be viewed online.

**Arboricultural Officer** – Object to loss of all trees on the site and advise that the proposals should be amended to enable the retention of T24 and a number of the other mature trees along the front of the site.

## **REPRESENTATIONS**

### **OBJECTIONS**

Letters of objection have been received from 60 different addresses. The main points raised are summarised as follows:

#### **Amenity impact to neighbouring properties**

- Loss of light;
- Overshadowing;
- Overlooking and loss of privacy (dwellings and removal of trees);
- Impact on outlook;
- Intrusive by virtue of height (contrary to what was allowed at 131 and 139 Park Road);
- Noise from additional dwellings;

#### **Loss of Community Building**

- More housing should not be created at the expense of community spaces;
- The building remains viable and should be retained for community use;
- No contingency plan for a replacement community building;
- The community centre has historical provenance to the local area;
- Protected by a covenant;

### Heritage

- Loss of heritage building;
- Existing property is of great local, historic interest;

### Design and Character

- Characterless development;
- Too high;
- Overdevelopment of plot;
- Out of keeping with the street scene;

### Highways

- Add to existing traffic congestion, fumes, noise and busyness of Park Road;
- Dangerous parking during construction phase;
- Exacerbation of existing highway safety issues;
- Inadequate parking provision;

### Infrastructure

- Increasing pressure on local infrastructure;

### Climate

- Loss of trees and hedging would be detrimental for wildlife and increased pollution;

### Wildlife and Ecology

- Green space and planting is valuable to local wildlife;

### Other Matters

- Concern regarding constraints on consultation period;
- Noise and disturbance during construction;
- Existing fence at 40 Acresfield Road should be retained and new fence built adjacent;
- Covenant on 121 Park Road;
- Short term financial gain for Trafford with short term thinking;
- Zero effect on the government's new-house targets;
- No affordable housing;
- The Council should not rely on independent professional assessments in relation to matters including traffic, light and ecology;
- There is enough housing across the south of the borough;

### SUPPORT

Letters of objection have been received from 3 different addresses. The main points raised are summarised as follows:

- Professional, courteous and polite property developers
- Family homes preferable to apartments or retail development;
- The building has long since outlived its usefulness and is hardly used;
- The site has been crying out for development for some time;
- Many residents were unaware that they had a community centre around the corner;

## **OBSERVATIONS**

### **PRINCIPLE OF DEVELOPMENT**

1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF at Paragraphs 2 and 47 reinforces this requirement and at Paragraph 12 states that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making, and that where a planning application conflicts with an up-to-date development plan, permission should not normally be granted.
2. The Council's Core Strategy was adopted in January 2012, prior to the publication of the 2012 NPPF, but drafted to be in compliance with it. It remains broadly compliant with much of the policy in the 2021 NPPF, particularly where that policy is not substantially changed from the 2012 version.
3. The NPPF is a material consideration in planning decisions, and as the Government's expression of planning policy and how this should be applied, should be given significant weight in the decision making process.
4. 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.
5. Footnote 8 to paragraph 11(d) makes it clear that the 'most important' development plan policies should be considered out-of-date for applications involving the provision of housing, in situations where the local planning authority cannot demonstrate a 5 year supply of immediately available housing land, so paragraph 11(d) is automatically engaged, i.e. the tilted balance. It is also of note for the purpose of determining this application that footnote 7, in dealing with 11(d)(i), refers to designated heritage assets only.

### **Housing Land Supply**

6. The Council can currently demonstrate a housing land supply within the range of 3.45 to 3.75 years, which is based on the standard method of calculating Local Housing Need and takes into account a 20% buffer applied for historic under delivery. The most recent Housing Delivery Test figure is 79% - i.e. Trafford has delivered 79% of its LHN (including 20% buffer) in the three years to March 2021.
7. The application proposal would deliver 5 no. new residential units. 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.

### Meeting Housing Needs

8. The NPPF 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 (paragraphs 62 and 63). This is supported by Policy L2, which refers to the need to ensure that a range of house types, tenure and sizes are provided. Policy L2 of the Core Strategy relates to meeting housing needs and remains up to date in respect of the requirement for the amount of affordable housing and in terms of site specific requirements for development (L2.2). Full weight can be given to this part of the policy.
9. Policy L2 seeks to ensure that there is an adequate mix of housing types and sizes to meet the needs of the community. Policy L2.4 of the Core Strategy sets out a target split of 70:30; small:large (3+ beds). The application proposes 100% large family housing and thus does not meet the target mix, however given the quantum of development this is accepted.
10. The Trafford Housing Needs Assessment (HNA) 2019 identifies an ongoing need for all types and sizes of dwelling with strongest need for 3 bedroom houses, continued need for 4 or more-bedroom houses and smaller 1 and 2 bedroom houses.
11. The proposal constitutes brownfield development and therefore also contributes towards the Council's target of providing 80% of new housing provision on brownfield land as set out in Core Strategy Policy L1.7. The application site is considered to be in a sustainable location in proximity to local amenities, a range of public transport options and is previously developed land.
12. The proposal is for 5 no. units only and therefore falls below the trigger for any affordable housing contribution in this part of the Borough. It is acknowledged that combined with the adjacent site at 119 Park Road, the proposal would reach the 10 unit trigger for affordable housing. However, it should be noted that this is not considered to be development by stealth to avoid meeting affordable

housing. The sites have come forward at different times and bringing the sites together through shared access, design etc. rather than a more contrived layout to separate the two sites has very much been supported by officers.

### Loss of Community Building

13. Representations received have raised objection to the loss of the building as a community facility. Paragraph 93 of NPPF considers the social, recreational and cultural facilities and services the community needs. As well as planning positively for the provision and use of shared spaces, community facilities, planning policies and decisions should guard against the unnecessary loss of valued facilities and services and ensure that established facilities are retained for the benefit of the community.
14. The site has not been in community use for at least five years with the last record of it being used as such in 2014. Since it closed it has been used as a commercial business premises for a tutoring business and one room was leased to a video making club. There is alternative provision at the new Timperley Library at Baker Street which contains bookable community rooms as well as the nearby Larkhill Centre.
15. As such, the property is not considered to constitute a valuable community facility in NPPF terms, with community uses of 'Homestead' ceasing and the community space provided elsewhere.
16. The main issues that remain to be considered are whether the existing building amounts to a non-designated heritage asset (and if so whether the harm arising from its loss would be outweighed by other considerations) and the effect of the development on the character and appearance of the area, residential amenity and highways and parking.

### IMPACT ON NON-DESIGNATED HERITAGE ASSET

17. The applicants have submitted a Heritage Statement which concludes that *“overall, the building holds limited significance and is not of sufficient heritage interest to be considered a non-designated heritage asset under the terms of the NPPF.”* Notwithstanding this, the building is recognised as a non-designated heritage asset by the Local Planning Authority. The Council's Heritage Development Officer has been consulted on the application and their comments are incorporated into this section of the report.
18. The importance of preserving the historic environment is reflected in NPPF and supporting NPPG.
19. In relation to Heritage assets, paragraph 194 of NPPF states that *“local planning authorities should require an applicant to describe the significance of any*

*heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance."*

20. Also of relevance to the determination of this application is paragraph 195 of the NPPF: *"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."*
21. Paragraph 197 indicates that when local planning authorities are determining planning applications, they should take account of:
  - The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
  - The positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
  - The desirability of new development making a positive contribution to local character and distinctiveness.
22. Significance is defined in the NPPF as 'The value of a heritage asset to this and future generations because of its heritage interest. That interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset's physical presence, but also from its setting.' Setting of a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.'
23. Planning Practice Guidance (PPG) states that local planning authorities may identify non-designated heritage assets.
24. Paragraph 203 of NPPF states *"The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset."*
25. The existing building is not statutorily listed or located within a conservation area and therefore does not have status as a designated heritage asset. There is evidence that the building does have sufficient heritage significance to warrant status as a non-designated heritage asset and this is considered below.

### Significance of the Non-Designated Heritage Asset

26. The Heritage Development Officer's comments describe 'Homestead' as *"an imposing late C19 villa in extensive and landscaped grounds. Its exterior appears little changed with interesting and aesthetically pleasing use of decorative brickwork (headers, bricks on edge bands, recesses, Flemish bond to front, 'tumbled' blue bricks to chimney stacks) gables, bargeboards, early-mid C20 sash windows, decorative glazing and boundary treatment including stone wall and decorative stone entrance piers... Typically, the road facing and southern elevation is highly decorated and most considered with materials and attention to composition receding to the gables and rear.*
27. The application property has also been recognised by the Heritage Development Officer as having historic significance based on its use, referencing its communal value in the development of health, education, policing and finance facilities for Timperley. Furthermore, there are connections with the adjacent site, no.119 Park Road by their joint association with the pre-NHS medical association with the Tattersall family. The GP surgery at 119 Park Road was also been identified as a non-designated heritage asset under application 105662/FUL/21.
28. Whilst Homestead is sited within a large plot, the majority of the site to the rear of the building has been given over to hard surfaced car parking with additional parking to the front of the building. It is further acknowledged that additions to the building in the form of an external staircase and ramp detract from its appearance.
29. The front of the building is attractive and contributes to the character of the area; the rear and side elevations are significantly plainer. It is considered that out of the two properties, 119 Park Road is aesthetically more impressive.
30. Also having regard to the historic use of the site, it is acknowledged that there is some significance. Notwithstanding this, this significance is considered to be at the lower end of the spectrum when identifying non-designated heritage assets.

### Impact and Consideration of Harm

31. The application would result in the demolition of the historic building and redevelopment of the spacious villa setting with 5 new dwellings in a tandem arrangement with 2 roadside properties and 3 to the rear.
32. No significance in fabric, layout, use or setting will be retained. The proposal will therefore result in the major harm of this non-designated heritage asset with total loss of its significance.

### Conclusion on Heritage



33. The LPA disagrees with the submitted Heritage Statement and recognises the existing building and its setting as a non-designated heritage asset.
34. The proposed development would result in the total loss of the heritage asset, an asset which is significant due to its architectural and historic interest and communal value in the locality. As such the loss of significance would be total, resulting in major harm. However, notwithstanding that there are some good architectural features and value to the front elevation of the building, it is not considered to be so unique in comparison to other non-designated heritage assets and also in direct comparison to the retained villa at 119 Park Road. The significance of the site has been diminished through the erosion of the quality of its setting and the historic value through its community use which has ceased.
35. Paragraph 203 of the NPPF states that *“The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.”* This is to be weighed against the scheme in the planning balance.

#### DESIGN AND VISUAL AMENITY

36. NPPF, PPG, the National Design Guide (NDG) and the National Model Design Code (NMDC) set out the Government’s planning policies and guidance on matters of design. The NDG is considered to be a material consideration in the determination of planning applications and should be attributed significant weight.
37. The current version of the NPPF (20 July 2021), highlights the increased importance given to the consideration of design by the Government. It is clear that a shortfall in housing land supply should not result in a ‘development at any cost’ approach to decision making.
38. Paragraph 126 of the NPPF states that “The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.” Paragraph 134 expands on this and is clear that “Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guides and codes. Conversely, significant weight should be given to:
  - a) Development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes; and/or

- b) Outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.”
39. Policy L7 advises that, in relation to matters of design, development must be appropriate in this context, make best use of opportunities to improve the character and quality of the area and enhance the street scene or character of the area by appropriately addressing scale, density, height, massing, layout, elevation treatment, materials, hard and soft landscaping works and boundary treatment.
40. Great emphasis in the PPG and the NDG is placed on the importance of context and identity. This is of course set against the need to support development that makes efficient use of land taking into account inter alia the desirability of maintaining an area’s prevailing character and setting.
41. The publication of the National Design Guide (NDG) in October 2019 emphasises the Government’s commitment to achieving high quality places and buildings. The document outlines and illustrates the Government’s priorities for well-designed places in the form of ten characteristics. These are identified as: context, identity, built form, movement, nature, public spaces, uses, homes and buildings, resources, and lifespan. These characteristics can be applied to proposals of all sizes, the document sets out, including new buildings, infill developments, major proposals and larger scale developments such as urban extensions. In a well-designed place an integrated design process would the ten characteristics together to create an overall character of place. The NDG repeatedly emphasises the importance of context and identity and at C1 and paragraphs 41-43 says that well-designed new development should understand and relate well to the site, its local and wider context, and respond well to the features of the site itself and the surrounding context beyond the site boundary.
42. In taking forward advice in the NPPF and the NDG, this Council has produced their own Trafford Design Code, which has recently gone out for consultation and in time will be adopted as supplementary planning guidance. The document will set out design principles for new development across the Borough, when having regard to local distinctiveness and local vernacular. Adoption is anticipated later in 2023. The Strategic Design Principles in the TDC include ‘Design with Character and Beauty’ and set out that an understanding of the character of a place is essential to producing a contextual, sympathetic and high quality design proposal.
43. It has been recognised at the local level that systemic change is needed to ensure that design and beauty is a core part of the planning process within Trafford with increased emphasis on design and context.

44. The application site sits within the context of the existing C19 villa. There are three storey dwellings being developed at the adjacent site, 119 Park Road together with the retention and conversion of the early C20 former GP surgery. Properties immediately to the east comprise bungalows, whilst the dwellings on the opposite side of Park Road and to the rear of the site comprise primarily two storey detached and semi-detached dwellings. Properties are predominantly constructed of red brick with tiled roof. There is also a wide use of render within the street scene.
45. There are three different house types proposed across the development site. The row of 3 no. dwellings to the rear of the site (Plots 1 to 3) would match those being developed at 119 Park Road. The site would share the access road approved on this neighbouring site and the development would form a cohesive frontage to these properties, reading as one development. The two detached properties to the front of the site provide an opportunity to further enhance the design of the dwellings through use of more detailed elevational treatment. Plots 4 and 5 (house types 3 and 4) have been amended to include architectural details such as roof finials and decorative ridge tiles, brick soldier course detailing, timber fascia boards and arched windows. These design characteristics better reflect the attractive heritage building of 'Homestead' as well as other more traditional buildings along Park Road, including the adjacent property at 119. Plans indicate traditional materials including slate roofs and sandstone.
46. Unlike the adjacent GP surgery at 119 Park Road, 'Homestead' is largely hidden from the street by existing boundary treatment and planting, together with its siting centrally within this large plot. The depth of the plot provides opportunity to create properties to the front of the site whilst also allowing for further development to the rear, thereby maximising the potential of the site to contribute to housing land supply.
47. Existing landscaping and boundary treatment to the Park Road elevation contributes to the visual amenity of the wider street scene. It is not clear, due to the presence of existing hedging and landscaping whether the traditional stone wall to the Park Road frontage remains fully intact. The submitted Design and Access Statement indicates that the boundary treatment facing Park Road will be a low-level brick wall with metal railing above, consistent with the neighbouring scheme. The neighbouring site has retained the stone wall and it is therefore considered that the reference to brick is in error. Nevertheless, a condition is recommended to ensure that stone wall is retained/reinstated as necessary as this is an important feature of the street scene.
48. Having regard to the proposed parking layout to Plots 4 and 5, these are shown to have formal parking arrangements with little landscaping to soften the visual impact of the proposed hardstanding. The submitted vehicle tracking plans indicate that there would be scope to further increase the areas of planting and this should be addressed within any landscaping plan. Additionally, different

materials should be used for different areas of hardstanding to further break up any visual impact. This should also be secured through the landscaping condition.

49. The layout of the proposed development is appropriate to the wider street scene with its staggered building line. Plot 5 is two storey only adjacent to the boundary with the dormer bungalow to the east of the site, thus creating a sympathetic stepping down in height.
50. On the basis of the revised plans and elevations, it is considered that the proposal would constitute an attractive scheme that is appropriately designed, having regard to its context.

### RESIDENTIAL AMENITY

51. In addition to ensuring that developments are designed to be visually attractive, the NPPF (paragraph 130) also advises that planning decisions should create places that provide a high standard of amenity for existing and future users.
52. Policy L7.3 of the Trafford Core Strategy states that development must not prejudice the amenity of occupants of adjacent properties by reason of overbearing, overshadowing, overlooking, visual intrusion, noise and/or disturbance, odour or in any other way. As previously stated, L7 is considered to be up to date for decision making purposes and full weight can be attached to it.
53. Core Strategy Policy L5.13 states that development that has the potential to cause adverse pollution (of air, light, water, ground) noise or vibration will not be permitted unless it can be demonstrated that adequate mitigation measure can be put in place.
54. Impact on the amenity of prospective residents as well as neighbouring properties is considered. The character of the surrounding area is predominantly residential.
55. PG1, the Council's Supplementary Planning Guidance for New Residential Development provides separation distances between dwellings which are considered acceptable to prevent losses of privacy. These are as follows:
  - 10.5m habitable room window to rear boundary;
  - 21m habitable room window to habitable room window (at two storey)
  - 15m habitable room window to wall (or non-habitable room window)
56. Where three-storey dwellings (houses or flats) are proposed, the minimum distances are increased by 3 metres.

57. The distance from the rear of each of the properties at Plots 1 to 3 exceed 13.5m to the boundaries with the dwellings to the rear of the site on Acresfield Road. The distances to the rear boundaries are greater than at the adjacent site, 119 Park Road, which failed to comply with guidelines. Furthermore the window to window distanced between the proposed dwellings and properties to the rear exceed 33m. Therefore, whilst the approval on this neighbouring site was conditioned with the study windows at second floor to be fitted with obscure glazing, the current proposal complies and it would therefore be unnecessary to attach the same condition relating to the proposed study windows.
58. Whilst the proposal represents a backland development, it is acknowledged that its historic use as a community centre and more recently as the temporary library, with a large expanse of hardstanding to the rear of the site. Therefore, some neighbouring residential properties would have experienced a high volume of comings and goings with vehicular movements, parking and visiting members of the public throughout the hours of opening with a greater potential for noise and disturbance than 5 no. dwellings on the site.
59. 125 Park Road to the east of the site, comprises a dormer bungalow with a large dormer on the side elevation facing the application site. The approved plans for the dormer indicate that the windows within the dormer serve 2 no. bedrooms. Plots 3 and 5 sit adjacent to the boundary with this neighbouring property, with Plot 3 to the rear and Plot 5 to the front of the site.
60. Amended plans received within the course of this application have marginally increased the distance of the dwelling within Plot 3 to the boundary with 125 Park Road. At second storey, the front dormer serves a bedroom. This is set away from the boundary with 125 Park Road however and as such provides no direct overlooking.
61. The only windows in the side elevation of Plot 5 facing this adjacent site comprise windows to the landing/stairs and a secondary office window at second floor. Given the distance from the boundary, it is considered to be reasonable and necessary to condition these to be fitted and retained in obscure glazing. The dwelling has been designed with a single storey element adjacent to the boundary and closest to the dormer windows in this neighbouring property. A distance of approximately 8m would be retained to the nearest three storey element of the building. The design and siting of the building at Plot 5 allows outlook to the bedrooms within the dormer bungalow to be retained. It is acknowledged that there would be some loss of light during the late afternoon however as these are bedrooms rather than principal living rooms, this is not considered to be so significant an impact and a refusal on these grounds could not be justified.
62. The proposed development would have an acceptable relationship with the approved development at 119 Park Road which is already under construction.

Plot 1 would be built in line with the eastern property at 119 Park Road and there would be no overshadowing or loss of light.

63. The relationship to the development at the adjacent site of 119 Park Road is considered acceptable and not result in harm to amenity of these future neighbours.

#### Future residents

64. The proposed living conditions for the occupiers of the development are acceptable. Bedrooms are of a generous size, and ample living space is to be created with all bedrooms and main habitable rooms afforded an acceptable amount of daylight and outlook. All units exceed the Nationally Described Space Standards in regards to floorspace. The rear gardens are of a suitable size for their purpose as private residential gardens.
65. Whilst the privacy guidelines between the front windows of Plots 1 to 3 and the rear garden boundaries with Plots 4 and 5 fail to meet the guidelines (at approximately 11.8m, with a standard of 13.5m) this is more acceptable between the new build dwellings, as it is not resulting in harm to an existing situation and would be apparent to future occupiers, with officers considering the overall quality of accommodation outweighing this breach in guidance.
66. Similarly, the proposed site layout would result in overlooking of the rear garden to Plot 5 from the dormer windows in the side elevation of the adjacent bungalow (no. 125 Park Road). Given the existing site layout, any development or change of use of the site for residential purposes would result in some degree of amenity issue due to the relationship between the site and the neighbouring property. Moving the dwelling further back within the site would result in the proposed dwelling having an adverse impact on the dormers whereas moving the property further forward would not be acceptable from a visual amenity point of view. On balance, the proposed relationship is the most advantageous when considering the development as a whole and the impact on neighbouring properties and the character of the area.

#### Conclusion on Amenity

67. It is acknowledged that there would be some impact but it is considered that on balance the development is acceptable in terms of impacts on residential amenity on neighbouring residents and prospective occupiers. It is recommended that permitted development rights are removed for the addition of extensions and windows/dormers to the new properties in order that these are restricted to prevent any additions that would fail to comply with the Council's guidelines or create additional impact on amenity of neighbouring residents or future occupants that may tip this balance.

## HIGHWAYS AND PARKING

68. Core Strategy Policy L4 states that 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 part of a package of measures to promote sustainable transport choices.
69. Core Strategy Policy L7 states that in relation to matters of functionality, development must incorporate vehicular access and egress which is satisfactorily located and laid out having regard to the need for highway safety; and provide sufficient off-street car and cycle parking, manoeuvring and operational space.
70. The Parking SPD's objectives include ensuring that planning applications accommodate an appropriate level of parking; to guide developers regarding the design and layout of car parking areas; to ensure that parking facilities cater for all users and to promote sustainable developments.
71. Paragraph 111 of the NPPF states that *"Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe."*
72. The LHA has been consulted on the application and their comments are incorporated within this section of the report. These comments relate solely to parking requirements and highway safety, not to design and visual amenity which is addressed where relevant within the design section of the report above.
73. It is proposed to utilise the access approved for the adjacent site at 119 Park Road, for the 3 no. properties to the rear of the site and Plot 4 at the front. It is proposed to provide Plot 5 with a new access from Park Road; the existing access to Homestead is to be closed.
74. The proposal would therefore see an intensified use of the shared access approved under planning permission 105662/FUL/21 from 4 to 8 dwellings and the creation of a further vehicle crossover to accommodate a new dwelling. The new access is to be sited further away from the shared access than the existing Homestead access.
75. Having regard to the previous use of the site as a community centre and more recently commercial use, it is considered that the level of comings and goings associated with the new dwellings would not exceed the vehicle movements previously associated with the historic uses of the site.
76. The proposed access arrangements are therefore considered to be acceptable and furthermore it is considered that the level of traffic generated would not result

in any unacceptable impact on highway safety. A condition is recommended to agree the proposed visibility splay details for Plot 5.

77. The proposed development comprises 5 no. four-bedroom residential dwelling units, equating to a required (maximum) car parking provision of three spaces per dwelling. It is proposed to provide 2 no. spaces each for Plots 1 to 3 at the rear of the site and 3 no. spaces each for Plots 4 and 5 to the front. Notwithstanding this, amended plans have been requested to reduce the number of parking spaces at Plots 4 and 5 to the front of the site to two to allow for further soft landscaping to soften the visual impact of the development. It is considered that even with the removal of the third parking space, there is likely to remain sufficient hardstanding for the informal parking of a third vehicle and given that these are single family dwellings, this would be acceptable from an operational point of view. The proposed shortfall is accepted by the LHA given the site is in a sustainable location with easy access to local services and public transport.
78. The minimum cycle parking standards as detailed within SPD3 sets out a requirement of two communal or four allocated cycle spaces for dwellings of the size proposed. Given the nature of the development, the LHA would request four allocated cycle spaces are provided in a secure and covered arrangement. A condition is recommended to ensure that this is provided.
79. It is indicated that future occupants will utilise the Trafford Council kerbside collection service. A condition relating to the provision of bin stores is recommended to ensure satisfactory accommodation of the bins stored at the front of the gates and off the public highway on collection days.

#### ECOLOGY, BIODIVERSITY AND LANDSCAPING

80. Section 174 of the NPPF 2021 states that the planning policies and decisions should contribute to and enhance the natural and local environment. The development will result in the loss of a number of mature trees, primarily non-native, but still import features of ecological value in the local context. It would appear unlikely that mitigation could be provided on the site. Potential species issues include nesting birds, bats and hedgehog. The GMEU is satisfied that mitigation for these issues can occur on site, through provision of nest boxes, bat boxes etc.
81. Policy R2 states that developers are required to demonstrate how their proposal will protect and enhance the landscape character, biodiversity, geodiversity and conservation value of its natural surroundings both upon completion and through the construction process. Opportunities should be explored to achieve biodiversity net gain on site as part of the proposals, opportunities for which can be achieved through the detail of the landscape plan, as well as measures such as bat bricks, bat boxes and bird boxes as part of the building design.



82. There are no TPOs within or immediately adjacent to the proposal site and it does not lie within a Conservation Area. The submitted Arboricultural Report and Impact Statement identifies that 29 trees, tree groups and hedges require removal to facilitate the proposed development. Of these trees, Beech T24 is of high value retention category 'A', Limes T1, T4, T10, T19, T29, T31 and T33 and Sycamore T26 are of moderate value retention category 'B' and trees, tree groups and hedges T2, T3, G5, T6, T7, T9, T11 to G15, G17, T21, T22, T23, G27, T28, T30, T32 and T34 are low value retention category 'C'.
83. T24 along with the mature lime trees close to the front boundary of the site are prominent and visible, and provide significant visual amenity, particularly from the western part of Park Road. Ongoing discussions are taking place with the applicant to retain more trees to the front and the outcome of this will be reported in the Additional Information Report. In particular this may be possible due to the reduction of parking spaces associated with Plots 4 and 5 as set out elsewhere within this report. It is recommended that permitted development is removed for the erection of garages and carports to the properties to prevent the erection of buildings that would further remove any areas of soft landscaping.
84. The loss of trees and hedges is considered to have a detrimental impact on the visual amenity of the site. However, there is scope within the site for this to be mitigated to an extent through new on-site planting and landscaping. A condition is recommended to this effect.
85. Dusk and dawn bat surveys were carried out at an appropriate time of year in-line with the recommendations of the initial assessment. No evidence of bats roosting was identified.
86. No evidence of any nesting birds was recorded on the building. However, the survey is now over year old and the building may now be suitable for birds such as house sparrow. Conditions have therefore been recommended by Greater Manchester Ecology Unit as well as recommended conditions relating to hedgehog, invasive species and biodiversity mitigation and enhancement.

#### AIR QUALITY

87. Applications for development should be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations. The development has proposed to incorporate this feature within the development, however as infrastructure for charging electric vehicles now falls within building regulations it is not necessary to condition this feature.

#### DRAINAGE AND FLOOD RISK

88. Policy L5 of the Core Strategy relates to Climate Change and states that new development should mitigate and reduce its impact on climate change factors,

such as pollution and flooding and maximise its sustainability through improved environmental performance of buildings, lower carbon emissions and renewable or decentralised energy generation.

89. The proposal has been considered by the Lead Local Flood Authority. There will be no significant change to the impermeable area and so little change to the surface water runoff generated by the site.

## OTHER MATTERS

90. Consultation on the development has been carried out in accordance with the Council's Statement of Community Involvement.
91. Objections received include reference to concerns of noise and disturbance during the construction period. A condition for a Construction and Environmental Management Plan has been recommended to reduce the potential for undue disturbance.
92. Any covenant on the site is not a planning matter and is not therefore relevant to the determination of this planning application.
93. Where relevant supporting statements and reports (highways, ecology etc.) have been submitted in support of the application, these have been reviewed by relevant Council departments and external statutory consultees with the expertise to analysis the information provided.

## EQUALITIES

94. The Equality Act became law in 2010. Its purpose is to legally protect people from discrimination in the workplace and in wider society. The Act introduced the term 'protected characteristics', which refers to groups that are protected under the Act. These characteristics comprise: age, disability, gender reassignment, marriage and civil partnerships, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.
95. As part of the Act, the 'public sector equality duty' came into force in April 2011 (Section 149 of the Act), and with it confirmed (via Section 19 of the Act) that this duty applies to local authorities (as well as other public bodies). The equality duty comprises three main aims: A public authority must, in the exercise of its functions, have due regard to the need to:
- Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
  - Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and

- Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
96. Case law has established that appropriate consideration of equality issues is a requirement for local authorities in the determination of planning applications, and with this requirement directly stemming from the Equality Act 2010. The applicant has confirmed that the dwellings will comply with the Building Regulations Part M 4(1) (Visitable dwellings) which requires that reasonable provision should be made for people, including wheelchair users, to gain access to and use the dwelling and its facilities. The properties provide level access into front doors and have a ground floor WC and good ground floor room space to allow for movement and adaptability.
97. Having regard to these material considerations, it is therefore considered that the proposal is acceptable in this respect. No particular benefits or dis-benefits of the scheme have been identified in relation to any of the other protected characteristics in the Equality Act. As such, it is considered that the proposed development is acceptable with regard to Policy L7 of the Core Strategy.

## **DEVELOPER CONTRIBUTIONS**

98. 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).
99. 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 specific reference to the need to provide additional trees on site as part of the landscaping proposals. No other obligations are necessary for a scheme of this size.

## **PLANNING BALANCE AND CONCLUSION**

100. 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.
101. NPPF paragraph 11(d) sets out the 'presumption in favour of sustainable development.' To reiterate, paragraph 11d applies to the decision-taking process where there are no relevant development plan policies or the policies which are 'most important' are out of date. The effect of paragraph 11d of that planning permission should be granted unless either paragraph 11d(i) or paragraph 11d(ii) applies.

102. Paragraph 11(d(ii) is engaged due to Core Strategy Policy L2 being out-of-date given the absence of a five year housing land supply. The engaging of paragraph 11d(ii) in these circumstances is to introduce a 'tilted balance' in support of residential applications unless 'any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.' The inference is that the lack of a five year housing land supply should be given significant weight by the decision-taker.
103. In weighing the planning balance, the benefits of the proposal need to be weighed against the adverse impacts.

#### Scheme benefits

104. There are considered to be economic, social and environmental benefits arising from the proposed development, aligning with the NPPF in terms of the three overarching objectives to achieve sustainable development. The amount of weight to be attributed to each benefit is set out in turn.
105. The provision of 5 family sized residential dwellings is a modest number but would nonetheless contribute in a meaningful and positive way to the Council's housing land supply and boost the supply of new homes in line with NPPF paragraph 60. Even greater weight is attached to this social benefit given that this is a Borough with an acknowledged shortage of housing. In view of the Council's current position of housing delivery in the Borough, this carries substantial weight. The social benefits are further enhanced through the provision of attractive homes within a sustainable location. The development would create a link with the adjacent site at 119 Park Road not only physically though the use of a shared access but also through design and layout, creating a new sense of identity for the combined site and a distinctiveness to the development.
106. Economic benefits would arise through the creation of a construction jobs although these are moderate in number and temporary in nature. Limited weight is therefore attributed to these economic benefits.
107. Environmentally, the proposed development makes good use of a brownfield site, providing homes close to services, reducing the need to travel etc. Nevertheless, it is a basic policy requirement that development should be sustainably located and therefore neutral weight should be attached.

#### Scheme harms

108. There are three main harms stemming from the proposal: The total loss of the significance of the non-designated heritage asset; the loss of trees; impact on residential amenity.

109. The existing villa has been identified as a non-designated heritage asset due to its architectural and historic interest, including its historic community use. In recognising that whilst the building has attractive architectural features to the front, all other elevations are comparatively plain. The building is not considered to be unique and its setting has been diminished and historic use ceased. These all contribute to the assessment of the building as sitting at the lower end of the spectrum of significance when identifying the heritage value of this non-designated heritage asset. There would be total loss of the significance of this non-designated heritage asset resulting in major harm. Nevertheless, given the specific qualities of the non-designated heritage asset as set out above, in this particular case, moderate weight is given to this harm.
110. A large number of trees would be lost as a result of the development, resulting in a significant impact on the visual amenity of the site. Amended parking layouts are being sought to allow for the retention of front boundary landscaping where possible and the site would be supplemented through new planting within a landscaping scheme.
111. The residential amenity section of the report sets out that there would be some impact on the neighbouring dormer bungalow through loss of light to bedroom windows during the late afternoon. Given the existing relationship between the neighbouring property and the former community and commercial uses of the application site, limited weight is given to this harm.

#### Planning Balance Conclusion

112. Substantial weight is given to the contribution the scheme would make to the Borough's housing land supply, in a situation where there is a shortfall below the 5 year requirement. The exercise under the tilted balance has been carried out, and the several harms arising from the proposal are considered to be outweighed by the benefits when tested against NPPF Paragraph 11(d)(ii).
113. The proposal is considered to comply with the development plan as a whole. No adverse impacts are identified that would significantly and demonstrably outweigh the benefits of the proposed scheme, when assessed against the policies within the NPPF. As such permission should be granted in line with NPPF paragraph 11(c).
114. The application is recommended for approval subject to appropriately worded conditions.

#### **RECOMMENDATION**

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

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

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

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

- Proposed Site Plan and Location Plan – 3120-PL-0500 Rev G
- House Type 01 Proposed Plans – 3120-PL-Rev A
- House Type 01 Proposed Elevations – 3006-PL-0700 Rev D
- House Type 02 Proposed Plans – 3120-PL-0610 Rev B
- House Type 02 Proposed Elevations – 3120-PL-0710 Rev D
- House Type 03 Proposed Plans – 3120-PL-0620 Rev E
- House Type 03 Proposed Elevations – 3120-PL-0720 Rev F
- House Type 04 Proposed Plans – 3120-PL-0630 Rev E
- House Type 04 Proposed Elevations – 3120-PL-0730 Rev E

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

3. Notwithstanding any description of materials in the application, no above ground works shall take place unless and until samples and full specification of all materials (brickwork, render, windows, doors, roof covering, rainwater goods etc.) to be used externally on the building have been submitted to and approved in writing by the Local Planning Authority. Such details shall include the type, colour and texture of the materials. Development shall be carried out in accordance with the approved details.

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

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

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

5. Notwithstanding the details hereby approved, no development above ground level shall take place until detailed plans and sections at a scale 1:20 have been submitted and approved in writing by the Local Planning Authority showing:
  - i. All external window and door systems, (including technical detail (mullions and transoms, methods of openings), elevations, plans and cross sections showing cills and reveal depths/colour at scale 1:10;
  - ii. Design and material of all main entrances including surrounds and treatment of façade and roof edges;
  - iii. Rainwater goods (including locations, fixing, material and colour);
  - iv. Front boundary treatment and gates;

The development shall thereafter be carried out solely in accordance with the approved details.

Reason: To ensure a high quality standard of development and to safeguard the visual amenities of the locality, in accordance with Policy L7 of the Trafford Core Strategy.

6. 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.

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 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.

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

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

9. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
  - i. The parking of vehicles of site operatives and visitors;
  - ii. Loading and unloading of plant and materials;
  - iii. Storage of plant and materials used in constructing the development;
  - iv. The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
  - v. Wheel washing facilities, including measures for keeping the highway clean;
  - vi. Measures to control the emission of dust and dirt during construction;
  - vii. A scheme for recycling/disposing of waste resulting from demolition and construction works;
  - viii. Hours of construction activity;
  - ix. Information on how asbestos material is to be identified and treated or disposed of in a manner that would not cause undue risk to adjacent receptors;
  - x. Contact details of site manager to be advertised at the site in case of issues arising;

Reason: To ensure that appropriate details are agreed before works start on site and to minimise disturbance and nuisance to occupiers of nearby properties and users of the highway, having regard to Policies L4 and L7 of the Trafford Core Strategy.



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

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

11. 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.

12. Notwithstanding the provision 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, all windows on the side elevations at first floor and above shall be fitted with, to a height of no less than 1.7m above finished floor level, non-opening lights and textured glass which obscuration level is no less than Level 3 of the Pilkington Glass scale (or equivalent) and retained as such thereafter.

Reason: To protect the residential and visual amenities of the area, privacy, and/or public safety, having regard to Policy L7 of the Trafford Core Strategy and the National Planning Policy Framework.

13. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 Schedule 2 Part 1 and 2 (or any equivalent Order following the amendment, re-enactment or revocation thereof)

- (i) no extensions shall be carried out to the dwellings
- (ii) no garages or carports shall be erected within the curtilage of the dwelling
- (iii) 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 first been granted by the Local Planning Authority.

Reason: To protect the residential and visual amenities of the area, privacy, and/or public safety, having regard to Policy L7 of the Trafford Core Strategy and the National Planning Policy Framework.

14. No development shall take place unless and until details of existing and finished site levels relative to previously agreed off-site datum points 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.

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

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

17. Prior to any vegetation clearance or earthworks taking place on site a reasonable avoidance measures method statement for hedgehog and other wildlife covering site clearance and construction shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved details.

Reason: Hedgehog are a UK Biodiversity Priority Species and therefore a material consideration and all mammals are protected from unnecessary suffering under the Wild Mammal (Protection Act) 1996. Measures should therefore be put in place to ensure hedgehog and any other mammals on site are humanely removed/displaced from the site, also having regard to Policy R2 of the Trafford Core Strategy and the National Planning Policy Framework.

18. Prior to any earthworks taking place on site a method statement detailing eradication and/or control and/or avoidance measures for rhododendron and wall cotoneaster should be submitted to and approved in writing by the Local Planning Authority. The agreed method statement shall be adhered to and implemented in full.

Reason: Rhododendron ponticum and C.horisontalis are listed under schedule 9 part 2 of the Wildlife and Countryside Act 1981 (as amended). It is an offence to introduce or cause to grow wild any plant listed under this schedule. Given the development appears to require clearance of the majority of the vegetation on site, transfer of these species off site may occur having regard to Policy R2 of the Trafford Core Strategy and the National Planning Policy Framework.

19. No building hereby approved shall be occupied unless and until a scheme for secure cycle storage has first been submitted to and approved in writing by the Local

Planning Authority. The approved scheme shall be implemented before the development is brought into use and shall be retained at all times thereafter.

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

20. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order amending or replacing that Order), the flat roof area of the proposed new dwellings shall not be used as a balcony, terrace, roof garden or similar amenity area, and no railings, walls, parapets or other means of enclosure shall be provided on that roof unless planning permission has previously been granted for such works.

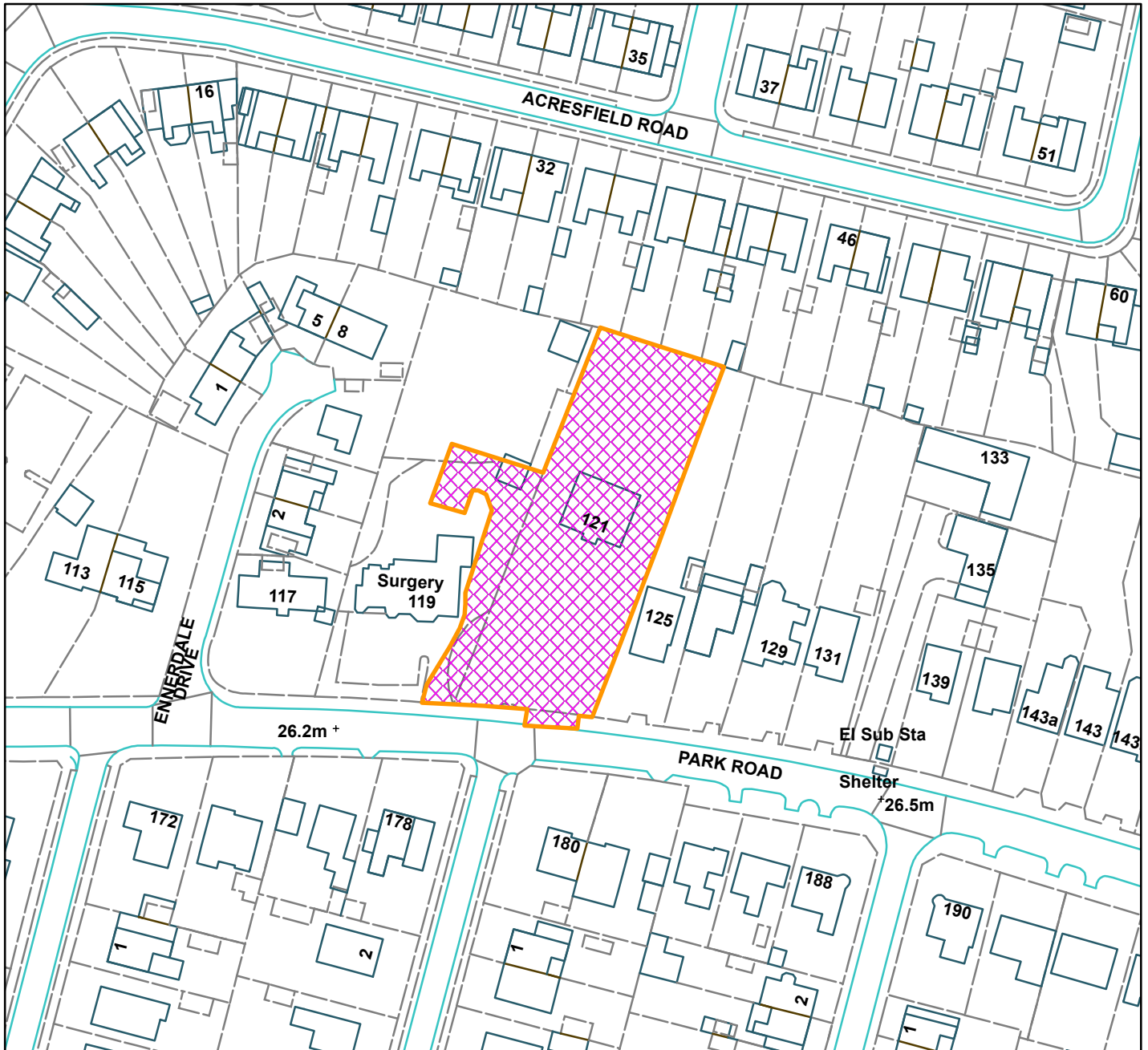
Reason: To protect the privacy and amenity of the occupants of the adjacent dwellinghouse, having regard to Policy L7 of the Trafford Core Strategy, the Council's adopted Supplementary Planning Document 4: A Guide for Designing House Extensions and Alterations and the National Planning Policy Framework.

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JE



Homestead, 121 Park Road, Timperley (site hatched on plan)



**Scale:** 1:1,250

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Organisation	Trafford Council
Department	Planning Service
Comments	Committee Date 13/07/23
Date	30/06/2023
MSA Number	100023172 (2022)

**WARD:** Sale Central

**110005/FUL/23**

**DEPARTURE:** No

**Creation of a 3G LED floodlit football turf pitch incorporating: perimeter ball stop fencing (4.5m high), pitch barriers, maintenance equipment storage container, pedestrian barriers along access route, 6no LED floodlights (15m high); open-air storage for portable football goals; extended football car park with associated soft landscaping, perimeter barriers, and lighting; pedestrian access path connecting the football car park to athletics pavilion; amenity lighting along re-surfaced driveway from athletics car park to 3G pitch entrance; covered cycle shelter with parking adjacent to athletics pavilion.**

Crossford Bridge Playing Fields, Danefield Road, Sale, M33 7JR

**APPLICANT:** Trafford Council

**AGENT:** Mr Tom Betts, S&C Slatter

**RECOMMENDATION: GRANT**

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**The application has been reported to the Planning and Development Management Committee as the applicant and landowner is Trafford Council.**

### **Executive Summary**

The application relates to a football pitch, car park and connecting access path within the Crossford Bridge Playing Fields site in Sale.

The application seeks planning permission for the erection of an Artificial Grass Pitch (AGP) with associated perimeter fencing, floodlighting and a storage container. Also proposed is the extension of the existing car park, with associated perimeter barriers, lighting and landscaping. It is proposed to provide a pedestrian access path to connect the extended car park to the athletics pavilion, as well as a re-surfaced driveway from the athletics track car park to the AGP entrance with associated lighting.

Whilst the proposal represents 'inappropriate development' in Green Belt terms, and identified harm to the Green Belt has been given substantial weight, the public benefits referenced in this report are considered to be of sufficient merit to constitute the 'very special circumstances' necessary for the development to be deemed acceptable in this respect.

The proposal complies with the development plan in all other respects, which indicates that planning permission should be granted without delay. The proposed development is considered to be acceptable in terms of its design and visual impact, its impact on residential amenity, including in relation to noise and lighting issues, its highways impacts and with regard to all other material planning considerations. There are no material considerations to indicate that planning permission should be refused and as such, the application is recommended for approval subject to conditions.

## **SITE**

The application relates to a football pitch, car park and connecting access path within the Crossford Bridge Playing Fields site in Sale. The playing pitch is within the north-eastern part of the wider site, separated from the remaining turf pitches by a row of mature trees. This pitch is bounded by low-level metal railings, is marked out for football and includes dugouts to each side. The informal car park serving Crossford Bridge is situated in the south-western part of the site and comprises a gravel surface with space available for approximately 88no vehicles. Adjacent to this is a pavilion associated with the playing fields.

Vehicular access to the site is via Dane Road/Danefield Road to the south and is gated out of normal hours of use. This access route leads to the car park as well as to a second car park serving the athletics track to the east of Crossford Bridge. A gated emergency exit is in place to the south of the car park and leads out of the site via Meadows Road. Pedestrian access to the site is available from the Bridgewater Canal to the east, Meadows Road to the south and the A56 to the west, as well as via the main vehicular entrance point.

To the north of the playing pitch is an area of dense woodland planting, immediately beyond which is a raised section of the M60. A further area of woodland and the Bridgewater Canal is to the east of the pitch and the Crossford Bridge athletics track is beyond a row of tall trees to the south. The A56 is adjacent to the western boundary of the wider Crossford Bridge site.

The nearest residential properties are those on Meadows Road/Linton Road/Wellington Close/Trafalgar Road to the south. The site is situated within Flood Zone 1, having a low probability of river or sea flooding. The site is also within the Green Belt and is an area of Protected Open Space.

## **PROPOSAL**

The application seeks planning permission for the erection of an Artificial Grass Pitch (AGP) with associated perimeter fencing, floodlighting and a storage container. Also proposed is the extension of the existing car park to provide space for a total of 142no vehicles in this area, with associated perimeter barriers, lighting and landscaping. It is proposed to provide a pedestrian access path to connect the extended car park to the athletics pavilion, as well as a re-surfaced driveway from the athletics track car park to the AGP entrance with associated lighting.

The AGP has a total footprint of 8,243sqm, with the pitch itself measuring 100m x 64m. This would be situated in the same location as the existing natural turf pitch in the north-eastern part of the site. The outer perimeter boundary comprises a 4.5m black mesh fence, within which is additional fencing at a height of 2m and 1.2m. Six floodlights are proposed around the AGP at a height of 15m whilst a storage container for maintenance

equipment is sited within the outer perimeter fencing adjacent to the southern side of the pitch.

The facility is proposed to be used for football, with markings for various pitch sizes enabling it to be used by different age groups. This would be used by local sports clubs, including Sale United Football Club, as well as being available for use by the local community, local schools and other organisations.

The car park extension is proposed to be surfaced with compacted gravel as per the existing car park. A number of trees would be planted within the existing and extended car park, as well as to its perimeter; this would also be surrounded by a 0.5m high kneerail. Lighting would be provided at various points around the car park in the form of 9no 6m-high lampposts and 4no 1m-high bollards. 10no 1m-high bollards would also be provided to the access route between the athletics track car park and the AGP, which would itself be re-surfaced.

## **DEVELOPMENT PLAN**

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

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

## **PRINCIPAL RELEVANT CORE STRATEGY POLICIES**

L4 – Sustainable Transport and Accessibility  
L5 – Climate Change  
L7 – Design  
R2 – Natural Environment  
R3 – Green Infrastructure  
R4 – Green Belt, Countryside and Other Protected Open Land  
R5 – Open Space, Sport and Recreation

## **SUPPLEMENTARY PLANNING DOCUMENTS/GUIDANCE**

SPD3 – Parking Standards & Design

## **PROPOSALS MAP NOTATION**

Green Belt  
Protected Open Space  
Wildlife Corridor  
River Valley Floodplain  
Areas of Landscape Protection

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

OSR5 – Protection of Open Space  
ENV17 – Areas of Landscape Protection

## **PLACES FOR EVERYONE**

Places for Everyone (PfE) is a joint Development Plan Document being produced by nine Greater Manchester districts (Bolton, Bury, Manchester, Oldham, Rochdale, Salford, Tameside, Trafford and Wigan). Once adopted, PfE will be the overarching development plan, setting the policy framework for individual district Local Plans. The PfE Regulation 19 consultation concluded in Autumn 2021 and the Plan was submitted to the Secretary of State for Levelling Up, Housing and Communities on 14 February 2022. Independent Inspectors have been appointed to undertake the Examination in Public of the PfE Submission Plan and the timetabled hearings have now been completed with further updates from the Inspectors possible. Whilst PfE is at a significantly advanced stage of the plan making process, for the purposes of this application it is not yet advanced enough to be given any meaningful weight, such that it needs consideration in this report.

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

The MHCLG published the revised National Planning Policy Framework (NPPF) on 20 July 2021. The NPPF will be referred to as appropriate in the report.

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

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

## **NATIONAL DESIGN GUIDE**

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

## **RELEVANT PLANNING HISTORY**



81071/COU/2013: Change of use of pavilion from D2: Assembly and Leisure to a mixed use of D2: Assembly and Leisure, B1: Offices and D1 Training Facility – Approved with conditions 07/10/2013.

### **APPLICANT'S SUBMISSION**

- Arboricultural Impact Assessment
- Construction Surface Water Management Scheme
- Crime Impact Statement
- Design and Access Statement with Planning Statement
- FA Grassroots Football Strategy 2020-24
- Flood Risk Assessment and Drainage Strategy
- Ground Investigation Report
- Lighting Report
- Noise Impact Assessment
- North West SuDS Pro-Forma
- Surface Water Operation and Maintenance Plan
- Transport Statement

### **CONSULTATIONS**

**Arboriculturist:** No objections.

**Cadent Gas:** No objection.

**Environmental Protection (Contaminated Land):** No objection, conditions recommended.

**Environmental Protection (Nuisance):** No objections, conditions recommended.

**Greater Manchester Ecology Unit:** No objections, conditions recommended.

**Greater Manchester Police – Design for Security:** No objections, condition recommended.

**Lead Local Flood Authority:** No objection subject to condition.

**Local Highway Authority:** No objection, conditions recommended.

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

### **REPRESENTATIONS**

A total of nine representations have been received. Four of these object to the application and raise the following concerns:

- Existing parking issues made worse
- Parking on surrounding streets will be dangerous and risk damage to vehicles
- Increased traffic will increase risk of accidents
- Noise disturbance from car park and pitch
- Light pollution will be increased
- Impact on green space that many people use for exercise/dog walking
- Position of buildings, lights or car park is not shown

Two representations neither object to nor support the application, but make the following comments:

- All highways issues must be fully considered
- Additional double yellow lines should be installed
- Perimeter access around the pitch should be maintained
- Additional rubbish/recycling bins should be provided
- Consideration should be given to access from A56
- Noise impact survey doesn't address traffic impacts
- Potential detrimental impact on bats and birds
- Queried if development is conducive to openness and character of Green Belt
- Rights of Way should be formally recognised and access routes should not be blocked
- Further consultation is required

Three representations are supportive of the application and make the following comments:

- Support providing the view from Meadow Road onto the playing fields is considered and that landscaping of car park extension is implemented.
- Supportive providing accessibility to the playing fields for non-sport users is not compromised.
- Community should have access to the facility
- Ideal location for development due to proximity to residential properties/trams/roads
- Support subject to reassurance regarding light pollution, existing speed limit being adhered to, trees being planted and additional cycle parking
- Suggests a crossing is installed on Dane Road
- Suggests permit parking and reduced speed limit on nearby residential streets

## **OBSERVATIONS**

### PRINCIPLE OF DEVELOPMENT

Policy position:

1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF at Paragraphs 2 and 47 reinforces this requirement and at Paragraph 12 states that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making, and that where a planning application conflicts with an **up-to-date** (emphasis added) development plan, permission should not normally be granted.
2. The Council's Core Strategy was adopted in January 2012, prior to the publication of the 2012 NPPF, but drafted to be in compliance with it. It remains broadly compliant with much of the policy in the 2021 NPPF, particularly where that policy is not substantially changed from the 2012 version. Whether a Core Strategy policy is considered to be up-to-date or out-of-date is identified in each of the relevant sections of this report and appropriate weight given to it.
3. The NPPF is a material consideration in planning decisions, and as the Government's expression of planning policy and how this should be applied, should be given significant weight in the decision making process.
4. Paragraph 11 (c) of the NPPF states that development proposals that accord with an up-to-date development plan should be approved without delay. Policies relating to Green Belt, protected open space, design and amenity are considered to be 'most important' for determining this application when considering the application against NPPF paragraph 11, as they control the principle of the development and are most relevant to the likely impacts of the proposed development on the surrounding area:
  - Policy L7 of the Core Strategy is considered to be compliant with the NPPF and therefore up-to-date as it comprises the local expression of the NPPF's emphasis on good design and, together with associated SPDs, the Borough's design code. Full weight can be afforded to this policy.
  - Policy R4 of the Core Strategy reflects policy set out in the NPPF by stating that new development will only be permitted within the Green Belt where it is for one of the appropriate purposes specified in national policy, where the proposal does not prejudice the primary purposes of the Green Belt set out in national policy by reason of its scale, siting, materials or design or where very special circumstances can be demonstrated in support of the proposal. Parts R4.7 and R4.8 are however out-of-date.
  - Policy R5 of the Core Strategy is considered to be generally consistent with the NPPF and up-to-date, reflecting the aims of securing and protecting areas of open space unless certain criteria are met.
5. The basket of policies which are most important for determining the application is considered to be up-to-date. For reasons set out elsewhere in this report, the development proposals are considered to accord with the development plan and

should be approved without delay; the 'tilted balance' referred to in NPPF paragraph 11(d)(ii) is not engaged.

#### Green Belt:

6. Policy R4 of the Trafford Core Strategy states that Green Belt land will be protected from inappropriate development, referring extensively to national guidance.
7. Paragraph 137 of the NPPF states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. Paragraph 138 lists the five purposes of Green Belt, including 'to check the unrestricted sprawl of large built-up areas', 'to prevent neighbouring towns merging into one another' and 'to assist in safeguarding the countryside from encroachment'.
8. Paragraph 147 of the NPPF advises that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 149 lists forms of development which are not inappropriate in Green Belt terms and includes *"the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation... as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it"*. Whilst the proposal relates to facilities for outdoor sport, these are not considered to preserve the openness of the Green Belt, given the presence and scale of the proposed fencing, lighting columns and storage container, and as a result of the car park extension. As such, the proposal must be considered 'inappropriate development' in Green Belt terms.
9. Paragraph 148 of the NPPF states that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
10. The submitted Design and Access with Planning Statement seeks to identify the public benefits of the proposed development; these are largely associated with the enhancement of the site for sporting purposes and the existence of an identified need for a facility of this type within this part of Trafford. These benefits form the basis of the case for very special circumstances and are summarised as follows:
  - The development will provide a training and competition facility for local community football clubs and groups. The facility would be used by affiliated football clubs, individuals, and targeted groups during evenings and weekends. Organisations to have registered an interest in using the facility

include primary schools, secondary schools, local football clubs and walking football groups.

- The AGP will be playable throughout the year, unlike grass football pitches which often become waterlogged during wet winter weather, or excessively hard during dry and arid conditions. This represents a substantial increase in capacity compared to the existing grass pitch and provides certainty that scheduled training and matches would not be disrupted during inclement and winter weather conditions.
- Given the undersupply of 3G AGPs within Trafford to meet current and future requirements, the facility would significantly reduce the need for footballers (and visiting teams) and community guests (local groups and football teams) to travel significant distances to access similar facilities.
- The development will encourage more people to take part in sport and leisure activities and will promote increased physical activity and improved mental wellbeing to support healthier lifestyles – the facility would have a substantial catchment population.
- The journey from mini-soccer advancing through youth football into open-age football will be promoted further via improved links between the school and community groups and football clubs/teams, made stronger with pre-arranged and structured community access to the facility.
- A Community Use Agreement will be entered into, ensuring access to the AGP is formalised. This will include details of an affordable pricing policy and measures for access by non-club users, securing the effective community use of the facility.
- The AGP will serve to enhance the existing sporting offer that Crossford Bridge Playing Fields provides to the local community.
- Key football development programmes will be delivered for women and girls, those with a disability, the ageing population, children and young people and will encourage social inclusion.
- Trafford's Playing Pitch Strategy (PPS) indicates that there is a shortfall of ten full-size 3G AGPs in the Borough, which is based on the latest affiliation data and The Football Association training demand model. Within this 'Central' area, there is an identified shortfall of four pitches; this is despite high levels of population and clubs with large numbers of affiliated teams in this area. The proposed development will help to address this shortfall.
- This project is specifically nominated within the Trafford Local Football Facility Plan (LFFP), which confirms the important requirement for adequate future football provision in and around Trafford.
- The AGP will contribute to achieving The Football Association initiatives – 'SURVIVE. REVIVE. THRIVE. The FA Grassroots Football Strategy 2020-24'. It is supported with a robust sustainable football development plan and business plan, providing a facility for training needs, mini soccer, and match play activities.
- The project is designed in accordance with all relevant sources of technical guidance and performance quality standards which are appropriate to

external artificial sports facilities. This will enable a high quality facility to be delivered which is fit for purpose.

- The development would sit within a site currently used for formal sporting purposes and is located within an area of well-established vegetation. Given this setting and context, harm to Green Belt openness would be minimised.
11. As established above, the proposals represent ‘inappropriate development’ which is, by definition, harmful to the Green Belt. Substantial weight must be given to any harm to the Green Belt. It is acknowledged that the land on which the AGP will be sited will not be kept ‘permanently open’, and that there is some harm to the openness of the Green Belt associated with the AGP fencing, lighting columns and storage container, as well as the extended car park. The severity of this harm is however considered to be lessened to some extent due to the nature of the AGP site as an existing formal sporting facility and its context within a largely enclosed pocket of space, whereby the prominence of the development would be significantly reduced in views from the other playing fields and the canal. The perimeter fencing would also sit in close proximity to the treeline of the surrounding woodland rather than in a more open part of the site, which serves to minimise its impact on openness. With regard to the car park extension, there would be some harm to Green Belt openness associated with the presence of hardstanding and (at times) additional vehicles. This impact would however be softened by new tree, hedge and shrub planting both to its perimeter and within the car park itself. Furthermore, at times when the AGP/grass pitches are not in use, the harmful impacts associated with the car park extension would be substantially diminished. The development is not considered to be contrary to any of the five purposes of the Green Belt.
  12. It is noted that paragraph 145 of the NPPF states that *“once Green Belts have been defined, local planning authorities should plan positively to enhance their beneficial use, such as looking for opportunities...to provide opportunities for outdoor sport and recreation”*. The proposed development is considered to entirely accord with the aims of this policy, representing a significant enhancement to the use of the site for outdoor sport and recreation. The items listed above in the case for ‘very special circumstances’ are considered to represent a substantial public benefit which weighs strongly in favour of the proposed development. It is also relevant to note that facilities such as this are not easily accommodated in locations which are in close proximity to residential areas without resulting in some level of harm to residential amenity, often due to noise and lighting implications. For reasons set out later in this report, the application is considered to be acceptable in these respects, so the benefits of the scheme in providing an accessible facility within an area of the Borough with an identified need is afforded substantial weight.
  13. The identified harm to the Green Belt has been given substantial weight, however the public benefits referenced above are considered to be of sufficient merit to constitute the ‘very special circumstances’ necessary for the development to be

deemed acceptable in this respect. The application is therefore considered to meet the requirements of Core Strategy Policy R4 and Section 13 of the NPPF; specifically paragraphs 145, 147 and 148.

Playing field status and protected open space status:

14. The application site constitutes protected open space as indicated on the adopted Revised UDP proposals map. Policy R5.1 of the Core Strategy seeks to ensure the provision and maintenance of a range of good quality, accessible, play, sport, leisure, informal recreation and open space facilities. Policy R5.2 states that the Council will seek to protect existing open space, secure the provision of areas of open space and outdoor sports facilities and protect and improve the quality of open space and outdoor sports facilities so they are fit for purpose. Policy R5.4 goes on to say that development which results in an unacceptable loss of quantity of open space, sport or recreational facilities, or does not preserve the quality of such facilities will not be permitted. In relation to this policy, an unacceptable loss of open space, sport or recreation facilities is deemed to be 'that which leads to a loss in quantity which could not be replaced with an area of equivalent or better quality in a suitable location to meet present and predicted future demand' (Core Strategy paragraph 25.17).
15. Paragraph 98 of the NPPF has similar aims to Policy R5, stating that access to a network of high quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities. Paragraph 99 states:

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

- (a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or*
- (b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or*
- (c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.*

16. The site is currently publicly accessible, albeit the existing pitch is largely surrounded by low level railings with dugouts being permanently in place to each side. As such, this land currently has a clearly recognised function as a playing field for formal sporting purposes. The existing pitch is also offset from a demarcated pedestrian route through the site, leading from the Bridgewater Canal, along the south side of the pitch towards the car park and main site access point to the south/south-west; it would not therefore be logical for pedestrians to use the pitch as a route for access across the site given its siting and the presence of suitable alternatives. It is also visibly separated to some degree from the

remainder of the Crossford Bridge site by a row of mature trees, sitting within a pocket of space largely enclosed by vegetation. Whilst the wider Crossford Pitch site is undoubtedly also used for informal recreation, including walking, running, dog walking etc., the pitch subject to this application has a degree of separation from the rest of Crossford Bridge, and its continued public accessibility (when not in use for sporting purposes) is not considered essential for the informal recreational use of the wider site to be maintained.

17. In conjunction with its protected open space status, the site serves as a playing field, the development of which requires consultation with Sport England and the demonstration that this would meet at least one of the criteria set out in NPPF paragraph 99 and Sport England's own relevant criteria.
18. Sport England advises that the development of the artificial grass pitch (AGP) needs to be considered against Exception 5 of its policy, which states:

*The proposed development is for an indoor or outdoor facility for sport, the provision of which would be of sufficient benefit to the development of sport as to outweigh the detriment caused by the loss, or prejudice to the use, of the area of playing field.*

19. Sport England advises that it assesses the potential benefit of a new or extended sports facility by taking into account a number of considerations such as strategic need, benefits for a local community, compliance with Sport England and NGB design guidance, and accessibility. The proposal would replace an existing natural turf playing field with a new outdoor facility meeting current Football Foundation standards; it would not affect any other sports on the site and it is anticipated that the site will be available for community use, enabling more sport (football) development to take place and local clubs and the local community to access the site for football activity. Strategic need/community demand and use of the site as a football hub has been confirmed by the Football Foundation in its feedback to Sport England, along with information about the Football Foundation's intention to fund the proposal. Officers are satisfied that there are substantial sporting benefits associated with the proposed development, as set out in the Green Belt section earlier in this report.
20. The application documentation states that the facility would be available for community use and Sport England advises that to secure this, a Community Use Agreement should be required through a planning condition to ensure that this endures in perpetuity. A Community Use Agreement would set out the times that the facility would be available to the community, measures for access by non-club users, relevant contacts, procedures and a pricing policy.
21. Sport England confirms that the design of the AGP is acceptable and that it would meet the Football Foundation's standards. The proposal would replace an existing natural turf playing field where the need for a 3G pitch has been identified



(supported by the Football Foundation) and it would be accessible to the local community (provided that this is secured through a Community Use Agreement condition). As such, development of the facility would meet Exception E5 of Sport England's Playing Fields Policy and would also meet exception (c) under paragraph 99 of the NPPF. The development is considered to align with the aims of Policy R5 of the Core Strategy and is therefore acceptable in this respect.

## DESIGN, APPEARANCE AND IMPACT ON THE CHARACTER OF THE AREA

22. Policy L7 of the Trafford Core Strategy states that *"In relation to matters of design, development must: Be appropriate in its context; Make best use of opportunities to improve the character and quality of an area; Enhance the street scene or character of the area by appropriately addressing scale, density, height, massing, layout, elevation treatment, materials, hard and soft landscaping works, boundary treatment; and, Make appropriate provision for open space, where appropriate, in accordance with Policy R5 of this Plan"*. Policy L7 of the Core Strategy is considered to be compliant with the NPPF and therefore up-to-date as it comprises the local expression of the NPPF's emphasis on good design and, together with associated SPDs, the Borough's design code. It can therefore be given full weight in the decision making process.
23. Paragraph 126 of the NPPF states that *"The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities"*.
24. The National Design Guide sets out ten characteristics which illustrate the Government's priorities for well-designed places, including identity, built form, movement, nature and public spaces.
25. The proposed development involves the replacement of a grass playing pitch close to natural landscape features with sporting facilities which are more formal in character, including fencing and lighting columns. In this context, it is acknowledged that there will be some degree of harm to the character of the area. It is important to note however that there are a number of factors which serve to mitigate this harm. Given the nature of the site as an existing, marked out playing pitch with low-level fencing and dugouts for formal sporting purposes, the proposed artificial pitch and other elements will not be substantially at odds with the character of the site itself. It would also be adjacent to an existing formal sporting facility to the south: Crossford Bridge athletics ground, and would not be out of keeping in this context. The site is also separated from the remainder of the Crossford Bridge site by a line of mature trees and forms a largely enclosed pocket of space, whereby the prominence of the development would be significantly reduced in views from the other playing fields and the canal. The perimeter fencing would sit in close proximity to the treeline of the surrounding woodland rather than

being in a more open part of the site, further helping to minimise its visual impact. The perimeter fencing is proposed to be black in colour, whilst the playing surface and storage container would be green to blend in with their surroundings as far as possible. Submitted visualisations also indicate that visual impacts associated with the AGP would not be substantial.

26. The existing car park in the south-western part of the site is proposed to be extended and surfaced with gravel, as per the existing facility. Whilst this involves the loss of some grassed areas, the proposals include the introduction of a number of trees both within and surrounding the extended car park; these include cherry, hornbeam, maple and silver birch. This tree planting, together with the introduction of hedge and shrub planting to the perimeter serves to soften the visual impact of the car park extension, in particular providing screening in views from the north. There exists a line of mature/semi-mature trees and bushes along the boundary with the A56, enabling some glimpsed views of the car park, particular in winter months. Whilst the extended car park may be more visible in these views to some degree, the use of tree planting mentioned above will help to minimise this visual impact. The addition of paving blocks to formalise the parking spaces is also considered to represent an enhancement in visual and accessibility terms.
27. The introduction of hard surfaced pathways with amenity lighting will enhance the accessibility of the site whilst also making this a more attractive route for pedestrians not only accessing the AGP itself, but also those travelling to and from the canal. The visual impact of these additions is not considered to be unduly harmful.
28. Overall, the proposed development is considered to be acceptable in terms of its design and appearance and its impact on visual amenity and the character of the area.

## RESIDENTIAL AMENITY – NOISE AND LIGHTING IMPACTS

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

Noise:

30. The application is accompanied by a Noise Impact Assessment (NIA). This notes that the nearest noise sensitive residential receivers are the dwellings to the south of the site at a distance of approximately 250m from the proposed AGP. The hours of use for the AGP are proposed to be:

- 08.00-22.00 Monday to Friday
  - 08.00-20.00 at weekends.
31. The assessment includes a prediction of noise emission from the AGP at the nearby noise-sensitive properties, based on noise level data from activities measured at existing AGPs. The measurements included football, hockey and rugby, with men, women and children participating in different sessions, in order to determine a 'typical' noise level for an AGP sports session.
  32. The predicted noise levels for surrounding residential dwellings are within the proposed criterion of 50dB LAeq (1 hour), identified as being the threshold for the onset of moderate community annoyance. The highest predicted noise level in gardens of around 34dB LAeq (1 hour) falls just within the threshold for where moderate community annoyance in outside living areas (such as gardens) can occur. The predicted maximum noise level from voices, whistles and fence strikes are within the relevant criteria. The NIA concludes that due to the noise climate of the site, the development is predicted to result in 'no observed effect'. This is defined in the NPPG as 'No Effect'.
  33. The Council's Environmental Protection service has been consulted and notes that the applicant has acknowledged that the introduction of a floodlit AGP will result in extended periods of use, particularly during the darker winter months when the natural grass pitch would not have been utilised. This means that sport will be played more often, later in the evening, and for a larger proportion of the year. This intensification of use would be made possible by the enhanced durability of the proposed 3G football turf pitch surface and the introduction of floodlights. It is confirmed that the NIA demonstrates that the closest sensitive receptors are located at a sufficient distance away from the proposed AGP for its use to not result in detrimental noise impact.
  34. It is noted however that there will be a degree of intensification in vehicular movements accessing and egressing the site within the evening period which has triggered concern amongst some residents, including some living close to the existing football field (Meadows Road) car park. These residents have commented that players and spectators can become boisterous post-match, and that an AGP closing at 22.00 could result in disturbance from people congregating and talking loudly in the car park. Given that the development includes expansion of the car park capacity, there may be greater potential for noise generation. Environmental Protection notes that the application does not include plans to open the gates leading to Meadows Road (accept in an emergency), however the access road located within the site is close to residential receptors. This is currently likely to be used only rarely during hours of darkness and as such, the development would bring about a change in this respect, potentially involving use of the car park every week night up until and beyond 22.00 Monday to Friday and up until and beyond 20.00 at the weekend.

35. To address the concerns of residents, Environmental Protection recommends a condition requiring the submission of a suitable Noise Management Plan (NMP) to identify the potential for disturbance and implement measures to minimise impact. This may involve securing the main access gate to the grounds at a predetermined time to ensure that people do not loiter in the car park. The NIA makes reference to the fact that an NMP should be implemented to include a method of informing users that swearing and anti-social behaviour is unacceptable and that the centre reserves the right to dismiss users from the pitch and ban future use. It advises that neighbours should be provided with a mechanism to report excessive noise or anti-social behaviour directly to the operator to allow complaints to be investigated and addressed quickly. The NMP should be reviewed annually and specify the responsibilities of named individuals.
36. Environmental Section is satisfied that the NIA has been carried out with reference to, and in accordance with relevant published standards and guidance. Mitigation involves the incorporation of neoprene isolators between fence panels and posts to reduce the rattle of ball hitting fence. The character of the noise brought about by the development is deemed to be consistent with that already experienced. As noted above, the effect has been categorised as noticeable but not intrusive: 'No Observed Adverse Effect', meaning *"noise can be heard, but does not cause any change in behaviour or attitude. Can slightly affect the acoustic character of the area but not such that there is a perceived change in the quality of life."*
37. In relation to the proposed car park extension, no objections are raised by Environmental Protection in respect of potential noise associated with increased vehicular movements; the acceptability of this increase in traffic on the existing highway is considered elsewhere in this report.
38. Subject to the above conditions, as well as a condition to restrict the hours of use of the facility to those applied for, the application is considered to have appropriately considered the potential noise impacts of the proposed development and is acceptable in this respect.

#### Lighting:

39. The application seeks the installation of 6no. 15m lighting columns with 14 LED luminaires to the AGP, which would be operated by time clocks programmed to function between dusk until 22:15 Monday to Friday and dusk until 20:15 Saturday and Sunday. The application is accompanied by a Lighting Impact Assessment, along with proposed lighting plans.
40. The Council's Environmental Protection service has been consulted and advises that reference has been made to various relevant technical standards including *The Institution of Lighting Professionals (ILP): Guidance Notes for The Reduction of Obtrusive Light – GN 01/21*. Compliance with criteria for Environmental Zone E2 criteria (defined as a sparsely inhabited rural areas, village, or relatively dark outer

suburban location) has been demonstrated. The analysis suggests that residential receptors will not experience unacceptable lighting impacts from the AGP lighting. Further to this, the existence of buildings and significant vegetation should provide additional screening to further reduce light trespass and glare. Information has also been provided to demonstrate that the proposed car park lighting is acceptable in terms of its impact on residential amenity. Environmental Protection is satisfied that the application is acceptable in this respect.

41. The proposed amenity lighting along the resurfaced driveway from the athletics car park to the AGP entrance is located away from sensitive receptors and no concerns are raised by Environmental Protection in this respect.
42. Subject to the lighting scheme being implemented in accordance with the proposed details and the imposition of a condition to restrict the floodlights to the hours of use for which permission is sought, the proposed development is considered to be acceptable with regard to lighting impacts on residential amenity.

## HIGHWAY MATTERS

43. Policy L4 of the Trafford Core Strategy states that *“when considering proposals for new development that individually or cumulatively will have a material impact on the functioning of the Strategic Road Network and the Primary and Local Highway Authority Network, the Council will seek to ensure that the safety and free flow of traffic is not prejudiced or compromised by that development in a significant adverse way”*.
44. Paragraph 111 of the NPPF states that *“Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe”*.
45. The application is accompanied by a Transport Statement which seeks to demonstrate that the proposed development is acceptable in terms of the level of parking provision and its impact on the highway network. A Framework Travel Plan has also been submitted. These documents have been amended during the application process in response to advice provided by the Local Highway Authority (LHA).

### Access and impact on highway network:

46. The existing 4.8m wide vehicle access located off Danefield Road is not intended to be amended as part of the proposals. An internal 4.8m wide road is also provided. The LHA raises no concerns in this respect. A letter of representation suggests that access from the A56 should be considered. The Local Planning Authority must consider the application before it, which in this case proposes access via Danefield Road; notwithstanding this, it is understood that direct access

to the car park from the A56 is likely to raise some highway safety issues, particularly given the proximity of the access point to the adjacent office building.

47. The submitted Transport Statement includes vehicle arrival/departure data relating to all existing and proposed operations at the wider site, including the football pitches and athletics club. It is noted that most predicted changes to the current situation would occur during the football season (October to March) and during the week (Monday to Friday), with more modest increases in trip generation forecast at weekends and during the football closed season (April to September). The greatest change would take place during the week between 20.00 and 21.00 hours, where an increase of 80no vehicles arriving at the sports ground and 50no vehicles leaving the sports ground is predicted. The capacity within the extended car park (see below) is intended to accommodate these additional vehicle movements.
48. A Framework Travel Plan (FTP) has been submitted which seeks to promote and incentivise sustainable forms of transport for existing and future users of Crossford Bridge Playing Fields. This is intended to set overarching aims and targets, with a full Travel Plan to be produced in advance of the facility becoming operational. This document includes a robust commitment to reduce motor vehicle trips, including single occupancy car trips. It also includes modal trip targets and outlines that incentives and initiatives to reduce car travel and promote sustainable modes of transport will be fully detailed in the full Travel Plan. The FTP includes a commitment to carry out a baseline survey against which specific, measurable, achievable, relevant, and time-bound targets could be reviewed and monitored, together with the compilation of a programme/action plan of realistic initiatives and incentives that would be expected to actively encourage a modal shift to non-car modes of travel.
49. As noted in the Transport Statement, the application site is well served by, and accessible to more sustainable modes of transport. This includes bus and tram stops within short walking distance of the proposed development. Additionally, the proposed development is within close proximity to residential areas which will allow users from those areas to walk or cycle.
50. It is acknowledged that the development represents an intensified use of the site, however the Local Highway Authority is satisfied that impacts on the road network will not be 'severe'. The measures to be secured under a full Travel Plan, together with the sustainability of the location are also considered to help reduce potential impacts associated with additional vehicle movements.
51. A representation raises concerns that the increase in vehicle numbers could lead to an increased risk of accidents. Whilst there will be additional vehicle movements associated with the extended car park, there is nothing to suggest that the risk of accidents will increase. The LHA provides Personal Injury Collision (PIC) data, noting that the period 01 January 2017 to 31 December 2021 shows no PICs

recorded along Danefield Road, and three slight injury PICs recorded along Dane Road between its junctions with Cross Street to the west and Winstanley Road to the east. The LHA concludes that no existing or potentially emerging road safety problem has been identified at the location of the proposed development nor the immediate surrounding area.

#### Parking:

52. The existing site comprises two parking areas: an 88no space car park to the south-west of the football pitches and (including three accessible parking spaces) and a 49no space car park to the south of the athletics ground and pavilion (including two accessible parking spaces). It is understood that the spaces in both car parks are available for use by those using the football pitches and the athletics facilities.
53. The application proposes the extension of the car park to the south-west of the football pitches to provide 134no standard and eight accessible car parking spaces (142no spaces in total). As users of the facility will have access to both this and the car park adjacent to the athletics ground, a total of 181no standard spaces and 10no accessible spaces will be available.
54. The Council's adopted SPD3: Parking Standards and Design does not include a relevant standard for development of this type. The submitted Transport Statement however includes figures for current and predicted parking demands at the site, as a result of the development. This notes that between 17.00 and 18.00 on weekdays, parking demand is anticipated to be 103no vehicles; this could comfortably be accommodated within the existing/extended car parks at the site. The busiest period is predicted to be between 19.00 and 21.00 on weekdays between April and September, when up to 175no spaces are likely to be required to satisfy demand. Again, the existing/extended car parks are of sufficient size to accommodate this demand. Similarly, the demand for 174no spaces between 09.00 and 11.00 on Saturdays, and for 165no spaces between 09.00 and 10.00 on Sundays could also be accommodated.
55. With regard to accessible parking, the application proposes a total of 10no accessible spaces, which the applicant states is based on known demand and could be expanded if required. Whilst there is no relevant standard for such provision in SPD3, this relates to a 5.5% provision which is not dissimilar to the standards listed for most other uses. Officers are therefore satisfied with the proposals in this respect.
56. The LHA has been consulted and advises that it is satisfied with the proposed car parking arrangements and Officers consider the application to be acceptable in this respect. The submitted information demonstrates that the proposed car parking provision could accommodate the anticipated number of vehicles at the busiest periods, without the need for drivers to seek alternative parking locations.

57. Notwithstanding the above, the LHA recommends that a condition is attached to any consent issued requiring the submission of a Parking Management Strategy. This would require the applicant to carry out parking surveys on surrounding roads in order to determine whether issues associated with 'overspill' parking are arising as a result of the development. Depending on the results of these surveys, this could lead to additional parking restrictions or extensions to resident parking schemes in the surrounding area. Conditions requiring the submission of a Construction Method Statement and the implementation of the car park extension works are also recommended, and should be attached to any consent issued.

#### Cycle parking:

58. The application proposes the provision of a new covered cycle parking facility with the car park adjacent to the athletics ground car park. In order to ensure that this is of an appropriate design and accommodated a sufficient number of bicycles, a condition is recommended requiring the submission of these details before the development is brought into use. Subject to this condition, the application is considered to be acceptable in this respect.

#### Public Rights of Way:

59. Whilst no definitive Public Rights of Way (PRoW) cross the application site, a representation suggests that land adjacent to the proposed AGP has been used as a PRoW for some time and should be recorded as such. The LHA advises that it doesn't currently hold any information or evidence regarding rights of way on this land, however there is a process separate from the planning application to establish and potentially formally record new PRoWs. Notwithstanding the above, the proposed development would not obstruct routes across the site, with access to the canal and wider area being maintained.

#### Summary:

60. Officers are satisfied that the proposed development is acceptable with regard to highway matters, including in terms of the level of parking provision and accessible parking provision, subject to the conditions referenced above. In this respect, the application is considered to be in accordance with Core Strategy Policy L4 and the NPPF.

#### FLOODING AND DRAINAGE

61. 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, the NPPF has similar aims, seeking to ensure that development is safe from flooding



without increasing flood risk elsewhere. Policy L5 is considered to be up-to-date in this regard and so full weight can be attached to it.

62. The application site falls within Flood Zone 1 as defined by the Environment Agency, having a low probability of sea and river flooding. The proposed use is considered to constitute a 'water-compatible' development in flood risk terms, as defined by the NPPG. The flood risk vulnerability and flood zone compatibility table contained within NPPG identifies this form of development as not requiring an exception test in this location.
63. The application is accompanied by existing and proposed drainage plans, along with a Construction Surface Water Management Scheme, a Surface Water Operation and Maintenance Plan and an assessment of the existing drainage system in place. It is proposed that surface water will ultimately discharge into the River Mersey, whilst the development could cater for a 1 in 30-year flood event as well as management of a 1 in 100-year flood event with an allowance for climate change. It is advised that infiltration testing confirms that underlying ground conditions would not facilitate soakaway drainage and as such, discharge into the River Mersey would be the next available option in the drainage hierarchy. Surface water attenuation will be provided within the permeable subbase of the AGP, lowering the flow rate of surface water and increasing water storage capacity within the development.
64. The Lead Local Flood Authority (LLFA) has been consulted on the application and does not raise any objections to the proposed development. A condition is recommended requiring the submission of a survey and plan of the proposed surface water drainage system, which should be attached to any consent issued.
65. Given the above, the application is considered to be acceptable in terms of flooding and drainage and compliant with relevant local and national planning policies and guidance, subject to the above condition.

## ECOLOGY

66. Policy R2 of the Trafford Core Strategy seeks to ensure that all developments protect and enhance the Borough's biodiversity. In addition, Paragraph 180 of the NPPF states that *"if significant harm to biodiversity resulting from a development cannot be avoided...adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused"*. Policy R2 of the Core Strategy is considered to be compliant with the NPPF and therefore up-to-date as it comprises the local expression of the NPPF's emphasis on protecting and enhancing landscapes, habitats and biodiversity. Accordingly, full weight can be attached to it in the decision making process.
67. The application is accompanied by a Preliminary Ecological Appraisal. This assesses the potential of the site to support species of conservation concern or

other species which could present a constraint to the development. The Appraisal notes that there are two statutory designated sites and three non-statutory designated sites within 2km of the site. The closest of these is Broad Ees Dole (LNR) 0.4km from the site, which the Appraisal concludes is not likely to be negatively affected due to the small-scale nature of the works and the intersection of the M60 between the application site and the LNR. An area of deciduous broadleaved woodland was identified immediately adjacent to the site boundary and due to the proximity of the works to priority habitat, best practice pollution prevention measures are recommended throughout the works.

68. A pond is located within 20m of the site and the Appraisal notes that where Great Crested Newts are present, they could be injured by construction related activities should they forage within the site. Greater Manchester Ecology Unit (GMEU) has been consulted and advises that the habitats which will be directly affected by the proposals are of very low value for amphibians, including the protected species Great Crested Newts. It is however acknowledged that amphibians may sometimes stray onto the development site and therefore taking precautions to avoid any harm to amphibians is justified. A condition is recommended requiring the submission of a Method Statement giving details of measures to be taken to avoid any harm to amphibians during the course of works.
69. The Appraisal notes that the proposed lighting scheme will impact a single tree with potential bat roosting suitability. This goes on to say that where lighting levels cannot be altered to avoid impacts to the tree, further surveys should be carried out to assess the potential for bat activity. In this respect, GMEU advises that providing floodlighting is not in use during the months when bats are most active (May to September inclusive), then it would be satisfied that any impact on bat foraging/commuting arising from the scheme would be negligible. If bat activity surveys were undertaken during the summer, and these surveys show that the nearby habitats which would be affected by floodlighting are not of substantive importance to local bat populations, then any condition restricting floodlight use could be relaxed. If the habitats were shown to be of importance, then further mitigation may be required before allowing use of the floodlights during summer (such as further shrub/tree planting). The applicant is satisfied with a condition restricting the use of the floodlights only to times of the year when bats are less active (October to April), and this should therefore be attached to any consent issued. As noted above, should future surveys support the removal of this restriction, permission could subsequently sought to enable year-round use of the floodlighting; this would need to be considered under a future planning application.
70. Other recommendations in the Appraisal include the protection of adjacent trees throughout the construction phase, with fencing being erected in line with British Standards BS 5837: Trees in Relation to Design, Demolition and Construction. It is also recommended that should any tree removal or pruning be required to take place, nesting bird checks should be undertaken prior to any work on the trees.

Precautionary measures for reptiles and mammals are also recommended throughout the construction phase.

71. A Biodiversity Net Gain (BNG) Assessment Report has been submitted to address potential requirements for compensation as a result of the scheme. This states that the existing site provides 2.37 habitat units, made up entirely of 'modified grassland', which is assessed as being of poor condition. The existing site is identified as having 0.00 hedgerow units. Taking into account the proposed development and landscaping scheme, there is assessed to be a loss of 2.17 habitat units and a gain of 0.31 hedgerow units. GMEU advises that whilst the BNG assessment shows a loss of some area-based habitats, there are significant gains for hedgerows. It is noted that the proposed hedgerows (linear habitat) are more valuable habitats than the modified grassland areas which will be lost, and therefore it is accepted that a reasonable outcome for nature would be achieved.
72. Subject to the recommended conditions, the application is considered to be acceptable with regard to matters of ecology.

#### TREES AND LANDSCAPING

73. 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.
74. The application site is not covered by any TPOs and is not within a Conservation Area. The application is accompanied by an Arboricultural Impact Assessment (AIA). This advises that a total of 57no individual trees, 10no groups of trees and 9no shrub hedges were recorded during the tree survey and overall, the tree stock of the site is in a fair/good condition, of moderate quality and early-mature to mature in age. No trees will require removal to accommodate the proposed development.
75. The AIA notes that minor reduction pruning works of up to 2 metres will be required on the eastern face of one group of shrubs, as well as to some branches of another tree group and to certain branches of a further recorded tree. It is advised that these works are required to give sufficient clearance to the proposed development and the safe undertaking of any construction activities. It is also advised that the car park extension will encroach into a Root Protection Area (RPA) of certain trees, however the impact will be low due to the presence of existing hardstanding. It is confirmed that all retained trees will be afforded protection in the form of a Construction Exclusion Zone (CEZ) using tree protection fencing; a Tree Protection Plan accompanies the AIA.

76. The Council's Arboriculturist has reviewed this information and does not raise any objections to the proposed development. The minor encroachment into an RPA and the proposed pruning works are deemed to be acceptable, though it is recommended that the advice within the AIA (including the Tree Protection Plan) is followed.
77. As set out earlier in this report, the proposed landscaping scheme to the car park is considered to be acceptable. This will introduce 22no trees, along with hedge and shrub planting both within the car park and to its perimeter, which will soften its appearance, particularly in views from the north and west. Planting specifications have also been provided for trees within hard and soft surfaces as well as for hedges, in order to ensure these have appropriate rooting volume and will survive.
78. Subject to an appropriately worded condition relating to tree protection measures and the implementation of the proposed planting scheme, the application is considered to be acceptable in this respect.

## DEVELOPER CONTRIBUTIONS

### Community Infrastructure Levy (CIL):

79. The proposed development would be liable to a CIL (Community Infrastructure Levy) rate of £10 per sqm, constituting a 'leisure' use in the Council's adopted CIL Charging Schedule.

## OTHER MATTERS

### Security and safety:

80. Policy L7.4 of the Trafford Core Strategy states that, in relation to matters of security, development must demonstrate that it is designed in a way that reduces opportunities for crime and must not have an adverse impact on public safety. Paragraphs 92 and 130 of the NPPF require planning decisions to achieve inclusive and safe places which are "*safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion*".
81. A Crime Impact Statement (CIS) has been submitted alongside the application which makes a number of recommendations for security measures associated with the proposed development. These include the fencing being appropriately secured, the retention of existing gates and barriers to the car park, use of appropriate lighting levels and clear signage to the car park.
82. Greater Manchester Police's Design for Security section has been consulted and advises that it supports the application. A condition is recommended which

requires the development to be designed and constructed in accordance with the recommendations and specification set out in the CIS.

83. Officers are satisfied that the proposed development is acceptable in this respect, subject to the above-mentioned condition being attached to any consent issued.

Carbon reduction:

84. An update on matters of carbon reduction will be provided in an Additional Information Report to Committee Members.

Neighbour representations:

85. Most of the concerns raised by respondents to the public consultation have been addressed in the appropriate sections of this report above, however a number of other concerns not covered are considered below.
86. One representation suggests that additional rubbish/recycling bins should be provided. Officers consider that it is reasonable for an additional bin to be provided within the AGP to limit the potential for littering and as such, a condition to this effect is recommended.

## EQUALITIES

87. The Equality Act became law in 2010. Its purpose is to legally protect people from discrimination in the workplace and in wider society. The Act introduced the term 'protected characteristics', which refers to groups that are protected under the Act. These characteristics comprise: age, disability, gender reassignment, marriage and civil partnerships, pregnancy and maternity, race, religion or belief, sex/gender, and sexual orientation.
88. As part of the Act, the 'public sector equality duty' came into force in April 2011 (Section 149 of the Act), and with it confirmed (via Section 19 of the Act) that this duty applies to local authorities (as well as other public bodies). The equality duty comprises three main aims: A public authority must, in the exercise of its functions, have due regard to the need to:
- eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
  - advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
  - foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

89. Case law has established that appropriate consideration of equality issues is a requirement for local authorities in the determination of planning applications, and with this requirement directly stemming from the Equality Act 2010.
90. The submitted Design and Access with Planning Statement (DAS) confirms that the facility will be affordable and accessible for all. This also notes that the proposal would be available for all, regardless of age, ability, gender, religion or ethnicity. The DAS states that the development has been designed in accordance with Sport England's Design Guidance Note 'Accessible Sports Facilities 2010' and will also comply with The Building Regulations 2010 Approved Document M: Volume 2 - Buildings other than dwellings. In accordance with the requirements of these documents, once visitors arrive at the playing fields, access to the AGP will be provided by level and even pavements and hard standing areas.
91. With regard to accessible parking, the application proposes a total of 10no accessible spaces, which the applicant states is based on known demand and could be expanded if required. Whilst there is no relevant standard for such provision in SPD3, this relates to a 5.5% provision which is not dissimilar to the standards listed for most other uses. Officers are therefore satisfied with the proposals in this respect.
92. From the information submitted with the application, Officers are satisfied that no adverse impact on protected groups will arise as a result of the development.

### **PLANNING BALANCE AND CONCLUSION**

93. Paragraph 38(6) of the Planning and Compulsory Purchase Act 2004 states that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise.
94. The NPPF is a material consideration in planning decisions, and as the Government's expression of planning policy and how this should be applied, should be given significant weight in the decision making process. Paragraph 11 (c) of the NPPF states that development proposals that accord with an up-to-date development plan should be approved without delay. Policies relating to Green Belt, open space, design and amenity are considered to be 'most important' for determining this application; the development plan is up-to-date when considering the application against NPPF paragraph 11.
95. Whilst the proposal represents 'inappropriate development' in Green Belt terms, and identified harm to the Green Belt has been given substantial weight, the public benefits referenced in this report are considered to be of sufficient merit to constitute the 'very special circumstances' necessary for the development to be deemed acceptable in this respect.

96. The proposal complies with the development plan in all other respects, which indicates that planning permission should be granted without delay. The proposed development is considered to be acceptable in terms of its design and visual impact, its impact on residential amenity, including in relation to noise and lighting issues, its highways impacts and with regard to all other material planning considerations.
97. There are no material considerations to indicate that planning permission should be refused and as such, the application is recommended for approval subject to conditions.

**RECOMMENDATION:**

That Members resolve to **GRANT** planning permission for the development subject to the following conditions:

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

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

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

<b>Plan Number</b>	<b>Drawing Title</b>
S22-025 / DWG / 0001 (Rev 01)	Location Plan
S22-025 / DWG / 0003 (Rev 03)	Proposed Site Plan
S22-025 / DWG / 0004 (Rev 02)	Proposed 3G FTP Floor Plan
S22-025 / DWG / 0005 (Rev 01)	Proposed 3G FTP Layout
S22-025 / DWG / 0006 (Rev 01)	Proposed 3G FTP Drainage
S22-025 / DWG / 0007 (Rev 01)	Proposed 3G FTP Fencing
S22-025 / DWG / 0008 (Rev 00)	Proposed External Lighting
S22-025 / DWG / 0009 (Rev 01)	Proposed 3G FTP Elevations
S22-025 / DWG / 0010 (Rev 01)	Proposed 3G FTP Elevations
S22-025 / DWG / 0011 (Rev 04)	Extended Football Car Park Floor Plan
S22-025 / DWG / 0012 (Rev 01)	Extended Football Car Park Layout
S22-025 / DWG / 0013 (Rev 01)	Proposed 3G FTP Access
800 (Rev P01)	Landscape Planting Plan

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

3. No development shall take place unless and until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall provide for:
- (i) suitable hours of construction activity (in accordance with condition 4);
  - (ii) the parking of vehicles of site operatives and visitors (all within the site);
  - (iii) details of deliveries and the loading and unloading of plant and materials (all within the site), including forecast trip numbers, times of access/egress and management thereof;
  - (iv) the storage of any plant and materials;
  - (v) measures to control the emission of dust and dirt during construction and procedures to be adopted in response to complaints of fugitive dust emissions;
  - (vi) measures to prevent disturbance to adjacent dwellings from noise and vibration, including any piling activity (reference to BS5228 for criteria and monitoring);
  - (vii) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
  - (viii) wheel washing facilities, including measures for keeping the highway clean;
  - (ix) a scheme for recycling/disposing of waste resulting from construction works (prohibiting fires on site);
  - (x) information to be made available for members of the public;
  - (xi) nuisance complaints procedure; and
  - (xii) contact details of the site manager to be advertised at the site in case of issues arising.

The approved CEMP shall be adhered to throughout the construction phase of development.

Reason: To ensure that appropriate details are agreed before works start on site, in the interests of highway safety and to safeguard the amenities of the locality, having regard to Policies L4, L7 and R1 of the Trafford Core Strategy and the National Planning Policy Framework.

4. No development shall take place unless and until a Method Statement for avoiding harm to amphibians during the construction phase has been submitted to and approved in writing by the Local Planning Authority. The approved Method Statement shall be implemented in full during the construction phase of development.

Reason: In the interest of preventing harm to any protected species, having regard to Policy R2 of the Trafford Core Strategy and the National Planning Policy Framework.

5. Construction work shall be limited to the following hours:



07.30-18.00 Monday – Friday (excluding heavy plant/machinery until 08.00)  
09.00-13.00 Saturdays

No construction work shall take place on Sundays, Bank Holidays and Public Holidays.

Reason: To minimise disturbance and nuisance to occupiers of nearby properties and users of the highway, having regard to Policy L7 of the Trafford Core Strategy and the National Planning Policy Framework.

6. No development (except site clearance works) shall take place unless and until a Traffic Management Plan (TMP) has been submitted to and approved in writing by the Local Planning Authority. The TMP shall include a methodology for a baseline parking survey on streets within the vicinity of the application site during peak use of the sports ground, both prior to any development taking place and following the implementation of the approved scheme. The approved methodology shall be implemented in full, and any necessary mitigation measures identified shall be undertaken within a timeframe to be approved by the Local Planning Authority.

Reason: In the interest of ensuring any impacts associated with overspill parking are adequately mitigated, having regard to Policy L4 of the Trafford Core Strategy and the National Planning Policy Framework.

7. No development (except site clearance works) shall take place unless and until an investigation and risk assessment in relation to contamination on site 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. 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; and
  - 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 development is first brought into use.

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 users 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.

8. The development hereby permitted shall not be brought into use unless and 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 users in accordance with Policies L5 and L7 of the Trafford Core Strategy and the National Planning Policy Framework.

9. The development hereby approved shall not be brought into use unless and until a survey and plan of the proposed scheme for surface water drainage has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and the drainage system maintained thereafter.

Reason: To ensure the structural and operational integrity of the existing and proposed surface water drainage system thereby reducing the risk of flooding, having regard to Policy L5 of the Trafford Core Strategy and the National Planning Policy Framework.

10. The development hereby approved shall not be brought into use unless and until a Noise Management Plan (NMP) has been submitted to and approved in writing by the Local Planning Authority. The NMP shall identify the potential for disturbance and measures to minimise such impact, and shall include a mechanism for residents to report excessive noise or anti-social behaviour directly to the operator, to allow complaints to be investigated and addressed quickly. The NMP shall be reviewed annually and specify the responsibilities of named individuals. All measures contained within the NMP shall be implemented in full.

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

11. The development hereby approved shall not be brought into use unless and until the access gate serving the children's play area to the south of Crossford Bridge Playing Fields (identified as 'No 6' on the proposed site plan) has been relocated to an alternative location not adjacent to the highway.

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

12. No trees shall be removed from site as part of the development hereby approved. Development shall proceed in accordance with the submitted Tree Protection Plan (drawing refs. 710 (Rev V2) and 711 (Rev V2)).

Reason: In order to protect all trees being retained within or adjacent to the site, having regard to Policies R2 and R3 of the Trafford Core Strategy and the National Planning Policy Framework.

13. (a) The landscaping works shown on drawing ref. 800 (Rev. P01) shall be carried out within the next planting season following the development being brought into use. All tree planting within areas of hard surfacing shall be implemented in accordance with the details shown on drawing ref. 800 (Rev P01).  
(b) Any trees or shrubs planted or retained in accordance with this condition which are removed, uprooted, destroyed, die or become severely damaged or become seriously diseased shall be replaced within the next planting season by trees or shrubs of similar size and species to those originally required to be planted. Landscape maintenance/tree replacement shall be carried out for the lifetime of the development.

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.

14. The development hereby approved shall be designed and constructed in general accordance with the recommendations and specification set out in sections 3 & 4 of the submitted Crime Impact Statement (Ref. 2023/0003/CIS/01, dated 09/02/2023). The approved measures shall be retained thereafter.

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

15. The development shall not be brought into use unless and until a scheme for secure cycle storage has been submitted to and approved in writing by the Local

Planning Authority. The scheme shall include details of the location and design of cycle storage facilities, shall be implemented before the development is first brought into use and shall be retained at all times thereafter.

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

16. The development shall not be brought into use unless and until a Community Use Agreement, prepared in consultation with Sport England, has been submitted to and approved in writing by the Local Planning Authority. The Agreement shall apply to the artificial grass pitch approved under this application and shall include details of pricing policy, hours of use, access by non-members, management responsibilities and a mechanism for review. The pitch shall not be used otherwise than in strict compliance with the approved Agreement.

Reason: To secure well managed, safe community access to the sports facility, to ensure sufficient benefit to the development of sport and to accord with Policy R5 of the Trafford Core Strategy and the National Planning Policy Framework.

17. The development hereby approved shall not be brought into use until the extended car park has been provided, constructed and surfaced in complete accordance with the submitted plans. This area shall thereafter be retained and not be put to any other use than its intended purpose.

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 Policy L4 of the Trafford Core Strategy and the National Planning Policy Framework.

18. The development shall not be brought into use unless and until the RAL colour (green) of the playing surface and storage container hereby approved has been submitted to and approved in writing by the Local Planning Authority. All fencing shall be black in colour (RAL9005). The development shall be retained as such thereafter.

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

19. All external lighting hereby approved shall be installed in complete accordance with the following submitted documents:

-Lighting report produced by Surfacing Standards Ltd (ref. SC003, dated 17/01.2023)

- Drawing ref. S22-025 / DWG / 0008A (Rev 01) – Proposed External Lighting (Illuminance 3m above ground)
- Drawing ref. S22-025 / DWG / 0008 (Rev 01) – Proposed External Lighting (Illuminance at ground level)
- Drawing ref. S22-025 / DWG / 0008C (Rev 01) – Proposed External Lighting (Illuminance 3m above ground – car park)
- Drawing ref. S22-025 / DWG / 0008B (Rev 01) – Proposed External Lighting (Illuminance 3m above ground – playing pitch)

All floodlights shall be programmed to automatically switch off in accordance with the approved hours of use and shall be maintained to ensure light spill (including towards the motorway) is minimised.

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

20. The Artificial Grass Pitch shall not be brought into use unless and until a waste bin has been installed within the facility.

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

21. The Artificial Grass Pitch hereby approved shall not be used outside of the following times:

- 08.00 - 22.00 Monday to Friday
- 08.00 - 20.00 Saturdays, Sundays, bank and public holidays

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

22. The floodlighting serving the Artificial Grass Pitch hereby approved shall not be used at any time between the months of May and September (inclusive) in any year. Between the months of October and April (inclusive), the floodlighting shall not be used outside of the following times:

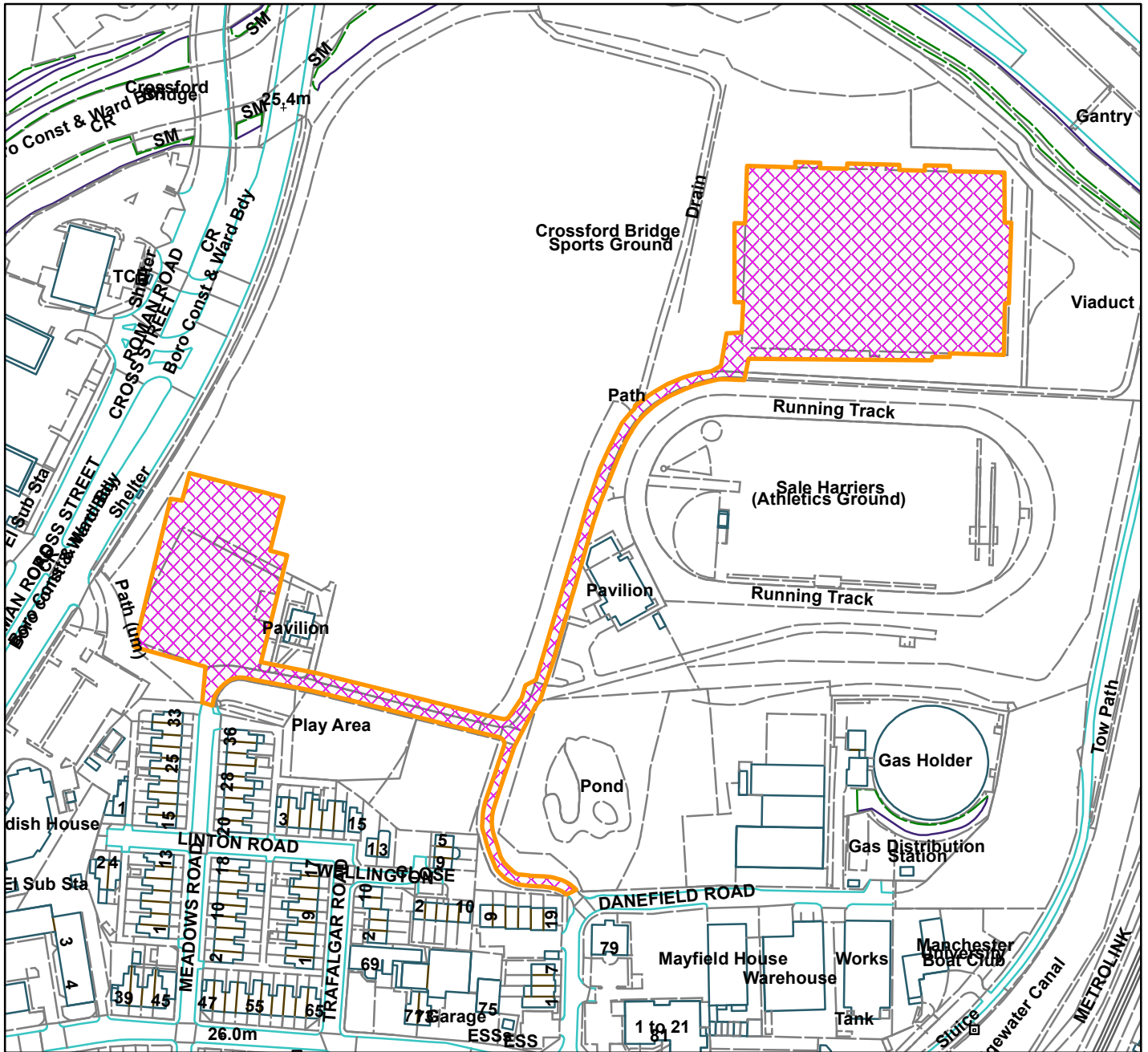
- 08.00 - 22.00 Monday to Friday
- 08.00 - 20.00 Saturdays, Sundays, bank and public holidays

Reason: In the interests of ecology, having regard to Policy R2 of the Trafford Core Strategy and the National Planning Policy Framework.

JD



Crossford Bridge Playing Fields, Danefield Road, Sale  
(site hatched on plan)



Scale: 1:2,500

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Organisation	Trafford Council
Department	Planning Service
Comments	Committee Date 13/07/2023
Date	30/06/2023
MSA Number	100023172 (2022)

**WARD:** Hale

**110079/FUL/23**

**DEPARTURE:** No

**Proposed terrace extension to new community/library building and associated works (involving a reduction in the size of the bowling green)**

Bowling Green, Ashley Road, Hale, WA15 9NT

**APPLICANT:** Mr Waldron

**AGENT:** Studio KMA

**RECOMMENDATION: GRANT**

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**The application is presented to the Planning and Development Management Committee for determination since it relates to land in the Council's ownership and three objections contrary to the officer recommendation have been received.**

**SITE**

The site is located in central Hale, positioned between the highways of Cecil Road and Ashley Road. In this location is the established Hale bowling green which faces towards Ashley Road. Behind the bowling green is a new two-storey community building, which has been under construction since 2022 associated with the implementation of planning permission ref. 97375/FUL/19 (approved in August 2019). The new building – which has been designed to pay some respect to a traditional bowling pavilion - will operate as a new library (at first floor level) and a bowling clubhouse as well providing various flexible functional spaces for community use. Prior to the new development, there was a smaller single-storey building in this location which was the previous bowling clubhouse and which also contained public conveniences. To the rear of the new building is a surface-level public car park which can be accessed from Cecil Road.

The area of the application is very localised and comprises the south-western strip of the bowling green; that section which is closest to the new development.

The site is located within the Hale Station Conservation Area and also the defined Hale District Centre. The bowling green is designated as Protected Open Space.

**PROPOSAL**

In reflecting what has been constructed on site, the approved plans for the community building provide for an external terrace positioned between its front (Ashley Road-facing) elevation and the bowling green. This is raised (with slight ramp access on

approach) to allow level access into the building. The bowling green is at a lower level, and with a small brick retaining wall with railings atop at the intersection. There are also a number of steps down to the green. The provision of this terrace as a raised area was approved in July 2022 via non-material amendment application ref. 107165/NMA/22.

The purpose of the current application is to increase the depth of the external terrace to create a larger outdoor area. The approved terrace has a depth which ranges from between (approximately) 0.9 metres and 2.4 metres (when accounting for a central projecting bay within the building's front façade which serves to reduce the space). In contrast, the depth of the proposed terrace would range from (approximately) 1.9 metres to 3.4 metres. The extra space would be formed by reducing the dimensions of the bowling green. A strip of the bowling green – amounting to some 1.1 metres in width – would be lost from its south-western perimeter. The length of this perimeter would remain unchanged. The dimensions of the bowling green would change from 40.7 metres by 35.3 metres to 39.6 metres by 35.3 metres. The area of the green would reduce from 0.144 hectares to 0.140 hectares.

The enlarged terrace area would be laid out in accordance with the approved, smaller terrace. This would include block paving, a brick retaining wall with railings atop, ramped access, and steps down to the green.

### **Value Added**

Some additional information to support the submission was requested and was subsequently submitted. This included a proposed landscape plan, external material details, confirmation regarding the impact upon trees, and assurances regarding the proposal's continued provision of an inclusive and fully accessible external environment.

### **DEVELOPMENT PLAN**

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

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

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



L4 – Sustainable Transport and Accessibility  
L7 – Design  
W2 – Town Centres and Retail  
R1 – Historic Environment  
R2 – Natural Environment  
R3 – Green Infrastructure  
R5 – Open Space, Sport and Recreation

### **PROPOSALS MAP NOTATION**

Conservation Area  
Designated Town Centre  
Protected Open Space

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

N/A

### **SUPPLEMENTARY PLANNING DOCUMENTS**

SPD5.11: Hale Station Conservation Area – Appraisal and Management Plan (2016)

### **NATIONAL PLANNING POLICY**

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

The MHCLG published the revised National Planning Policy Framework (NPPF) on 20 July 2021. The NPPF will be referred to as appropriate in the report.

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

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

### **PLACES FOR EVERYONE**

Places for Everyone (PfE) is a joint Development Plan Document being produced by nine Greater Manchester districts (Bolton, Bury, Manchester, Oldham, Rochdale, Salford, Tameside, Trafford and Wigan). Once adopted, PfE will be the overarching development plan, setting the policy framework for individual district Local Plans. The PfE Regulation 19 consultation concluded in Autumn 2021 and the Plan was submitted to the Secretary of State for Levelling Up, Housing and Communities on 14 February 2022. Independent Inspectors have been appointed to undertake the Examination in Public of the PfE Submission Plan and the timetabled hearings have now been completed with further updates from the Inspectors possible. Whilst PfE is at a significantly advanced stage of the plan making process, for the purposes of this application it is not yet advanced enough to be given any meaningful weight, such that it needs consideration in this report.

## **RELEVANT PLANNING HISTORY**

93172/FUL/17 - Demolition of existing building, and construction of new multi-functional community building consisting of a new library, bowling club and various flexible functional spaces.

Application withdrawn – 05.02.2019

97375/FUL/19 - Demolition of existing building, and construction of new multi-functional community building consisting of a new library, bowling club and various flexible functional spaces.

Approved with conditions – 08.08.2019

107165/NMA/22 - Application for non-material amendment to 97375/FUL/19 for changes to the external appearance of the building and the provision of a ramp/terrace to the front with low-level wall and railings

Approved with conditions – 18.07.22

## **APPLICANT'S SUBMISSION**

Planning and Heritage Statement  
Landscape Strategy

## **CONSULTATIONS**

**Altrincham and Bowdon Civic Society** – No response received

**Greater Manchester Archaeology Advisory Service** – No objection

**Hale Civic Society** – No response received

**Trafford Council Heritage Development Officer** – Heritage harm identified (as explained in the report)

**Trafford Council Lead Local Flood Authority** – No objection

**Trafford Council Local Highway Authority** – No objection

**Trafford Council Parking Services** – No objection, subject to condition (to prevent any disruption to the car park during construction)

**Trafford Council Pollution and Licensing (Nuisance)** – No objection, subject to condition (to request a Noise Management Plan for the use of the extended terrace, and to restrict its hours of use)

**Trafford Council Strategic Planning** – No objection

**Trafford Council Tree Officer** – No objection, subject to condition (to ensure the

installation of tree protection measures)

**Sport England – No objection**

## **REPRESENTATIONS**

Three letters of objection have been received. The concerns raised can be summarised as follows:

- This proposal legitimises concerns that were raised at the time the main application was submitted: the proposed building is too large for the plot of land and there is insufficient space between the building and the bowling green;
- The need for a larger terrace area should have been realised earlier on in the process;
- The proposal would remove precious green space from Hale village;
- Hale bowling green is the most historical, central and revered part of the Hale Station Conservation Area;
- The work subject of this proposal has already commenced and is almost completed;
- The addition of further hard surfaces leads to flooding and a loss of biodiversity;
- Whilst the new development is an improvement on the previous eyesore that was accommodated on site, the underhand methods that have been applied throughout this building project are objected to;
- The building work on this development has already caused structural damage to hundreds of nearby properties;
- The contractors have devastated existing landscaping at the site which has damaged the aesthetic value of Hale village;
- The playing surface has been damaged by contractor's equipment;
- The new building blocks out the sun to the bowling green;
- Nothing more than a pedestrian pavement is needed in this location;
- A larger area would attract crowds, and there would be outdoor drinking, overlooking, and general noise and disturbance in close proximity to houses;
- There could be further anti-social behaviour since this is already a well-known trouble spot;
- This is not a community centre but a commercial bar/restaurant/music venue; and
- A genuine library building would not need an outdoor terrace.

## **OBSERVATIONS**

The Decision-taking Framework

1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material consideration in planning decisions, and as the Government's expression of planning policy and how this should be applied, it should be given significant weight in the decision-taking process.
2. The 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.
3. 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 2021 NPPF, particularly where that policy is not substantially changed from the 2012 version.
4. When having regard to the nature of this proposal and its key considerations, development plan policies concerning design (Policy L7), heritage impact (Policy R1) and open space (Policy R5) have been most central to its assessment. Policies L7 and R5 are consistent with the NPPF and up to date. However, Policy R1 has been formally recognised as not being wholly consistent with NPPF guidance, specifically in relation to the tests to be applied. The heritage policy test (as contained in the NPPF and as a replacement to Policy R1) is explained in more detail in the relevant section of this report, and likewise in respect of the weight to be afforded to the respective development plan policy. However, it is considered that - when taking the overall suite of policies to be applied to this application - the inconsistency in Policy R1 does not render the relevant development plan policies 'out of date' in NPPF terms. The tilted balance (as set out in paragraph 11d of the NPPF) is therefore not engaged and the application should be determined in accordance with the development plan unless material considerations indicate otherwise.

### Protected Open Space

5. A submitted Planning and Heritage Statement explains that the application has been submitted at the request of Hale Bowling Club in order to form a larger spectator area (and a letter from the club has been appended). The extra space would be used to provide additional seating, it is explained. It is understood that bowling greens can vary in their dimensions and also in their shape (square or rectangular). However, greens are normally between 31 and 40 metres. At 39.6 metres by 35.3 metres, the resultant Hale bowling green would continue to conform to the games' requirements. It would also remain a rectangular green.
6. With reference to the Composite Policies Map which accompanies the statutory development plan, the bowling green in its entirety is identified as 'Protected Open Space'. Policy OSR5 (Protection of Open Space) of the Revised Trafford

Unitary Development Plan is referred to, although this has since been replaced by Policy R5 (Open Space, Sport and Recreation) of the Core Strategy.

7. The importance of promoting healthy communities is a key focus of the NPPF in achieving sustainable development (see paragraph 8). Paragraph 92 of the NPPF is clear that planning policies and decisions should enable and support healthy lifestyles, especially where this would address identified local health and well-being needs. The paragraph continues by citing examples, such as the provision of safe and accessible green infrastructure, sports facilities and allotments. The subsequent paragraph - paragraph 93 – advises that the planning system should plan positively for the provision of meeting places, sporting venues and open space, and that it should guard against the unnecessary loss of valued facilities. Accordingly, paragraph 99 is clear that existing open space, sports and recreational buildings and land (including playing fields) should not be built upon unless one of three specific circumstances are met. These being: an assessment has been undertaken which has clearly shown that the facility is surplus to requirements; or the loss resulting from the proposed development would be replaced by equivalent or better provision; or the proposed development is itself for alternative sports/recreation provision, the benefits of which would clearly outweigh the loss of the existing facility.
8. The Core Strategy also recognises that access to open spaces and to opportunities for sport and physical activity is important to local communities. The text supporting Policy R5 explains that the availability of open space, sport and recreation facilities are key factors influencing quality of life and physical well-being, and they can also add to the attractiveness of the borough. Accordingly, the policy itself is clear that the Council will seek to protect, provide and maintain a variety of open spaces capable of meeting the needs of residents for active and informal leisure and to enhance visual amenity within the built-up area. Development which would result in an unacceptable loss of quantity of open space, sport or recreation facilities, or which does not preserve the quality of such facilities, will not be permitted, the policy explains.
9. On matters relating to open space, sport and recreation, the NPPF is supported by the Government's NPPG. This instructs local planning authorities (LPAs) to consult Sport England in certain cases where development affects the use of land as playing fields. A playing field is defined as: 'a delineated area which, together with any run-off area, is of 0.2 hectares or more, and which is used for association football, American football, rugby, cricket, hockey, lacrosse, rounders, baseball, softball, Australian football, Gaelic football, shinty, hurling, polo or cycle polo.' Whilst there is no requirement to consult, LPAs are advised to consult Sport England in other scenarios, for example where development might lead to the loss of, or loss of use for sport, of any major sports facility.
10. Sport England has been consulted on this application. However, the consultation response identifies that the proposal does not fall within its statutory remit (since

it does not affect playing fields) and nor its non-statutory remit since the proposal would not bring about the loss of another form of sports facility. Accordingly, the response confirms a position of 'no objection' on the basis that, despite the reduction in size, the function of the bowling green would be maintained and the facility would continue to accord with area standards governing the sport. It should be commented that there is no evidence that the green is used for any sporting activity other than lawn bowling.

11. With this in mind, it is considered that the application does not need to meet one of the three exception tests identified in paragraph 99 of the NPPF since the proposal would not amount to a material loss in open space, sport or recreation provision. The reference within the application submission to Hale Bowling Club instigating the proposal reinforces conclusions that the use of the green as a local leisure facility would not be prejudiced. On the contrary, the submission refers to the proposal delivering an improvement by providing an attractive seating area adjacent to the new pavilion building which may encourage more spectators and may promote participation in the sport. In the absence of any tangible harm as arising from the reduction in area, it is concluded that there is no justification for this small-scale 'loss' to be formally compensated for.
12. Overall, it is evident that the principle of protecting open spaces and sports and recreational facilities is firmly rooted in the planning system. However, in this case – when having regard to the specifics of the proposal and the non-material impact on the green's function and usability – it is concluded that the development would not trigger any policy conflict. This is because it would not result in an unacceptable loss of quantity in Trafford's open spaces and – moreover - the quality of the existing sports facility would be preserved. The Protected Open Space designation affecting the site would continue, albeit there would be a slight reduction in its extent. Nonetheless, the proposal is considered compliant with Policy R5 as well as the NPPF on this matter.

### Heritage Impact

13. Protecting and enhancing the historic environment is an important component of the NPPF. The document introduces the term 'heritage assets' which are defined as: 'a building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions. It includes designated heritage assets and assets identified by the LPA (including local listing).' 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 (in the glossary) 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.'
14. Policy R1 of the Core Strategy 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 does not reflect the NPPF's categories of 'substantial' and 'less than substantial' harm (which apply to designated heritage assets) and their corresponding tests. 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. A similar, proportionate balancing exercise is contained in the NPPF's paragraph 203 in relation to non-designated heritage assets. The 'protect, preserve and enhance' requirement of Policy R1 infers that no harm should be caused or would be justified. In this respect, Policy R1 is inconsistent with the NPPF.

15. To confirm, the bowling green (as well as the new pavilion building) is sited within the Hale Station Conservation Area (HSCA), a designated heritage asset. There is also a Grade II listed building (Ollerbarrow House) 90 metres to the site's north-east on the opposite side of Ashley Road. The bowling green itself is regarded as a non-designated heritage asset.
16. The HSCA was designated in 1986. The railway station at Hale represents the centre of the conservation area and with the application site positioned towards the conservation area's southern margins. The special qualities and 'significance' of the HSCA are described in SPD5.11 (HSCA Character Appraisal and Management Plan): the attractive Italianate station buildings epitomise the growth of a rural village into a wealthy suburb, it is explained. The application site lies within Character Zone A (Central Retail Area) of the HSCA which chiefly encompasses the commercial environment of Ashley Road. The bowling green is identified by the SPD as the only significant green space within this Character Zone, which is otherwise characterised by retail and restaurant uses and a dense urban grain. Referred to as a 'landmark', the green is described as a square lawned area surrounded by mature trees on all sides. The westerly view across the bowling green from Ashley Road is defined by the SPD as a 'key view'.
17. Consultation on the proposal has taken place with the Council's Heritage and Urban Design Manager. In doing so, the submitted Planning and Heritage Statement has been reviewed. This describes the proposed works as being minimal, involving only a small part of the existing bowling green in creating the terrace extension. The special character of Ashley Road within the HSCA would largely remain unaltered and the setting of the Grade II listed Ollerbarrow House would not be affected, the submitted statement concludes. There would be no change to the key view across Ashley Road, it continues. The statement thus infers that no material harm to heritage assets would be experienced.
18. The Heritage consultation response acknowledges that the loss of the green's width would indeed amount to only 1 metre (approximately) and thus the visual impact would be limited. However, by virtue of the bowling green comprising the only significant green space in the Central Retail Area of the HSCA, any loss is regarded as regrettable. Contrary to the position of the Planning and Heritage

Statement, the Heritage and Urban Design Manager is of the view that some heritage harm would occur. Based upon the scale of the works, the response records that the proposal would cause 'negligible harm' to the aesthetic and historical significance of the bowling green and the contribution that the green makes to the HSCA. In reaching this conclusion, specifically in respect of the affected designated asset (the HSCA), the response refers to the scale of the works in the context of the impact on the significance of the conservation area overall (which includes five character areas in total). In addition, it has been acknowledged that any change in view of the bowling green from Ashley Road would be imperceptible. The Heritage and Urban Design Manager is in agreement that the proposed works would not harm the setting of Ollerbarrow House.

19. As previously advised, the NPPF acknowledges that there can be levels of harm to the significance of a designated heritage asset. The Heritage and Urban Design Manager has confirmed that the harm to the HSCA would translate to 'less than substantial' harm to significance as referred to by paragraph 202 of the NPPF. Within this, the description of 'negligible' harm should be interpreted as harm falling at the lower end of 'less than substantial', it has been made clear. However, nonetheless, it is a level of harm to significance that has been concluded through professional judgement and which needs to be conveyed. In respect of harm to the significance of non-designated heritage assets (in this case, to the bowling green), the NPPF does not differentiate.
20. Where a development proposal would lead to 'less than substantial' harm to the significance of a designated heritage asset, paragraph 202 of the NPPF continues that this harm should be weighed against the public benefits of the proposal. With reference to assets that are non-designated and which would be directly or indirectly affected by a proposal, paragraph 203 advises that a balanced judgement will be required having regard to the scale or any harm and the significance of the asset. It should be reiterated, however, that Core Strategy Policy R1 does not explicitly allow for a development proposal to result in any harm to heritage assets. The identification of 'negligible' and 'less than substantial' harm to significance in this case amounts to a development plan policy conflict. That this approach is out-of-date and not consistent with the NPPF has, of course, previously been reported. However, even when relying upon the NPPF approach, paragraph 200 of that document is clear that any harm arising requires a clear and convincing justification.
21. The NPPG advises that public benefits may be derived from many developments and they could deliver economic, social or environmental objectives. However, they should be of a nature and scale to benefit the public at large and not just be a private benefit. It has been explained that the heritage harm is rather minor as a consequence of the small scale nature of the works. It follows that any benefits – over and above what has already been secured from the wider development - could also be assumed to be somewhat limited in their range and extent



reflective of this modest proposal. Nonetheless, the applicant's supporting case refers to the ability of the development to enable more people to sit/stand to watch bowling games and to encourage greater participation, with knock-on social and health benefits for the Hale community. It would also add to the facilities of the new multi-use community building and could support additional, wider active use of public areas and spaces. In doing so, it would complement the functioning of Hale District Centre as an existing vibrant commercial environment. Furthermore, in recognising the somewhat constrained nature of the existing terrace, the proposal would create more comfortable breakout space and – as developed in more detail in a subsequent discussion regarding matters of accessibility – would deliver an external routeway to the front of the building which would allow for improved manoeuvrability by all user groups.

22. The exercise of balancing harm to heritage assets against public benefits is a matter of planning judgement. Care has been taken not to overstate the benefits case. Nonetheless, from the summary above, it is evident that some additional benefits would arise and which should be welcomed, and particularly some accessibility-gains. From the low position of heritage impact as reported by the Heritage and Urban Design Manager, it is concluded that the 'less than substantial' harm to the significance of the HSCA, in addition to the harm to the bowling green, would be sufficiently outweighed by the cumulative public benefits that are expected to arise. As a result, the policy test at paragraph 202 of the NPPF has been fulfilled, and also the analysis at paragraph 203 in relation to non-designated heritage assets. However, the proposal remains at odds with Policy R1, although less weight can be applied to this policy. This matter will be returned to in due course as part of the concluding planning balance.
23. The reference to heritage assets as referred within the NPPF also includes those with an archaeological interest, and Policy R1 similarly refers to sites of archaeological significance. The Greater Manchester Archaeological Advisory Service (GMAAS) was asked for its view on the proposals in the context of the submitted Planning and Heritage Statement and the site's heritage sensitivity. However, GMAAS is satisfied that the proposed terrace extension would have no impact on any known or suspected archaeological remains.

#### Design and Visual Amenity

24. The promotion of high standards of design is a central narrative within the NPPF, and with this message strengthened and reinforced in the July 2021 update. Paragraph 126 explains that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. The Trafford Core Strategy also attaches importance to the design and quality of the borough's built environment. The text supporting Policy L7 (Design) advises that high quality design is a key factor in improving the quality of places and in delivering environmentally sustainable developments. Design solutions must: be appropriate to their context; and

enhance the street scene by appropriately addressing scale, density, height, massing, layout, elevational treatment, materials, hard and soft landscaping, and boundary treatments, the policy is clear.

25. Very close scrutiny was paid to the proposed design solution for the new community building proposed via 97375/FUL/19, and an earlier application was withdrawn in response to concerns regarding the development's inappropriate scale and appearance (ref. 93172/FUL/17). The need for a high quality design response was reinforced when having regard to the site's sensitivity in conservation terms and also its prominence within the street scene. The quality of the hard landscape surrounding the building was also focussed upon, particularly the choice of surfacing and materials to further ensure that the new development would fit in with its surroundings. The submitted landscape plan confirms that the materials, detail and finish of the proposed terrace extension would replicate what has been constructed, albeit now introducing a somewhat larger expanse of hard surfacing. This includes in relation to the paving stones, the facing brick of the small retaining wall and its coping stone, and the railings fixed atop of the wall. This would ensure that the proposed works would wholly correspond with the existing new development and would give the impression of a development completed simultaneously. Conditions would be used to allow for materials to be checked prior to installation to ensure that they would be complementary.
26. Overall, officers are satisfied that the proposed terrace extension has been designed to maintain the standard of development that has been secured to date and that the resultant development would continue to be appropriate to its context and sympathetic within the street scene, especially when viewed from Ashley Road. Thus, the proposal is considered to be compliant with Core Strategy Policy L7 and also with the NPPF on matters of design.

#### Landscaping and Trees

27. Policy R2 (Natural Environment) of the Core Strategy recognises that Trafford has a range of natural assets that contribute to it being a visually attractive borough. The assets that are referred to include woodland and trees, including street trees and those in built-up areas, and the policy is committed to their protection and enhancement.
28. It has already been commented that the bowling green is surrounded by mature trees. Care was taken as part of the consideration of application ref. 97375/FUL/19 to ensure that two trees with amenity value (identified as T12 and T18) - positioned either side of the previous clubhouse building – would be retained. The landscaping scheme approved at that stage also illustrated new tree and other planting, including a new tree to eventually replace T18.

29. A new landscape plan submitted with this application illustrates that the enlarged patio would not further impact upon existing trees (which would continue to be retained) and nor the intention to deliver additional tree planting and other plants and shrubs (some of which have been planted). At the request of the Council's Tree officer, details have been submitted and accepted which indicate the provision of protective fencing around existing trees during the construction period. A condition would be used to ensure its installation, and with a further condition imposed to provide for replacement planting in the event that any newly planted shrubs would be undermined during contractor works.
30. With regard to the lawn of the bowling green, it is suggested that a method statement for the cutting into the green is provided – to be secured by condition – with the purpose of demonstrating how the works would be carried out without causing damage to the retained lawned area and to ensure appropriate aftercare. Overall, it is concluded that the proposal has been designed, and is capable of being implemented, such that the impact upon the natural environment would be minimised. The proposal is compliant with Core Strategy Policy R2, it has therefore been concluded.

#### The Use of the Terrace

31. The description of the new pavilion building, as contained within the 97375/FUL/19 decision notice, is 'a new multi-functional community building consisting of a new library, bowling club and various flexible functional spaces'. A key function of the new building is to provide a replacement library to serve the Hale community. Within the proposed two-storey building, this is to be located at first floor level. The ground floor of the building is to provide replacement accommodation for the bowling club (including a dedicated room close to the terrace area), and then also flexible event/meeting space and a function room with a kitchen and bar. These uses were regarded as compatible with the site's location within Hale District Centre, and also when acknowledging its long established use as a bowling pavilion. Conditions were imposed on permission ref. 97375/FUL/19 (nos. 3 and 4) which refer to the use of the building as a public library at first floor level (which should be retained) and, at ground floor level, the development is required to operate in accordance with the uses shown on the approved floor plan (showing meeting rooms, a function room, event/exhibition space, bowling club, a seniors room, kitchen and servery/bar). Both conditions are clear that the use of the building for any other purpose, including (with reference to the system of use classes in place at the time) another purpose within Class D1 or wider Class D, is not expressly permitted. The officer's original report regarding application ref. 97375/FUL/19 acknowledged that the function room could be used for private parties, and with conditions used to restrict the use of the building to 0700 to 2330 hours (daily) and to request a Noise Management Plan (to ensure that the use of the event space and function room in particular - including external breakout areas - would be carefully managed to prevent any unacceptable noise disturbance occurring). This original Noise

Management Plan - particular to the constructed development – has recently been submitted for officer review (requiring liaison with the Council's Nuisance team) but has yet to be approved.

32. It has been explained that the purpose of the proposed development is to provide an enlarged seating area for the bowling club overlooking the green. However, officers also acknowledge that this widened terrace may be used for other purposes in association with other uses of the community building. This could include for private parties, and it is noted that the function room is also located adjacent to the terrace, accessed via glazed, bi-folding doors. However – if it is to be assumed that the extended terrace may have multi-uses (as with the existing terrace) – this is considered acceptable *in principle* in this district centre location (in reflecting the objectives of Core Strategy Policy W2 (Town Centres and Retail) which seeks to support the continued vitality and viability of the borough's designated centres). This is on the basis that existing conditions (as imposed on permission ref. 97375/FUL/19) are available to minimise any potential adverse effects and with the opportunity for new conditions to be used specific to this proposal (to operate in parallel) in recognition that a larger terrace could allow for more users to congregate. In this regard, and notwithstanding any *in principle* acceptance, close consultation has again taken place with the Council's Nuisance team in order to understand whether existing mechanisms specific to permission ref. 97375/FUL/19 intended to mitigate and reduce adverse impacts (particularly in relation to noise and disturbance) would be adequate or whether tighter controls would be justified. The outcome of these discussions is summarised below, under the topic of residential amenity.

#### Residential Amenity

33. In addition to ensuring that developments are designed to be visually attractive, the NPPF (at paragraph 130) 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 through overshadowing, overlooking, visual intrusion, noise/disturbance or in any other way.
34. It is fully recognised that the application site is situated in Hale District Centre. It is presently in community use, and nearby uses include a public car park, a small supermarket, other shops, and food and drink establishments. However, there are some residential properties in the site's vicinity, including housing on both sides of Cecil Road and some upper floor residential flats on Ashley Road.
35. In terms of the list of considerations established by Policy L7, it is the potential for noise and disturbance that has been given closest scrutiny (and no issue is taken in respect of the other matters). This is when having regard to the use of the terrace, as enlarged, for purposes connected to the bowling green (for spectators

and for players) but also – and of more concern - in association with the adjacent community building and its probable holding of functions and other parties. Indeed, it is acknowledged that such events could take place during more noise-sensitive hours and potentially on a more frequent and adhoc basis.

36. As previously reported, advice on this matter has been sought from the Council's Nuisance team. No fundamental concerns have been raised when noting the modest scale of the terrace increase which would prevent a more considerable uplift in outdoor activity. In addition, it has been commented that the building itself would provide some noise attenuation specifically for those residents sited to the rear (on Cecil Road). Reference has also been given to other established sources of commercial noise in the locality. Nonetheless, it has been recommended that the hours that the terrace is in use are limited (to between 0900 and 2200 hours daily, which is more restrictive than the permitted hours for the building). In addition, the need for a new Noise Management Plan (NMP) – particular to this proposal - has been identified. Its purpose would be to put in place reasonable measures to reduce the impact of prospective noisy activities associated with the use of an enlarged external area. The consultation response advises that this NMP should prevent the playing of any amplified music or speaker systems to outdoor areas, should reaffirm the terrace's hours of use, and should allow for a scheme of monitoring to assess the effectiveness of the NMP (which could then be subject to change, including in response to the receipt of complaints). Other measures, to be covered by the NMP, may also be necessary.
37. Subject to this NMP and the safeguards it would provide along with a specific hours of use condition, the position of the Nuisance team to the development proposed is of 'no objection'. Accordingly, it is concluded that there would be no detrimental impact to the amenities of surrounding residential occupiers, and the requirements of Policy L7 on this matter are therefore fulfilled (together with the NPPF's).

#### Accessibility

38. The NPPF, when naming the three overarching objectives of the planning system (paragraph 8), identifies under the social objective the importance of delivering accessible services that reflect current and future needs and support communities' health and their social and cultural well-being. When assessing applications for development, it should be ensured – according to paragraph 110 – that safe and suitable access to a site could be achieved for all users. In addition to covering design and the appearance of new development, Policy L7 of the Core Strategy also refers to matters of accessibility. It identifies that new development should offer equal access for all potential users and should provide good pedestrian connections within a site as well as to/from it.

39. The merits of the wider community building development were carefully assessed in this regard, specifically in the context of application ref. 107165/NMA/22 (approved in July 2022). This sought to increase the height of the external terrace relative to the adjacent bowling green and to introduce a gentle ramp and steps. However, following careful scrutiny, it was concluded that the new elevated terrace (as now constructed) incorporated acceptable gradients, and that whilst steps were introduced (down to the bowling green) there would be an alternative non-stepped approach, which would be satisfactory. However, this process served to identify a number of pinch-points around the perimeter of the building where desirable access widths for all users may not be achievable. This was not, however, a new shortcoming introduced via the 2022 terrace application (ref. 107165/NMA/22); rather it appeared to be an issue that affected the original permitted scheme (ref. 97375/FUL/19).
40. In returning to the new proposal, it can again be confirmed that it incorporates the same provisions relating to gradients and also to the provision of alternatives to the bowling green steps. However, in addition, the extended terrace would provide greater depth to the front of the building (an increase of some 1 metre) which could allow for general improved manoeuvrability and ease of access in this location.
41. Overall, it is concluded that the proposed development would be fully accessible by all sections of the community, in accordance with Policy L7 and the NPPF, and would in fact deliver a more generous pedestrian/wheelchair/pushchair route to the front of the building.

#### Other Planning Considerations

42. The proposal does not involve any changes to vehicular access arrangements or to servicing. No additional parking (for motorised vehicles or for cycles) is proposed since no material uplift in parking is anticipated. The wider development would continue to rely upon the public parking opportunities as offered by the adjacent Cecil Road car park and within the district centre. Consultation with the Council's Parking Services team – in the context of the site's proximity to the Council's pay and display facility – has resulted in a request for a condition to be imposed with the intention of minimising any disruption to the car park during the construction process. Consultation with the local highway authority has confirmed that there are no other concerns on highways/traffic grounds. In addition, the Lead Local Flood Authority has raised no objection in respect of surface water drainage and flooding.
43. Issues of crime and community safety were carefully considered at the time of the original application for the new community building. This planning submission included a Crime Impact Statement (CIS) which had been prepared in conjunction with the Greater Manchester Police (GMP). Subsequent consultation with the GMP confirmed that the development had been

appropriately designed to lessen opportunities for crime and with a condition imposed – on the recommendation of GMP – to ensure that the recommendations of the CIS would be implemented and maintained. Further consultation with GMP in the context of the elevated terrace (permission ref. 107165/NMA/22) and concerns at that stage (as raised in representations) that it could potentially encourage anti-social behaviour confirmed no change in its position, subject to continued compliance with the CIS. Indeed, adherence to the CIS remains an ongoing requirement for the development as a whole, and it is considered that this control remains an effective means for appropriately addressing issues of crime prevention and community safety – via the planning system – for the enlarged terrace.

44. The majority of matters raised in the submitted representations have been covered in this report. For the avoidance of doubt, this planning application is not retrospective and the terrace that is now proposed has not been constructed. Any remaining issues raised in representations which have not been specifically identified have nonetheless been duly examined but are not considered determinative.

## **DEVELOPER CONTRIBUTIONS**

45. No developer contributions apply.

## **PLANNING BALANCE AND CONCLUSION**

46. The application site relates to the recently constructed new community/library building located in central Hale and which overlooks the bowling green to Ashley Road. The development has been delivered to provide a small, elevated terrace to the front. The application, made in full, proposes to extend the depth of this terrace (by approximately 1 metre) which would provide more external circulation and visitor space. In turn it would reduce the width of the bowling green. The application submission explains that the proposal has been prompted by Hale Bowling Club in its desire to further improve facilities for the club and to provide an enlarged seating/viewing area.
47. Given the modest scale of the works proposed, it has been confirmed that the proposal would have no material impact on the usability or function of the green, which is identified as Protected Open Space. The dimensions of the resultant green would still fall within the range required by the sport's governing body. No concerns have been raised by Sport England.
48. The green is located within HSCA and is itself a non-designated heritage asset. It is also recognised as a local landmark and is the source of key views across Ashley Road. Any loss in the proportions of this important green space – even on a small scale - is regarded as undesirable, and it has been concluded that the proposal would cause negligible harm to the significance of the conservation

area (categorised as 'less than substantial' when applying NPPF terminology) and also to the bowling green. However, the proposal would bring about some public benefits, as identified within the officer report, proportionate to the scale of the work. These cover social, leisure, community and commercial objectives, together with improved circulation space and external accessibility provision. It has thereby been concluded that the harm to the significance of heritage assets would be suitably outweighed by the benefits arising. However, the identification of heritage harm renders the proposal at odds with the heritage policy of the development plan (Policy R1), although the newer policy approach of the NPPF takes precedence and reduced weight is afforded to the less current Policy R1.

49. The proposal has been found to be acceptable in all other respects, including 'in principle' when having regard to the site's district centre location and on matters of design and visual amenity, landscape and trees, residential amenity, highways, flood risk and crime. Some conditions are recommended to mitigate potential adverse impacts and to secure a high standard of implementation to protect the character and appearance of the area.

50. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires applications to be determined in accordance with the development plan unless material considerations indicate otherwise. That remains the starting point for decision-taking. The NPPF is an important material consideration. 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 relevant policies or the development plan as a whole have been deemed 'out of date'. The conflict with Policy R1 is displaced by the proposal's compliance with the newer NPPF approach. It has thereby been concluded that the proposal is compliant with relevant policies of the statutory development plan when taken as a whole, national policy in the NPPF and also other local guidance. Approval is recommended, subject to conditions.

### **RECOMMENDATION:**

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

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

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



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

Site location plan (ref. HAR-KMA-XX-XX-DR-A-7000 P1);  
Proposed site plan (ref. HAR-KMA-XX-XX-DR-A-7002 P1);  
Proposed elevations (ref. HAR-KMA-XX-XX-DR-A-7202 P1);  
Proposed elevations (ref. HAR-KMA-XX-XX-DR-A-7203 P1);  
Bowling green site landscape strategy (ref. 15.541 200 P17); and  
Pavilion levels and drainage (ref. 15.541 200-D P9).

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

3. Notwithstanding the approved plans as referred to at condition no. 2, no above-ground construction works shall take place unless and until samples and full specifications of all hard landscape works to be used throughout the development hereby approved have been submitted to and approved in writing by the local planning authority. The details shall include: materials for pedestrian routes; all other hard surfacing materials; and means of enclosure/boundary treatments. Development shall be carried out in full accordance with the approved details.

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

4. No development shall take place, including any works of site preparation, until all trees that are to be retained within or adjacent to the site have been enclosed with temporary protective fencing in accordance with the submitted Tree Constraints Plan (ref. 15.541 ref. 102 P3) which is in conformity with BS5837:2012 'Trees in relation to design, demolition and construction'. The fencing shall be retained throughout the period of construction and no activity prohibited by BS5837:2012 shall take place within such fencing during the construction period.

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

5. Any trees or shrubs planted in accordance with the approved landscaping works (plan ref. 15.541 200 P17 as referred to in condition no. 2 above) which are removed, die, become diseased or seriously damaged shall be replaced with

new trees or shrubs of a similar size and species and planted in the next planting season.

Reason: To ensure that the site is satisfactorily landscaped and that replacement planting is provided, having regard to Policy L7, Policy R2 and Policy R3 of the Trafford Core Strategy and the National Planning Policy Framework.

6. No works to the existing lawn of the bowling green shall take place unless and until a method statement for the grass cutting works has been submitted to and approved in writing by the local planning authority. The submitted statement shall demonstrate how the works would be carried out whilst preserving the health and integrity of the retained lawn area. The works to the bowling green shall be undertaken in full accordance with the approved method statement.

Reason: To ensure the continued health and functioning of the bowling green in the interests of visual amenity and of local recreational provision, having regard to Policy L7, Policy R2, Policy R3 and Policy R5 of the Trafford Core Strategy and the National Planning Policy Framework.

7. No development shall take place, including any works of site preparation, unless and until a mitigation scheme to minimise disruption to the use and functioning of Cecil Road car park during the construction period has been submitted to and approved in writing by the local planning authority. The approved scheme shall be adhered to throughout the construction period.

Reason: To ensure that appropriate details are agreed before works start on site to minimise disruption to users of the car park and to its wider operation, 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 as any works undertaken beforehand, including preliminary works, could result in adverse highway and amenity impacts.

8. The hours of use of the terrace extension hereby approved shall be limited to 0900 hours to 2200 hours Mondays to Sundays including Bank Holidays.

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

9. The terrace extension hereby approved shall not be brought into use unless and until a Noise Management Plan for the use of the terrace has been submitted to and approved in writing by the local planning authority. The submitted plan shall include (although shall not be restricted to) the following matters with the purpose of demonstrating that the use of the terrace can be carefully managed to prevent any unacceptable noise disturbance occurring: a restriction on the hours of use of the terrace in accordance with condition no. 8 above; the prevention of any amplified music or speaker/sound systems to outdoor areas; procedures for

access to the terrace; and procedures for dealing with any noise-related complaints. The submitted plan shall also allow for a system of monitoring to take place to assess the effectiveness of the measures proposed. The Noise Management Plan shall be implemented as approved, subject to monitoring, and shall remain in place for the lifetime of the development approved.

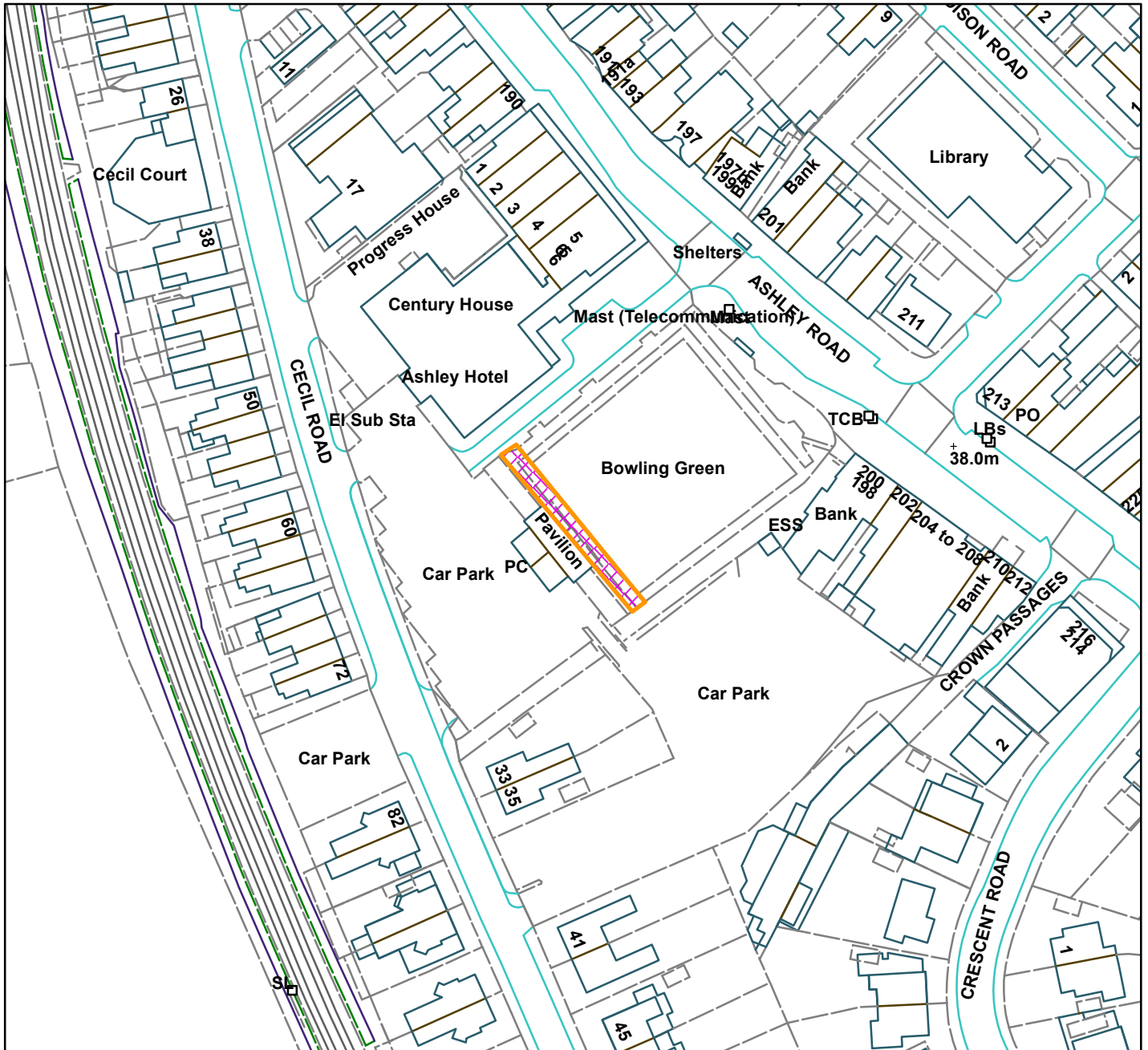
Reason: In the interests of residential amenity, having regard to Policy L7 of the Trafford Core Strategy and the National Planning Policy Framework.

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BB



Bowling Green, Ashley Road, Hale (site hatched on plan)



**Scale:** 1:1,250

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Organisation	Trafford Council
Department	Planning Service
Comments	Committee Date 13/07/2023
Date	30/06/2023
MSA Number	100023172 (2022)

**Proposed replacement SEN school (Class F1(a)) for 160 pupils aged 5 to 19 years comprising a one and two storey building, a multi-use games area (MUGA), cycle and car parking incorporating an overhead canopy with PV panels, sprinkler tank and enclosure, alterations to the site access, hard and soft landscaping, fencing and boundary treatments, and signage, together with demolition of the existing buildings and formation of a temporary access from Warwick Road South for construction purposes and the provision of contractor facilities and associated works required during construction.**

St John Vianney RC School, Rye Bank Road, Stretford, M16 0FX

**APPLICANT:** Department for Education

**AGENT:** Mr Mike Hughes (Smith and Love Planning Consultants).

**RECOMMENDATION: GRANT SUBJECT TO CONDITIONS**

**The application is reported to the Planning and Development Management Committee as it has received six letters contrary to the Officer recommendation, and has been called in by Cllr Jarman with concerns raised regarding the construction impact, highway safety and impact on trees within the site.**

**Executive Summary**

The application site relates to a special educational need (SEN) school within Old Trafford set within a predominantly residential area. Planning permission is sought for the replacement of this SEN school, with the capacity retained at both 160 pupils and 70 full time staff. The re-building of this school would benefit from the first wave of Department for Education funding within the Government’s School Rebuilding Project owing to the poor physical condition of the school. The replacement school would be net-zero carbon in operation. The school would remain in operation whilst construction works are being undertaken, and a phased construction would be adopted.

The replacement school would be two storey, constructed in facing brick with good use of fenestration, articulation and a contemporary entrance, resulting in an aesthetic and sustainable design quality. 45no. parking spaces are proposed on-site (an increase of 50% over the existing school), including three disabled spaces. The site also offers a more efficient layout to facilitate school minibus drop-offs on-site. Secure bicycle storage is also proposed. A multi-use games area would be delivered on site and would be used solely for educational purposes. Matters relating to design, residential amenity, highways, trees, air quality, drainage, ecology, and accessibility are all considered to be acceptable subject to appropriate conditions.

Notwithstanding that the development is considered to be acceptable in all respects, great weight has been given to the need to expand and alter schools, as required by paragraph 95 of the NPPF, and to ensure that a sufficient choice of school places is

available to meet the needs of existing and new communities. In respect of the NPPF Paragraph 11, proposals that accord with an up-to-date development plan shall be approved without delay. Therefore, this application is recommended for approval subject to conditions.

## **SITE**

The application relates to a specialist day school covering Key Stages 1 to 5 for children with special educational needs. St John Vianney is a Catholic school, under the control of the Diocese of Salford. The school provides education for 160 pupils, with 70 full time equivalent staff. 30 parking spaces are provided on-site, located along the eastern (Metrolink) boundary.

The application site is 1.2 hectare, and comprises of a large, flat roofed building that varies in height from single storey to three storeys. The site lies on the southern side of Rye Bank Road, onto which the main entrance of the school faces. Residential properties on the northern side of Rye Bank Road face onto the site. Warwick Road South, which provides access to St. Hilda's C of E Primary School, bounds the site to the south-west. The Manchester Airport/East Didsbury – Manchester Metrolink line bounds the site to the east. Allotment gardens, which fall within the boundary of Manchester City Council, bound the site to the south.

## **PROPOSAL**

Planning Permission is sought for erection of a replacement school (Class F1(a)) for 160 pupils aged 5 to 19 years comprising a one and two storey building, a multi-use games area (MUGA), cycle and car parking incorporating an overhead canopy with PV panels, sprinkler tank and enclosure, alterations to the site access, hard and soft landscaping, fencing and boundary treatments, and signage, together with demolition of the existing buildings and formation of a temporary access from Warwick Road South for construction purposes and the provision of contractor facilities and associated works required during construction. 45 parking spaces would be provided on-site. 70 full time equivalent staff would be employed within the school.

The new school is proposed to be constructed further south into the site than the existing, with a greater set back from the street frontage on Rye Bank Road. It is proposed that play space, with MUGA, landscaping and car parking with drop up and pick up areas would be provide to the front of the site within the approximate location of the existing building. The proposed school would consist of two storey buildings constructed in an irregular U shape with play space interspersed between and around the buildings.

The pavilion building would be part single part two storey, to accommodate a hall, and would be connected to the main building by a canopy providing a covered play space

between the two buildings. The main building would front onto Rye Bank Road and be two storey. Both buildings would be constructed in red brick, with aluminium windows and doors and brick detailing.

Main access to the site would be from Rye Bank Road, with a dedicated drop off and pick up turning area created as part of the layout. Car parking would also be provided.

The proposal would not increase the capacity of pupils on site rather it would provide upgraded facilities. The school is proposed to be built to achieve net zero carbon in operation.

The development would be constructed whilst the majority of existing buildings are in situ in order to limit the impact on the operation of the school. A secure line will be implemented, and once the new school is constructed the old school buildings will be demolished.

## **DEVELOPMENT PLAN**

The Development Plan in Trafford Comprises:

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

## **PRINCIPAL RELEVANT CORE STRATEGY POLICIES**

L4 – Sustainable Transport and Accessibility

L5 – Climate Change

L6 – Waste

L7 – Design

L8 – Planning Obligations

R2 – Natural Environment

R3 – Green Infrastructure

R5 – Open Space, Sport and Recreation

W1 – Economy

## **PROPOSALS MAP NOTATION**

None.

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

None.

## **SUPPLEMENTARY PLANNING DOCUMENTS**

SPD1 – Planning Obligations  
SPD3 – Parking Standards and Design

## **OTHER RELEVANT DOCUMENTS**

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

## **PLACES FOR EVERYONE**

Places for Everyone (PfE) is a joint Development Plan Document being produced by nine Greater Manchester districts (Bolton, Bury, Manchester, Oldham, Rochdale, Salford, Tameside, Trafford and Wigan). Once adopted, PfE will be the overarching development plan, setting the policy framework for individual district Local Plans. The PfE was published for Regulation 19 consultation from 9th August 2021 to 3rd October 2021 and was submitted to the Secretary of State for Levelling Up, Housing and Communities on 14 February 2022. Independent Inspectors have been appointed to undertake an Examination in Public of the PfE Submission Plan and the hearings are scheduled to start in November 2022. Whilst PfE is at an advanced stage of the plan making process, for the purposes of this application it is not yet advanced enough to be given any meaningful weight, such that it needs consideration in this report.

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

The MHCLG published the revised National Planning Policy Framework (NPPF) on 20<sup>th</sup> July 2021. The NPPF will be referred to as appropriate in the report.

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

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

## **RELEVANT PLANNING HISTORY**

91519/FUL/17 – Application for façade improvement works to reception/main hall and construction of canopy over entrance to front elevation. *Approved with conditions 12.07.2017.*



7523/FUL/19 – Application for replacement facades to the external elevations fronting Rye Bank Road. *Approved with conditions 18.06.2019.*

### **APPLICANT'S SUBMISSION**

Air Quality Assessment (AQA)  
Arboricultural Appraisal  
Bat Survey  
Cover Letter  
Crime Impact Statement (CIS)  
Demolition Report  
Design and Access Statement (DAS)  
Drainage Strategy  
Energy Strategy Report  
Equalities Statement  
External Lighting Calculations  
Flood Risk Assessment (FRA)  
Noise Impact Assessment (NIA)  
Phases 1 and 2 Ground Investigation Report  
Planning Statement  
Preliminary Ecological Appraisal (PEA)  
Quality and Works Management Plan  
Statement of Community Involvement  
SuDS pro-forma  
Transport Statement (TS)  
Travel Plan

### **CONSULTATIONS**

**Cadent** – No objection. Suggest informative regarding gas infrastructure in the area.

**Environmental Health (Air Quality)** – No objection. Conditions requested regarding construction method statement, and low emission vehicle charging points.

**Environmental Health (Nuisance)** – No objection. Condition requested regarding external lighting scheme and construction method statement.

**Greater Manchester Ecology Unit (GMEU)** – No objection.

**Lead Local Flood Authority (LLFA)** – No objection. Condition requesting compliance with FRA / Drainage Strategy and Green Infrastructure Strategy.

**Local Highway Authority (LHA)** – No objection. Conditions requested regarding construction method statement (for each individual phase) and implementation of a full travel plan.

**TBC Arboriculturist** –No objection.

**TBC Strategic Planning** – No objection. The proposal does offer an opportunity to increase the width of the adjacent cycle route.

**TBC Sustainability and Climate** – No objection.

**TBC Waste** – No objection.

**Sport England** – No objection.

**Transport for Greater Manchester (TfGM)** – No objection. Cycle storage to be provided in accordance with Councils standards. Existing school travel plan should be updated as necessary.

**United Utilities** – No objection.

## **REPRESENTATIONS**

Letters of objection have been received from 4no. separate properties in the surrounding area, and 1no. letter of objection submitted jointly from the residents of nos. 98, 100, 102, 104, and 106 Warwick Road South. Additionally, 3no. letters making general representations have also been received.

The concerns/comments raised are summarised as follows:

### *Principle of Development*

- Supportive of the need to re-develop / modernise schools.

### *Design / Character*

- Concerns regarding the roof form of the development and whether pitched or curved roofs should have been pursued.
- How high is the development adjacent to the allotments?
- Overbearing size of development.
- Pavilion would be overbearing and encroaches upon green space within the site.
- Lighting plan must be sensitively designed and the Council should consider conditioning this.

### *Residential Amenity*

- Noise impact.
- Intrusiveness of any lighting scheme.
- Loss of privacy and light to neighbouring properties and gardens.
- Dominance of the development.

### *Construction Impact*

- Will construction traffic be prevented from using Woodstock Road and Royston Road.

- Warwick Road South should not be used as a route for construction vehicles.
- Will roads be repaired following construction? Surrounding residential roads are not suited to handle construction traffic.
- Will alleyway remain accessible during construction works?
- Impact of manoeuvrability of construction vehicles upon parked cars and the pavements.
- The development should compensate the community for construction impact with an improvement to the adjacent alleyway.
- Construction impact upon a mature Birch tree adjacent to Warwick Road South.
- Vehicles waiting to deliver site materials should switch off their engines to avoid polluting the surrounding air.

#### *Adjacent Alleyway*

- Improvements need to be made to existing alleyway which is dangerous and unsafe with incidents of crime occurring.
- The alleyway forms part of a designated cycle route, yet is insufficiently wide to meet current design standards, and would not allow cyclists to pass one another.
- Proposal will reduce light to alleyway reducing safety for users of this route.
- The applicants (school) have a significant opportunity to use some of their land to widen the alleyway. This loss of land would be minor to the school.
- Can CIL money be used to improve alleyway?
- Disappointed that the Statement of Community Involvement rejects suggestions to improve the alleyway.

#### *Other Matters Raised*

- Scheme has been designed without due consideration of neighbours.
- CGIs are misleading.
- Inconsiderate parking by parents. Has consideration been given to accommodating and encouraging pick-up/drop-off within the school grounds.
- Will the school consider traffic control measures within the school exit area to help alleviate traffic congestion in the area.

*Officer response: All representations received have been duly noted and considered. It is considered that the plans submitted are sufficiently accurate and detailed to enable the Local Planning Authority to determine this planning application. For other concerns raised, please see appraisal.*

## **OBSERVATIONS**

### PRINCIPLE OF DEVELOPMENT

#### Policy

1. S38(6) of the Planning and Compulsory Purchase Act 2004 states that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF at paragraphs 2 and 47 reinforces this requirement and at paragraph 12 states that the presumption in

favour of sustainable development does not change the statutory status of the development plan as a starting point for decision making, and that where a planning application conflicts with an up to date development plan, permission should not normally be granted.

2. The Council's Core Strategy was adopted in January 2012. It remains broadly compliant with much of the policy in the 2021 NPPF. Whether a Core Strategy policy is considered to be up to date or out of date is identified in each of the relevant sections of this report and appropriate weight given to it.
3. The NPPF is a material consideration in planning decisions, and as the Government's expression of planning policy and how this should be applied, it should be given significant weight in the decision making process.
4. Policy L7 is considered to be compliant with the NPPF as it comprises the local expression of the NPPF's emphasis on good design and, together with associated SPDs, the Borough's design code. Policy L7 is considered to be compliant with the NPPF, and is therefore 'up-to-date' in NPPF terms and full weight can be attached to this policy.
5. For the purposes of this application the development plan is considered to be up-to-date for decision making purposes. The tilted balance in paragraph 11 of the NPPF is not engaged and the application should be determined in accordance with the development plan unless material considerations indicate otherwise.

### School Replacement

6. On 29<sup>th</sup> June 2020, the Government announced a ten year school rebuilding programme (SRP). The SRP will undertake major rebuilding and refurbishment projects, with investment targeted at school and sixth-form college buildings in the worst condition across England. This school was prioritised for re-building within the first 50 projects (out of 400 currently in the system). The criteria for prioritising the first schools was those that:
  - Are known to have Laingspan or Intergrid buildings – 2 types of system buildings used to construct schools in the post-war period, and which are reaching the end of their design life and have potential structural weaknesses.
  - Have buildings that are in the poorest condition, as identified in data collected by the department in the Condition Data Collection (CDC).
7. The re-building of this school benefits from Department for Education (DfE) funding. It is understood that this is a school in poor condition, with some school building on sites not used due to poor condition. This was clearly evident on-site and the school could now be re-developed within the first 50 projects announced

by the Government. As part of the funding, it is understood that a requirement is in place for the replacement school to be net-zero carbon in operation (NZCiO).

8. The submitted Design and Access Statement confirms that the project is driven by the need to improve the condition of the school buildings. There would be no changes to the existing school capacity at 160 pupils and the school would remain a 'special education need and disability (SEND)' school for junior and senior age groups, with an associated sixth form. The employment proposed would remain as existing – 65 full-time, and 10 part-time roles with a high staff-pupil ratio.
9. The redevelopment would see the proposed school buildings constructed on part of the current schools playing fields to the rear of the site. New playspace would be created to the front of the site in the form of a MUGA, with landscaped areas around this and hard play spaces created in and around the new buildings. There would be less overall playing field (soft playspace) on the site, by approximately 100m<sup>2</sup>. However the amount of soft informal play areas proposed within the development would still significantly exceed the Building Bulletin 104 (BB104) requirement for a school of this size (which sets the standard areas for schools). Part of the playing fields will be retained to the rear of the site. The amount of hard play areas within the site however is significantly increased by approximately 600m<sup>2</sup> and again exceeds the requirement of BB104. Overall the amount of hard and soft play spaces within the redeveloped site would increase from the existing provision.
10. Sport England have been consulted on the site and have stated that the area of playfield is too small (below 0.2ha) to fall within the formal definition of protected playfields, and have no comments to make on this application.
11. Whilst any loss of green space is unfortunate, particularly within a school site, it is considered that the replacement play facilities provided within the redeveloped school would be acceptable and would result in an increase of the overall amount of play space. The proposal has been carefully designed including the outdoor space to meet the complex needs of the school pupils. The landscaping as proposed is considered to be well designed and include the provision of trees and native planting.
12. The principle of the redevelopment of the site for a replacement school is considered to be acceptable and in accordance with paragraph 95 of the NPPF which requires local planning authorities to ensure that there is a sufficient choice of school places to meet the needs of existing and new communities by taking a proactive, positive and collaborative approach to meeting this requirement including by giving great weight to the need to create, expand or alter schools through the preparation of plans and through their decisions on applications.

## CLIMATE CHANGE

13. The need to mitigate and adapt to climate change is key to the delivery of sustainable development. Policy L5 of the Core Strategy requires new development to mitigate and reduce its impact on climate change factors and maximise its sustainability through improved environmental performance of buildings, lower carbon emissions and renewable or decentralised energy generation.
14. The Council has declared a Climate Emergency with a target to become a Carbon Neutral borough by 2038. As set out within the draft Places for Everyone, there is an expectation that all new development will be net zero carbon from 2028.
15. The school is proposed to be constructed to be carbon neutral in operation. The applicant has submitted an energy statement with the application, which sets out how the energy hierarchy has been considered in designing the proposed development.
16. Through the design of the building, the energy demands of the school have been reduced, the design incorporates a fabric first approach, minimising heat loss during the winter and heat gains in the summer. This reduces the carbon dioxide emission from the buildings energy sources. In addition renewable energy sources are proposed to serve the development through solar PV panels on the roof and the inclusion of an air source heat pump. These elements can be conditioned to ensure that the school achieves net zero carbon in operation.
17. The carbon neutral in operation credentials are a positive aspect of this development and would be in accordance with Policy L5 of the Core Strategy and the NPPF.

## DESIGN AND APPEARANCE

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

### Siting and Layout

19. The new school would consist of two buildings, fronting Rye Bank Road, set back at least 45m from the front boundary of the site. This provides the opportunity to open up the existing northern portion of the site for play and car parking, following demolition of the existing school buildings. Sufficient space would be provided between the new school and site boundaries and overall the footprint would be less than existing. The massing is kept well away from the majority of neighbouring residential properties with this site layout.
20. The pavilion building would be sited to the western side of the site and the main school building to the east in an irregular u-shape. Both buildings would be connected via an external canopy which provides some limited covered outdoor play space between the two buildings and helps to define the main site entrance.
21. The building would be 9.1m to parapet level (closest to the allotments), at a distance of 25m at the closest point extending to 32m at the farthest. It is not considered to appear significantly dominant in the context of the allotments.
22. The topographical survey and proposed site levels (shown on the site plan) demonstrate that the development would be constructed at a similar level to the existing site levels / finished floor levels. Whilst there would be marginal changes in levels across the site (in some cases up to 1m), these are not considered to have a significant adverse impact on the appearance of this area (or residential amenity). The impact on trees is discussed later in this report, although the Councils Arboriculturist is satisfied that the trees within the site can be adequately protected during construction and ground works.

#### Scale, Form and Massing

23. The height of the building is determined by the two storey floor space and parapet roof design. The height would, in part, be taller than existing school buildings given the consistent two storey height across the majority of the school. This is considered acceptable due to the sufficient separation provided to site boundaries, particularly its set back from Rye Bank Road, alongside the building form which helps break up the massing. The surrounding residential buildings are two storey enabling the proposed school to reflect the scale of surrounding development. The pavilion building would be partly single storey, with a double storey section to accommodate a hall. The main school building would provide two levels of teaching accommodation, with a lift to the upper floor.
24. The flat roof design would provide a contemporary feel, which is considered appropriate in the context, particularly given the size of the site and that the existing buildings feature a flat roof. Given the space available within the site, the scale, form and massing is considered appropriate.

#### Appearance and Materials

25. The red brick forming the main elevation of the building would reflect the predominant materials in the local area, which includes many semi-detached brick houses. The flat roof design would provide a contemporary aesthetic, which would be enhanced by detailing including soldier brick detailing to the parapets.
26. Windows would be large with suitable proportions and a coherent design throughout, whilst the darker shaded brick panels (recessed 20mm) would add interest. The 80mm external window reveal would provide depth and help break up the façade. The applicant has proposed the above window reveals albeit wishes to confirm the exact reveals at condition stage. The use of curtain walling helps to accentuate the main entrance, whilst the external canopy breaks up the massing of the development, funneling views into the school, and would define the principal elevation in a contemporary style.
27. The external plant would be sited on the roof, albeit enclosed within a screened roof complex – the colour and material of which can be requested via a materials condition. Whilst the plant complex would extend 1.8m above the parapet, this is significantly set back from the building frontage – approximately 30m and thus some 75m from Rye Bank Road. It would not be a prominent feature within the wider public realm. Whilst Officers have discussed alternative sitings with the applicant, this is the only feasible solution that would not have a significant impact upon the play areas and site accessibility.
28. No elevations have been submitted with respect to the parking canopies sited to the front of the site. The visuals provided indicate that these would be relatively modest structures covered in solar PV which would enhance the energy credentials of this scheme. Officers are satisfied that an acceptable appearance to these structures can be achieved in the context of this scheme, particularly given the tree planting proposed to Rye Bank Road, and the open nature of the canopies. A condition can require details to be submitted to the Local Planning Authority for approval prior to the erection of any such structure.
29. Details of materials can be conditioned to ensure a satisfactory appearance to the development. A condition can also ensure that full architectural details are submitted to ensure good detailing, and articulation, of the external façade.

### Design Conclusion

30. On the basis of the above, the proposal is considered to be appropriately designed and would not have a significantly adverse visual impact on the existing character of this area. Subject to the aforementioned conditions, the proposal would accord with policy L7 of the Core Strategy and the NPPF.

### RESIDENTIAL AMENITY



31. 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.
32. Owing to the separation between the replacement school and neighbouring properties, the development is not considered to appear significantly overbearing nor significantly prejudice light levels. Whilst the school buildings would be sited slightly closer to Warwick Road South, the scale of development is lower at two storeys, compared to the existing three storeys. Moreover, the façade facing Warwick Road South contains significantly fewer windows at 1<sup>st</sup> floor than the existing building. The development would be set-back further within the site from Rye Bank Road than the existing two storey building. Whilst the scale of development is increased to two storey along the eastern boundary (adjacent to the Metrolink line), a separation of approximately 50m is retained to the properties on Firs Avenue. The proposed replacement school would have an acceptable relationship with neighbouring properties in respect of light, dominance and privacy.
33. The separation between the proposed roof plant and the nearest residential properties (Firs Avenue) is approximately 55m with both the Metrolink line and Firs Avenue in-between. The plant equipment itself would be set within a sealed complex, and set-back from the roof edge behind the parapet. Given the distance, and intervening noise sources, and plant screen, it is not considered that this equipment would be significantly disturbing or harmful to residential amenity. The submitted noise assessment was undertaken in October 2021 and notably prior to the design/layout of any replacement school being finalised. Following consultation with Environmental Health Officers, it is considered that a condition can secure a noise impact assessment of any external plant / fixed machinery to be submitted to the Local Planning Authority prior to its installation, ensuring that the noise levels (and any mitigation) does not exceed the background noise levels when measured at the nearest residential dwelling.
34. The number of pupils and staff would remain as existing. It is not considered that the site would be used more intensively generally, nor around the perimeters of the site (closest to neighbouring properties). The multi-use games area (MUGA) would be used solely by the school and not for commercial purposes which can be conditioned.
35. The applicant has demonstrated that the proposed building would be adequately mitigated from noise and vibration from the adjacent Metrolink line. In particular, it is recognised that the proposed building would be separated approximately 15m from the nearest tram line, which is also set within a cutting which is 4m deep. Trams passing the site would be travelling at a low speed owing to the proximity

of the Firwood Tram stop. The building fabric and ventilation would be appropriate to meet the internal noise level targets of Building Bulletin 93 (acoustic design of schools – performance standards) for a SEN classroom.

36. Limited details of external lighting have been provided in respect of the impact on neighbouring properties. The submitted lighting plans demonstrate that the site can be adequately illuminated including the pathways around the site, but does not demonstrate the impact on the nearest residential properties. The agent has also advised that the proposed lighting may not yet be final. A condition can therefore be attached to any consent requiring full details of external lighting to be provided prior to their installation on site. This could ensure that any external lighting has an acceptable relationship in respects of both residential amenity and the appearance of the site.
37. Subject to the aforementioned conditions, it is considered that the proposal would have an acceptable impact on residential amenity having regard to policy L7 of the Core Strategy and the NPPF.

#### LANDSCAPING / GREEN INFRASTRUCTURE

38. 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.
39. The Councils Arboriculturist has raised no objection to the impact on any existing trees within the application site. Officers have secured the retention of trees to the north-west corner of the site prominently located at the junction of Rye Bank Road and Warwick Road South. Additional tree planting has been secured along the southern boundary to the allotments and the western boundary of the site, whilst still allow2ing some surveillance of the alleyway (NCN55). The applicant has submitted a tree protection plan which can be strictly conditioned to ensure the protection of existing trees on-site.
40. Limited information has been submitted with respect to hard landscaping. However, the indicative landscape layout does indicate that areas of parking, pathways and hard play surfacing would be physically delineated through changes in surfacing. Details of hard landscaping (and boundary treatments) can be dealt with via conditions to ensure an appropriate and quality mix of materials to promote wayfinding within the site and to secure an attractive layout.
41. Details of the proposed planting arrangement on-site (including trees) can be requested via condition prior to occupation of the development. A condition can also ensure the longevity of any planting arrangements through the submission of

a detailed landscape management plan. Existing trees shall be protected, which is demonstrated through a tree protection plan and can be conditioned.

42. Subject to the aforementioned landscaping and tree protection conditions, the proposal would accord with both policies R3 and R5 of the Core Strategy and the NPPF.

## HIGHWAYS IMPACT

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

### Access / Generated Trips

45. The main entrance points for the school are located on Rye Bank Road, and the proposals seek to continue using these points of access, with the majority of works limited to within the curtilage of the school.
46. The majority of pupils arrive by minibus and the school can have up to 40 minibuses arriving/leaving the school at the same time. An opportunity exists within the redevelopment of this site to improve the existing drop-off and collection arrangements. A proposed new internal access road and traffic management system and minibus/taxis waiting area will better control how these vehicles access and egress the site, reducing the need for school provided transport vehicles to queue on Rye Bank Road and side roads (pupils cannot be dropped off or collected from outside the school). It is understood the proposed MUGA located within the same area will not operate during school drop off and pick up times.
47. The existing access arrangements for the school car park will be retained, with the access also serving the proposed service yard. A segregated pedestrian and cycle entrance (utilising the existing entrance) will be provided from Rye Bank Road which will link to a new purpose built pedestrian and cycle path.

48. The vehicle access located off Warwick Road South will be permanently closed, and the LHA requests in addition to the removal of the access gates, the existing kerbline is extended accordingly to close the gap (running behind the double yellow lines).

### Servicing

49. It is proposed to provide a dedicated service yard to the side of the building which will be accessed and egressed via the Rye Bank Road car park access. Turning space will be provided within the site to accommodate access and egress in a forward gear, which will also be segregated from the proposed pedestrian and cycle route and minibus/taxi drop off and pick up area.

### Car Parking

50. The car parking standards as detailed within Supplementary Planning Document 3 'Parking Standards and Design' (SPD3) state that for this location the school requires two spaces per classroom with the additional provisos –
- (a) Classrooms include any teaching space within a school including gyms, science rooms, drama studies, etc
  - b) These standards are the starting point, but account should be taken of variations between primary and secondary schools and those with sixth forms.
  - c) Drop off spaces to be determined on a case by case basis
51. Based on the submitted floor plans, when considering only the number of classrooms and large communal areas/teaching resource rooms which could be included under a) above, under SPD3 the school requires 68 parking spaces. If the smaller teaching resource rooms are also added into the equation this figure significantly increased to 232 spaces.
52. The submitted transport statement confirms that the site presently accommodates 30 standard spaces, three accessibility spaces, and parking for three minibuses. Whilst the school is located in a sustainable location (and borders the Firswood tram stop) it is understood some overspill parking still occurs. The proposed school would accommodate 45no. parking spaces (an increase of 15), despite the pupil capacity and staff uptake remaining the same. The works would greatly improve the access and egress arrangements for school minibuses allowing them to temporarily stop within the site. Minibuses are considered to be the predominant method of transport for pupils at this school.
53. The proposed parking arrangements would be expected to have a positive impact in comparison to the existing situation and are accepted by the LHA.

### Accessibility Car Parking

54. The accessibility parking standards shown in SPD3 Appendix A are minimum requirements. SPD3 states that at this location, where it is proposed to provide 200 car parking spaces or less, the school requires three bays or 6% of total capacity, whichever is the greater, and it is proposed to provide three spaces as per the existing arrangements (as detailed previously, the majority of pupils arrive by school minibus with some utilising the school provided taxi service).

### Motorcycle Parking

55. The parking standards set out in SPD3 require the school to provide one space per ten members of staff. Whilst the transport statement refers to the proposed car and cycle parking arrangements, there is no reference to the number of motorcycle spaces; however, the planning statement notes three spaces will be provided.
56. Parking for motorcycles can be located on a flat surface and in an area that is overlooked by staff or members of the public and well-lit with secure anchorage points or railings sited 0.6m above ground level provided. Where it is anticipated that any motorcycles could be parked for two hours or more the spaces will also need to be covered. Details of motorcycle parking can be conditioned.

### Cycle parking

57. The minimum cycle parking standards as detailed within SPD3 state do not differentiate between the types of schools and require a provision of at least one space per five staff plus one space per three students. Currently no cycle parking is provided on site, and it is intended to provide 30 spaces for use by staff and visitors (as previously mentioned, given the nature of the school the majority of pupils access the school minibus or taxi service). The proposed cycle parking arrangements are therefore accepted. Exact details of secure cycle parking can be conditioned.

### Travel Plan

58. The proposals only seek to upgrade the existing school facilities with no change to the existing number of staff or pupils and it is therefore considered that a full Travel Plan (TP) can be implemented now and updated within three months of the proposed development becoming fully operational. The Travel Plan that has been submitted appears only to be an 'interim' TP.
59. With regards to the TP that has been assessed by the LHA, paragraph 4.3.1 states "The success of the TP should be monitored against clearly defined S.M.A.R.T (Specific, Measurable, Achievable, Relevant, and Time-bound) targets", but in paragraph 4.3.3 the document goes on to detail "aspirational" targets described as being only "potentially achievable", which is not acceptable. A firm commitment to targets within the submitted TP is expected, as such the

stated measures shall not only be concerned only with providing information and will also include incentives and initiatives to encourage the use of non-car modes of travel, for example a commitment to instigate the Cycle to Work scheme. Other possible incentives might include discounted tickets for public transport, arranging on site adult cycle training, the provision of free to use on site cycle repair kits, or offering those who walk, cycle or travel by public transport to work a free weekly or monthly breakfast or lunch etc.

60. The LHA therefore requests the TP is amended accordingly and the proposed monitoring program is also updated to include staff travel surveys completed every 12 (twelve) months from the date of first operation of the new building for a minimum period of 5 (five) years. The TP shall be implemented for a period of not less than 10 (ten) years from the same date. A condition can be attached requiring the submission of a full travel plan taking into account the above.
61. With regards to target setting for pupils this is excluded from the TP with the school's previously established baseline showing circa 150 pupils (93.2%) travel to and from the school either by minibus or as a car passenger, with the school's policy understood to encourage the use of the minibus service over car/taxi options. This decision is therefore considered to be acceptable.

### Conclusion

62. The proposal, when operational, is not considered to result in an unacceptable impact on highway safety, nor would the cumulative impacts on the road network be severe. The LHA has raised no objection the development. Subject to the aforementioned conditions, the proposal is considered to accord with both policy L4 and the NPPF.

### FLOOD RISK / DRAINAGE

63. The NPPF outlines strict tests in order to protect people and property from flooding, through both sequential and exception tests. In summary, these tests are designed to ensure that if there are better sites in terms of flood risk, or if a proposed development cannot be made safe from the risks of flooding, then it should not be permitted. A similar approach is embodied in Core Strategy Policy L5 and thus this aspect of Policy L5 is up-to-date for the purpose of decision-taking.
64. The application site is located within a Critical Drainage Area within Trafford Councils Strategic Flood Risk Assessment and is also located within Flood Zone 1 with regards Environment Agency Flood maps (lowest risk of flooding). Flood Zone 2 is located beyond the eastern boundary of the site within the Metrolink cutting. A Flood Risk Assessment (FRA) and Drainage Strategy (DS) accompany this application.

65. Given that the site is located in Flood Zone 1, the sequential test as outlined in the NPPF is passed and the exception test is not required. The proposed use is classed as more vulnerable (as defined in Annex 3 of the NPPF) with the NPPG defining this use as appropriate in Flood Zone 1. Nevertheless, the scheme has been designed to remain functional during any flood event for the lifetime of the development, incorporating the use of surface SuDS and sub-surface SuDS. The FRA concludes that the development would operate with a low risk of flooding from all sources, and would not increase flood risk elsewhere, which is accepted by the LLFA. The drainage design takes into account the 1 in 100 year storm event (with an allowance for climate change) ensuring that the drainage design is suitably robust. The SuDS measures and the associated drainage strategy can be conditioned.
66. Drainage to all impermeable areas will be collected via rainwater pipes and gullies / channels. The surface water flows would be directed to the proposed MUGA to the front of the school where they will discharge to a soakaway. The proposed soakaway is located 55m from the existing Metrolink cutting. Excavation of the clay layer shall be undertaken to ensure that the infiltrated water can discharge to the existing groundwater layer. These details have been considered by TfGM who raise no objection in terms of the impact on slope stability to the Metrolink line provided that this drainage approach is conditioned.
67. This development has been considered acceptable by the LLFA, TfGM and United Utilities subject to the above conditions. Subject to these conditions, the proposal would accord with policy L5 of the Core Strategy and the NPPF.

## CONTAMINATION

68. Policy L5 states that 'Development that has potential to cause adverse pollution (of air, light, water, ground), noise or vibration will not be permitted unless it can be demonstrated that adequate mitigation measures can be put in place'. In respect of contamination, Policy L5 can be considered up to date, as it is consistent with NPPF paragraphs 120 and 185. Specifically the NPPF directs planning policies and decisions to ensure that new development is appropriate for its location and to decontaminate land in the interests of health, living conditions and the natural environment.
69. The phase I contaminated land assessment reports that the school site has not been subject to any current or historic industrial use that is likely to have resulted in contamination occurring within the ground. The phase II (intrusive investigation) confirms through sampling that there are no levels of contamination present that would require further consideration or a specific remediation strategy and concludes that this site is suitable for development. However, it is recognised within the site investigation that access to the entire site has not been possible due to the presence of the existing school buildings. Environmental Health Officers recommended that a condition be attached which requires a

contamination discovery strategy to be provided for the development prior to commencement of any construction works. This strategy can detail how contamination not previously identified by site investigation works shall be investigated and remediated.

70. Subject to this condition, the proposal would accord with Policy L5 of the Core Strategy and the National Planning Policy Framework.

## ECOLOGY

71. 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". This policy is considered to be up to date in terms of the NPPF and so full weight can be afforded to it.
72. The applicant has submitted an ecology impact assessment, including bat report, and biodiversity net gain assessment (BNG). No evidence of bats were found and the buildings were assessed as having negligible bat roosting potential. This report is, however, becoming dated with the survey being carried out in August 2021. Given that the building type is very low risk for bat potential, GMEU are willing to accept that no further information is required prior to determination, however they request that a condition should be attached to any approval requiring a further survey to be carried out prior to demolition of the buildings.
73. Trees and shrubs will be lost as a result of the development which have the potential to accommodate bird nesting habitat. All British birds nests and eggs (with certain limited exceptions) are protected by Section 1 of the Wildlife & Countryside Act 1981, as amended. A condition can state that no works to trees or shrubs shall occur during the bird nesting seasons (1<sup>st</sup> March to 31<sup>st</sup> August inclusive), unless a survey has been submitted to the Local Planning Authority confirming that no active bird nests are present within the vegetation to be removed.
74. The BNG assessment demonstrates that the proposal would create a +28.67% uplift in habitat units across the site. This would be through introduced grassland, green roof, introduced shrubs, ground level planters and woodland pasture/tree planting. The net gain in biodiversity would accord with the NPPF and would exceed the 10% which is set out in The Environment Act 2021 which will become mandatory from November 2023. Additional measures proposed include bird and bat boxes to be implemented on site.
75. GMEU have been consulted on the application and have raised no objection. Subject to the aforementioned conditions, the proposal would comply with policies R2 and R3 of the Core Strategy, the NPPF, and The Environmental Act 2021.



## AIR QUALITY

76. Paragraph 181 of the NPPF advises that planning decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas (AQMA) and Clean Air Zones (CAZ), and the cumulative impacts from individual sites in local areas. Planning decisions should ensure that any new development in AQMAs and CAZ is consistent with the local air quality action plan (AQAP).
77. The Greater Manchester Combined Authority (GMCA) has published a joint Air Quality Action Plan (AQAP) (2016-2021) which seeks to improve air quality across Greater Manchester and to embed low-emission behaviours into the culture of organisations and lifestyles by 2025, whilst supporting the UK Government in meeting thresholds for air pollutants at the earliest date to reduce ill-health in Greater Manchester. In managing new development the GMCA AQAP sets out a number of controls. Of relevance to this particular application are assessment of local air quality impacts from the proposed development; construction management, and, green infrastructure.
78. Policy L5 requires developers to adopt measures identified in the Greater Manchester Air Quality Action Plan, to ensure that their development would not have an adverse impact on the air quality. In this respect, L5 can be considered to be up to date for the purposes of decision making and full weight attributed to it.
79. The application site itself does not reside within an Air Quality Management Area. However, there are a number of AQMA in the surrounding area including to sections of Kings Road, and Seymour Grove. A detailed Air Quality Assessment (AQA) has been submitted with this application.

### Operational Phase

80. The submitted AQA confirms that the predicted site concentrations of both NO<sub>2</sub> and PM<sub>10</sub> would not exceed the relevant air quality objectives (AQO). In particular the PM<sub>10</sub> concentrations would be significantly below the relevant AQO. Whilst there would be an increase in on-site parking, there would be no increase in pupils or employment at the school. Environmental Health Officers have reviewed the AQMA and do not consider that any detailed modelling or site-specific monitoring is required.
81. Guidance set by the Institute of Air Quality Management states at least one electric vehicle (EV) charging point per 1000m<sup>2</sup> of commercial floorspace should be provided on-site. Whilst the development is an educational use, it is considered that these standards are an appropriate basis for determining a reasonable proportion of EV spaces for a non-residential use. Passive

infrastructure could also be provided to other spaces to ensure their future use as EV parking. A condition is therefore recommended that a minimum of four EV charging points (reflecting the 4,476sqm of floorspace created) are provided on-site prior to first occupation of the development alongside passive infrastructure for future use of the other spaces.

### Construction Phase

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

### Conclusion on Air Quality Impact

83. The construction of this development, subject to the implementation of a robust CEMP, is not considered to have a significant residual impact upon air quality. Environmental Health Officers have assessed the proposal and have raised no concerns with the proposal in respect of air quality subject to the implementation of electric vehicle charging points and a CEMP being strictly followed during the construction programme. It is therefore considered that the proposal would accord with the aims of the Greater Manchester AQAP in protecting air quality, and would comply with policy R5 and the NPPF.

### CRIME PREVENTION AND SECURITY MEASURES

84. The NPPF, at paragraphs 92 and 130 direct planning decisions to create safe and accessible places so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience. Policy L7 requires development to be designed in a way that reduces opportunities for crime. A Crime Impact Statement (CIS), undertaken by Greater Manchester Police, has been submitted with the application.
85. The submitted Crime Statement sets out a number of measures to reduce opportunities for crime including CCTV, alarms, external doors (compliant with security standards), security lighting, access controlled gates and a fenestration which facilitates high levels of natural surveillance. A condition can ensure that the development is constructed in accordance with this statement.
86. Subject to the aforementioned condition, the proposal would accord with both policy L7 of the Core Strategy and the NPPF.

## EQUALITIES

87. Policy L7.5 of the Core Strategy requires that development should be fully accessible and usable by all sections of the community and Paragraph 127 of the NPPF reinforces this requirement by requiring planning decisions to ensure that developments create places that are safe, inclusive and accessible.
88. Under the provisions of the Equality Act 2010, specifically Section 149 Public Sector Equality Duty (PSED), all public bodies are required in exercising their functions to eliminate discrimination, advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it, and to foster good relations. Having due regard for advancing equality involves: removing or minimising disadvantages suffered by people due to their protected characteristics; taking steps to meet the needs of people from protected groups where these are different from the needs of other people; and encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low. The relevant protected characteristics of the PSED include age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex and sexual orientation. The PSED applies to Local Planning Authorities in exercising their decision making duties with regards planning applications.
89. New development, particularly for new public buildings should advance equality of opportunity for persons who share a relevant protected characteristic, having regard to the Equalities Act 2010 and specifically Section 149, the Public Sector Equality Duty (PSED).
90. The school has been designed to the requirements set out by the DfE output specifications, BB104 (guidance for SEND and Alternative provision) guidance alongside Part M of the Building Regulation, the Equality Act (2010) and BS8300 Design of Buildings and their approaches to meet the needs of disabled people.
91. The new school building and site layout has been designed to meet the need of the pupils of this SEN school, and would provide increased open space, improved internal layouts and facilities including a hydro pool helping to improve overall health and wellbeing of pupils, staff and visitors. The building layout provides a secure environment.
92. The layout has specifically designed to allow for a drop off and pick up loop within the school to take account of the number of children traveling to school via car or minibus. Accessible car parking bays are located close to the main entrance, to aid those with disabilities. The entrances also have level access, whilst appropriate sized doors and circulation spaces are proposed. Lift access is provided and toilets are designed as appropriate to reflect the needs of the pupils.

93. The measures proposed to provide access to all, including those with a protected characteristic, are considered to be, on balance, an appropriate, practical and reasonable response to the equalities impacts of the scheme. There would be a significant benefit to pupils of the school, many of whom will have a disability, in being able to access specialist education to meet their needs in a new and purpose built environment. It is considered that overall this scheme would have a substantial and positive equalities impact. The equalities statement can be conditioned. The proposal would comply with policy L7 of the Core Strategy and the NPPF.

## DEVELOPER CONTRIBUTIONS

94. This proposal is subject to the Community Infrastructure Levy (CIL) and comes under the category of 'public or institutional facility' development, consequently the development will be liable to a CIL charge rate of £0 per square metre in line with Trafford's CIL charging schedule and revised SPD1: Planning Obligations (2014).
95. No other planning obligations are required.

## OTHER CONSIDERATIONS

### *National Cycle Network (NCN55)*

96. NCN55 is a national cycle route, which passes the application site along the south western boundary extending from Warwick Road South towards Oswald Road. It is understood that this route is well-used and has recently been subject to some criminal activities including theft.
97. A number of representations have suggested that the development should take an opportunity (through this re-development) to increase the width of NCN55, and to generally improve both its size, and safety.
98. An increase in the width of NCN55 has not been sought under this application, and this development would not involve any changes to the size of NCN55. If works to improve the safety or size of the off-road path are to be secured through any financial contribution, then any such contribution would need to meet very specific legal tests known as 'CIL 122 tests'. These are that the contribution is:
- a) Necessary to make the development acceptable in planning terms;
  - b) Directly related to the development;
  - c) Fairly and reasonably related in scale and kind to the development.
99. There would be no increase in staff or pupils at the school, or other intensification of the use, as a result of this application, with the existing school facilities being replaced. There would be no greater demand placed on the NCN55 as a result of

the development – most pupils access the site by minibus and this would continue. The NCN55 falls outside the application site and would not experience any harm or undue impact as a result of this development. As is set out in this report, the application is considered to be in accordance with the Development Plan – specifically policy L7 (Design) and L4 (Sustainable Transport and Accessibility) of the Core Strategy. Any such contribution towards improvements would therefore not be necessary to make this development acceptable in planning terms, nor would be directly related to the development. It is not necessary to consider the third CIL 122 test if the first two are not met.

### *Construction*

100. A construction timetable and phasing diagrams are set out within the submitted design and access statement at section 3.4 with an indicative 2.5 year construction period. The construction would be phased to allow the school to remain open and to maintain the availability of external play space. A temporary access would be created along Warwick Road South for the duration of the construction works.
101. Detailed construction and environmental management plans (CEMP) can be conditioned to ensure an acceptable impact on the local highway network, Metrolink buffer zone (and safe operation of the route), environment (including air quality) and surrounding residential amenity. Officers recommend that any CEMP should be approved by the Local Planning Authority prior to any on-site works commencing, and that any approved CEMP should be in place for the duration of the construction works on-site. Following discussions with the LHA, it is understood that this may involve the creation of a temporary bus clearway in the vicinity of the site (albeit outside of the site edged red) to accommodate minibus school drop-offs and pick-ups. Once details are finalised with the LHA and Parking Officers, this would be included within any detailed CEMP.
102. A series of conditions are also suggested by TfGM with regards to protection of the Metrolink during construction works. These include requiring the submission of a Geotechnical report (and monitoring regime) for the Metrolink cutting slope to ensure its stability throughout the construction period. Also suggested is a condition for the submission of a track monitoring regime which would also cover the construction period. These details can be conditioned and are considered to be necessary to protect the safe and continued operation of the Metrolink having regard to policies L4.5 and L4.10 of the Core Strategy
103. Subject to the implementation of an acceptable CEMP, and the aforementioned conditions, the proposal would accord with policies L4 and L7 of the Core Strategy and the NPPF.

### SUMMARY AND PLANNING BALANCE

104. Section 38(6) of the Planning and Compulsory Purchase 2004 requires applications to be determined in accordance with the development plan unless material considerations indicate otherwise. That remains the starting point for decision making. The NPPF is an important material consideration.
105. For the purpose of this application the development plan is up to date and the tilted balance is not engaged. The replacement school is considered to represent sustainable development and would improve the learning and teaching experience of pupils and staff. The design and appearance of the building overall is considered to respond well to the site and local context and improving accessibility for all. There is not considered to be any significant amenity impact upon neighbouring properties as a result of the scheme nor a detrimental impact on highways, flood risk, air quality or ecology.
106. All relevant planning issues have been considered and representations taken into consideration in concluding that the proposal comprises an appropriate form of development for the site. The application complies with the development plan when taken as a whole and with government policy in the NPPF. Subject to appropriately worded conditions, it is recommendation that planning permission is granted.

### **RECOMMENDATION:**

Approve subject to conditions:

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

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

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

SRP1047-POZ-01-ZZ-ZZ-A-1000 (rev.P01) - Site Location Plan;  
SRP1047-POZ-01-ZZ-DR-A-1203 (rev.P01) - Demolition Plan;  
SRP1047-DEP-00-ZZ-D-L-2520 (rev. P06) - Whole Site Plan;  
SRP1047-DEP-ZZ-ZZ-D-L-4610 (rev.P03) - Site Access Plan;  
SRP1047-DEP-ZZ-ZZ-D-L-1051 (rev. P03) - Access and Security Strategy Drawing;  
SRP1047-POZ-01-00-DR-A-1200 (rev.P01) - Proposed Ground Floor Plan;  
SRP1047-POZ-01-00-DR-A-1200 (rev.P01) - Proposed First Floor Plan;  
SRP1047-POZ-01-RP-DR-A-1202 (rev. P03) - Proposed Roof Plan;  
SRP1047-POZ-01-ZZ-DR-A-1350 (rev. P07) - Proposed GA Elevations;  
SRP1047-POZ-01-ZZ-DR-A-1351 (rev. P02) - Proposed GA Pavilion Elevations; and  
SRP1047-POZ-ZZ-ZZ-D-A-1354 (rev. P04) - Facade Study;

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 external facing materials shall take place until samples and / or full specification of materials to be used externally on the building have been submitted to and approved in writing by the Local Planning Authority. Such details shall include the type, colour and texture of the materials. Development shall be carried out in accordance with the approved details.

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

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

- (i) All brickwork detailing, including external brick panel reveals;
- (ii) all fenestration details and external reveals;
- (iii) all entrances into the buildings, and external reveals;
- (iv) the siting of any equipment on the roofs of the development;
- (v) the means of dealing with rainwater and any necessary rainwater goods that may be visible on the external façade of the building;

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

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

5. a) Notwithstanding the details shown on the approved plans, the development hereby permitted shall not be occupied until full details of both hard and soft landscaping works have been submitted to and approved in writing by the Local Planning Authority. The details shall include the formation of any banks, terraces or other earthworks, hard surfaced areas and materials, planting plans, specifications and schedules (including planting size, species and numbers/densities), existing plants / trees to be retained and a scheme for the timing / phasing of implementation works.
  - (b) The landscaping works shall be carried out in accordance with the approved scheme for timing / phasing of implementation or within the next planting season

following final occupation of the development hereby permitted, whichever is the sooner.

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

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

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

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

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

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

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

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



9. Other than the demolition of buildings and structures down to ground level, and any above ground site clearance works only, including tree felling, no works of development shall commence on site until a contamination discovery strategy has been submitted to and approved in writing by the Local Planning Authority. The strategy shall include the following measures:
- a) Details of how contamination not previously identified by site investigation works shall be investigated and remediated;
  - b) Where contamination is identified during demolition/construction it shall be reported to the Local Planning Authority as soon as is practical;
  - c) Where considered to be necessary, development shall cease on site until a methodology detailing how the unsuspected contamination is to be dealt with, has been submitted to and approved in writing to the Local Planning Authority (including any additional requirements that it may specify)

The development shall be carried out in strict accordance with the approved strategy.

Reason: 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.

10. The development hereby approved shall not be occupied unless and until a scheme for the installation of at least four electric vehicle charging points, and other passive infrastructure for future use of the other parking spaces, have been provided. The approved charging points shall be installed and made available for use prior to the development being brought into use and shall be retained thereafter.

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

11. 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.

12. No building hereby approved shall be occupied unless and until a scheme for secure cycle storage for at least 30 bicycles and motorcycle parking for at least 3 motorcycles has first been submitted to and approved in writing by the Local

Planning Authority. The approved scheme shall be implemented before the development is brought into use and shall be retained at all times thereafter.

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

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

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

14. The development permitted by this planning permission shall only be carried out in accordance with the following approved documents:

- Flood Risk Assessment (FRA) and Drainage Strategy Report (January 2023 / Project No: 5018232 / Ridge and Partners LLP);
- Flood Risk Assessment and Drainage Strategy Addendum (17th February 2023 / Project No: 5018232 / Ridge and Partners LLP);
- Green Infrastructure Strategy, Drawing No: SRP1047-DEP-ZZ-ZZ-D-L-2590, Rev. P02;
- General Arrangement Sustainable Drainage Strategy, Drawing No: SPR1047-RIG-00-ZZ-D-C-2610, AMDT P1.

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

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

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

16. No development shall take place until the existing buildings have been reassessed for bat roosting potential and the findings, presented in a written report, have been submitted to and approved in writing by the Local Planning Authority. Development, including any mitigation measures shall proceed in accordance with the approved scheme.

Reason: In the interests of the preservation of bats, a protected species, having regard to Policy R2 of the Trafford Core Strategy and the National Planning Policy Framework.

17. Prior to the installation of any external fixed plant machinery, a report prepared by a suitably qualified acoustician shall be submitted to, and approved in writing by, the Local Planning Authority providing sufficient information to demonstrate how the rating level (LAeq,T) from all fixed plant and machinery associated with the development, when operating simultaneously, shall not exceed the background noise level (LA90,T) at any time when measured at the nearest residential receptor. Noise measurements and assessments should be compliant with BS 4142:2014 Methods for rating and assessing industrial and commercial sound. Any mitigation measures required to achieve compliance with said requirement shall be retained in working order for the duration of the development.

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

18. No phase of construction or works of demolition shall take place until such time as a Construction and Environmental Management Plan (CEMP) relevant to each phase of construction has been submitted to and approved in writing by the Local Planning Authority. The approved CEMP shall be in accordance with the construction phasing set out at Section 3.4 of the submitted Design and Access Statement (received by the Local Planning Authority on 3<sup>rd</sup> July 2023), and shall provide for:

- a) The parking arrangements for site operative and visitor vehicles.
- b) Deliveries to site (for note, any requirement to suspend highway parking spaces will be subject to agreement with the Trafford Parking team). For reasons of road safety, no deliveries to site will be permitted during school drop off and pick up times (applicable to the application site and St Hilda's Roman Catholic Primary School located on Warwick Road South). The contractor/developer should also ensure no deliveries take place during the peak am and pm traffic hours.
- c) Loading and unloading of plant and materials
- d) Storage of plant and materials used in constructing the development
- e) The erection and maintenance of security hoardings including decorative displays and facilities for public viewing (where appropriate)
- f) Wheel washing facilities and any other relevant measures for keeping the highway clean during demolition and construction works, and
- g) Measures to control the emission of dust and dirt

- h) Measures to ensure the surface of Warwick Road South is not damaged by the development and should damage occur to also carry out repairs to the satisfaction of the LHA.
- i) A scheme for recycling/disposing of waste resulting from demolition and construction works.
- j) Days and hours of construction activity on site (in accordance with Trafford recommended hours).
- k) Contact details of the site manager to be advertised at the site in case of issues arising.

Reason: To ensure that appropriate details are agreed before works start on site and to minimise disturbance and nuisance to occupiers of nearby properties and users of the highway, having regard to Policies L4 and L7 of the Trafford Core Strategy and the National Planning Policy Framework.

19. Within 6 months of the first occupation of the development hereby approved, a Full Travel Plan (TP) shall be submitted to, and approved in writing by, the Local Planning Authority. The Travel Plan shall include:

- A firm commitment to targets within the TP is expected, as such the stated measures shall not only be concerned only with providing information and will include incentives and initiatives to encourage the use of non-car modes of travel and reduce single occupant vehicle trips
- TP targets shall be reviewed and monitored against the baseline which will be established within 3-months of first date of operation/the date of first occupancy of the site
- The TP shall include quantifiable and realistic targets and a strategy for addressing failed targets
- Travel surveys shall be completed every 12 (twelve) from the date of first operation of the development for a minimum period of 5 (five) years
- The TP shall be implemented for a period of not less than 10 (ten) years from the date of first operation of the development.

Reason: In the interests of encouraging sustainable modes of transport having regard to policies L4 and L7 of the Trafford Core Strategy and the National Planning Policy Framework.

20. The development hereby approved shall be carried out in strict accordance with the submitted 'Equality Objectives Statement' received by the Local Planning Authority on 15th February 2023.

Reason: To ensure that the development hereby approved is safe, inclusive and accessible having regard to Policy L7 of the Trafford Core Strategy and the National Planning Policy Framework.

21. The development hereby approved shall be carried out in strict accordance with Sections 3.0 (Physical Security) and 4.0 (Management and Maintenance) of the submitted Crime Impact Statement (ref. SRP1047-POZ-ZZ-ZZ-T-A-4463, rev. P01).

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

22. The development shall be carried out in strict accordance with the submitted Energy Strategy Report (ref. SSRP1047-TAC-ZZ-ZZ-T-Z-0400), in order to achieve net zero carbon in operation. Details of the scale, siting and specification of any solar PV and air source heat pumps shall be submitted to, and approved in writing by, the Local Planning Authority prior to their installation on-site.

Reason: To clarify the permission and in the interests of protecting air quality, and reducing the environmental impact of the development having regard to Policies L5 and L7 of the Trafford Core Strategy and the National Planning Policy Framework.

23. No development shall take place, including any works of demolition, until a Construction Management Plan (CMP) with detailed method statements of construction and risk assessments, has been submitted to, and approved in writing by the Local Planning Authority. The approved CMP shall include agreed safe methods of working adjacent to the Metrolink Hazard Zone and shall be adhered to throughout the construction period. The CMP shall provide for: -

- construction and demolition methods to be used, specifically in relation to the constrained area adjacent to the root protection areas for the Metrolink trees; including the use of cranes (which must not oversail the tramway);
- measures to control the emission of dust and dirt during construction.

Reason: To safeguard the amenities of the locality and to ensure that the developer complies with all the necessary system clearances and agrees safe methods of working to meet the safety requirements of working above and adjacent to the Metrolink system, having regard to Policy L4 of the Trafford Core Strategy and the National Planning Policy Framework.

24. No development shall take place until a geotechnical report relating to the stability of the Metrolink cutting slope which includes a monitoring regime for the same has been submitted to and approved in writing by Local Planning Authority. Slope monitoring shall take place for the duration of the works to ensure that construction works do not adversely affect the Metrolink cutting slope stability.

Reason: To protect integrity of Metrolink infrastructure pursuant to Policy L4 of the Trafford Core Strategy and the National Planning Policy Framework.

25. No foundation/piling works shall be carried out until an agreed continuous track monitoring regime for the duration of the construction works has been submitted to,

and agreed in writing with, the Local Planning Authority. Monitoring shall be carried out for the duration of the construction works in accordance with the approved details.

Reason: To ensure that the development does not adversely affect the track alignment and in turn the safe operation of the tramway, having regard to Policy L4 of the Trafford Core Strategy and the National Planning Policy Framework.

26. Prior to erection of the car parking canopies, as set out on Drawing No. SRP1047-DEP-ZZ-ZZ-D-L-1040 (rev. P6), full details of the proposed canopies shall be submitted to, and approved in writing by, the Local Planning Authority. The development shall thereafter be constructed in full accordance with the approved details.

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

27. The Multi-Use Games Area hereby approved shall only be used for educational purposes associated with St John Vianney RC School.

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

28. The replacement school hereby approved shall be used solely as a special educational needs school.

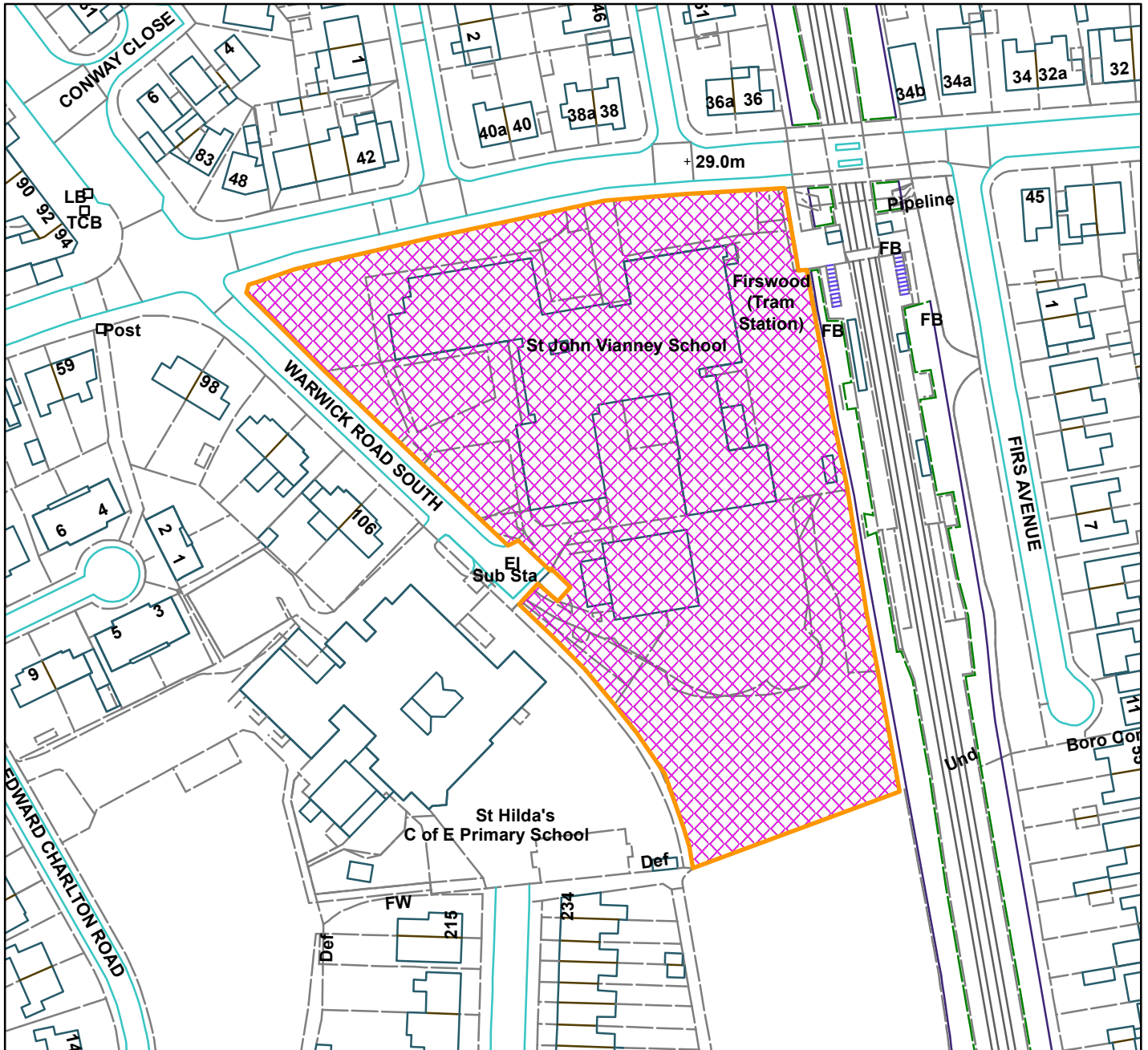
Reason: To clarify the permission having regard to Policy L7 of the Trafford Core Strategy and the National Planning Policy Framework.

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RCR



St John Vianney RC School, Rye Bank Road Stretford  
(site hatched on plan)



Scale: 1:1,350

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Organisation	Trafford Council
Department	Planning Service
Comments	Committee Date 13/07/2023
Date	30/06/2023
MSA Number	100023172 (2022)

**WARD:** Flixton

**110635/FUL/23**

**DEPARTURE:** No

**Retrospective application for change of use from dwellinghouse (Use Class C3) to HMO (Use Class C4) with formation of loft conversion and other external alterations.**

43 The Crescent, Flixton, M41 5QR

**APPLICANT:** Mr McKnight

**AGENT:** Paul Butler Associates

**RECOMMENDATION: GRANT**

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**This application is being reported to the Planning and Development Management Committee as it has received more than 6 representations contrary to officer recommendation.**

### **Executive Summary**

The application seeks retrospective planning permission for the change of use from a dwelling house (Use Class C3) to a small/medium HMO (3 to 6 residents) (Use Class C4) with formation of loft conversion and other external alterations.

Objections received relate primarily to the principle of an HMO and the impact of the proposed development on the residential amenity of neighbours and future occupants, design, ecology, drainage, waste, parking provision and highway safety.

The principle of development is considered to be acceptable and because the Council does not have a 5 year supply of housing land, the tilted balance in NPPF paragraph 11 d) is engaged.

The proposal would result in a loss of a single dwelling house, however would provide an alternative type of residential accommodation. The principle of an HMO at the application site is considered acceptable and the proposal would comply with Supplementary Planning Document 6: Houses in Multiple Occupancy, which seeks to prevent an excessive concentration of HMOs in one area.

The external changes are considered to be appropriate in terms of design and compliant with Policy L7 of the Core Strategy.

It is considered the proposal would remain in keeping with the residential nature of the area and the proposal would not harm the living conditions of the occupiers of adjoining and neighbouring properties, with regard to noise and disturbance and therefore accords with Policy L7.

The LHA has raised no objections and the proposal would be acceptable in terms of parking impacts. There is no loss of any existing car parking spaces and it is considered



there is no increase in demand for parking provision.

Subject to appropriate conditions, the scheme would also be acceptable in terms of waste collection, ecology and drainage.

The proposal would make a small contribution in terms of broadening the range of housing accommodation available within the borough and would not result in any adverse impacts that would significantly or demonstrably outweigh the benefits of granting planning permission. As such, the development accords with Trafford Core Strategy, SPD6 and the NPPF and is recommended for approval subject to conditions.

## **SITE**

The application site is a two storey semi-detached dwelling with accommodation in the loft on The Crescent, Flixton. The dwelling has a pitched roof and is constructed in brick and render on the principal elevation with decorative detailing around the first floor windows. There is a ground floor curved bay window at ground floor and a porch with a modest, paved front garden. To the rear are patio doors with a paved garden and a shed.

The dwellings to the west of The Crescent are uniform in their original design with no driveways for off street parking. On the opposite side of the road are semi-detached dwellings, which benefit from driveways, and some which have been extended to the side.

## **PROPOSAL**

The application seeks retrospective permission for change of use from a dwelling house (Use Class C3) to a small/medium HMO (3 to 6 residents) (Use Class C4) with formation of loft conversion and other external alterations.

The description of development has been updated to remove 'associated parking' and include 'other external alterations'.

The total additional floor space of the loft conversion would be 17.9m<sup>2</sup>.

## **DEVELOPMENT PLAN**

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

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

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

## **PRINCIPAL RELEVANT CORE STRATEGY POLICIES**

L1 – Land for new homes  
 L2 – Meeting Housing Need  
 L7 – Design  
 L4 – Sustainable Transport and Accessibility

## **OTHER LOCAL POLICIES**

SPD3 – Parking Standards and Design (2012)  
 SPD6 – Houses in Multiple Occupation (Adopted March 2018)

## **PROPOSALS MAP NOTATION**

None to note

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

None

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

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

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

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

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

Places for Everyone (PfE) is a joint Development Plan Document being produced by nine Greater Manchester districts (Bolton, Bury, Manchester, Oldham, Rochdale, Salford, Tameside, Trafford and Wigan). Once adopted, PfE will be the overarching development plan, setting the policy framework for individual district Local Plans. The PfE Regulation 19 consultation concluded in Autumn 2021 and the Plan was submitted

to the Secretary of State for Levelling Up, Housing and Communities on 14 February 2022. Independent Inspectors have been appointed to undertake the Examination in Public of the PfE Submission Plan and the timetabled hearings have now been completed with further updates from the Inspectors possible. Whilst PfE is at a significantly advanced stage of the plan making process, for the purposes of this application it is not yet advanced enough to be given any meaningful weight, such that it needs consideration in this report.

## **RELEVANT PLANNING HISTORY**

No previous planning history.

## **APPLICANT'S SUBMISSION**

- Transport Assessment - Highways Technical Note, doc Ref: 3412-01-HTN01 February 2023. Prepared by Recom Solutions Limited

- Planning Statement

## **CONSULTATIONS**

**Greater Manchester Ecology Unit (GMEU)** – The only likely ecological implications of the development would have been disturbance to roosting bats. As the loft conversion has already been undertaken, it is impossible to know if any harm has been caused or any offences committed. We would therefore recommend that replacement bat roosting features be provided in the form of bat boxes attached to the property in an appropriate location, as compensation for any potential losses.

**Greater Manchester Fire Safety Team** – The above proposal should meet the requirements for Fire Service access. The Fire Service requires vehicular access for a fire appliance to within 45m of all points within the dwellings. The access road should be a minimum width of 4.5m and capable of carrying 12.5 tonnes. Additionally if the access road is more than 20m long a turning circle, hammerhead, or other turning point for fire appliances will be required. The maximum length of any cul-de-sac network should be 250 m. There should be a suitable fire hydrant within 165m of the furthest dwelling. An informative regarding domestic sprinklers would be attached to a grant of permission.

**Local Highway Authority (LHA)** – No objection subject to a proposed cycle parking and bin store implementation condition. Discussed within the body of the report.

**Lead Local Flood Authority (LLFA)** – No objections in principle to the proposals.

**Trafford Council, Pollution & Housing (Contaminated Land)** – No comment received.

**Trafford Council, Pollution & Housing (Nuisance)** – No objection to the operation of the premises as proposed. Considering the potential impacts to the amenity of the adjoining property from the operation of a 4 bedroom HMO, any noise and disturbance that might result from the HMO would not be significantly different to that from one large household that could occupy the property.

**Trafford Council, Housing Standards**– Inspected the HMO property which finished to a very high standard inside and feel that it provides an excellent standard of accommodation for the shared occupants.

Working with the applicant to have a limited number of remedial works done. The remedial works are small items of works to address defects associated with fire safety in the HMO, such as changing door locks to thumb turn locks, fire seals to Fire Doors, Self-closers to fire doors, ceiling repairs in laundry rooms; limiters on window to prevent falls from height. None of the works will alter the floor plan or external elevations.

The applicant is not required to have an HMO Licence because the property is rented to 4 tenants and it is therefore not currently operating within the Mandatory HMO Licencing scheme. There is currently no requirement for Landlord registration.

**Trafford Council Waste Management** – Access into The Crescent with collection vehicle is tight, missed collections due to no access and parked cars logged once in 2023 and this resulted in Whole Street being missed.

There have also been regular contamination issues across all waste streams logged for this property. The records on our current system only go back to April 2022, however there were no contamination issues logged prior to March 2023 and then 4 separate issues across various waste streams since (2 in March & 2 in April).

**Trafford Council Strategic Growth**– No comment received.

**Flixton Neighbourhood Forum** – No comment received.

**United Utilities**– No objection to this proposal.

## **REPRESENTATIONS**

Letters of objection have been received from sixteen properties. In summary, the objections raised are as follows:-

### Principle of HMO

- Family home for over 100 years, quiet cul-de-sac with a high engagement of neighbours
- HMO not in keeping with the area, no demand within Flixton and Urmston
- HMO will change the demographics and dynamic of the street
- How many HMOs exist within the vicinity?
- Overdevelopment of HMOs

- HMOs are controversial, fraught with issues
- HMOs are best suited to oversized houses, near urban centres, with a mix of housing types
- House prices have soared in recent years and if one HMO is given permission that will set a precedent
- Plenty of shared accommodation in the area having reviewed websites such as Spare Room
- No universities or any colleges nearby where shared accommodation would be required.
- Empathetic of the challenges that the younger generation face regarding housing but not at the expense of the local community
- HMO not suitable for rental market due to its size
- Government Census Data from 2011 (website link provided) would strongly back the assertion that this is a family area. Local schools Flixton Primary sought after, demographics have not changed substantially enough since last census for the next census.
- Detracts from the area in the name of providing maximum profit from a small semi-detached home. Reference to reduced rent, is outweighed by disadvantages

#### Floor space/ Amenity Space for Occupants

- Up to eight people in a small terrace house
- The small yard not sufficient outdoor space
- Overcrowding within the house
- Limited privacy for tenants, bathroom in the front large with no garden screening

#### Retrospective Application

- Consequences for the landlord, planning permission required
- Not a registered landlord with Trafford Council
- Retrospective application because there are already tenants living in the house, Underhand/ no consideration for neighbours
- Neighbours were not previously consulted on the change before tenants moved in.
- Retrospective planning should not be allowed when a change of use is involved
- Objections of neighbours as a result of retrospective application.
- Reference to other HMOs within Flixton, Moor side Road.
- Trafford Council Building Control permission required and sign off before being marketed and tenanted.

#### Neighbouring Amenity

- Disruption due to building work, complaints ignored
- Anti-social behaviour is a realistic consequence of a HMO
- Loft conversion overlooking neighbours gardens
- Neighbours would like consistency in knowledge of who lives around
- The privacy and peace of the direct neighbours been considered with all the extra guests and potential noise, turnover of people could be high

- Noise from all rooms occupied at the same time
- No incentive to keep house in good condition.
- Can see directly into the downstairs toilet from kitchen window

#### Design/ Appearance

- Concerns regarding the standard of work
- The amount of external piping unsightly and flimsy
- Out of character within the small cul-de-sac of family homes, pre WW1 properties
- Diminishes the local character of the road and surrounding roads.

#### Parking

- No provision for off road parking
- HMO require 4 cars for the tenants for 4 different people, 4 different groups of friends and family who will come visit and park on the street
- Street is a first come first served basis, no off road parking on cul-de-sac
- Blocking driveways common
- No consideration of where to park additional cars
- Existing residents and neighbours have to park on surrounding streets, reference to Windsor Avenue
- Congested area, close to local primary schools, adds to need for road safety, and safe access
- Dangerous to children, buggies and wheelchairs, using the road
- There have been crashes, near misses, altercations, damage to parked cars
- Submitted Transport Assessment 31<sup>st</sup> March 2023
  - Parking survey false, conducted during the day when people are at work during half term.
  - The reports assertions are slanted to provide as optimal an insight into the parking provisions as possible
  - Would urge the applicant to review the on-street parking in the area at different times of the day, both during the working week and during weekends, both day and late in the evenings, and particularly outside of local school holidays
  - The submitted parking survey numbers fabricated, do not reflect lived experience.
- Application Form
 

HMO tenants are on 6 month ASTs or less, applicant suggestion none of the tenants drive is a useless statement as they may only be there for a matter of months.

Farcical for the application to suggest "the proposed development is forecast to result in an additional 1 two-way trip per day"
- Photos taken showing vehicles belonging to the tenants.
- HMO's, a maximum of 0.5 spaces should be provided per bedroom which, when applied to the proposed 4-bedroom HMO, equates to a maximum parking requirement for 2 spaces. No proposed parking space are not acceptable.

- Dangerous, parking on corners there is limited vision and impact to pets
- Contrary to what is stated in the planning application, paragraph 111 of the NPPF is very relevant here and this development should be prevented on highway grounds as "there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe".
- No consideration for homeowners and their families

#### Waste collection

- A notification from Trafford Council was submitted showing that the waste removal team couldn't access The Crescent given the overflow of parking blocked access to the street.

#### Drainage

- Additional pressure put on the shared infrastructure on the drainage system on the street.
- No other house on the street has 5 toilets, and 4 showers plus laundry and kitchen demands on an external plumbing system that is over 113 years old.
- An en suite has been added to the ground floor bedroom. It is well known the en suites without an opening window are prone to condensation, damp and eventually mould.
- Requested confirmation in writing that this en suite meets appropriate standards of ventilation and drainage. The family homes on this side of the Crescent (being over 100 years old) in most cases have shared pipe work managed by United Utilities.

#### Other

- Impact house prices/ value of house
- Has additional waste collections been considered for any excess waste produced
- The waste collectors have refused to empty the bins from the property which are often overflowing, cross contamination across different bins.

#### Fire Hazard

- No evidence of an assessment of the implications for safe means of access and egress to the building.

#### Environmental/ Ecology

- Additional pollution caused by more traffic, cutting down trees to create more parking adding to global warming.
- Bats are renown in the area. They could well have been disturbed with the renovations. No checks were taken to see if bats could be affected or any other wildlife

#### Consultation:

- A small number of neighbours received a letter regarding retrospective planning application, but many of the residents didn't.
- Took three weeks for Trafford Council to validate the application

- Only one site notice put up on site, intended to limit comments and representations

*Officer notes:*

- *Matters relating to property values, condensation, ventilation, etc. are not material planning considerations.*

## **OBSERVATIONS**

### **PRINCIPLE OF DEVELOPMENT**

#### *Decision Making*

1. S.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.
2. The Council's Core Strategy was adopted in January 2012, prior to the publication of the 2012 NPPF, but drafted to be in compliance with it. It remains broadly compliant with much of the policy in the February 2019 NPPF, particularly where that policy is not substantially changed from the 2012 version.
3. The NPPF is a material consideration in planning decisions, and as the Government's expression of planning policy and how this should be applied, should be given significant weight in the decision making process.
4. Paragraph 11 d) of the NPPF indicates that where there are no relevant development plan policies or the policies which are most important for determining the application are out of date planning permission should be granted unless:
  - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
  - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
5. In this particular case, policies relating to housing, design, amenity and parking are considered to be 'most important' for determining this application when considering the application against NPPF Paragraph 11 as they control the principle of the development.
6. The footnote to paragraph 11(d) makes it clear that the 'most important' development plan policies should be considered out-of-date for applications involving the provision of housing, in situations where the local planning authority



cannot demonstrate a 5 year supply of deliverable housing sites. The Council does not, at present, have a five year supply of immediately available housing land, so paragraph 11(d) is automatically engaged.

7. Core Strategy Policy L7, relating to design and amenity, is consistent with the NPPF and is therefore considered to be up to date. Full weight should be afforded to this policy.

### *Housing Supply*

8. The Council can currently demonstrate a housing land supply within the range of 3.47 to 3.75 years, which is based on the standard method of calculating Local Housing Need and takes into account a 20% buffer applied for historic under delivery. The most recent Housing Delivery Test figure is 79% - i.e. Trafford has delivered 79% of its LHN (including 20% buffer) in the three years to March 2021.
9. Policy L1 of the Core Strategy controls the number and distribution of new homes across the Borough. Given the lack of five year housing land supply, and the age of this policy (including the need to use the more recent 'standard method' of calculating housing need), it is now out of date and should be given limited weight.
10. Policy L2 of the Core Strategy relates to meeting housing needs and remains up to date in respect of the requirement for the amount of affordable housing and in terms of site specific requirements for development (L2.2). Full weight can be given to this part of the policy. Other parts of this policy, for example in relation to dwelling mix, are not up to date and should be given limited weight.
11. The proposal would result in a loss of a single dwelling house, however would provide an alternative type of residential accommodation and would make a small contribution in terms of broadening the range of housing accommodation available within the borough.
12. There would be no net loss of residential accommodation therefore in principle the change of use to a HMO is considered acceptable subject to an assessment of the scheme against SPD6 and L7 of the Core Strategy.

### **HMO ASSESSMENT AGAINST SPD6**

13. The application seeks permission to create a small/medium HMO (4 to 6 residents) (Use Class C4). It should be noted that until 2018 this would not have required planning permission as the Town and Country Planning (General Permitted Development Order) sets out permitted development rights for the conversion of a C3 dwellinghouse into a C4 HMO. However, following an anticipated increase in the number of HMO's in Trafford as a result of the UA92 campus development, an Article 4(1) Direction was made, removing these permitted development rights within Trafford. At the same time, a new Supplementary Planning Document,

SPD6, Houses in Multiple Occupation, was adopted in March 2018. It is recognised in this document that Houses in Multiple Occupation provide much-needed housing accommodation but equally that a large number of HMOs in one area can change the character of that residential area. The purpose of the guidance is therefore to prevent an excessive concentration of HMOs in one area and encourage a more even distribution across the Borough. It is not intended to prevent the creation of HMOs entirely.

14. The Council's Supplementary Planning Document 6: Houses in Multiple Occupancy is therefore of relevance to the assessment of the proposal.
15. SPD6 states that planning permission will not normally be granted for changes of use to HMOs where the proportion of HMOs will exceed 10% of all residential properties within a circle radius of 40 metres or where it would result in any C3 residential property being sandwiched between two HMOs.
16. SPD6 would justify a refusal if more than 10% of the properties within a 40m radius or a (minimum of 10 properties) or where a C3 residential dwelling would be sandwiched between two HMOS.
17. The properties within a 40m radius are listed below.
  - 4-24 The Crescent and 31-55 The Crescent
  - 18 Windsor Avenue
  - 7- 29 Marlborough Road
  - 77,79 and 81 Whitelake Avenue
18. As stated in the SPD6, for the purposes of the threshold, HMOs can be identified from the following sources:
  - Trafford Council planning register
  - Trafford Council electoral register
  - Trafford Council Tax records
  - Trafford Council licensing register
19. The HMO register (updated 15 March 2023) did not include any of the properties listed above.
20. The properties listed above did not hold any previous planning history relating to a change of use to a HMO.
21. From reviewing the Trafford Council electoral register, the properties listed above do not indicate the dwellings are in use as an HMO.
22. Given the above, it is considered this would be the only HMO within a 40m radius and therefore the 10% threshold has not been reached.

23. The proposal would not result in any residential properties (C3 use) being 'sandwiched' between two HMOs.
24. SPD6 indicates that other material considerations including intensification of use, highway safety, and residential amenity of future/existing occupiers should still be considered. However, in relation to the test in SPD6, the development would comply with the guidance and would not result in an excessive concentration of HMOs in this area and therefore the use is considered to be acceptable in principle, subject to the consideration of these detailed issues.

## **DESIGN AND VISUAL AMENITY**

25. Policy L7 of the Core Strategy states that in considering applications for development within the Borough, the Council will determine whether or not the proposed development meets the standards set in national guidelines and the requirements of Policy L7.
26. The relevant extracts of Policy L7 require that development is appropriate in its context; makes best use of opportunities to improve the character and quality of an area by appropriately addressing scale, density, height, layout, elevation treatment, materials, landscaping; and is compatible with the surrounding area.
27. The proposal seeks external alterations including two Velux roof lights on the principal elevation and the addition of pipework/ soil branches.
28. These alterations are all consistent with the existing residential character of the area.
29. Overall the proposal is acceptable in terms of design and appearance. The design has been considered in line with Policy L7 and guidance contained in SPD4.

## **RESIDENTIAL AMENITY**

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

### *Amenity of occupiers of neighbouring properties*

31. The application would provide accommodation under Class C4 and the floorplans show four bedrooms. Class C4 limits the number of occupants in the property to 6. More than this would comprise a further change of use.

32. The application site is located in a residential street attached to 41 The Crescent. The pair of semi-detached properties sharing a party wall, the two properties have a sensitive relationship to one another. The existing floor plans show two bedrooms to the party wall, both on the first floor. The proposed floor plan shows four bedrooms and this proposed layout would result in an extra 2 bedrooms next to the party wall. There would be one bedroom on the ground floor and an additional bedroom in the loft.
33. Environmental Health (Nuisance) have reviewed the proposal and consider that, in terms of the potential impacts to the amenity of the adjoining property from the operation of a 4 bedroom HMO, any noise and disturbance that might result from the HMO would not be significantly different to that from one large household that could occupy the property. Nuisance therefore have no objection to the operation of the premises as proposed.
34. While the proposal would result in more bedrooms adjacent to the party wall, it is considered that there is no reason to anticipate that any noise and disturbance that might result from a HMO would be significantly different to that resulting from the occupation of the dwelling by one household. The proposal includes communal space which would be utilised for day-to-day activities, and as such the occupants could spend time outside of their private rooms.
35. With regards to this point, it is also noted that an appeal relating to a 6 to 8 bed sui generis HMO at 90 Moss Vale Road, Stretford, was allowed on 4 November 2022 after the application, 106393/FUL/21, was refused by Committee, contrary to officer recommendation, in April 2022. The application was refused on the grounds that the proposed change of use would cause excessive noise and disturbance to adjoining and neighbouring occupiers. However, the Inspector commented that *“any noise and disturbance that might result from the HMO in the wider area for neighbouring occupants would be unlikely to be significantly different to that arising from one large household that could occupy the property. In this regard, the proposal would remain in keeping with the residential nature of the area.”*
36. In regards to representations received in regards to overcrowding, the application would grant permission for accommodation under Class C4 for between 3 and 6 residents only.
37. In terms of representations received in regards to overlooking, the proposal does not alter the existing relationship to the neighbours at the rear.
38. The proposed roof lights would be on the principal roofscape and, given their siting and height would not result in adverse overlooking to the neighbours at the front of the application site.
39. It is also considered that there is no reason to anticipate that the proposed use would be any more likely to generate anti-social behaviour than a C3

dwellinghouse. One of the representations suggests that, due to their particular protected characteristics, the development may have more impact on one neighbour in this respect than might otherwise be anticipated. Officers have had regard to this in assessing the application but have concluded that the proposal would nevertheless be an acceptable form of development in this respect.

40. It is therefore considered that the proposed development would not have any unacceptable impacts on the amenity of neighbouring residential properties.

#### *Amenity of existing and future occupants*

41. The standard of living accommodation for existing and future occupants will be assessed below.
42. There is no specific planning policy or guidance for the size of HMO accommodation. Trafford Council's regulatory housing standards service provide guidance in regards to amenity standards for HMOs. The minimum floor area for a double bedroom is required to measure at least 10.22m<sup>2</sup> and a single bedroom 6.51m<sup>2</sup>. If a development complies with these standards it is an indication that it provides an acceptable living environment for residents.
43. Bedrooms 1, 2, 3 and 4 would accord with the minimal floor areas for a double bedroom as set out in Trafford's HMO standards (2020). In addition each bedroom would benefit from a moderately sized window to provide natural light and ventilation.
44. The shared kitchen-diner, living room and bathrooms are a reasonable size which would be in accordance with Trafford's HMO standards and there would also be a shared downstairs WC.
45. It is considered that the proposed HMO would provide future occupants with an acceptable standard of accommodation with reference to the shared internal space as mentioned above. The site plan also shows sufficient outdoor garden space that could benefit the occupants for typical uses such as drying clothes and outdoor amenity space.

#### *Summary*

46. It is considered the proposal would not be out of keeping with the residential nature of the area and would not harm the living conditions of the occupiers of adjoining and neighbouring properties, with regard to noise and disturbance, privacy or any other issue. The development would also provide an acceptable standard of accommodation for existing and future occupants of the HMO. The use therefore accords with Policy L7 of the Core Strategy, which, amongst other things, seeks development that is compatible with the surrounding area and does

not prejudice the amenity of the occupants of adjacent properties by reason of noise and/or disturbance.

## HIGHWAYS AND PARKING

47. 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.*'
48. Paragraph 111 of the NPPF states that "*Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe*". Given the more stringent test for the residual cumulative impacts on the road network set by the NPPF, it is considered that Core Strategy Policy L4 should be considered to be partially out of date for the purposes of decision making.
49. 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.*" Policy L7 is considered to be up to date in NPPF terms.
50. The Parking SPD's objectives include ensuring that planning applications include an appropriate level of parking; to guide developers regarding the design and layout of car parking areas; to ensure that parking facilities cater for all users and to promote sustainable developments.
51. As is the case with the other properties on this side of The Crescent, the application property has no off street parking provision.
52. The Local Highway Authority (LHA) were consulted on the application and raised no objection subject to a proposed cycle parking and bin store implementation condition.

### *Car and Cycle Parking Provision*

53. The car parking standards as detailed within Supplementary Planning Document 3 (SPD3) state that for this location for the existing C3 dwelling houses use, a three-bedroom dwelling unit requires two car parking spaces and for the proposed HMO use the requirement is 0.5 spaces per bedroom.
54. The LHA observe that there is no off-street parking existing for the 3-bed dwelling and no off-street parking is proposed for the 4 bed HMO, in that sense, the parking requirement is equal.

55. There is therefore no increase in demand for parking provision and no loss of any existing car parking spaces.
56. Additionally, the LHA have reviewed the submitted Transport Assessment, Highways Technical Note, doc Ref: 3412-01-HTN01, February 2023 prepared by Recom Solutions Limited. LHA note there is on street parking on neighbouring streets with spare capacity as shown in the parking beat survey results.
57. The LHA therefore does not consider that the proposals would have any detrimental impact on the local highway network. Furthermore, there are no highway safety issues and no objections to the proposals.
58. SPD3 states that 1 cycle parking space per bedroom should be provided for Houses in Multiple Occupation (HMO). It is proposed to provide a bike store for up to 6 bikes which will be located to rear garden of the property which complies with SPD3.
59. The Local Highway Authority have suggested a condition that within three months of permission being granted, cycle parking and bin stores shall be completed and made available for use. The cycle parking and bin stores as provided shall be retained as such thereafter. Planning officers regard this as necessary to condition, upon any grant of permission to ensure there are sufficient cycle parking and bin stores are provided at the application site.
60. An informative has been put forward by the LHA, taken from the SPD3 with guidance on cycle storage arrangements.

#### *Servicing arrangements and Waste*

61. It is proposed to provide suitably located refuse / recycling storage facilities for the proposed development as indicated on the proposed site plan. Bin storage would be proposed to the rear of the garden.
62. The proposed bin stores with recycling would be conditioned to be implemented within three months. This is considered necessary to ensure adequate servicing and waste arrangements at the dwelling.

#### *Summary*

63. The proposal would be acceptable in terms of the impact on the highway, highway safety and parking provision given there is no loss of any existing car parking spaces and it is considered there is no increase in demand for parking provision.
64. The scheme will provide space to accommodate on site cycle parking and waste recycling facilities.

65. The proposal would therefore comply with Policies L7 and L4 of the Trafford Core Strategy SPD3 and policy in the NPPF.

## **DRAINAGE AND FLOOD RISK**

66. 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 167 has similar aims, seeking to ensure that development is safe from flooding without increasing flood risk elsewhere. Policy L5 is considered to be up to date in this regard and so full weight can be attached to it.
67. The LLFA have confirmed there are no objections in principle to the proposals.
68. United Utilities have no objection to the proposals.
69. It is therefore considered that, in planning terms, the proposed development would be acceptable in terms of drainage and would comply with Policy L5 of the Core Strategy in this respect. Other drainage matters would be considered through the Building Control application.

## **ECOLOGY**

70. Greater Manchester Ecology Unit (GMEU) note that, as the loft conversion has already taken place, it is impossible to know whether there may have been any harm to roosting bats.
71. GMEU therefore recommend that replacement bat roosting features be provided in the form of bat boxes attached to the property in an appropriate location, as compensation for any potential losses. This condition is considered to be reasonable and necessary in accordance with paragraphs 179 of the NPPF.
72. The developer would have needed to comply with the provisions of the Wildlife and Countryside Act in relation to protected species and there is no evidence that any wildlife crime has taken place.

## **EQUALITIES**

73. The Equality Act became law in 2010. Its purpose is to legally protect people from discrimination in the workplace and in wider society. The Act introduced the term ‘protected characteristics’, which refers to groups that are protected under the Act. These characteristics comprise: age, disability, gender reassignment, marriage and civil partnerships, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.



74. As part of the Act, the ‘public sector equality duty’ came into force in April 2011 (Section 149 of the Act), and with it confirmed (via Section 19 of the Act) that this duty applies to local authorities (as well as other public bodies). The equality duty comprises three main aims: A public authority must, in the exercise of its functions, have due regard to the need to:
- Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
  - Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
  - Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
75. The public sector equality duty is a “have regard duty” and the weight to attach to it is a matter for the decision maker bearing in mind the issues of relevance and proportionality.
76. Issues have been raised in the representations that relate to equalities – in particular that the proposals would have a disproportionate impact upon the elderly. As such, in making an assessment of the application proposals, it is necessary to have regard to the Public Sector Equality Duty.
77. Officers have had regard to identified protected characteristics in making an assessment of the impacts of the proposed development. However it does not change officers’ view that the development is acceptable in planning terms and will not have a significant impact on the amenity of neighbouring properties.

## **OTHER MATTERS**

78. In reference to the representation received:

As confirmed by Trafford Council Housing Standards, the Landlord is not required to have an HMO Licence because the property is rented to 4 tenants.

There are no trees proposed to be cut down in this location to accommodate on street parking.

The application has been publicised in accordance with statutory requirements and the Council’s Statement of Community Involvement.

## **DEVELOPER CONTRIBUTIONS**

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

## **PLANNING BALANCE AND CONCLUSION**

80. Section 38(6) of the Planning and Compulsory Purchase Act 2004 is clear that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise. Paragraph 12 of the NPPF reiterates the statutory status of the development plan as the starting point for decision making. Paragraph 11 of the NPPF is a material consideration which carries significant weight in the decision-making process.
81. Given the Council cannot demonstrate a five year supply of housing land, paragraph 11 of the NPPF is engaged. The application has been assessed against adopted policy and guidance, and comments received from local residents. All representations received have been considered.
82. It is considered that the proposed development would be acceptable in terms of design and visual amenity, would not have any unacceptable impacts on the residential amenity of neighbouring properties. The proposal would make a small contribution in terms of broadening the range of housing available within the Borough and would not result in any adverse impacts that would significantly and demonstrably outweigh the benefits of granting planning permission.
83. As such, the development accords with the development plan when taken as a whole, SPD6 and the NPPF and is recommended for approval subject to the conditions listed below.

## **RECOMMENDATION**

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

1. The permission hereby granted relates only to the details of development as shown on the submitted plans, numbers A.02.1, A.02.2, A.02.3, A.02.4, A.02.5 received by the local planning authority on 18th April 2023, and associated 1:1250 site location plan.

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

2. Within three months of the date of this planning permission, the cycle parking and bin stores shown on the proposed site plan (received by the local planning authority on 18th April 2023, A.02.1) to serve the development hereby permitted shall be made fully available. The cycle stores and bin stores shall be retained thereafter for their intended purpose.

Reason: To ensure that satisfactory provision is provided and retained within the site for the accommodation of cycle storage and waste generated by the proposed development, having regard to Policies L4 and L7 of the Trafford Core

Strategy and the Council's adopted Supplementary Planning Document 3 - Parking Standards and Design and the National Planning Policy Framework.

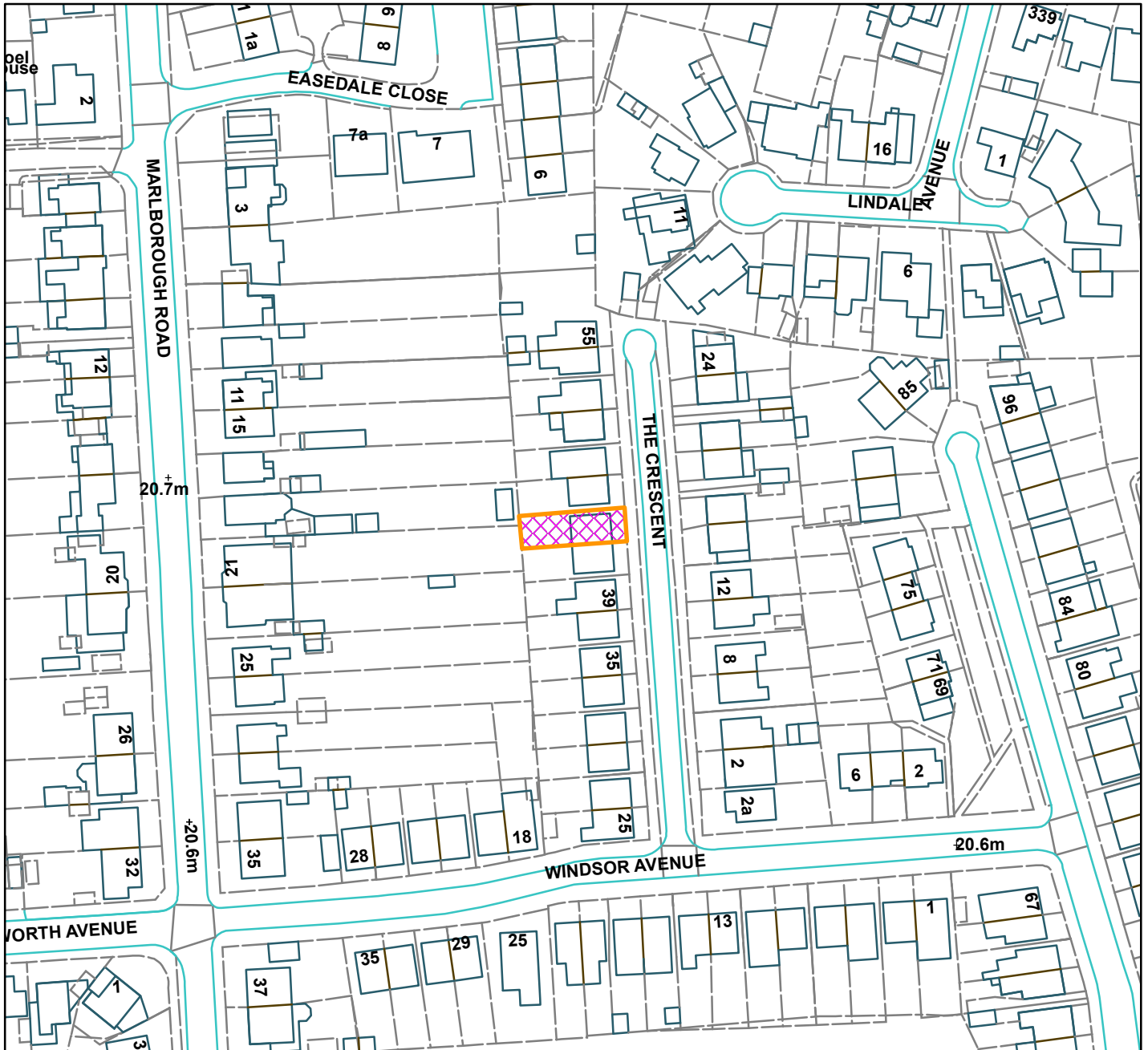
3. Within three months of the date of this permission, bat roosting features (bat boxes) shall be provided and implemented in accordance with details (including type and location) that shall first have been submitted to and approved in writing by the Local Planning Authority. The approved bat boxes shall be retained at all times thereafter.

Reason: In the interests of the preservation of bats, a protected species, having regard to Policy R2 of the Trafford Core Strategy and the National Planning Policy Framework.

KG



43 The Crescent, Flixton (site hatched on plan)



**Scale:** 1:1,250

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