

WARD: Bowdon

98788/FUL/19

DEPARTURE: No

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

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

APPLICANT: Bowdon Lawn Tennis Club

AGENT: CT Planning

RECOMMENDATION: GRANT

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

EXECUTIVE SUMMARY

The application relates to 3 no. courts within the established tennis club accessed from Green Walk, Bowdon. The club is located within the Devisdale Conservation Area.

Permission is sought for the erection of floodlighting to the 3 no. courts which are situated closest to Green Walk and the club car park. The proposal would consist of the erection of 9 no. retractable floodlighting columns supporting 11 no. luminaires and an additional 3 no. luminaires to be fitted to existing lighting columns on neighbouring courts.

The proposal is considered to result in 'less than substantial' harm to the significance of the designated heritage asset which would be outweighed by public benefit. In NPPF Paragraph 11 d) i) terms, there is no 'clear reason for refusal' of these proposals.

Given that the Council's Core Strategy heritage policy is out of date, the "tilted balance" in NPPF paragraph 11(d)(ii) is engaged.

The cumulative impact of the proposal alongside existing floodlighting at the club has been taken into consideration.

BACKGROUND

At the meeting of the Committee on 18 January 2024 Members resolved unanimously to DEFER the application due to a late change to the technical lighting information, and in accordance with a revised officer recommendation.

The originally submitted lighting assessments included modelling of some of the boundary treatment (trees and fencing) as mitigation of the light spill impacts in the lighting assessment calculations. This was inconsistent with the approach on previous applications at this site.

The revised lighting assessment demonstrates a greater spillage of light into the gardens of the neighbouring properties within Green Courts. The amended information has been consulted on.

SITE

The application site comprises an existing tennis club with a total of 13 no. courts (a mix of 8 no. grass and 5 no. all-weather surfaces). There is an existing car park accessed off Green Walk with parking for approximately 40 cars. Bowdon Lawn Tennis Club was established in 1877.

The surrounding area is predominantly residential and is bounded by residential properties on all sides with the exception of the north east boundary which adjoins Altrincham Grammar School for Girls.

The club is accessed from Green Walk with the car park fronting onto Green Walk. A separate locked pedestrian entrance is located on Elcho Road.

This application relates specifically to courts 11-13 which are located to the south west of the site, immediately adjacent to the car park.

The site is located within Character Zone C, 'Southern Residential' of the Devisdale Conservation Area.

PROPOSAL

Permission is sought for the erection of 9 no. retractable floodlighting columns with a maximum height of 6.7 metres high supporting 11 no. luminaires with LED lamps; 3 no. luminaires to be attached to existing lighting columns to courts 9 and 10; all to provide lighting to courts 11-13. When retracted the lighting columns would have a maximum height of 3.3 metres.

The application documents state that the floodlights are only to be used during the hours of 15:30 to 21:30 hours on any day. The floodlighting columns are to be retracted when not in use.

The floodlighting columns are to be painted dark green (RAL 6007).

Delays in the determination of this application have been the result of the application being put on hold whilst other matters in relation to existing approvals have been addressed. Further information is provided within the background of this report.

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

L5 – Climate Change

L7 – Design

R1 – Historic Environment

R2 – Natural Environment

R5 – Open Space, Sport and Recreation

PROPOSALS MAP NOTATION

Protected Open Space

The Devisdale Conservation Area

SUPPLEMENTARY PLANNING DOCUMENTS

SPD5.10 Devisdale Conservation Area Appraisal (July 2016)

SPD5.10a Conservation Area Management Plan (July 2016)

PLACES FOR EVERYONE

Places for Everyone (PfE) is a joint Development Plan Document being produced by nine Greater Manchester districts (Bolton, Bury, Manchester, Oldham, Rochdale, Salford, Tameside, Trafford and Wigan). It identifies the quantum of new housing and employment development, supports the delivery of key infrastructure, and protects environmental assets. The Plan was submitted to the Secretary of State for Levelling Up, Housing and Communities in February 2022, and its Examination in Public commenced on 02 November 2022. Hearings sessions concluded on 05 July 2023. Consultation on Main Modifications started on 11 October 2023 and closed on 6 December 2023. On 14 February 2024, the Inspectors' report was published, confirming

that with the Main Modifications and further limited modifications suggested by the Inspectors, that Places for Everyone is sound and legally compliant. The Council intends to adopt the plan in March 2024, along with all the other authorities involved, and Places for Everyone will be formally adopted on 21 March 2024. Consequently the plan is as advanced as it can be without being adopted and thus very substantial weight can be attached to its policies.

Emerging policies relevant to this application are:

JP-S1: Sustainable Development

JP-P2: Heritage

JP-P7: Sport and Recreation

NATIONAL PLANNING POLICY FRAMEWORK (NPPF)

DLUHC published the latest version of the National Planning Policy Framework (NPPF) on 20 December 2023. The NPPF will be referred to as appropriate in the report.

NATIONAL PLANNING PRACTICE GUIDANCE (NPPG)

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

OTHER LEGISLATION

Planning (Listed Buildings and Conservation Areas) Act 1990

RELEVANT PLANNING HISTORY

112273/FUL/23 – Creation of 1 no. Padel Court, erection of canopy and installation of floodlighting.

Under consideration

107813/FUL/22 – Proposed alterations and works to an existing car park to provide a defined layout, EV charging points, lighting and associated landscaping.

Approved with conditions 20/03/2023

Condition 5 restricts the use of the car park lighting outside the hours of 0900 to 2230 on any day.

106713/CND/22 – Application for approval of details reserved by conditions of grant of planning permission 102117/FUL/20 (Condition numbers: 3 (Materials), 4 (Construction and Environmental Management Plan), 5 (Bin and Cycle Store) and 7 (Hard and Soft Landscaping)

Full discharge of conditions issued 01/02/2023

102117/FUL/20 – Resurfacing of grass courts 10-13 (previously courts 1-4), resurfacing of existing 4 no. mini junior grass courts and repositioning of one of the mini junior grass courts together with associated works, including amendments to current site entrance at Elcho Road and installation of fencing, including 3.5m high fencing set off from the south-east and south-west boundaries.
Approved with conditions 14/05/2021.

For clarification, the above approval relates to the courts to the south of the clubhouse.

100556/CND/20 – Application for approval of details reserved by conditions of grant of planning permission 93998/FUL/18. Condition no: 5 (lighting verification report).

Condition 5 set out that the floodlighting was not to be brought into use until a verification report had been submitted/approved confirming that the lighting scheme detailed within the Sports Lighting UK report dated 25/01/2018 and associated plans had been installed in accordance with this approved scheme.

Full discharge of condition 01/12/2022

100555/CND/20 – Application for approval of details reserved by conditions of grant of planning permission 91426/VAR/17. Condition numbers: 6 (verification report).

Condition 6 set out that the floodlighting was not to be brought into use until a verification report was submitted/approved confirming that the lighting scheme detailed within the Pro Lighting Scheme report reference 4074C had been installed in accordance with the approved scheme.

Full discharge of condition issued 01/12/2022

93998/FUL/18 – Erection of 17 no. floodlighting columns with a maximum height of 7 metres supporting 26 no. luminaires with LED lamps to provide lighting to courts 6-9.
Approved with conditions 10/08/2018

Condition 4 restricts the use of the floodlights outside the hours of 15:30 to 21:30 hours on any day.

89582/FUL/16 – Works in conjunction with new court surface to include new kerbing, retaining wall, steps, patio area, ramp for disabled access, ramp for machinery access and new fencing.
Approved with conditions 18/12/2017.

86115/FUL/15 – Erection of 9 no. floodlighting columns (10 no. luminaires) at 6.7 metres high to courts 4 and 5.
Approved with conditions 14/03/2016

Condition 4 restricts the use of the floodlights outside the hours of 15:30 to 21:30 hours on any day.

84577/FUL/14 – Resurfacing of courts 6-9 with an artificial grass surface.
Approved with conditions 30/03/2015

84338/FUL/14 – Erection of 12 no. floodlighting columns with maximum height of 8m.
Approved with conditions 30/03/2015

Condition 4 restricts the use of the floodlights outside the hours of 15:30 to 21:30 hours on any day.

H/CC/54983 – Conservation Area Consent for the demolition of the existing clubhouse in connection with the erection of a new clubhouse.
Approved 21/09/2016

H/54978 – Demolition of existing clubhouse and erection of new clubhouse comprising clubroom and bar, kitchen, changing accommodation and ancillary facilities.
Approved with conditions 05/11/2002

H/47151 – Construction of an additional all-weather tennis court to south west of existing court, with 3.6m high chain link fencing to north west and south east sides and 2.7m high chain link fencing to south west side. Hard surfacing of remaining car park area with concrete blocks to provide 48 spaces.
Approved with conditions 19/05/1999

H/42226 – Erection of 9 no. 6m high lighting columns and lightfittings to illuminate 2 no. existing all weather tennis courts.
Appeal against non-determination dismissed 22/05/1996

H/40641 – Erection of 18 no. 6m high lighting columns and lightfittings to illuminate 4 no. existing all weather tennis courts.
Refused 26/05/1995 for the following reasons:

- 1. The proposed floodlights by reason of the columns and lightfittings, and the effect of the illumination would be detrimental to the amenities presently enjoyed by nearby residents. In addition the increased noise and disturbance which would be created by the intensification of the use of the courts over longer hours would conflict with the residential amenities of nearby residents when peace and quiet would reasonably be expected.*
- 2. The proposed columns, lightfittings and illumination would introduce an incongruous feature into this predominantly residential part of The Devisdale Conservation Area. It is considered that this is out of character with the area and would be detrimental to the locality, the character of which the Local Planning Authority is required to preserve or enhance.*

Subsequently dismissed at appeal

H/32447 – Construction of an all-weather tennis court and erection of 3.5m high chain link fence surround.

Approved with conditions 19/12/1990

H/27497 – Erection of 9 ten metre high columns to floodlight two tennis courts.

Refused 17/08/1988 for the following reasons:

- 1. The proposed floodlights by reason of their height and the extent of the illumination would be detrimental to the amenities of nearby residents. The potential to extend the hours of use of two of the tennis courts would lead to increased disturbance to nearby residents from the use of the courts and the coming and going of players.*
- 2. The proposed floodlighting would introduce an incongruous feature into a predominantly residential part of The Devisdale Conservation Area which would be detrimental to its character.*

APPLICANT'S SUBMISSION

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

- Lighting Schedule (including cumulative lighting contour plans);
- Planning Statement (including heritage assessment);

CONSULTATIONS

Heritage – The increase in lighting and the cumulative impact of this is a concern. Policy is clear that 'lighting columns should be lower than surrounding planting.'

The works will cause minor harm to this area of open space and the contribution it makes to the wider Devisdale Conservation Area. This harm 'should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use' [208 NPPF] taking into account the statutory requirements of S.72 P(LB&CA) Act 1990.

Pollution and Licensing (Nuisance) – raise no objection subject to conditions relating to the requirement of a verification report and hours of use of floodlights.

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

REPRESENTATIONS

Letters of objection have been received from Bowdon Conservation Group and 16 different neighbouring addresses. A further letter of objection was received with no address given.

In addition to the above individual representations, an objection was received from DPP Planning on behalf of residents of Green Courts and a lighting commentary has been received, commissioned by a consortium of residents living close to the application site.

Seven further representations have been received from residents (including a letter from a resident of Green Courts albeit sent to the Chief Executive rather than the Planning Service) in response to the most recent consultation following the deferral of the application from the January Committee. Any further representations received following report publication will be reported in the Additional Information Report.

The main points raised in all representations received are summarised below:

Residential Amenity

- Previous application for floodlighting on these courts was refused on amenity grounds resulting from nuisance from the lights. There is nothing materially different in this application and for the sake of consistency it should be refused;
- Proposals would seriously adversely impact on the use and enjoyment of the neighbouring residential properties and related amenity levels, which they have a right to expect to be maintained and protected by the planning system;
- Harm to neighbouring properties from light shining into habitable rooms, altering existing views and glare and skyglow and loss of privacy;
- Neighbouring dwellings are already subjected to glare and light spill from the existing lights. The current proposal would make this situation worse;
- No boundary treatment on the court side by way of protection from the glare overspill and skyglow and no mitigation measures are offered;
- Lights will enable year round play with impact of lights and increased noise and disturbance being felt more during the winter and darker months;
- Neighbouring properties are incorrectly depicted on the application drawings;
- Question why the lighting contour plan shows no contours touching neighbouring windows when the light on the outside is bright enough to read in;
- Neighbours feel it should not be their responsibility to plant and maintain trees to reduce lighting impacts on their amenity;
- The amended light contour drawing is wrong as it shows no light spill on Heather Court. This is incorrect and has been measured independently as 8 lux between the gable of no.4 and the lights. The proposed lights will increase the light level if approved;
- The officer's recommendation is to approve the application based on their view that the scheme would cause "less than substantial harm." The residents who have to live with this constant nuisance disagree;

Character and Conservation Area

- Eroding the amenity of the area;
- There are already enough lights at the club which have caused harm to the amenity of the Conservation Area;
- Degrading of peaceful and safe conservation area;
- The position of the courts in relation to Green Walk means that the lighting will intrude even more on the Conservation Area;
- Incongruous in what used to be a quiet and intrinsically dark part of the Devisdale Conservation Area;

Parking and Highways

- Exacerbation of existing traffic congestion with the availability of 3 more lit courts;
- Car parking situation is not fit for capacity;
- Exacerbation of existing parking issues around Green Walk and Green Courts caused by Bowdon Lawn Tennis Club and the recent development at Altrincham Girls Grammar School;

Other Matters

- Adverse impact on wildlife;
- Misleading drawings showing the boundary vegetation at 13 metres whereas in reality it is between 2.5 and 8m. It is also shown as being denser than in reality;
- Boundary treatment is on the residents' side of the boundary;
- Should be refused to be consistent with decisions at Urmston Tennis and Hockey Club and Sale Sports Club;
- The current application is for a standalone scheme but the lux levels should take account of the cumulative effect of all three schemes;
- Plans show a 3m high fence that will hide the masts when down. It is not clear what this is for;
- Plans for the development of the tennis club should have been presented in a single application. The club are trying to get all the courts illuminated by incremental planning applications;
- An objective analysis from an independent lighting consultant should be sought;
- In the interests of transparency Trafford is requested to make available information on any familial, social or other relationship anyone involved in the decision making process has with Bowdon Lawn Tennis Club or its members;
- The proposal represents a significant increase to the overall lighting scheme across the courts;
- Plans should have been presented to neighbours before submitting a planning application as a matter of courtesy;
- Question the need for the proposal as the courts that are already floodlit don't seem to be used to their full capacity;
- The proposed lights are little better than those which were banned under the abatement order upheld by Trafford Magistrates Court. To approve even more will only make the situation even worse;

- Previous lighting schemes on these courts have been turned down twice by a previous chief planning officer and twice on appeal by the Planning Inspectorate due to the proximity of houses on either side;
- Existing lights are often left on when no one is playing;
- Non-fulfilment by the club of conditions attached to previous planning permissions 91426/VAR/17 and 61115/FUL/15 and no approval obtained by BLTC for changes to lights at Courts 9 and 10;
- The lighting design takes no account of existing street and court lighting or the lights along the boundary wall;
- BLTC have already installed and seek to install here, the most intense level of lighting, suitable for professional play;
- Lack of information provided in the application in relation to levels of junior coaching provided and the need for the additional floodlit courts;
- Light levels are considered only in isolation, without factoring in the impact of the existing lighting on other courts or other lighting in the environment;
- Lights should be confined to specific hours and only lit when the courts are in use;
- Arguments regarding light spillage are based on ground level illumination levels. The negative impact of floodlights come from the area/volume illumination and which can be seen from considerable distance;
- Application submission incorrectly states that there are no habitable windows on the facing window of 32 Green Courts;
- No weight should be given to the fact that the principle of erecting floodlights at the club has been established and each application should be considered on its own merits;
- No weight should be given to the Club's claims that the application proposals would offer benefits to the community in that they would facilitate greater participation in tennis and in particular coaching for juniors for the whole year;
- No aspect of the profile nor the design of the proposed lighting system can or should be relied on for support; the key issue is not the design, width or colour or the retractable nature or retracted height of the proposed floodlights rather their impact when fully extended and operated;
- The proposals fail to comply with relevant Development Plan policy;
- The lighting levels are too high for the usage proposed and would exceed the value in the ILP document if the vegetation were not present;
- Should planning permission be granted a more permanent shield should be conditioned to be provided on land within the tennis club;
- Incorrect depiction of neighbouring properties and screening within the application submission;
- Proposal is excessive and unnecessary;
- The Club have always stressed to the Committee that they have had detailed discussions with planning case officers about the scheme yet the case officer has not afforded the residents the same opportunity which is blatant bias;
- It is critical that an accompanied site visit takes place at night time. Should this invitation be turned down and planning permission be granted, it is likely that the

objectors will seek legal advice on whether they can litigate an action leading to the quashing of the planning permission through the use of the judicial review procedures;

- It is well known that the lamps in the lights on courts 9 and 10 do not meet the conditions in the planning approval notice which stated warm fittings are required;
- It is not clear whether the detailed report submitted by residents in 2019 has been read;
- The PDF shows the proposed light spillage for the courts 11, 12 and 13. It does not show the current light spillage for the courts where planning permission has been granted and the lights in use.

OBSERVATIONS

BACKGROUND

1. Bowdon Lawn Tennis Club is an established club with a total of 13 courts, 8 of which are grass and 5 with an all-weather surface.
2. There is a detailed history of applications (and appeal decisions) relating to improving the facilities at the club with floodlighting and resurfacing of some of the courts.
3. There has been a significant delay in the consideration of this planning application.
4. When making an assessment of the current application upon initial submission, historical applications relating to the site were reviewed. It was found that the information submitted was not up to date and that a number of previous planning permissions had not been complied with. It was also found that the orientation of some of the courts had changed and was different from that which had been granted planning permission. In particular, Conditions 3 and 6 of planning permission 91426/VAR/17 and condition 5 of 9399/FUL/18 required the submission of verification reports prior to lighting being brought into use for both approved schemes. This had not occurred in either case.
5. In order to make an accurate assessment of the proposals contained in the current application, the outstanding issues relating to the site as set out above were required to be dealt with. Discharge of condition applications 100555/CND/20 and 100556/CND/20 were submitted and subsequently fully discharged in December 2022 as detailed in the Planning History section of this report.
6. Upon consideration of applications 10555/CND/20 and 100556/CND/20 officers from Pollution and Licensing requested additional information from the applicant

including an updated lighting statement to take account of the re-orientation of the courts and associated changes.

7. In response to the receipt of the updated lighting verification report, officers from the Council's Regulatory Services visited the Club and also nearby residential properties to assess the impact of the lighting. These visits were carried out on 27 April 2021.
8. Conditions attached to approvals 91426/VAR/17 and 93998/FUL/18 required the applicant to provide a lighting scheme that was suitable for allowing tennis to be played whilst minimising light spill and glare issues from floodlighting to neighbouring properties. Light spill is measured against guidance provided by the Institute of Lighting Professionals. Glare is caused by excessive uncontrolled brightness of a light source that can be uncomfortable and potentially create a nuisance to sensitive receptors and is considered subjectively. Glare is prevented through careful positioning, design and strength of floodlighting, fitting of appropriate shielding and choice of appropriate floodlight brightness. In areas with low ambient light levels, glare can be very obtrusive, and extra care is required when positioning and aiming the floodlighting.
9. When officers from the Council's Regulatory Services visited properties on Green Courts on 27 April 2021 the floodlighting arrangement at Bowdon Lawn Tennis Club was not deemed as being acceptable in respect of minimising light spill and particularly glare. During the visit officers were able to observe that within domestic gardens of properties glare from a number of the floodlights was clearly noticeable including within habitable rooms. It was further observed that vegetation present within the domestic gardens of properties on Green Courts was the key factor in minimising the glare and that without this vegetation present the glare from the floodlights would potentially cause a nuisance to residents.
10. The principal reason that glare from floodlights was not being minimised and causing a problem at residential properties was due to the positioning and alignment of the floodlight columns and LED arrangement which was causing LEDs to directly shine into habitable bedrooms. There was also a lack of sufficient shielding on the floodlighting columns which was causing LEDs to directly shine into habitable bedrooms. A further key factor was the overall brightness of the LEDs which were used on the courts, the verification report confirming that the LED optics were producing light in a mid-range colour temperature of 5000K with an average lighting level of over 400 lux across the courts.
11. An updated lighting model was provided to the Council following completion of alterations to the floodlights and this was reviewed. It was concluded that the updated modelling demonstrates that the levels of lighting intensity at residential properties is now significantly lower following the changes that were made.

12. Contrary to neighbour representations, it is important to note that the starting point of this application is against existing floodlighting which is in accordance with the relevant planning permissions. The current proposal takes into consideration the cumulative impact of the proposal alongside the existing floodlighting.

PRINCIPLE OF DEVELOPMENT

13. 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.

14. The Council's Core Strategy was adopted in January 2012, prior to the publication of the 2012 NPPF, but drafted to be in compliance with it. It remains broadly compliant with much of the policy in the 2023 NPPF, particularly where that policy is not substantially changed from the 2012 version.

15. The NPPF is a material consideration in planning decisions as the Government's expression of planning policy and how this should be applied; it should be given significant weight in the decision making process.

16. The NPPF, at paragraph 11, introduces the 'presumption in favour of sustainable development.' For decision-taking purposes, paragraph 11 (c) 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 11(d) 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.

17. As per NPPF paragraph 11, where a planning application conflicts with an up-to-date development plan, permission should not normally be granted.

18. Policies controlling the development's heritage/design and amenity impacts are considered to be 'most important' for determining this application when considering the application against NPPF Paragraph 11.

19. Core Strategy Policy L7 relating to design and amenity 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.
20. 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 inconsistent with the NPPF.
21. 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 Building 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.
22. Policies L5, R2 and R5 are considered up to date for the purpose of determining this application.
23. Paragraph 96 (c) of the NPPF advises that *"Planning policies and decisions should aim to achieve healthy, inclusive and safe places ... which ... enable and support healthy lifestyles, especially where this would address identified local health and well-being needs – for example through the provision of safe and accessible green infrastructure, sports facilities, local shops, access to healthier food, allotments and layouts that encourage walking and cycling."*
24. Paragraph 102 continues *"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, and can deliver wider benefits for nature and support efforts to address climate change."*
25. PfE advises in paragraph 9.35 that *"Sports participation in Greater Manchester is slightly lower than the national average. 72.0% of adults in Greater Manchester (16+) were 'active' or fairly 'active' as of May 2018. This represents an increase of 0.5 percentage points compared to May 2017 but is 1.9 percentage points below the England average. Nationally, there is a major problem of inactivity amongst younger people, with only 32% of 5-15 year olds being defined as active, and just 9% of 2-4 year olds."*
26. Paragraph 9.38 continues to say that *"Ensuring the continued availability of and easy access to a high-quality range of sport and recreation facilities would therefore help to achieve key objectives such as improving the health of residents, and making Greater Manchester a more attractive place to live and visit. The appropriate level of provision will often depend on local circumstances such as the type and scale of demand, and the availability of suitable land."*

27. PfE Policy JP-P7 'Sport and Recreation' follows that *"A network of high quality and accessible sports and recreation facilities will be protected and enhanced, supporting greater levels of activity for all ages .."*
28. Policy R5 of the Trafford Core Strategy (Open Space, Sport and Recreation) advises that the Council should seek to protect existing, and 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.
29. The submitted Planning Statement advises at paragraph 3.11 that *"The introduction of floodlighting on Courts 11-13 would enhance the ability of Bowdon Lawn Tennis Club to further develop its membership and encourage juniors to participate in the sport. The provision of floodlighting will ensure that the best use is made of an existing sporting facility in order to maintain and provide greater opportunities for healthy recreation and leisure activities in line with the objectives of sustainable living contained in the framework."*
30. Improvements to existing sport facilities are acceptable in principle and the principle of floodlighting has been previously established at the site. The main considerations in this application are the impact on residential amenity, design and impact on the character of the Conservation Area and on the street scene more generally, both individually from the floodlights in this application and cumulatively when taken with existing and / or already consented floodlights at the site.

IMPACT ON THE DESIGNATED HERITAGE ASSET

31. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires Local Planning Authorities to pay, "special attention in the exercise of planning functions to the desirability of preserving or enhancing the character or appearance of a conservation area" in the determination of planning applications.
32. The Government has set out its planning policies for the historic environment and heritage assets in the NPPF and the accompanying Planning Practice Guidance. Both the NPPF and the PPG are a material consideration relevant to this application 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.
33. The NPPF states at paragraph 8: Achieving sustainable development means that the planning system has three overarching objectives which includes an environmental objective – to contribute to protecting and enhancing our natural, built and historic environment.

34. Of relevant to the determination of this application is paragraph 201 which 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.”*
35. Paragraph 205 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.”*
36. Paragraph 206 continues: *“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.”*
37. 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 (NPPF paragraph 209).
38. The application site is located within the Devisdale Conservation Area. The relevant Conservation Area documents are the Devisdale Conservation Area Appraisal (July 2016) and the Devisdale Conservation Area Management Plan (July 2016).

The Significance of the Heritage Asset

39. Significance (for heritage policy) is defined in Annex 2 of the NPPF as: *The value of a heritage asset to this and future generations because of its heritage interest. The interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset’s physical presence, but also from its setting.*
40. The setting of a heritage asset is defined as: *The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.*
41. The special character of the Devisdale Conservation Area derives from its value as an historic area of enclosed land on the summit of Bowdon Hill. The

topography and landscape of the area is important, and includes the wooded north slope of Bowdon Hill and the gentler west slope descending towards Dunham Massey. The residential properties are characterised by large plots, grand houses and magnificent gardens, sweeping drives, coach houses, tree-lined streets and a vast mix of revival architectural styles. The area is also characterised by gradients and associated views, and the open space of The Devisdale is much valued as common land, used extensively today by pedestrians. The area also has high ecological and arboricultural value in particular.

The application site

42. The CAA and CAMP subdivide the area into different character zones. The application site falls within Character Zone B: The Devisdale (the car park is within Character Zone C: Southern Residential Area). The part of the site to which this application relates falls fully within Character Zone B.
43. The Conservation Area Appraisal identifies that the majority of Character Zone B *“is made up of open space, park, gardens and woodland, combining considerable variety of habitat and thereby encouraging bio-diversity. ... Bowdon Lawn Tennis Club combines a car park screened by trees along the Green Walk boundary, with herbaceous borders in front of the courts and within the car park. Beyond this are five Astroturf courts surrounded by high green netting with a thick beech hedge separating them into two sections. Further north, the clubhouse is located in the middle of the grass courts, which are surrounded by a well-maintained leylantii hedge and timber fence on two sides.”*

The proposal

44. Policy R1 states that “All new development must take account of surrounding building styles, landscapes and historic distinctiveness. Developers must demonstrate how the development will complement and enhance the existing features of historic significance including their wider settings, in particular in relation to conservation areas, listed buildings and other identified heritage assets.”
45. Policy L7 of the Trafford Core Strategy states that development should be appropriate in its context; make 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 be compatible with the surrounding area.
46. The following policies of the CAMP are relevant:

Policy 5

Ensure those adaptations to 21st century uses are sensitive to the historic character and appearance of the building; balancing the need for new facilities with the retention of original features, detailing and decorative materials.

Policy 28

The open spaces within the Conservation Area, including the Memorial Garden, sports grounds, the Dunham Road woodland, The Devisdale and Denzell Gardens, are to be maintained and conserved.

Policy 47

Lighting for sports pitches within the Conservation Area should not spill over into surrounding residential areas. Lighting from the Bowdon Lawn Tennis Club or Grammar School should not be visible from The Devisdale or surrounding housing estates. Lighting columns should be lower than surrounding planting and should make use of energy-efficient LEDs with warm bulbs.

Consideration of harm

47. The Devisdale Conservation Area is spacious and characterised by low density development with landscaping dominant, resulting in the darkness of the area surrounding the application site at night time.
48. The tennis club is an established facility within the Conservation Area and it is acknowledged that the club has changed in character incrementally over time with the introduction of floodlighting and all-weather surfacing.
49. Furthermore, it is acknowledged that the proposal together with existing floodlighting on neighbouring courts, contributes to an area of light or 'skyglow' which would be visible from outside of the site. Nevertheless, it should be recognised that this has been accepted under previous approvals on neighbouring courts and that this is currently restricted through hours of use conditions with no floodlighting to be in operation past 21:30 on any day.
50. In respect of CAMP Policy 47 therefore it is recognised that light spillage would occur outside of the site to a degree, however this is not considered to have a significant additional impact on the character or significance of the Conservation Area. A similarly worded condition is recommended to restrict the hours of operation for the floodlighting to ensure that the 'darkness' is continued to be experienced during the later hours.
51. Further consideration regarding the impact on the character of the Conservation Area should take into consideration the impact of the physical structures themselves as well as the impact of the light on the character of the area.
52. Permission is sought for the installation of 9 no. retractable lighting columns with a maximum height of 6.7 metres. As has been the case with previously approved

lighting at the club, a condition is recommended to require the lighting columns to be retracted at all times outside of any authorised hours of use.

53. It is acknowledged that the proposal would introduce lighting and columns onto courts where there are currently none, and would also have a cumulative impact when taken with the existing courts and lighting. The consultation comments from the Heritage Officer attribute 'minor harm' which is considered to equate to 'less than substantial' harm at the lower end of the scale in NPPF terms. There are degrees of less than substantial harm. A greater or lesser level of harm could be experienced to the heritage asset and it remain 'less than substantial' harm in NPPF terms. The level of harm arising from light spillage, glare and skyglow on the character and appearance and therefore the significance of the Conservation Area is therefore considered to be 'less than substantial' both individually and cumulatively.
54. It is therefore necessary to have regard to paragraph 208 of the NPPF and weigh the public benefits of the scheme against the less than substantial harm caused. The public benefits of the proposal, namely assisting with the continued provision and enhancement of the leisure facility within this part of the Conservation Area which is characterised by its open space and community use are considered to outweigh the identified 'less than substantial' harm. The use of LED lights in accordance with CAMP policy is also considered to be a benefit.
55. In accordance with the NPPG, "public benefits may follow from many developments and could be anything that delivers economic, social or environmental progress as described in the NPPF." It is considered that the proposal is in line with the social role described in paragraph 8 of the NPPF in that it supports the community's "health social and cultural well-being."
56. The NPPG continues to say that public benefits "should be of a nature or scale to be of benefit to the public at large and should not just be a private benefit. However, benefits do not always have to be visible or accessible to the public in order to be genuine public benefits. Public benefits may include heritage benefits such as:
- Sustaining or enhancing the significance of a heritage asset and the contribution of its setting;
 - Reducing or removing risks to a heritage asset;
 - Securing the optimal viable use of a heritage asset in support of its long term conservation.
57. The tennis club itself is identified as contributing to the significance of the Conservation Area. It is clear that the provision of a leisure facility for the community (albeit a private member's club) is a public benefit in supporting health and the contribution of the club to the significance of the Conservation Area. This proposal will enable the club to maximise use of its facilities over an

increased period which is considered to be a public benefit and securing its optimal viable use. Furthermore as stated earlier within this report, the proposal would support the provision of sports facilities for residents in the interest of delivering healthy communities in accordance with NPPF, PfE and Core Strategy policy. As such this should be given weight as a public benefit.

58. It is therefore considered that the public benefits of the proposal would outweigh the 'less than substantial' harm identified to the heritage asset, particularly taking into consideration the fact that any harm would only be present during the hours of operation of the lights on any day.

59. In arriving at this decision, considerable importance and weight has been given to the desirability of preserving this designated heritage asset. The proposal is considered to be in compliance with policies L7 and R1 of Core Strategy and the NPPF with regard to heritage matters.

DESIGN AND VISUAL AMENITY

60. 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."*

61. Given the siting, number and scale of floodlights it is considered that within the tennis club setting they would be an appropriate addition to the site character. The proposal is therefore considered to be acceptable in terms of its visual impact and the proposed development would comply with Policy L7 of the Trafford Core Strategy and guidance in the NPPF in terms of design.

RESIDENTIAL AMENITY

62. 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.

63. 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 measures can be put into place.

64. The main considerations for this application are therefore in relation to the impact of the lights and any noise and/or disturbance associated with an increase in usage of the courts.

Noise

65. It is acknowledged that use of floodlighting to allow sport to take place can impact on neighbouring properties through noise issues associated with the extended play of tennis.
66. It is noted from representations received that existing floodlit courts are often unused during the approved periods of play. It is not expected therefore that the cumulative impact of noise from players, spectators and comings and goings would be excessive.
67. Hours of use/play have not been restricted at the club historically through planning conditions and would therefore have been constrained to a large extent by weather conditions and hours of daylight. Approved floodlighting at the club has already extended these hours of play on specific courts during the darker months to a cut off time of 21:30 hours. The current proposal would increase the number of courts in use and therefore the associated noise with play at this time. Nevertheless, it is considered that the proposed limitation on the hours of use and use of the 3 additional courts would not cause a level of disturbance and loss of amenity to neighbouring properties that would be so great to warrant a refusal on these grounds.
68. To prevent noise nuisance from playing of sport into the evening and night time a condition is recommended preventing the floodlights being illuminated outside of 15:30 to 21:30 hours on any day. These hours of use are consistent with previous permissions at the site.

Lighting

69. The National Planning Policy Guidance (NPPG) provides advice on Light Pollution and acknowledges that artificial light *provides “valuable benefits to society, including through extending opportunities for sport and recreation and can be essential to a new development.” It recognises however that it can be “obtrusive and cause disturbance and harm through the creation of light pollution.”*
70. Paragraph 131 of the NPPF states that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Policy L7 of the Trafford Core Strategy states that in relation to matters of amenity protection development must not prejudice the amenity of adjacent properties. Core Strategy policy L5 also states that development that has the potential to cause adverse pollution of

light will not be permitted unless it can be demonstrated that adequate mitigation measures can be put in place.

71. Guidance Notes for the Reduction of Obtrusive Light GN01:2011 prepared by the Institution of Lighting Professionals identify five different Environmental Zones from E0 (protected) to E4 (urban) based on the individual characteristics of the site. These guidance notes relates to best practice and state that within a suburban location (E3) the maximum spillage into neighbouring windows should not exceed 10 lux and this is reduced to 5 lux for a rural location (defined as a village or relatively dark outer suburban, E2, location).
72. In assessing the current proposals, the Council's Pollution and Licensing service (EHO) have assessed the impacts of the proposed development on residential receptors taking into account:
 - The cumulative impact of the floodlighting on the application site including the impact of the lighting from the existing approved lighting schemes on site in addition to the impact of the lighting from the lighting scheme proposed as part of this application;
 - Light into window levels;
 - Consideration against up to date plans of residential properties where possible;
73. An updated lighting schedule has been received which takes into consideration the cumulative impact of the proposal alongside existing and approved lighting at the club. Furthermore, this latest scheme does not consider the impact of potential vegetation barriers located around the courts. Lighting contour plans submitted demonstrate that the lux levels experienced at neighbouring windows would be acceptable in accordance with the ILP guidelines.
74. Photographs received as an additional representation from a neighbour on Green Courts and circulated to Members before the last Committee meeting show sky glow created by the illumination of 2 courts on the evening of January 16th 2024. These photographs have not been verified by Council officers and it is not known under what circumstances they were taken (any illumination from other sources etc.). It is accepted nevertheless that the proposal would result in an element of sky glow, however just because the lights can be seen from neighbouring gardens does not mean that they are causing harm to the amenity of neighbours. Any impact is further mitigated by the fact that the sky glow is likely to be greatest at times during hours of darkness when residents are less likely to be using their gardens recreationally.
75. The design of the lighting is considered to be such that light spill and glare is minimised. A condition requiring light temperature details to be provided for the lighting is recommended to ensure that a warm bulb is used in the interests of visual and residential amenity and in accordance with NPPG which advises that white light is more intrusive.

76. In considering the proposals, the Council's EHO has concluded that the lighting design and assessment provided is satisfactory both individually and cumulatively and demonstrates that the proposed installation will not create adverse impacts to neighbouring properties from light ingress.

77. Having regard to the above the proposed lighting scheme is not considered to result in any significant harm to residential amenity, and as such is considered to be in accordance with Policy L7 of the Core Strategy.

78. Site visits have been carried out over the course of the application with the nature of boundary screening noted and taken into consideration.

Similar applications

79. One letter of representation refers to a refused application for the erection of 12 floodlighting columns at Urmston Tennis and Hockey Club (Planning Application No 98898/FUL/19 and a further application for Sale Sports Club (application number 102054/FUL/20).

80. As with all planning applications, the current proposal must be determined on its own merits and in line with current policy and guidance. It is important to address each scheme on a case by case basis, having regard to the specific context of that site. Neither of the above schemes are considered to be directly comparable.

Conclusion

81. Having regard to the above, it is considered that the proposal would not result in any significant harm to residential amenity (through light spill, sky glow and glare or noise impacts) to justify a refusal on these grounds.

PARKING AND HIGHWAYS

82. Policy L7 of the Trafford Core Strategy requires development to incorporate a vehicular access and egress which is satisfactorily located and laid out having regard to the need for highway safety, the provision of sufficient and appropriate off-street car and cycle parking, the provision of, and access to, waste recycling facilities. Matters of accessibility are also a material consideration in the promotion of sustainable forms of transportation.

83. Paragraph 112 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.”*

84. The proposed development has been considered against Policy L7 of the Core Strategy with regard to parking and highways. The proposal would not result in an overall increase in the number of players able to use the club at any one time, it would instead allow for the same level of use during extended hours of the day. The proposal would therefore not result in any increased parking requirement and it is considered that the development would not have any impact on parking or highways.

85. Furthermore, it is noted that approval 107813/FUL/22 which has been determined since the submission of this current application, for "Proposed alterations and works to an existing carpark to provide a defined layout, EV charging points, lighting and associated landscaping" is expected to likely increase the capacity of the existing car park by formalising the width of bays.

ECOLOGY

86. The proposal would not have any additional impact on ecology and wildlife over and above the previous approved schemes due to the temporary nature of the lighting over a 24 hour period.

CLIMATE CHANGE

87. Core Strategy Policy L5 advises 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.

88. The use of LED lighting is recognised as being energy efficient and an environmentally friendly solution and is therefore considered to be in accordance with this policy.

EQUALITIES

89. 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.

90. As part of the Act, the 'public sector equality duty' came into force in April 2011 (Section 149 of the Act) and with it confirmed (via Section 19 of the Act) that this duty applies to local authorities (as well as other public bodies). The equality duty comprises three main aims: A public authority must in the exercise of its functions have due regard to the need to:

- (i) Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- (ii) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- (iii) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

91. 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.

92. No specific benefits or dis-benefits have been identified to persons with any protected characteristics.

DEVELOPER CONTRIBUTIONS

93. The proposal would not result in the creation of any new floorspace and as such there are no CIL contribution requirements.

94. No other planning obligations are required.

PLANNING BALANCE AND CONCLUSION

95. 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 indicated 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.

96. Policies relating to the proposal's heritage/design and amenity impacts are considered to be 'most important' for determining this application when considering the application against NPPF Paragraph 11 as they determine the principle of the development. However one of the Core Strategy Policies relation to these matters, specifically Policy R1 regarding Historic Environment, is out of date. Paragraph 11d) of the NPPF is therefore engaged and should be taken into account as an important material consideration.

97. As noted above the proposed floodlighting proposals would result in 'less than substantial harm' to the significance of the Conservation Area with this harm considered to be at the lower end of the scale as 'minor' harm.

98. Considerable importance and weight has been given to the desirability of preserving the setting of the designated heritage asset (the Devisdale

Conservation Area). The proposals are considered to result in less than substantial harm which is outweighed by the public benefit of the development. The proposal complies with Policy R5 of the Core Strategy in terms of providing community benefits through improved sports facilities and promoting participation.

99. Applying NPPF paragraph 208 the proposal's public benefits are considered to acceptably outweigh this established minor harm. The proposals would therefore comply with the requirements of the NPPF tests, which in the absence of up-to-date development plan policy, are a primary material consideration. In NPPF Paragraph 11 d) i) terms, there is no 'clear reason for refusal' of these proposals.

100. All other detailed matters have been assessed, including design, amenity and highways/parking impact. The proposal has been found to be acceptable with, where appropriate, specific mitigation secured by planning condition. The proposal complies with the development plan when taken as a whole and policy in the NPPF. In terms of paragraph 11 d) ii) (the 'tilted balance'), it is considered that there are no adverse impacts that would significantly and demonstrably outweigh the benefits of granting permission.

101. It is therefore recommended that planning permission should be granted, subject to conditions.

RECOMMENDATION

GRANT subject to the following conditions:

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

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

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

- 5243.99 'Location Plan'
- 1453-15 'Site Plan Showing Existing and Proposed Lighting Stanchions'
- 1453-16 'Proposed Lighting Sections'
- 1453-17 Rev C 'Court Numbering Masterplan'
- 'Retractable Flood Lighting Mast' details received 12 September 2019
- 'Lighting Design' details received 18 January 2024

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

3. Notwithstanding the details submitted to date, no development shall be carried out unless and until details (including details of its colour temperature (Kelvin)) of the proposed bulbs for the LED lamps have been submitted to and approved in writing by the Local Planning Authority. The bulbs for the LED lamps shall be maintained in accordance with the approved details thereafter.

Reason: In the interests of visual amenity and to ensure a warm bulb is used, having regard to Policies L7 and R1 of the Trafford Core Strategy.

4. The floodlight columns hereby approved shall be powder coated prior to their installation in dark green (RAL 6007) or an alternative colour which has first been submitted to and approved in writing by the Local Planning Authority. Thereafter the columns shall be retained in that colour.

Reason: In the interests of visual amenity, having regard to Policies L7 and R1 of the Trafford Core Strategy.

5. The floodlights hereby approved shall not be illuminated outside the following times:
15:30 to 21:30 hours on any day.

Reason: In the interests of public and visual amenity, having regard to Policies L7 and R1 of the Trafford Core Strategy.

6. The floodlighting hereby approved shall not be brought into use until a verification report has been submitted to and approved in writing by the Local Planning Authority, which confirms that the lighting scheme detailed within the Sports Lighting UK report dated 25/01/2018 and associated plans has been installed in accordance with this approved scheme.

Reason: In the interests of visual and residential amenity, having regard to Policies L7 and R1 of the Trafford Core Strategy.

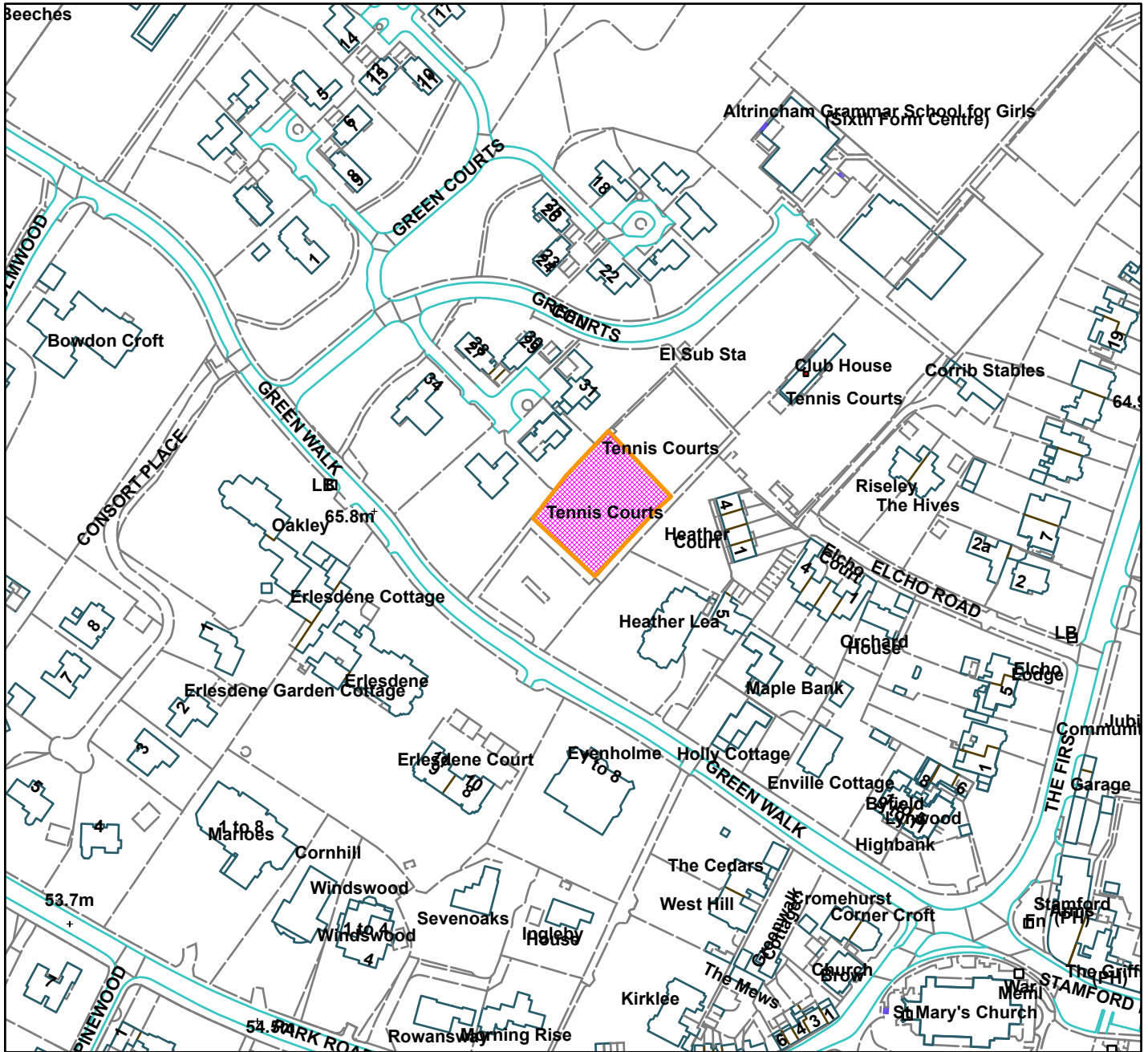
7. The approved lighting columns shall be kept in their retractable position at all times outside of the authorised hours of use.

Reason: In the interests of visual and residential amenity, having regard to Policies L7 and R1 of the Trafford Core Strategy.

JE



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



Scale: 1:2,500

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Organisation	Trafford Council
Department	Planning Service
Comments	Committee Date 14/03/2024
Date	04/03/2024
MSA Number	AC0000809316 (2022)

Application for variation of condition 2 on planning permission 98607/VAR/19 (Application for variation of condition 2 on planning permission 93171/FUL/17 to vary the approved plans, to incorporate a glass roof on Block A atrium with associated minor amendments throughout Block A, Block B, Multi-Storey Car Park and external areas) for amendments to external materials and updates to elevations, landscaping and layout.

Regent Road Car Park, Altrincham,

APPLICANT: Citybranch Healthcare Ltd

AGENT: Avison Young

RECOMMENDATION: MINDED TO GRANT

The application has been reported to the Planning and Development Management Committee as the Multi-Storey Car Park will on completion be transferred to the Council who will operate and manage the car park and thus the Council has an interest in the application.

Update and additional information

Members will recall that this application was originally brought before the Planning and Development Management Committee in February 2024. Members resolved to defer the application to allow for further consideration and explanation of the viability of the development.

A detailed account of the consideration of the application leading up to the recommendation by officers to approve is provided below. This sets out the extent of scrutiny and review by officers and Continuum (the Council's retained viability consultant) which has been undertaken to arrive at the recommendation before Members.

It has also become apparent that there were a number of different figures given in the officer report and in the application documents for the Viability Value Contribution (VVC). This was because of changes in sales rate hurdles (i.e. the sales value of the properties, per square metre, at which overage became payable) between the S106 agreements in 2019 and 2020 and different figures used for the Net Internal Area of the development before the applicant confirmed the precise figure.

Consequently, Continuum were asked to check and review the VVC to give a final definitive figure as follows. This replaces the reference to £1.9m in Paragraph 38 of the

report. However, it has no effect on the sum proposed to be paid under the VVC which remains at £0 (nil).

Sale Proceeds from the Sold Dwellings	B	£20,097,819
Sales Value Hurdle	C	£381.65
Net Internal Area	D	46,178.24 sqm
Viability Value Contribution	$A = (B - (C * D)) * 50\%$	£1,236,947

Timeline

- Officers were first alerted to the desire to amend the S106s associated with the applications in December 2022. The applicant wished to discharge or vary the Viability Value Contribution (VVC) such that no overage payment was due. The public realm contribution of £250,000, which had been paid, was not in dispute.
- There was no affordable housing proposed in the residential element of the scheme, either on site or by way of off-site contribution. This was because the scheme was shown during the application process not to be viable with any contribution to affordable housing.
- The VVC, if payable, was therefore to be directed to affordable housing.
- Nevertheless, although not secured by the planning permission, affordable housing has been delivered on site. The applicant sold Block B by way of forward sale to L&Q Housing Association, and 26 of the units in Block B have been delivered as social rent, supported by Homes England grant. This equates to on-site provision of 37% affordable housing against a policy requirement of 45%.
- The Council's Development and Estates team had already agreed in November 2022 that no overage was payable on the land transaction.
- In May 2023 the applicant's agent sent a letter to the Council requesting a variation to the S106 and it was given a reference for ease (111034/VLA/23). At this stage, and despite advice to the contrary from officers, the applicant did not wish to tether this request to vary the S106 to the S73 application now subject of this report.
- However, as the request to vary the S106 was not a planning application it was instead dealt with like a planning condition discharge. It did not appear on the weekly list and was not consulted on. However, all the documents on the public file were available on the website.
- For the first five years of a S106 agreement, it is not possible to make an application to vary it; instead the applicant should seek agreement to the variation from the Council, which must be done by way of deed. A S73 application normally triggers the variation of the S106 associated with the original permission, even if this is simply to update the references, but it can go wider and look to vary any or all of the obligations.
- The applicants submission to vary the S106, including a viability appraisal of the substantially completed scheme produced by Roger Hannah was sent to

Continuum for review. This was a wholesale review of the scheme, and used the actual sale values and costs. Continuum produced their report in June 2023. This report concluded that even if the scheme had made a loss, the overage still stood as the sales values had evidently increased, and that is all that the VVC took account of in the calculation of the overage.

- The June 2023 Continuum report also suggested that to interrogate the viability further an inspection and analysis of all invoices relating to the costs of the development should be carried out. These were requested from the applicant in June 2023 and provided to the Council and then passed to Continuum in August 2023. There were over 670 individual invoices.
- In October 2023 officers sought legal advice from Counsel. Officers had received the advice from Continuum but were concerned that there was in fact no realistic prospect of obtaining the VVC, as the development had been carried out under a Special Purpose Vehicle (SPV) which could be collapsed at any point, and if so would also incur costs to the Council in completing the car park.
- Counsel advised:-
 - The position on costs in the VVC (i.e. they are disregarded) is unusual and normally both actual costs and actual sales values would be taken into account when calculating an overage payment.
 - Officers need to be certain of the actual costs and that the applicant's viability report is robust so that they are convinced the scheme is loss making. The examination of invoices by Continuum should be completed.
 - The legal remedy to obtain the VVC would be via injunction but this is a discretionary remedy. The High Court is very unlikely to grant consent for an injunction if there is evidence the monies aren't there (i.e. a robust viability appraisal and any other evidence the applicant could provide).
- Following the conference Continuum were requested to continue to carry out their examination of all of the 670 invoices.
- Continuum reported on the invoices on 13 December 2023. They accepted that the scheme had made a loss overall.
- As this correspondence included details of all the invoices it was not appropriate to publish it on the Council's website and it is not viewable to the public. Members were therefore not able to see this information ahead of the February meeting. Members have now been provided with the correspondence under separate cover (but not the breakdown of the invoices).
- Officers also discussed whether the affordable housing which had actually been provided on site (26 social rented units let and managed by L&Q Housing Association) could be weighed in the balance when considering the reduction in the VVC to nil. It was concluded that it should, albeit the applicant was not willing to secure this in perpetuity in the S106. The affordable housing was part funded by Homes England grant, however, which meant that it was secured in perpetuity by another means.
- External legal advice was sought on the process of dealing with the variation of the S106 legal agreement, and if it was possible to discharge the obligations. Irwin Mitchell were instructed and their advice was to tie the S106 variation back

to the S73 application (as officers had originally advised in February 2023). The applicant withdrew the separate S106 variation request.

- All outstanding matters at the site were therefore wrapped up into one S73 application (subject of this report) which was presented to the Planning and Development Management Committee at the February meeting and can be found below.

Executive Summary

The application site relates to the former Regent Road surface level car park in Altrincham Town Centre. The site has been redeveloped following planning approval in 2019 under planning reference 93171/FUL/17 to provide a new multi-storey car-park along with residential and commercial units. The development is now substantially completed.

The multi-storey car-park will be operated and managed by Trafford Council once completed, the Council will become the effective freeholder (999 year lease).

This application is made by the current owners under Section 73 of the Town and Country Planning Act 1990 to vary condition 2 (Approved Plans) of planning approval 98607/VAR/19. The applicant proposes a number of minor changes to the buildings, including changes to some external materials. A S106 legal agreement was attached to both previous planning approvals which secured a financial contribution towards public realm improvements in Altrincham and an affordable housing overage clause. This application includes a proposal to remove the overage clause following a financial viability review by the applicant.

The proposal is considered to be in accordance with the Development Plan, the NPPF and relevant local and national planning guidance.

Officers are satisfied that the proposed development is acceptable in planning terms subject to the imposition of the recommended planning conditions. As such the application is recommended for approval.

SITE

The application site is located within Altrincham Town Centre. The site area is approximately 0.6ha comprising an irregular form with vehicular access to the site from New Street. The site has historically been used as a surface level public car-park and also comprised a small two storey commercial office building (used by Shopmobility and Sale & Altrincham Chamber of Commerce) and public toilets.

Planning permission was granted in January 2019 (Ref: 93171/FUL/17) for the comprehensive redevelopment of the site to provide 70 residential apartments across two new principle buildings referred to as Block A and Block B along with mixed

commercial use at ground floor level within both buildings. A new multi-storey car-park is also included within the approved development which adjoins Block B.

The application site is enclosed by predominantly commercial premises along Regent Road to the north and Railway Street and The Downs to the south. To the south east side of the site is Lloyd Square which is accessed from Regent Road and provides delivery access and parking to commercial premises along the back of Railway Street, Regent Road and Kings Court (a development of commercial and retail units accessed from Railway Street). Lloyd Square is at a lower level to the Regent Road car park. The Kings Court units can be accessed from Regent Road car park via a pedestrian stairway. One of the Kings Court businesses, Ki Day Spa, has its main entrance onto Regent Road Car Park.

To the north west and west side of the site accessed from New Street are four detached apartment blocks, three and four storeys in height with predominantly residential development beyond this side of the site. At the junction of New Street and Regent Road are a number of commercial premises including an antiques shop; a window blinds business and a residential apartment block.

To the south and south east of the site is the former Nicks Bar site. This site along with land to the rear of 16-24 The Downs is currently being developed for residential and commercial use.

Parts of the site at the northern corner with New Street and Regent Road and to the south east side within Lloyd Square are located within the Stamford New Road Conservation Area. The site is also located close to a number of other conservation areas including The Downs Conservation Area; The Old Market Place Conservation Area and the George Street Conservation area.

There are no listed buildings within the site, the nearest listed building is 32-34 Railway Street a three storey building (Grade II), in use as an art gallery. A blue plaque is sited on the side elevation of the Phanthong Thai restaurant which is situated along Regent Road and shares a boundary with the application site. The blue plaque is in recognition of the men who volunteered to fight in World War One and who lived in Chapel Street which was demolished as part of post-war redevelopment of the site.

PROPOSAL

This application includes several requests for consideration by the Council:

- an application under Section 73 of the Town and Country Planning Act 1990 to vary condition 2 (Approved Plans) of planning approval 98607/VAR/19.
- approval of submitted details:
 - soft and hard landscaping proposals in compliance with condition 7 of permission 98607/VAR/19
 - external materials in compliance with conditions 5 and 6 and

- amendment to the S106 legal agreement to:
 - omit the affordable housing overage clause, citing viability reasons, further detail on this detailed under the Developer Contributions section of this report.

The changes proposed to the consented scheme are summarised as follows:-

Block A

- Omission of natural stone to ground floor elevations in lieu of approved facing brick (Colorado Red Multi Wienerberger in Flemish bond)
- Aluminium pressed band between ground and first floor around the entire building.
- Metal Grillage/Screens omitted from the end of the recessed areas between blocks A, B and C and which extended from first floor to roof level on the side elevations in. The grills have been removed for fire safety reasons to allow windows and AOVs (automated opening vents) to open unrestricted. The windows serve the end of the communal corridors between wings B and C and also habitable room windows to wing A.
- One of the two pairs of double doors serving the plant room area has been omitted from the New Street elevation and relocated on the south elevation facing towards the access road within the application site. The plant room doors on the south elevation will be bronze coloured ppc coated steel doors (louvered) in lieu of the previous grill frame doors. Electricity North West have requested the change to the sub-station doors in order that they comply with their requirements.
- It is proposed to have the brickwork return on the balcony reveals by 225mm and then continue with an aluminium panel which can be removed for easy maintenance access to the concealed rainwater pipes

Block B & Multi-Storey Car Park

- Ground floor elevation of Block B was approved to have a fair faced concrete finish with brickwork to the upper floors. In order to reflect the change to the ground floor elevations of Block A it is proposed to also finish the ground floor external elevations of Block B in the approved brick work for the upper floors of Block B (All White Bromo by Camtech stretcher bond).
- Aluminium pressed band between ground and first floor around the entire building.
- It is proposed to have the brickwork return on the balcony reveals by 225mm and then continue with an aluminium panel which can be removed for easy maintenance access to the concealed rainwater pipes.
- The ground floor elevation to the car park was approved originally as fair faced concrete panels and then subsequently as large format tiles. It is proposed to replace these with concrete render which is similar to the original external material as approved.

Landscaping

- Main square between Blocks A & B will have a number of changes to external levels with pedestrian steps introduced. A level access is still provided to allow for wheelchairs and prams to access the site unrestricted.
- Steps also provided to the northern boundary of the site at the junction with New Street and Regent Road.
- Ramp access from Lloyd square realigned.

Parking

- The applicant has recently obtained approval of cycle and motorcycle details that had been submitted as part of a discharge of conditions application (108469/CND/22). Reference to these approved details will be detailed within proposed condition 21 of this application.
- The 14 accessible spaces within the MSCP shall all be located on the ground floor, 11 of which will be managed by Trafford Council and three of which will be allocated for the residents of Block A and also the commercial uses.
- The residents of Block B will use the car-parking spaces within the panhandle external car-park area. Minor amendments to this car park have been approved under planning reference 108613/FUL/22 which was a standalone application to the car-park only.

DEVELOPMENT PLAN

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

- The **Trafford Core Strategy**, adopted 25th January 2012; The Trafford Core Strategy is the first of Trafford's Local Development Framework (LDF) development plan documents to be adopted by the Council; it partially supersedes the Revised Trafford Unitary Development Plan (UDP), see Appendix 5 of the Core Strategy.
- The **Revised Trafford Unitary Development Plan (UDP)**, adopted 19th June 2006; The majority of the policies contained in the Revised Trafford UDP were saved in either September 2007 or December 2008, in accordance with the Planning and Compulsory Purchase Act 2004 until such time that they are superseded by policies within the LDF. Appendix 5 of the Trafford Core Strategy provides details as to how the Revised UDP is being replaced by Trafford LDF.
- The **Altrincham Town Centre Neighbourhood Business Plan (ANBP)**, adopted 29 November 2017. The plan includes a number of policies, a town centre boundary, primary shopping frontages, mixed use areas and 6 allocations.

PRINCIPAL RELEVANT CORE STRATEGY POLICIES

L1 – Land for New Homes

L2 – Meeting Housing Needs

L4 – Sustainable Transport and Accessibility
L5 – Climate Change
L7 – Design
L8 – Planning Obligations
R1 – Historic Environment
R2 – Natural Environment
R3 – Green Infrastructure
W1 – Economy
W2 – Town Centres and Retail

Relevant Strategic Objectives

SO1 – Meet Housing Needs
SO3 – Meet Employment Need
SO4 – Revitalise Town Centres
SO6 – Reduce The Need To Travel
SO8 – Protect the Historic Built Environment

PROPOSALS MAP NOTATION

Town & District Shopping Centres
Stamford New Road Conservation Area

Adjacent to The Downs Conservation Area
Adjacent to The Old Market Place Conservation Area
Adjacent to George Street Conservation Area

PRINCIPAL RELEVANT REVISED UDP POLICIES/PROPOSALS

ENV21 – Conservation Areas
S6 – Development in Altrincham Town Centre
T10 – Transport and Land Use in Town Centres
T18 – New Facilities for Cyclists

Altrincham Town Centre Neighbourhood Business Plan (ATCNBP) Adopted November 2017

Land Allocation Site F – Regent Road Car Park and adjoining land for mixed use purposes
Policy R – New Retail Development
Policy S – Main (Primary) Shopping and Mixed Use with Ground Floor Active Frontages
Policy H – Town Centre Housing
Policy CP – Town Centre Car Parking
Policy D – Design and Quality
Policy G – Green Infrastructure

Supplementary Planning Guidance/Documents

SPD5.4 - Stamford New Road Conservation Area Appraisal - October 2014
SPD5.4a - Stamford New Road Conservation Area Management Plan – March 2016

Altrincham Business Neighbourhood Plan (November 2017)
SPD1 – Planning Obligations – July 2014
SPD3 – Parking Standards and Design – February 2012
PG1 – New Residential Development – 2004
CIL Charging Schedule 2014

PLACES FOR EVERYONE

Places for Everyone (PfE) is a joint Development Plan Document being produced by nine Greater Manchester districts (Bolton, Bury, Manchester, Oldham, Rochdale, Salford, Tameside, Trafford and Wigan). It identifies the quantum of new housing and employment development, supports the delivery of key infrastructure, and protects environmental assets. The Plan was submitted to the Secretary of State for Levelling Up, Housing and Communities in February 2022, and its Examination in Public commenced on 02 November 2022. Hearings sessions concluded on 05 July 2023. Consultation on Main Modifications started on 11 October 2023 and closed on 6 December 2023. On 14 February 2024, the Inspectors' report was published, confirming that with the Main Modifications and further limited modifications suggested by the Inspectors, that Places for Everyone is sound and legally compliant. The Council intends to adopt the plan in March 2024, along with all the other authorities involved, and Places for Everyone will be formally adopted on 21 March 2024. Consequently the plan is as advanced as it can be without being adopted and thus very substantial weight can be attached to its policies.

Emerging policies relevant to this application are:

- Policy JP-H 1 – Scale, Distribution and Phasing of New Development
- Policy JP-H 2 - Affordability of New Housing
- Policy JP-S 1 – Sustainable Development
- Policy JP-H 3 – Type, Size and Design of New Housing
- Policy JP-H 4 – Density of New Housing
- Policy JP-P1 – Sustainable Places
- Policy JP-P 2 - Heritage
- Policy JP-D2 – Developer Contributions

NATIONAL PLANNING POLICY FRAMEWORK (NPPF)

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

NATIONAL PLANNING PRACTICE GUIDANCE (NPPG)

DLUHC published the National Planning Practice Guidance on 6 March 2014, and was updated on 20th November 2023. The NPPG will be referred to as appropriate in the report.

RELEVANT PLANNING HISTORY

111034/VLA/23 - Variation of the original Section 106 Agreement dated 8th November 2019 between Trafford Borough Council and Citybranch Healthcare Limited linked with Planning Reference 93171/FUL/17 and the supplemental S106 Agreement dated 17th March 2020 between Trafford Borough Council and Citybranch Healthcare Limited linked to Planning Reference 98607/VAR/19, in order to amend the viability value contribution provisions referred to in these two agreements – Withdrawn 23rd January 2024.

108613/FUL/22 – Creation of new pedestrian and vehicular access to New Street for the external ground level ‘panhandle’ car park only with associated entrance barrier, amendments to floor levels, creation of two stepped flights of stairs with retaining wall, new lighting, landscaping and associated works – Approved 11th October 2022

103340/FUL/21 - Use of Block B commercial unit as a flexible use within the E Use Class (Commercial, Business and Service) and C2 (Residential Institution) – Approved 01/04/2021

102310/NMA/20 – Application for non-material amendment to planning permission 98607/VAR/19 to allow minor changes to the wording of conditions 5, 6 and 23 – Approved 11/02/2021

100721/NMA/20 – Application for non-material amendment to planning permission 93171/FUL/17 to allow for an alteration to the building line, change of direction of 2 ramps, minor reorganisation of the lower ground floor plan and an extension to the parapet wall – Approved 28/07/2020.

98607/VAR/19 - Application for variation of condition 2 on planning permission 93171/FUL/17 to vary the approved plans, to incorporate a glass roof on Block A atrium with associated minor amendments throughout Block A, Block B, Multi-Storey Car Park and external areas – Approved 17/03/2020

97478/NMA/19 - Application for a non-material amendment to planning permission 93171/FUL/17 to allow for the following amendments, Block A - Relocation of lift core, reconfiguration and increase to the internal residential and commercial floorspace and associated external alterations to the building. Block B - Reconfiguration of ground floor layout including relocation of entrances and cycle store area; increase to the internal residential and commercial floorspace through introduction of internal mezzanine floor and internal reconfiguration and associated external alterations to the building – Approved 29.07.2019

93171/FUL/17 - Demolition of existing buildings and redevelopment to provide two buildings comprising 70no residential apartments (Use Class C3), flexible retail, restaurant and business (Use Classes A1-A5, D1 and B1), and a multi-storey car park, alongside new public realm, car parking and associated works – Approved 17/01/2019

APPLICANT’S SUBMISSION

The following information has been submitted in support of the application and are referred to as appropriate in this report:-

- Covering Letter
- Updated Plans
- Financial Viability Assessment
- Draft Deed of Modification (S106A Agreement)

CONSULTATIONS

Local Highway Authority (LHA) – No objections, comments detailed within Observations section of the report.

Lead Local Flood Authority (LLFA) – No objections

Heritage and Urban Design Manager – No objections, comments detailed within Observations section of the report.

Trafford Council Tree Officer – No objections, comments detailed within Observations section of the report.

United Utilities – No comments received at time of report preparation.

Altrincham Town Centre Business Neighbourhood Forum - No comments received at time of report preparation.

REPRESENTATIONS

None

OBSERVATIONS

PRINCIPLE OF DEVELOPMENT

1. A Section 73 application grants a new planning permission in its own right. In terms of decision taking, regard should be had to any changes on site or in the surrounding area and any changes to planning policy that may have occurred in the interim.
2. In the period since planning permission was originally granted (January 2019) and the subsequent Section 73 application (March 2020), it is not considered that there have been any material changes in this regard which would justify a different approach being taken in respect of any planning matter relevant to this development as a whole. This conclusion also takes into account the publication of a revised NPPF in December 2023 and with subsequent updates to NPPG. It is recognised that PfE is now a material consideration in the determination of

planning applications, however it is not considered that the PfE policies would have any significant implications for this application.

3. The application proposes the variation to the approved plans condition (Condition 2 of 98607/VAR/19) to facilitate the stated amendments to the approved development. When having regard to these key revisions in this proposal relative to the approved scheme, it is considered the most relevant policies are Policy L7 (Design) L8 (Planning Obligations); R1 (Historic Environment) and R3 (Green Infrastructure).
4. Although some aspects of relevant development plan policy are out of date (e.g. the requirement to 'enhance' in Policy R1 having regard for this proposal), in relation to this particular application, when considering the overall list of 'most important' policies the development plan is considered to be up to date for decision making purposes.
5. The main planning issues considered under the original application were:-
 - Principle of development
 - Housing Delivery
 - Residential Amenity
 - Highways
 - Trees & Ecology
 - Developer contributions
 - Heritage
 - Drainage/Flooding
6. No further information has been submitted in support of the planning application, save for the submission of revised plans and drawings. Information submitted in support of planning applications 93171/FUL/17 and 98607/VAR/19 remain relevant to the determination of this application.
7. There is no requirement to revisit these other issues through the determination of this application other than where they are affected by the proposed variation. The main change proposed under this application is the amendment to external materials as originally proposed to be used.
8. There are a number of minor internal and external changes to the approved buildings as listed earlier in this report along with landscaping details.

DESIGN & HERITAGE

9. As the proposal has the potential to affect the setting of a listed building, the statutory requirement under Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of

preserving listed buildings or their setting or any features of special architectural or historic interest which they possess must be taken into account.

10. The NPPF identifies the setting of a heritage asset as *'the surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral'*.
11. Paragraph 196 of the NPPF calls on local planning authorities plans to take account of the desirability of new development making a positive contribution to local character and distinctiveness. Furthermore paragraph 201 states that local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.
12. Paragraph 205 of the NPPF establishes that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be).
13. Paragraph 206 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.
14. Paragraph 208 sets out 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.
15. The NPPF sets out that harm can either be substantial or less than substantial and the NPPG advises that there will also be cases where development affects heritage assets but from which no harm arises. Significance is defined in the NPPF as the value of a heritage asset to this and future generations because of its heritage interest, which includes any archaeological, architectural, artistic or historic interest. The significance of a heritage asset also derives from an asset's setting, which is defined in the NPPF as *'the surroundings in which a heritage asset is experienced'*.
16. 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. The requirement to enhance is not contained within NPPF policy and in this regard R1 is Inconsistent with the NPPF.

17. 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.

18. During the determination of the original application and subsequent Section 73 application a number of designated heritage assets were identified in the context of the site, as follows:-

Conservation Areas

- The Stamford New Road Conservation Area - (Part of the site is located within the SNRCA at the north-west side of the site, Apartment Block A is located in the SNRCA and part of Lloyd Square to the south east of the site is also within the SNRCA)
- The Downs Conservation Area - (A section of the application site to the south/south western extremity is adjacent to the boundary of the DCA)
- The Old Market Place Conservation Area – (A section of the application site to the northern extremity of the site shares a boundary with the OMPCA)
- The George Street Conservation Area – (The boundary of the George Street Conservation Area adjoins the boundary of the Stamford New Road Conservation directly opposite 9-15 Regent Road so it does not share an immediate boundary with the application site.)

Listed Buildings

- 32-34 Railway Street – A three storey Grade II listed building, located in a south easterly direction from the application site, formerly a bank current in use as an art gallery. This was the nearest listed building to the application site
- 32-34 The Downs – A pair of Grade II listed dwellinghouses circa.1840
- 2-8 Normans Place – A Grade II listed residential terrace, four properties which originate circa. 1810.
- The Elms and Richmond House Normans Place – Two Grade II listed buildings

Scheduled Ancient Monument (Heritage Asset)

- The Downs Conservation Appraisal identifies a monument at a site (12-14 The Downs) close to the application site. The Aitkenites Chapel, the Historic Environment record states that the building has been destroyed, although the appraisal states that the building is still present with the top elevation still seen externally and internally.

Archaeological Significance (Non-Designated Heritage Asset)

- An archaeological desk based assessment was submitted during the determination of 93171/FUL/17. The assessment identified the archaeological interest as relating to remains from the industrial period, in particular potential buried remains of early to late 19th century housing and industrial structures along Hope Square, Albert Street and parts of Chapel Street and the late 18th century Wesleyan Chapel. A condition was attached on the original approval for submission of a written scheme of investigation (WSI), which was subsequently partly discharged. A condition was also attached on the subsequent Section 73 application 98607/VAR/19 requiring a completion report confirming the requirements of the WSI had been fulfilled. This condition was discharged in December 2021 in agreement with GMAAS.

19. It was concluded during the determination of 93171/FUL/17 that the proposed development would largely preserve the special architectural and historic interest and significance of the listed building. Any harm (a degree of which is accepted inevitable in response to any development) to its setting was considered to be less than substantial. With regards the Conservation areas it was considered that due to the scale and overall height of the development that there would be a degree of harm to the character and appearance and significance of the Stamford New Road Conservation Area, The Downs Conservation Area, The Old Market Place Conservation Area and the George Street Conservation Area. The level of harm was considered to be 'less than substantial harm'.

20. In line with advice within the NPPF the identified harm had to be weighed against the public benefits of the proposal. The public benefits identified included:-

- Securing a number of objectives identified in the Core Strategy and ANBP
- Redevelopment of a long term under used site which detracted from the character of the town
- Deliver a sustainable development of 70 new apartments on a brownfield site and making a significant contribution to the Councils housing land supply and the target of 550 new residential units in Altrincham Town Centre.
- Boost the town centre economy
- Provide new retail and commercial floorspace
- Providing a redeveloped car park as identified in the ANBP
- Establish a commemorative public space in Chapel Street
- Improvement to the public realm within Lloyds Square as identified in the ANBP
- Secures financial contributions towards public realm improvements in the wider town centre, New Homes Bonus and CIL contributions.

21. The main changes to the scheme relate to the omission of the natural stone to the ground floor elevations of Block A, this is the only building within the development located within a Conservation Area (SNRCA). The applicant had advised the LPA that they had encountered difficulties in sourcing materials and also securing the services of construction companies to undertake the work. The

issues related to Brexit and the pandemic have been highlighted as the two main difficulties leading to uncertainty, lengthy delivery dates, limited availability of materials and general erratic and uncertain pricing. The applicant has sought to consider revised materials/design approach to avoid costly and disruptive delays in delivering the development.

22. It was considered that the most appropriate material would be to finish the ground floor elevation in the previously approved facing brick for Block A (Colorado Red Multi Wienerberger) in Flemish bond. A number of the upper floor windows had projecting surrounds in natural stone. It is proposed to replace these surrounds with projecting aluminium stone effect, a sample of which was viewed by officers on site and considered an appropriate alternative, having rejected a number of other proposed cladding systems.
23. Block B, which is not within a conservation area, but is adjacent to the SNRCA was approved with a fair faced concrete finish to ground floor elevations and facing brick to upper floors. It is now proposed to also complete the ground floor elevations in the approved facing brick (All White Bromo by Camtech stretcher bond). The multi-storey car park which is also located adjacent to the SNRCA was approved with fair face concrete finish to ground floor elevation (predominantly the north elevation of the car park). It is proposed to change the material to a concrete render which has been viewed by officers on site and considered an acceptable alternative.
24. The Councils Heritage and urban Design Manager has been consulted on the proposals and has stated *'I note the revisions in comparison with the approved schemes 98607/VAR/19 & 93171/FUL/17. Whilst it is disappointing that the applicant is no longer pursuing the quality materials previously proposed, it is understood there have been detailed discussions regarding alternative materials. I am less convinced by the proposed cement panels to the carpark, however I would welcome landscaping to obscure this element of the building if possible. I confirm I have no objections on heritage grounds.'*
25. The additional minor changes (summarised earlier in this report) proposed across the development are not considered to result in any fundamental change to the scale, form and layout of the approved scheme.
26. Given the previous conclusions reached on heritage assets, it is considered the proposed amendments would not change this position in regards to the nearest listed building at 32-34 Railway Street and the Conservation Areas. The advice within the NPPF (Paragraph 207) in terms of the previously identified harm had to be weighed against the public benefits of the proposal and these benefits would still therefore apply in terms of outweighing the identified harm for the reasons stated.

External Materials

27. Condition 5 of planning approval 98607/VAR/19 required details of each window and balcony type in the development and the cladding system of the multi-storey car-park. The applicant as part of this application has provided a package of plans and information to address the requirements of the condition. In addition condition 6 of planning approval 98607/VAR/19 requires details and samples of the materials to be used on the external elevations of the buildings.
28. The applicant has provided a detailed materials schedule of all external materials along with relevant plans with samples of the materials viewed by officers both on site and a submitted materials sample plan. The external materials are all considered acceptable and appropriate for the development. A condition is proposed to ensure development is carried out in accordance with the approved details.

LANDSCAPING & TREES

29. Condition 7 of planning approval 98607/VAR/19 requires submission and approval of all soft and hard landscaping works prior to the first occupation of any part of the development. The applicant as part of this current application has submitted the details of the landscaping to reflect the current layout iteration of the site.
30. In terms of tree planting, 30 new trees are proposed and include as follows:-
- 1x Oriental Plane (semi mature)
 - 6x Broad Leaved Cockspur Thorn (semi-mature)
 - 1x Tibetan Cherry (semi-mature)
 - 4x Callery Pear Chanticleer (semi mature pleached frame)
 - 3x Sweet Gum
 - 6x Apple serviceberry 'Robin Hill' (multi-stem)
 - 1 x River Birch (multi-stem)
 - 3x Cornelian Cherry (multi-stem)
 - 5x Tibetan Cherry (multi-stem)
31. This level of tree planting reflects the suggested level of new tree planting anticipated at the time of the determination of the initial planning application (circa.30 trees). A total of 10 trees were removed from within the site as part of the development works with an additional four trees just outside the site boundary removed to facilitate development, these four trees on Trafford Housing Trust and Council owned land. The applicant is also proposing 9 linear metres of common Alder hedgerow and 40 linear metres of Portuguese Laurel as part of the landscaping proposals.
32. The applicant is also proposing a significant level of shrub and herbaceous planting throughout the site. The landscaping plans also include a 'rain garden

area' to the north side of Block B. The Councils tree officer has considered the soft landscaping proposals and has raised no objections. The new trees will be planted in a structural soil system (trees with hard landscaping surface above) which has been used in the public realm trees in Altrincham planted approximately seven years ago and thriving. The tree officer has no objections to this method.

33. The hard landscaping proposals includes natural stone paving around Block A and clay paving to the north side of Block B and extending up to Block A which will comprise a new public realm area referred to as Chapel square. The scheme includes raised planters, benches, cycle stands and associated step access and ramps to account for changes in levels. The area between Block A and the adjacent Thai restaurant will have a more formalised landscaped area by the existing memorial plaque commemorating the 'bravest little street'. The proposed soft and hard landscaping proposals are considered acceptable in this location and will contribute to a new vibrant public realm area as well as improving the visual amenity within the site. The LHA had asked for clarification that the accessible parking space on the lower ground level to Lloyd Square would have a ramp access up to the ground level of Block B, the applicant has confirmed that the accessible ramp is still provided and is completed on site.

OTHER MATTERS

34. It is understood that within the multi-storey car park there has been a number of elements of the building construction that have been identified by the Councils Estates section as being below the quality and finish that would be expected. These matters are being pursued directly with the applicant outside of the planning process by the Estates team albeit if becomes apparent that it is appropriate to use planning enforcement powers then it is open to officers to do so. The supporting drawings and plans submitted for consideration as part of this Section 73 application reflect how the development is proposed to appear when fully completed. Members should be mindful that they are making their decision based on the information on the submitted plans and not on the quality of the development on the ground.

35. It is also relevant to note that the Councils Planning Enforcement team served a breach of condition notice upon the applicant in November 2023. This was specifically in relation to ensuring the applicant complete all the car parking, servicing and vehicular access arrangements within the development. Much of this work had not been completed in full despite cars parking within the ground floor area of the car park.

DEVELOPER CONTRIBUTIONS

36. A Section 106 legal agreement was attached to both previous Planning Permissions securing the following:-

- Public Realm Contribution of £250,000.00 towards works in Altrincham Town Centre (This contribution has been paid in full to the Council);

- An affordable housing overage clause (referred to as the viability value contribution VVC). This was included within the S106 in the event that the sales values of the development increased over and above what was suggested when the application was originally submitted. The applicant's viability submission at the time of the original planning application was accepted, mainly due to the costs associated with delivering the multi-storey public car-park on behalf of the Council. At the time it was considered that the provision of affordable housing as part of the development would render the scheme unviable. The S106 includes a formula setting out how the VVC payment is to be calculated in the event that the clause is triggered and would be a proportion (50%) of any additional profit uplift over and above a defined sale value per square foot. The S106 sets out that any contribution would be allocated towards affordable housing provision in the Altrincham area.

37. The applicant Citybranch Healthcare Ltd has advised that since the granting of Planning Permission there has been extreme economic turbulence and cost inflation in part caused by the Covid pandemic and other UK and global factors that have had a significant influence on the build programme and the costs attributed to the development. The wording of the VVC clause within each of the earlier S106 Agreements associated with the original permission and the last variation (which is sought to be varied in this Application) does not allow for such factors to be taken into account and only takes account of sales values. The applicant proposes therefore to amend the wording of the clause to allow for a review of the relevant viability inputs (to reflect the additional costs) through a refreshed viability assessment. Whilst it is accepted that the development has been subject to a number of abnormal events and factors over its duration, the revised viability assessment includes a number of elements and inputs on which the Councils viability consultant and the applicant disagree. In part there is some evidence of avoidable abortive costs however there is sufficient and compelling evidence that the economic climate, including the impact of the Covid 19 pandemic nationally and globally has significantly affected the delivery timetable and costs associated with development to a point at which the development has made a significant loss.

38. The updated revised viability assessment submitted sets out the actual sales values, with the development selling at values significantly above the values set out in the original viability assessment. The S106 set out a hurdle rate or upper threshold of £390 per sq/ft. At an average of £470 per sq/ft the actual sales values trigger the VVC clause and generate a VVC payment of £1.9m.

39. The applicant has set out that the VVC cannot be paid by this development, as the significant increased costs (including the cost of delays) of the development

have cancelled out any additional profit borne from the increased sales values and has ultimately resulted in the scheme making a loss. The VVC calculation is based solely on sales values and does not allow for any other changes in inputs i.e. costs to be considered. Whilst the VVC calculation is based on only a 50% proportion of any uplift in sales values (in order to take account of other changes, such as cost inflation) in this case, this has not mitigated the impact of the uplifted costs and the scheme has made a loss even without the VVC payment being factored in.

40. If The Council were to maintain its entitlement to receive the VCC it is likely that there would be a dispute following the applicants submission of viability review information advising of significant losses. On that basis, it is highly unlikely that no agreement would be reached, or the result of that arbitration would decide in their favour taking into account the reality of the development values. This would impact on the long term delivery of the development and in particular the public car park. Of relevance is that this development delivers a public car park on behalf of the Council. This was recognised as a significant benefit (including income for the Council, provision of a public facility within the town centre and it was identified within the Altrincham Business Neighbourhood Plan) of the scheme when the planning application was originally considered. It is a material consideration, at this time, that the Council has an interest in ensuring the development is completed and accords with the original planning permission
41. Since the granting of Planning Permission L&Q Housing Association (who acquired Trafford Housing Trust in 2023) have acquired all the residential units within Block B (34 units) to form part of their portfolio of housing stock. These units are currently being used to accommodate their tenants and are utilised as social housing in a social rent tenure. They have specifically been utilised to decant tenants of the neighbouring L&Q apartment blocks on New Street (Chapel Court/Albert Court/Lloyds Court) to facilitate L&Q's proposals for the redevelopment of the New Street site. More recently L&Q have successfully secured grant funding from Homes England for 26 of the 34 units to be social rent. This equates to a minimum affordable housing provision of approximately 37% for the 26 grant funded units alone. This compares to a development plan policy requirement of 45% in the Altrincham area (Policy L2 of the Core Strategy). Of that 45% Policy L2 requires a 50/50 split between rented and intermediate tenures. The provision of all of the 26 units as social rent is over and above the policy requirement.
42. The grant funding process through Homes England requires the affordable housing to be provided in perpetuity with the housing association having to pay a penalty should the units revert to the open market. This gives the Local Planning Authority confidence that the affordable housing on the site will remain available as such for at least the foreseeable future.

43. These are located in the centre of Altrincham, in a sustainable location to the benefit of existing Altrincham and Trafford residents. Whilst it is noted that these units are currently being used to rehouse tenants from the blocks on New Street to make way for a redevelopment scheme, that development is also proposed to bring forward new affordable homes in the centre of Altrincham. Officers consider it is unlikely that what has been delivered on site could have been secured through the planning permission given Homes England funding restrictions and is a more favourable outcome in terms of the affordable tenure of the units. The current situation on the ground is a positive addition to Altrincham giving comfort that affordable housing has been delivered. There is reference in the S106 to the VVC being used within the area of Altrincham specifically, and this provision of social rented units within the development aligns with this objective.
44. The applicant's proposal to rewrite the VVC section of the agreement to allow for viability to be reassessed in full at this time would not be appropriate in this case. The combined unique circumstances which are set out in this report are considered to demonstrate that the VVC cannot be paid, but the provision of affordable homes within the development is such that this offsets the harm. It is therefore considered appropriate to modify the existing S106 Agreements by deleting all the relevant planning obligations which require the Viability Value Contribution (VVC). The applicant has agreed to this alternative approach.
45. If the VVC clauses are deleted, the only remaining planning obligation would be the Public Realm Contribution. This contribution which totals £250,000.00 to be used specifically for public realm works in Altrincham which was payable prior to commencement of development. The applicant has paid this figure in full and it is understood that a significant amount has been spent already on public realm improvements within Altrincham, with an amount of approximately £51,500.00 still left to be committed or spent. The LPA considers there little or no chance of this money remaining unspent within the 10 years allowed for it to spend the contribution and as such the clause relating to the public realm contribution would no longer serve any useful purposes and in accordance with the provisions of Section 106a of the Town and Country Planning Act would be deemed to be discharged.
46. The Applicant has agreed that the reciprocal obligation for the Council to repay any unspent contribution may be deleted and the proposed modification is agreed under S106a of the Town and Country Planning Act 1990.
47. Noting that the two main planning obligations are discharged or no longer serve a planning purpose it is agreed between the Applicant and the LPA that the S106 overall would no longer serve a useful purpose. It is proposed that the agreement should be discharged by way of a Deed of Discharge under S106A Town and Country Planning Act 1990 (as amended).

CONCLUSION

48. The proposed amendments to the approved scheme are considered acceptable and would not fundamentally change the scale and form of the development as originally approved. The conclusion reached on the original application was that 'less than substantial harm' would arise to a number of designated heritage assets, however the public benefits identified on the original application assessment and listed earlier in this report which were considered to outweigh that harm, are still applicable in relation to the current proposal. No other significant issues are raised by the changes to the approved plans which would warrant a different outcome. The proposal complies with the relevant policies of the development plan.
49. The applicant is considered to have demonstrated that the development is not capable of providing the VVC given the issues discussed above. Officers conclude that whilst this is far from ideal the unique set of circumstances in this case, provide sufficient and compelling evidence to support the applicant's position. It is therefore proposed that the viability value contribution clause and other relevant sections of the S106, are deleted and that no Value Viability Contribution would be payable. This is considered to be counter balanced by the fact that 26 affordable homes within the social rented tenure (funded through Homes England grant) have been delivered on site which delivers the original planning purpose of the obligation to provide affordable housing within the Altrincham area. On balance, with the on-site provision of affordable housing (secured via Homes England funding) but without the VVC, the scheme is considered to comply with Policy L2 of the Core Strategy.
50. Taking all the matters raised by the application into account, including the amendments to the approved plans, the discharge of the planning obligations and the submission of details previously secured by condition, the scheme is considered to comply with the development plan when taken as a whole. There are no material considerations which would suggest a decision should be taken other than in accordance with the development plan. The application is therefore recommended for approval.

RECOMMENDATION:

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

- (i) To agree to the formal discharge of S106 Agreements dated 8 November 2019 and 17 March 2020 by way of a further Deed made under S106a of the Town and Country Planning Act 1990 (as amended) (hereinafter known as a Deed of Discharge)

- (ii) To carry out minor drafting amendments to any planning condition.
- (iii) 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 hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans:-

- Drawing No:- 485-al(05)-001-[A] - Site Location Plan
- Drawing No:- 485-al(05)-200-[M] – Proposed Site Plan - Ground Floor Plan
- Drawing No:- 485-al(05)-201-[H] - Proposed Site Plan - First Floor Plan
- Drawing No:- 485-al(05)-202-[H] - Proposed Site Plan - Second Floor Plan
- Drawing No:- 485-al(05)-203-[H] - Proposed Site Plan - Third Floor Plan
- Drawing No:- 485-al(05)-204-[H] - Proposed Site Plan - Fourth Floor Plan
- Drawing No:- 485-al(05)-205-[G] - Proposed Site Plan - Fifth Floor Plan
- Drawing No:- 485-al(05)-206-[G] - Proposed Site Plan - Roof Plan
- Drawing No:- 485-al(05)-207-[E] - Proposed Master Plan Mezzanine Floor Plan
- Drawing No:- 485-al(05)-210-[I] - Block A - Proposed Ground Floor Plan
- Drawing No:- 485-al(05)-211-[G] - Block A - Proposed First Floor Plan
- Drawing No:- 485-al(05)-212-[G] - Block A - Proposed Second Floor Plan
- Drawing No:- 485-al(05)-213-[G] - Block A - Proposed Third Floor Plan
- Drawing No:- 485-al(05)-214-[G] - Block A - Proposed Fourth Floor Plan
- Drawing No:- 485-al(05)-215-[F] - Block A - Proposed Roof Plan
- Drawing No:- 485-al(05)-220-[L] - Block B - Proposed Ground Floor Plan
- Drawing No:- 485-al(05)-221-[F] - Block B - Proposed First Floor Plan
- Drawing No:- 485-al(05)-222-[F] - Block B - Proposed Second Floor Plan
- Drawing No:- 485-al(05)-223-[F] - Block B - Proposed Third Floor Plan
- Drawing No:- 485-al(05)-224-[F] - Block B - Proposed Fourth Floor Plan
- Drawing No:- 485-al(05)-225-[F] - Block B - Proposed Fifth Floor Plan
- Drawing No:- 485-al(05)-226-[F] - Block B - Proposed Roof Plan
- Drawing No:- 485-al(05)-227-[E] - Block B- Proposed Ground Mezzanine Floor
- Drawing No:- 485-al(05)-250-[F] - Block A Proposed Cross section A-A and B-B
- Drawing No:- 485-al(05)-251-[F] - Block A Proposed Cross Section C-C
- Drawing No:- 485-al(05)-252-[G] - Block A Proposed Cross Section D-D & E-E
- Drawing No:- 485-al(05)-253-[F] - Block A Proposed Cross Section F-F & G-G
- Drawing No:- 485-al(05)-254-[G] - Block A Proposed Cross Section H-H and I-I
- Drawing No:- 485-al(05)-260-[F] - Block B Proposed Section F-F and H-H
- Drawing No:- 485-al(05)-261-[G] - Block B Proposed Section A-A and G-G
- Drawing No:- 485-al(05)-262-[E] - Block B Proposed Section D-D and B-B
- Drawing No:- 485-al(05)-263-[F] - Block B Proposed Section E-E and C-C
- Drawing No:- 485-al(05)-280-[F] - Block A Proposed Elevations 01 and 03
- Drawing No:- 485-al(05)-281-[F] - Block A Proposed Elevations 02 and 04
- Drawing No:- 485-al(05)-285-[H] - Block B Proposed Elevations 01 and 03
- Drawing No:- 485-al(05)-286-[H] - Block B Proposed Elevations 02 and 04
- Drawing No:- 485-al(05)-231-[D] – Existing & Proposed Site Elevations Regent Rd/New Street

- Drawing No:-485-BA-AL(05)-R230-[P03] – Existing & Proposed Site Elevations Regent Road
- Drawing No:- 485 SK-400-[B] - Proposed Emergency Vehicle Access

Reason: To clarify the permission, having regard to Policies L1, L2, L3, L4, L5, L7, L8, R2, R3, R4 and R5 of the Trafford Core Strategy and the requirements of the National Planning Policy Framework.

2. The development hereby approved shall be carried out in accordance with the details approved under discharge of condition application 106542/CND/21 with regards Archaeological works.

Reason - To protect the significance of any archaeological remains on the site having regard to Policy R1 of the Trafford Core Strategy and the National Planning Policy Framework, and to disseminate the results for public benefit.

3. The development hereby approved shall be carried out in accordance with the external materials and building details specification detailed within Appendix A and B of the Design and Access Statement Addendum (January 2022).

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

4. The development hereby approved shall be carried out in accordance with the approved landscaping plans as follows:-

- Drwg No: 1669-PLA-XX-XX-DR-L-0001 Rev: P13 – Landscape General Arrangement
- Drwg No: 1669-PLA-XX-XX-DR-L-1000 Rev: P08 – Hardworks General Arrangement
- Drwg No: 1669-PLA-XX-XX-DR-L-2000 Rev: P05 – Softworks General Arrangement
- Drwg No: 1669-PLA-XX-XX-DR-L-3000 Rev: P07 – External Levels GA Sheet 1 of 3
- Drwg No: 1669-PLA-XX-XX-DR-L-3001 Rev: P03 – External Levels GA Sheet 2 of 3
- Drwg No: 1669-PLA-XX-XX-DR-L-3002 Rev: P03 – External Levels GA Sheet 3 of 3
- Drwg No: 1669-PLA-XX-XX-DR-L-4000 Rev: P05 – Furniture GA
- Drwg No: 1669-PLA-XX-XX-DR-L-0001 Rev: P05 – Tree Retention and Removal Plan

(b) The landscaping works shall be carried out in accordance with the approved scheme for timing / phasing of implementation or within the next planting season

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

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

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

5. The landscape maintenance and management for the development shall be implemented and thereafter carried out in accordance with the timescales and specifications approved under condition discharge reference 109542/CND/22.

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 be carried out in accordance with the details as approved under discharge of condition application 98608/CND/19 (Contaminated Land Remediation Strategy) and discharge of condition application 112314/CND/23 (Intrusive Contaminated Land Site Investigation).

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

7. The drainage for the development hereby approved, shall be carried out in accordance with the submitted Flood Risk Assessment Ref:' 884-01, Chapel Square, Regent Road' with a maximum surface water discharge of 37l/s (Appendix C of FRA). The development shall be completed in accordance with the approved details.

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 having regard to Policy L5 and L7 of the Trafford Core Strategy and the National Planning Policy Framework.

8. The development hereby approved shall be carried out in accordance with the details as approved under discharge of conditions application 98717/CND/19 with regards the sustainable drainage scheme. The approved scheme shall be

implemented during the course of the development, and thereafter managed and maintained in accordance with the approved details.

Reason: To prevent the risk of flooding by ensuring that surface water can be satisfactorily stored or disposed from the site having regard to Policies L4, L5 and L7 of the Trafford Core Strategy and the National Planning Policy Framework.

9. The development hereby approved shall be carried out in accordance with the details as approved under discharge of condition application 98978/CND/19 with regards the Construction Method Statement.

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

10. The development hereby approved shall be carried out in accordance with the Travel Plan as approved under discharge of condition reference 109542/CND/22 and shall continue to be implemented throughout a period of 10 (ten) years commencing from the date of first occupation.

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

11. The development hereby approved shall be designed and constructed in accordance with the recommendations contained within section 3.3 of the submitted Crime Impact Statement (Ref:2017/0732/CIS/01).

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

12. The development hereby approved shall be carried out in accordance with the external lighting scheme approved under discharge of condition reference 109542/CND/22 and 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.

13. The car parking, servicing and vehicular access arrangements shown on the approved plans to serve the development hereby permitted shall be provided and made fully available for use at all times and shall be retained thereafter for their intended purpose only.

Reason: In the interests of amenity and in compliance with Trafford Core Strategy Policies L4 and L7 and the National Planning Policy Framework.

14. The development hereby approved shall be carried out in accordance with the car park lighting scheme approved under discharge of condition reference 108861/CND/22 and thereafter the car park shall only be lit in accordance with the approved scheme.

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

15. The development hereby approved shall be carried out in accordance with the details as approved under discharge of condition application 98717/CND/19 (noise mitigation measures) and discharge of condition reference 112314/CND/23 (noise mitigation completion report) and retained thereafter.

Reason: In the interests of the amenity of the future occupiers of the apartments hereby approved, having regard to Trafford Core Strategy Policies L7 and L5.13 and advice within the NPPF.

16. Servicing, waste handling and deliveries relating to the commercial uses within the application site shall only take place between the hours of 0700 and 1900h on Mondays to Fridays and 0800 to 1700h on Saturdays only.

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

17. The ground floor commercial premises within Block A and B hereby approved shall only be open for trade or business between the hours of 0800hrs - 2400hrs inclusive.

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

18. The development hereby approved shall be carried out in accordance with the details as approved under discharge of condition reference 109673/CND/22 with regards external plant. The rating level (LAeq,T) from all fixed plant and machinery introduced on site, when operating simultaneously, shall be 10dB below the background noise level (LA90,T) at any time when measured at the nearest noise sensitive premises. Noise measurements and assessments should be compliant with BS 4142:2014+A1:2019 "Methods for rating and assessing industrial and commercial sound".

Reason: In the interests of residential and visual amenity having regard to Policies L5, L7 and R1 of the Trafford Core Strategy and the National Planning Policy Framework

19. The development hereby approved shall be carried out in accordance with the details as approved under discharge of condition application 100485/CND/20 (noise mitigation commercial buildings and the multi storey car park) and discharge of condition reference 112314/CND/23 (noise mitigation completion report) and retained thereafter.

Reason: In the interests of the amenity of the future occupiers of the apartments hereby approved, having regard to Trafford Core Strategy Policies L7 and L5.13 and advice within the NPPF.

20. The development hereby approved shall be carried out in accordance with the approved Waste Management scheme under discharge of condition reference 109673/CND/22 and shall be retained at all times thereafter.

Reason: In the interests of the amenity of the area and to ensure that satisfactory waste management provision is made for the site having regard to Policies L5 and L7 of the Trafford Core Strategy and the National Planning Policy Framework.

21. The development hereby approved shall be carried out in accordance with the details as approved under discharge of condition application 108469/CND/22 with regards cycle and motorcycle provision and thereafter retained.

Reason: To ensure that satisfactory cycle and motorcycle 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.

22. The development hereby approved shall be carried out in accordance with the car park management plan approved under discharge of condition reference 109542/CND/22. The approved scheme shall be provided and made available for the intended uses and thereafter shall not be used for any purpose other than the parking of vehicles.

Reason: In the interests of highway safety and residential amenity, having regard to Policies L4, L7 and R1 of the Trafford Core Strategy, the Council's adopted Supplementary Planning Document 3: Parking Standards & Design.

23. Within no less than 3 months but no more than 5 months following the opening of the multi-storey car park a further assessment of the operation of the traffic light signals at the A56/Regent Road junction shall be undertaken and the findings,

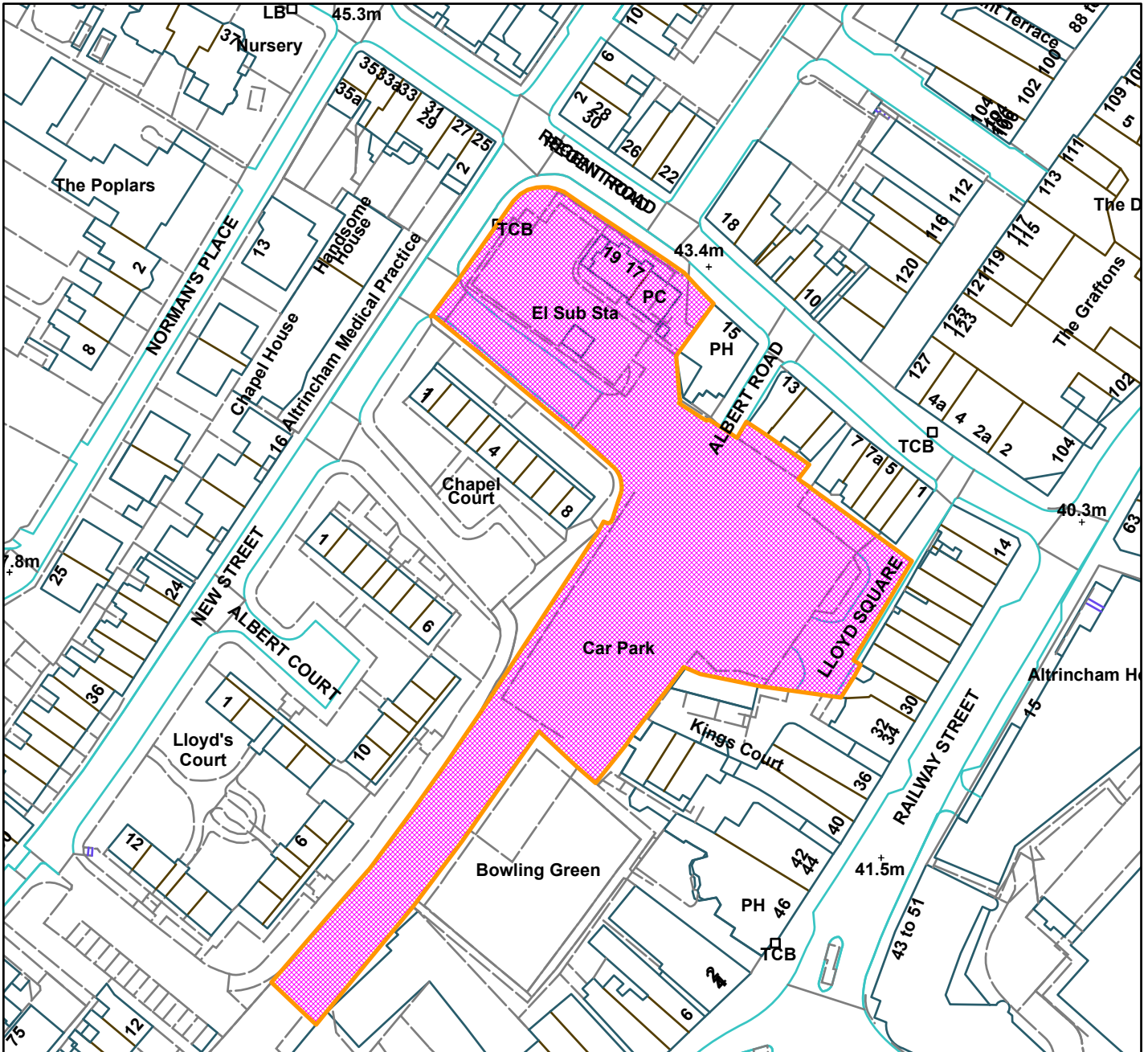
including details of any necessary revalidation of the junction lights shall be submitted to and approved in writing by the Local Planning Authority, the submitted assessment shall also include a timetable for the implementation of any required revalidation works. The changes shall be implemented and retained thereafter in accordance with the approved details.

Reason: In the interests of highway safety having regard to Policies L4 and L7 of the Trafford Core Strategy, and the National Planning Policy Framework.

CM



Regent Road Car Park, Altrincham (site hatched on plan)



Scale: 1:1,250

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Organisation	Trafford Council
Department	Planning Service
Comments	Committee Date 14/03/2024
Date	04/03/2024
MSA Number	AC0000809316 (2022)

WARD: Flixton

111822/FUL/23

DEPARTURE: No

Erection of single storey extension to accommodate two new classrooms and demolition of outbuilding.

Delamere School, Irlam Road, Flixton, Manchester, M41 6AP

APPLICANT: Ms Sally Judge, Delamere School

AGENT: Mr Philip Kirk, Plans and Planning

RECOMMENDATION: GRANT

The application has been reported to the Planning and Development Management Committee as the applicant is a Local Authority School (Trafford Council) and a representation has been received contrary to Officer Recommendation.

Executive Summary

This application seeks planning permission for the erection of a single storey extension to accommodate two new classrooms and the demolition of an outbuilding. The application site is within the Green Belt and adjacent to Protected Open Space.

The applicant has therefore submitted details of “very special circumstances” that it considers would justify the granting of permission. The proposal would create specialised classroom space that would provide significant improvements to facilities for children including those with special needs. Officers consider the harm by reason of inappropriate development and the minor harm to the openness of the Green Belt as a result of the extension would be outweighed by the ‘very special circumstances’.

A letter of objection has been received which relates to the impact of parking within the surrounding area. The representation received has been noted and the issues raised considered as part of the application appraisal.

The additional classrooms are not proposed to accommodate any additional students, or additional teaching staff and the LHA has raised no objections. Therefore, it is considered that the proposals are acceptable in terms of parking and highways impacts.

Officers consider that the development is appropriately designed in its context and would not result in an adverse impact to residential amenity.

All other detailed matters have been assessed and the proposal is considered to be acceptable in terms of ecology, impact on trees and other relevant matters.

The application is therefore recommended for approval, subject to appropriate conditions.

SITE

Delamere School comprises a collection of largely single storey mid-late 20th Century buildings set to the south of Irlam Road. The application proposal relates to a southern elevation to the rear of Delamere School. The wider school comprises a car park to the north, designated open space to the west and playgrounds to the rear of the site.

The school is bound by a secondary school to the east and residential properties to the west. Site boundaries are marked by metal railings, with all boundaries screened by mature vegetation, including trees.

The site is located within the Green Belt and is adjacent to Protected Open Space.

PROPOSAL

The application seeks planning permission for the erection of a single storey extension to accommodate two new classrooms and the demolition of an outbuilding.

The extension would project by 14m with a width of 9.6m, an apex height of 5.3m and eaves height of 2.5m.

Value Added: A revised red edge and green belt assessment were submitted. Neighbours were consulted for an additional 10 days.

The total floor space of the proposed development would be 123m².

DEVELOPMENT PLAN

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

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

PRINCIPAL RELEVANT CORE STRATEGY POLICIES

L4 – Sustainable Transport and Accessibility

L7 – Design

R2 – Natural Environment

R3 – Green Infrastructure

R4 – Green Belt, Countryside and Other Protected Open Land.
R5 – Open Space, Sport and Recreation

PROPOSALS MAP NOTATION

Green Belt;
Protection of Open Space;
Areas of Landscape Protection;

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) in December 2023. The NPPF will be referred to as appropriate in the report.

NATIONAL PLANNING PRACTICE GUIDANCE (NPPG)

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

PLACES FOR EVERYONE (FORMERLY GREATER MANCHESTER SPATIAL FRAMEWORK)

Places for Everyone (PfE) is a joint Development Plan Document being produced by nine Greater Manchester districts (Bolton, Bury, Manchester, Oldham, Rochdale, Salford, Tameside, Trafford and Wigan). It identifies the quantum of new housing and employment development, supports the delivery of key infrastructure, and protects environmental assets. The Plan was submitted to the Secretary of State for Levelling Up, Housing and Communities in February 2022, and its Examination in Public commenced on 02 November 2022. Hearings sessions concluded on 05 July 2023. Consultation on Main Modifications started on 11 October 2023 and closed on 6 December 2023. On 14 February 2024, the Inspectors' report was published, confirming that with the Main Modifications and further limited modifications suggested by the Inspectors, that Places for Everyone is sound and legally compliant. The Council intends to adopt the plan in March 2024, along with all the other authorities involved, and Places for Everyone will be formally adopted on 21 March 2024. Consequently the plan is as advanced as it can be without being adopted and thus very substantial weight can be attached to its policies.

Emerging policies relevant to this application are:

JP-P1 Sustainable Places

Policy JP-G10: The Green Belt

Policy JP-C7: Transport Requirements of New Development

RELEVANT PLANNING HISTORY

106722/FUL/21 - Installation of 2 air source heat pumps.

Approved, 15.07.2022

104213/FUL/21 - Retrospective application for replacement of 1.8m high railings with 2.4m high railings

Approved, 02.07.2021

104820/FUL/21 - Installation of solar panels to the roof.

Approved, 09.02.2022

83399/FULL/2014: Erection of a single storey extension to the west elevation to form an additional classroom.

Approved, 3 September 2014.

80558/FULL/2013: Provision of a canopy in an alcove to create a covered play area.

Approved, 17 June 2013.

74922/FULL/2010: Erection of a single storey extension to the south west of the existing school building to provide replacement classroom accommodation.

Approved, 18 August 2010.

H/67918: Retention of a pre-cast sectional building for use as a store.

Approved 7 March 2008.

H/48695: Erection of garage. Approved 10 February 2000.

APPLICANT'S SUBMISSION

The applicant has submitted a Greenbelt Assessment and a Tree Survey.

CONSULTATIONS.

Environmental Protection (Nuisance): Reviewed the submitted information and officers consider this to be satisfactory. Information confirms that the classrooms will be designed in accordance with the applicable standards contained within BB 93 and an acoustic consultant is to verify this.

Flixton Neighbourhood Forum: No comment received.

Greater Manchester Ecology Unit: In relation to the buildings on the site, these appear to be in good condition with relatively limited potential to support roosting bats. This coupled with the relatively small area of roof space that will be impacted by the works, means that GMEU would not consider it reasonable to request a bat survey as part of the planning application. A condition to secure biodiversity enhancements and an informative has been put forward.

Local Highways Authority – No objection on highways grounds to the proposals, subject to the submission of a construction method statement.

Trafford Council, Education: No comment received.

Trafford Council Tree Officer: Confident that the impact on the retained trees will be minimised as long as the advice within the report is followed.

REPRESENTATIONS

One representation has been received, the objection is summarised below;

- Spend money on extending the parking spaces in the school to alleviate local traffic by staff and visitors parking
- Vehicles parking on main roads and side streets, Woodsend Crescent, Irlam Road and Waterside Court during peak hours
- Pedestrians have problems navigating the vehicles.

OBSERVATIONS

PRINCIPLE OF DEVELOPMENT

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 (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 2023 NPPF, particularly where that policy is not substantially changed from the 2012 version.

3. The NPPF is a material consideration in planning decisions as the Government's expression of planning policy and how this should be applied; it should be given significant weight in the decision making process.
4. Paragraph 11 c) of the NPPF requires decision makers to approve development which accord with an up to date development plan without delay.
5. 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.
6. Paragraph 99 of the National Planning Policy Framework states that it is important that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should:
 - a) give great weight to the need to create, expand or alter schools through the preparation of plans and decisions on applications; and
 - b) work with school promoters, delivery partners and statutory bodies to identify and resolve key planning issues before applications are submitted.
7. Policies relating to the proposal's green belt, protected open space, design and amenity impacts, are considered to be 'most important' for determining this application when considered against NPPF Paragraph 11.
8. Core Strategy Policy L7, relating to design, amenity and parking, is consistent with the NPPF and is therefore considered to be up to date. Full weight should be afforded to this policy.
9. Core Strategy Policy R4, relating to green belt impacts and R5 relating to protected open space, sport and recreation is consistent with the NPPF and is therefore considered to be up to date. Full weight should be afforded to this policy.
10. Taken collectively, the policies most important in determining this application are up to date. The tilted balance in paragraph 11 of the NPPF is therefore not engaged and the application should be determined in accordance with the development plan unless material considerations indicate otherwise.

GREEN BELT

11. The NPPF states at Paragraph 142 that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts being their openness and their permanence.
12. Paragraph 143 sets out the five purposes of Green Belts which are to check the unrestricted sprawl of large built-up areas; to prevent neighbouring towns from merging into one another; to assist in safeguarding the countryside from encroachment; to preserve the setting and special character of historic towns and; to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
13. The construction of new buildings is inappropriate development within the Green Belt, relevant exceptions to the policy include:
 - c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building; d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
14. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in 'very special circumstances'. When considering any planning application, LPAs should ensure that substantial weight is given to any harm to the Green Belt. At paragraph 153 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
15. Policy R4 of the Core Strategy is consistent with the NPPF in that the policy states: The Council will continue to protect the Green Belt from inappropriate development. New development including buildings or uses for a temporary period will only be permitted within these areas where it is for one of the appropriate uses specified in national guidance, where the proposal does not prejudice the primary purposes of the Green Belt set out in national guidance by reason of its scale, siting, materials or design or where very special circumstances can be demonstrated in support of the proposal. Full weight can be attached to policy R4.
16. Policy JP-G10 of PfE states that the beneficial use of the Green Belt will be enhanced where this can be achieved without harm to its openness, permanence or ability to serve its five purposes.
17. When assessing the application proposal, the relevant exception to consider would be paragraph 154, part C of the NPPF. However, the school has been extensively extended in the past and so it could not be reasonably argued that the proposed extension, when considered cumulatively with previous extensions, would represent a proportionate extension over and above the size of the original

building.

18. As the proposed development consists of the erection of a building within the Green Belt, which would not meet the exceptions set out above, it must be regarded as inappropriate development within the Green Belt. Consequently, the application should not be approved unless very special circumstances are demonstrated.

19. The applicant has therefore submitted details of very special circumstances that it considers would justify the granting of permission. The applicant's submitted Green Belt Statement states that the proposal would seek to offer an enriched curriculum to the existing pupils at Delamere School.

20. In relation to this, the Statement sets out that: -

- The new space will enable the provision of high quality Art lessons in a purpose-built Art room.
- The school has a resident artist working 2 days a week with pupils as a result of Artsmark Silver Award
- There is no facility within the existing school to set up sessions or store the Art Work.
- The space will also allow the provision of a purpose-built Food Technology room.
- This will allow children to become involved in the preparation and cooking of meals - the school is currently using the staff room for these sessions as there is no suitable space.
- Will support children in developing healthier relationships with food and building independent life skills for their future as the school has an increasing number of pupils with a dysfunctional relationship with food.

21. It is recognised the erection of an extension to the school building within the Green Belt would represent inappropriate development and would have some impact on the openness of the Green Belt.

22. Any harm to openness would however be limited by the single storey scale of the extension and the fact that it would be positioned to the rear of the school on an existing hard surfaced area within the developed school site. The extension would be visually contained, spaciousness would be retained to the side boundary and the extension would be well screened by trees, particularly to the south. The application proposals would also include the removal of an existing garage of 12 square metres in area.

23. The increase in specialised classroom space would provide significant improvements to facilities for children including those with special educational needs. As such, whilst substantial weight is given to the protection of the Green Belt, it is considered that in this instance, "very special circumstances" have

been demonstrated that would outweigh the harm by reason of inappropriate development and the relatively minor impact on Green Belt openness.

24. The proposed development would therefore comply with the Green Belt policies of the NPPF, Policy R4 of the Core Strategy and Policy JP-G10 of the emerging PFE Plan.

PROTECTED OPEN SPACE

25. In relation to Open Space, Sport and Recreation Policy R5 of the Trafford Core Strategy explains that the *'The availability of open space, sport and recreation facilities are key factors to the quality of life and physical wellbeing of people and can, by adding to the attractiveness of the Borough, encourage potential investors and thereby help stimulate urban regeneration.'*

26. The playing fields on the western side of the red edged application site, within the curtilage of the school grounds are allocated as Protected Open Space. Paragraph 103 of the NPPF 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.

27. The proposed extension would be sited adjacent to but not within the area of land allocated as protected open space. The development would be contained within the developed rear school yard.

28. As such, the proposed development would not result in the loss of allocated Protected Open Space and would be acceptable in regards to Policy R5 of the Core Strategy and policies in the NPPF in this respect.

DESIGN, APPEARANCE AND IMPACT ON THE CHARACTER OF THE AREA

29. Paragraph 131 of NPPF states *'The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process.'*

30. Policy L7 of the Core Strategy states that in considering applications for development within the Borough, the Council will determine whether or not the proposed development meets the standards set in national guidelines and the requirements of Policy L7. The relevant extracts of Policy L7 require that development is appropriate in its context; makes best use of opportunities to improve the character and quality of an area by appropriately addressing scale, density, height, layout, elevation treatment, materials, landscaping; and is compatible with the surrounding area.
31. The proposed single storey extension would be appropriate in terms of design and scale and would appear proportionate to the existing school building. There would be adequate spaciousness retained to the rear and side boundaries of the school.
32. The proposed windows on the extension would be similar in proportions to the original windows of the existing school. The extension would be finished in multi coloured panels fixed to the external brick wall. It is considered that these materials would be acceptable given the siting of the extension at the rear of the school grounds and would not harm the character or appearance of the existing school buildings. To ensure the overall design quality is not diminished, detailed specifications of the materials would be conditioned to be submitted to the local planning authority.
33. Subject to conditions, the proposed development is considered acceptable in terms of design and visual amenity and would comply with Policy L7 of the Core Strategy and policies in the NPPF in this respect.

RESIDENTIAL AMENITY

34. 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”*.
35. There are no residential dwellings in the immediate vicinity of the proposed building and the proposed extension would not result in an unacceptable impact on amenity.
36. The Council’s Environmental Health (Nuisance) team have reviewed the proposal. The applicant has demonstrated the extension would comply with Building Bulletin 93 (BB93) standards for school acoustics.

37. Nuisance note that environmental impacts could arise during the demolition and construction phases of the development without suitable controls being in place. It is recommended that a condition is attached requiring the submission and implementation of a construction method statement to manage and mitigate the main environmental effects, such as noise, dust, and highway impacts.
38. The proposal is therefore considered to be acceptable in regards to residential amenity and would comply with Policy L7 of the Core Strategy and policies in the NPPF in this respect.

HIGHWAY MATTERS

39. 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”*.
40. Paragraph 115 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”*.
41. Taking into consideration the representation received in regards to parking, the Local Highway Authority were consulted on the application.

Access

42. The site is accessed from Irlam Road. It is not intended to amend the existing access arrangements.

Servicing Arrangements

43. No details have been seen for the proposed storage of waste and recycling bins however, it is considered there is sufficient space within the site to adequately store bins.

Car Parking

44. The Council's car parking standards for schools in this type of location, as set out in the Core Strategy and SPD3, require 2 spaces per classroom. They also state that this standard is the starting point, but account should be taken of variations between primary and secondary schools and those with sixth forms. The guidance also states that drop off spaces will be determined on a case-by-case basis.

45. The development is not proposing any additional parking spaces, nor to remove any parking. The proposed classrooms are not proposed to accommodate any additional students, or additional teaching staff. Therefore, it is considered that the proposals are acceptable in terms of parking and highways impacts.

Accessibility Car Parking

46. It is not proposed to amend the accessibility parking, the current arrangements are accepted due to there being no increase in students or teachers and no increase in parking generally.

Cycle Parking and Storage Arrangements

47. The minimum cycle parking standards as detailed within SPD3 state 1 no. space is required per five members of staff plus 1 no. space per three students. For note, the same (minimum) level of cycle parking also applies to primary and secondary schools (including those which provide sixth form education).

48. There is no proposal to increase the number of students or employees and the current provision of cycle parking remains unchanged which is accepted by the LHA.

Condition

49. It is considered the works associated with the construction of the development will result in a temporary increase in the number and type of activities that take place at this location on a day-to-day basis, including access by heavy duty vehicles. It is recommended that a condition is attached requiring the submission and implementation of a construction method statement.

Summary

50. The LHA has raised no objections on highway grounds to the proposals.

51. The comments of the objector are noted and have been considered as part of the assessment. The proposed classroom would not accommodate any additional students or teaching staff. The development would therefore not intensify the existing parking provision and the works associated with the construction of the extension would be temporary.

52. It is therefore considered that the proposed development would be acceptable in terms of parking and highway impacts, subject to the attachment of the CMS condition.

EQUALITIES

53. Policy L7.5 of the Core Strategy requires that development should be fully accessible and usable by all sections of the community and Paragraph 135 of the NPPF reinforces this requirement by requiring planning decisions to ensure that developments create places that are safe, inclusive and accessible.
54. 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.
55. Measures included within the extension to the school include level access into the extension and around the building including access to communal open space.
56. The proposed development would create specialised classroom space that would provide significant improvements to facilities for children, including those with special educational needs. This would provide benefits for a number of protected groups. The measures proposed to provide access to all, including those with a protected characteristic, are considered to be an appropriate, practical and reasonable response to the equalities impacts of the scheme.

ECOLOGY AND TREES

Ecology

57. Policy R2 of the Trafford Core Strategy seeks to ensure that all developments protect and enhance the Borough's biodiversity. In addition, paragraph 186 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.
58. The Greater Manchester Ecology Unit (GMEU) has reviewed the proposal and notes in relation to the buildings on the site, these appear to be in good condition with relatively limited potential to support roosting bats. This coupled with the

relatively small area of roof space that will be impacted by the works, means GMEU would not consider it reasonable to request a bat survey as part of the planning application.

59. GMEU consider biodiversity enhancements should be delivered by this application, and can be secured via a condition. This could include the provision of integrated bat and bird boxes into the proposed new building. It is recommended that this condition should be attached to any grant of permission.
60. An informative in regards to the bird nesting season and the legal protection of species would be put forward.
61. Subject to the aforementioned conditions, the proposal would comply with policies R2 and R3 of the Core Strategy, and the NPPF.

Trees

62. Trafford Council's Arboriculturist has reviewed the proposal and notes the site is not within a Conservation Area nor does it have any TPOs covering it, therefore no trees are currently protected. The proposals do not involve the removal of any trees to facilitate the development and the applicant has submitted an Arboricultural Impact Assessment which includes a comprehensive Tree Protection Plan.
63. It is recommended that a condition is attached requiring that the development is implemented in accordance with the submitted Arboricultural Method Statement and Tree Protection Plan.

DEVELOPER CONTRIBUTIONS

64. 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).
65. No other planning obligations are required.

PLANNING BALANCE AND CONCLUSION

66. The proposed development would represent inappropriate development in the Green Belt. The application submission states that the proposal would create specialised classroom space that would provide significant improvements to facilities for children including those with special needs. It is therefore considered that, in this case, there are "very special circumstances" that would outweigh the

harm by reason of inappropriate development and the relatively minor impact on the openness of the Green Belt.

67. The proposed development would not result in the loss of any Protected Open Space and is considered to be acceptable in terms of its design and appearance, its impact on residential amenity and with regard to highway safety and parking provision as well as ecological impacts. As such the proposal is considered to be compliant with Policies L4, L7, R4 and R5 of the Trafford Core Strategy, emerging PFE policy JP-P1 Sustainable Places and Policy JP-G10: The Green Belt and relevant policies in the NPPF.

68. The application is therefore recommended for approval subject to conditions.

RECOMMENDATION:

GRANT 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, 7th February 2024 numbers:

Bregs100 – 24/01/24

Bregs100.2 - 24/01/2

Bregs101 - 24/01/24

Bregs104 - 24/01/24

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 all materials to be used externally on the building have been submitted to and approved in writing by the Local Planning Authority. Such details shall include the type, colour and texture of the materials. 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. The development hereby permitted shall not take place unless and until a Construction Method Statement (CMS) has been submitted to and approved in writing by the Local Planning Authority, including details of the proposed measures to manage and mitigate the main environmental effects. The development shall be implemented in accordance with the approved CMS. The CMS shall address, but not be limited to the following matters:
- a. site working hours to be restricted to between 07:30 -18:00 on Monday to Friday; 08:00 – 13:00 on Saturday, and no work permitted on a Sunday or a Bank Holiday.
 - b. measures to control the emission of dust and dirt during construction and pre-construction (including demolition) and procedures to be adopted in response to complaints of fugitive dust emissions
 - c. a scheme for recycling/disposing of waste resulting from demolition and construction works (prohibiting fires on site)
 - d. measures to prevent disturbance to adjacent dwellings from noise and vibration, including any piling activity and plant such as generators
 - e. information on how asbestos material is to be identified and treated or disposed of in a manner that would not cause undue risk to adjacent receptors
 - f. the parking of vehicles of site operatives and visitors
 - g. the management of deliveries to including details of any proposed delivery booking system.
 - h. loading and unloading of plant and materials to include vehicle access and egress arrangements.
 - i. storage of plant and materials used in constructing the development;
 - j. the erection and maintenance of security hoardings including decorative displays and facilities for public viewing (where appropriate);
 - k. wheel washing facilities and any other relevant measures for keeping the highway clean during the works;
 - l. contact details for the site manager are 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 Policy L7 of the Trafford Core Strategy and the National Planning Policy Framework.

5. The development hereby permitted shall not take place unless and until a scheme detailing biodiversity enhancements (which could include the provision of a bat and bird box) 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 the approved measures shall be 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.

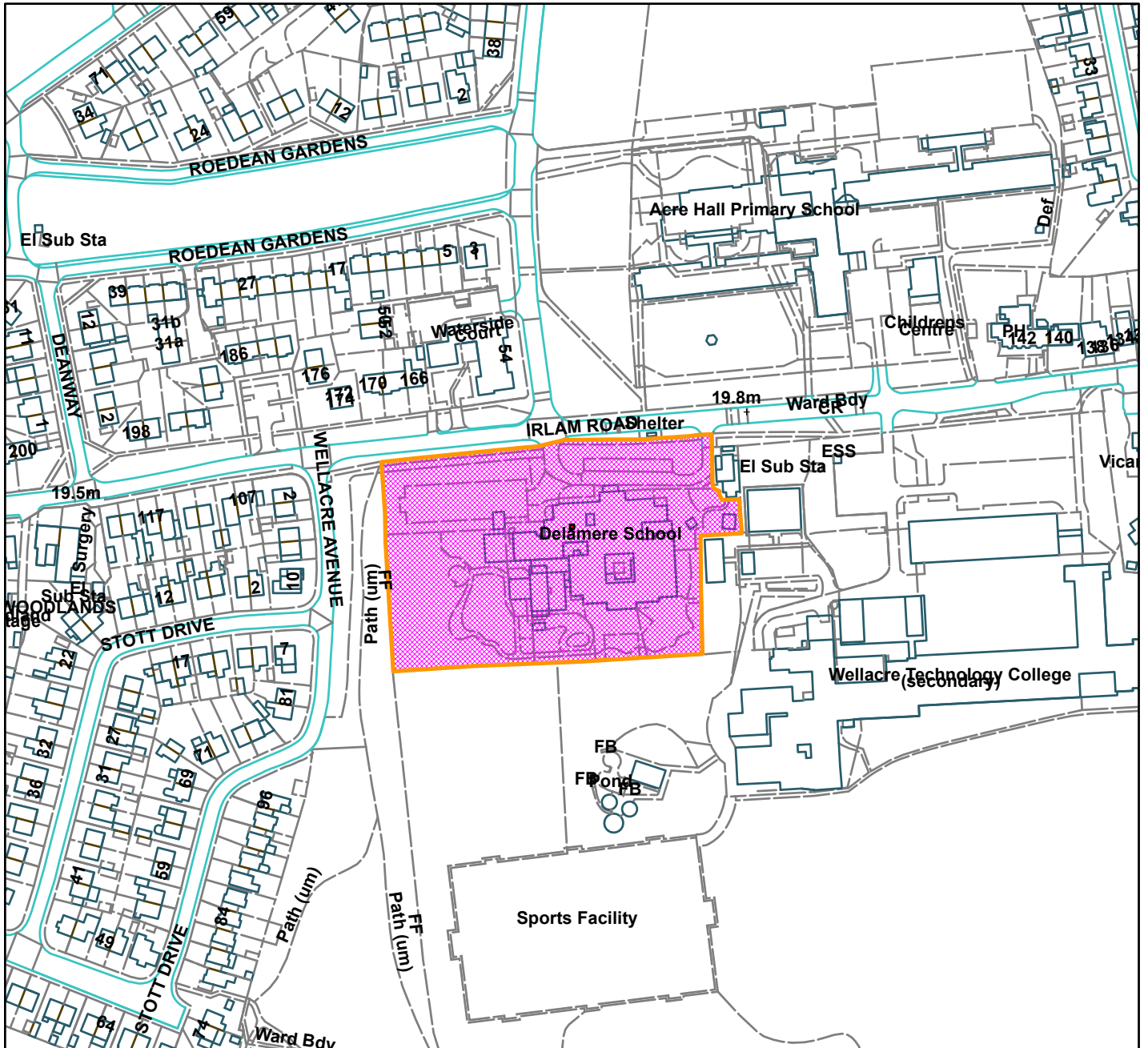
6. No development or works of site preparation shall take place until all trees that are to be retained within or adjacent to the site have been enclosed with temporary protective fencing in accordance with the submitted Tree Survey Schedule, Arboricultural Method Statement and Tree Protection Specification, reference CW/11334-SS. The development shall be implemented in accordance with the Arboricultural Method Statement and Tree Protection Specification. The fencing shall be retained throughout the period of construction and no activity prohibited by the Arboricultural Method Statement and Tree Protection Specification 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.

KG



Delamere School, Irlam Road, Flixton (site hatched on plan)



Scale: 1:2,500

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Organisation	Trafford Council
Department	Planning Service
Comments	Committee Date 14/03/2024
Date	04/03/2024
MSA Number	AC0000809316 (2022)

WARD: Stretford &
Humphrey Park

111950/FUL/23

DEPARTURE: No

Erection of single storey side extension with bin store and part single, part two storey rear extension following demolition of existing extensions. Change of use of first floor from self contained flat to (C4) House in Multiple Occupation (HMO) use with 5 bedrooms, associated amenity space and cycle store.

8 Moss Road, Stretford, Manchester M32 0AH

APPLICANT: Mrs Farah Waraich

AGENT: I. Planning Services

RECOMMENDATION: GRANT

The application is reported to the Planning and Development Management Committee, as more than 6 representations contrary to Officer recommendation have been received.

EXECUTIVE SUMMARY

This application relates to an end terrace property, located on Moss Road in Stretford. The proposal is for a change of use of the first floor from a flat to a 5 bed house of multiple occupancy (HMO), alongside a single storey side extension and part single, part two storey rear extension. The existing shop would benefit from additional storage space within the extensions at ground floor.

The application has received objection letters from 8no. properties. The main concerns raised relate to parking, bin issues, harm to the character of the area and general impact from the HMO use.

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.

The proposal is considered to comply with the development plan as a whole. Therefore the application is recommended for approval subject to conditions.

SITE

The application site is a two storey end terrace building which features a shop to the ground floor and residential accommodation to the first floor, with a small loft room. The property is part of a parade of commercial ground floor units within Stretford. Semi-

detached dwellings are located adjacent to the site on Grange Avenue/Moss Road and form the predominant character of the area.

The application site features a rear yard and adjacent alleyway, which is partially within the ownership of the applicant. There are unauthorised single storey extensions present to the side and rear of the property, which were constructed approximately 2 years ago. The Planning Compliance and Enforcement Team is aware of these structures.

PROPOSAL

This application seeks planning permission for the erection of a single storey side extension and part single, part two storey rear extension, following the demolition of the existing unauthorised extensions. A change of use is sought of the first floor from a flat to (C4) House in Multiple Occupation (HMO) use with 5 bedrooms and associated amenity space and cycle store.

Specifically the existing single storey side and rear extensions would be removed to facilitate the new extensions. The proposed single storey extensions would feature tiled hip/half gable roofs, with brick elevations, windows to match existing and side roller shutter doors. The two storey rear extension would feature a hipped tiled roof, brick elevations and windows to match existing.

The existing side A/C units would be relocated to the ground floor of the building and a new bin store is proposed in front of the side extension. A first floor front elevation window would be relocated. Acoustic air vents are proposed to all bedrooms.

Internally the HMO would occupy the first floor of the building. It would contain 5 bedrooms, 2 bathrooms and a combined living room, kitchen and dining area. There is an existing loft room which would be used for storage only. Access to the HMO would be from a rear entrance door, within a resident's rear yard providing bin storage, a bicycle store and some outdoor amenity space.

The Use Classes Order 1987 (as amended) defines a C4 HMO use as: Houses in multiple occupation - Small shared houses occupied by between three and six unrelated individuals, as their only or main residence, who share basic amenities such as a kitchen or bathroom.

Under the General Permitted Development Order 1995 (as amended), the change of use from C3 to C4 does not usually require permission. However, Trafford Council introduced an Article 4 direction on the 8th March 2018, removing permitted development rights for changes of use from dwellings (Use Class C3) to small HMOs (Use Class C4).

Value added:

Amended proposed plans were submitted to reduce the number of bedrooms from six to five and to improve the internal layout. Access for the HMO was changed to be internal,

rather than via an external staircase. The size of the side and rear extensions was also reduced. Noise mitigation information was submitted in respect of the bedrooms and existing a/c units.

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

W1 - Economy

L1 – Land for New Homes

L2 – Meeting Housing Needs

R2 – Natural Environment

L4 – Sustainable Transport and Accessibility

L7 – Design

L8 – Planning Obligations

OTHER LOCAL POLICY DOCUMENTS

- Guidance & Amenity Standards: Licensable and Other Housing in Multiple Occupation in Trafford (2020)
- SPD3 – Parking and Design (2012)
- SPD4 – A Guide for Designing House Extensions and Alterations (2012) (somewhat relevant for facing distances, amenity etc.)
- SPD6 – Houses in Multiple Occupation (2018)
- SPG1 – New Residential Development

PROPOSALS MAP NOTATION

Borough Wide HMO Article 4 Direction

PRINCIPAL RELEVANT REVISED UDP POLICIES/PROPOSALS

None

NATIONAL PLANNING POLICY FRAMEWORK (NPPF)

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

NATIONAL PLANNING PRACTICE GUIDANCE (NPPG)

The DLUHC published the National Planning Practice Guidance in February 2024. The NPPG will be referred to as appropriate in the report.

PLACES FOR EVERYONE

Places for Everyone (PfE) is a joint Development Plan Document being produced by nine Greater Manchester districts (Bolton, Bury, Manchester, Oldham, Rochdale, Salford, Tameside, Trafford and Wigan). It identifies the quantum of new housing and employment development, supports the delivery of key infrastructure, and protects environmental assets. The Plan was submitted to the Secretary of State for Levelling Up, Housing and Communities in February 2022, and its Examination in Public commenced on 02 November 2022. Hearings sessions concluded on 05 July 2023. Consultation on Main Modifications started on 11 October 2023 and closed on 6 December 2023. On 14 February 2024, the Inspectors' report was published, confirming that with the Main Modifications and further limited modifications suggested by the Inspectors, that Places for Everyone is sound and legally compliant. The Council intends to adopt the plan in March 2024, along with all the other authorities involved, and Places for Everyone will be formally adopted on 21 March 2024. Consequently the plan is as advanced as it can be without being adopted and thus very substantial weight can be attached to its policies.

Relevant policies:

- JP-P1 - Sustainable Places:
- JP-J1 - Supporting Long-Term Economic Growth:
- JP-C5 – Walking and Cycling
- JP-C7 - Transport Requirements of New Development
- JP-H1 – Scale, Distribution and Phasing of New Housing Development
- JP-H3 – Type, Size and Design of New Housing

RELEVANT PLANNING HISTORY

Various applications for front canopies and shop front works.

H/68649 - Retention of existing single storey rear extension to shop and erection of rear staircase access to first floor residential accommodation.

Approved with conditions 25.02.2008

H/67660 - Retention of existing single storey rear extension to shop and rear staircase access to first floor residential accommodation.
Refused 01.10.2007

APPLICANT'S SUBMISSION

Application Form
Site Location Plan
Proposed Site Plan
Previous, as built and Proposed Plans/Elevations

CONSULTATIONS

Trafford Council Pollution and Licensing (Nuisance) – no objection, subject to provision of acoustic ventilation measures and relocation of A/C units.

Housing Standards – no objection, recommend condition to avoid use of the loft room. Works should comply with current Building Regulations and relevant standards under the Housing Act 2004.

Local Highways Authority - no objection subject to provision of satisfactory bin storage and cycle parking.

Waste Management Team – no objection subject to provision of stated bin storage.

REPRESENTATIONS

Objections were received from 5no. neighbouring properties on the originally submitted plans, summarised as follows:

- *Issues with parking, littering and fly tipping since existing extension*
- *Issues would be exacerbated with the proposal*
- *Open air waste area is a terrible idea*
- *Issues with bins including mess and odour*
- *Already too many people living at the property*
- *Loss of privacy*

Following receipt of revised plans, objections were received from 8no. properties, summarised as follows:

- *Scheme would not benefit residents of the property or local neighbourhood*
- *Current structure is built substandard and concerns any future structure would not be any better*
- *Excessive number of bedrooms proposed with harm to wellbeing*
- *Loss of light impact*
- *Would not improve the economic, social or environmental conditions*
- *Extension has increased groups hanging around*

- *Impact on light and privacy*
- *Parking issues*
- *Detrimental to wellbeing*
- *Proposed changes do not fix issues previously stated*
- *Increase in littering*
- *Poor conditions for tenants*
- *Waste problems and pollution hazard from bins*
- *Living conditions contrary to SPD6, Policy L7 and NPPF.*
- *Disruption from building process.*

OBSERVATIONS

PRINCIPLE OF DEVELOPMENT

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*** (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 2023 NPPF, particularly where that policy is not substantially changed from the 2012 version. It is acknowledged that some policies, including those controlling the supply of housing are afforded less weight, not least because of the Borough's lack of a five year housing land supply. However, other relevant policies remain up to date and can be given full weight in the determination of this application. Whether a Core Strategy policy is considered to be up to date or out of date is identified in each of the relevant sections of this report and appropriate weight given to it.
3. The NPPF is a material consideration in planning decisions, and as the Government's expression of planning policy and how this should be applied, should be given significant weight in the decision making process.
4. Paragraph 11 d) of the NPPF indicates that where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date, planning permission should be granted unless:
 - i. The application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*

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

5. Policies controlling the supply of housing, as well as those relating to the proposal's, design and amenity impacts are considered to be 'most important' for determining this application when considering the application against NPPF Paragraph 11.
6. 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.

Housing Land Supply

7. The NPPF places great emphasis on the need to plan for and deliver new housing throughout the UK. The Government's current target is for 300,000 homes to be constructed each year to help address the growing housing crisis. Local planning authorities are required to support the Government's objective of significantly boosting the supply of homes. With reference to Paragraph 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.
8. A HMO is considered to be a single dwelling and the application would make no net contribution to housing supply, based on the existing first floor already being in residential use as a flat. However the HMO would widen the choice of accommodation in the area, which features predominantly single family dwellings. The principle of development is subject to the HMO assessment outlined below.

Shop Extensions

9. Paragraph 85 of the NPPF states that: "Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future".
10. The side and rear extension would provide additional storage space for the commercial unit and improve the operations and capacity of this business. The proposal would in turn help support local jobs and economic activity. The proposal

is in accordance with economic policies from W1 of the Core Strategy, Places for Everyone and the provisions of the NPPF.

11. The principle of the development is therefore considered acceptable and is subject to the material considerations outlined below.

HMO ASSESSMENT

12. The application seeks permission to create a HMO and therefore the Council's Supplementary Planning Document 6: Houses in Multiple Occupancy is of relevance to the assessment and also controls the principle of an HMO at the site.

13. Policy 4 of this document states that Planning permission will not normally be granted for changes of use to HMOs:

- i) Where the proportion of HMO dwellings will exceed 10% of all residential properties* within a circle of radius 40 metres** from the application site. This includes all properties where the curtilage of the residential property lies wholly or partly within this radius. Where the circle does not include a minimum of 10 residential properties, the threshold will apply to the 10 residential properties nearest to the application site** located on all frontages of the street (with the same street address). or*
- ii) Where it would result in any residential property (C3 use) being 'sandwiched' between two HMOs*

When the threshold has been breached already, planning permission will only be granted in exceptional circumstances.

Notwithstanding the threshold limit and exceptional circumstances, other material considerations (such as intensification of use, highway safety, residential amenity of future and existing occupiers) arising from the impact of the proposal will be assessed in accordance with the Council's relevant development management policies and guidance, in particular Core Strategy Policy L7.

14. The following residential properties have been found within a 40m radius of the application site:

- 7 Moss Road
- 2, 4, 6, 10, 12a, 16 and 18a Moss Road
- 6, 8, 10, 12 Grange Avenue
- 37, 39, 41, 43 Grange Avenue
- 1, 3, 5, 7, 9, 11, 13 and 15 Garden Avenue

- 1 Radstock Road

15. The Council's Licensing register confirms that there are no other licensed HMOs within the search area. Planning application records also show that there have been no planning permissions for HMO uses within the 40m radius.
16. Following this, electoral register records have been used to determine whether there are any 3+ bedroom households with residents of 3 or more different surnames which may indicate the presence of an HMO (e.g. unrelated individuals).
17. A search of the electoral register revealed 4 properties with individuals who have 3 different surnames. However there is no record of an HMO license or planning permission for these properties. It is also not known whether the register is up to date and from enquires carried out, 3 properties were confirmed as not being HMOs. As such it is considered that no. 12 Grange Avenue would not be sandwiched in between two HMO's.
18. Out of the 25 properties within the search area there are considered to be no existing HMO's. The proposed HMO at the applicant site would give a concentration of 4%.
19. In addition it is noted that the application site fronts partially onto a main road and is above a shop. This means the character of the area is already busier than a typical residential setting with more activity located on this corner. An alleyway provides some separation with the closest neighbouring property at no. 12 Grange Avenue.
20. Taking the above into account, the proposal is considered to comply with the stipulations of SPD6.
21. The creation of a House of Multiple Occupancy contributes towards a wider mix of housing types within this area of the borough. The development is therefore in compliance with policies L1 and L2 from the TBC Core strategy and policies from the Councils adopted SPD6 - House of Multiple Occupancy. This is alongside JP-H1 and JP-H3 of Places for Everyone. The development will further help achieve the government's targets of boosting housing delivery, in a variety of housing types to meet different groups. The principle of the development is therefore considered acceptable.

ASSESSMENT OF ACCOMODATION

22. Each bedroom would be of a satisfactory size against HMO standards and would feature a south or west facing window, providing adequate natural light and

outlook. There would be a good sized combined kitchen, dining room and living room which meets the HMO standards. This room would feature two adequately sized window openings, again providing sufficient natural light and outlook.

23. There is an existing loft room and there are concerns regarding the quality of this accommodation in terms of head height, access and cramped space. A condition is recommended, to prohibit the use of this space for habitable accommodation, in order to avoid substandard residential amenity.

24. An informative is recommended to be included, to remind the applicant that a Mandatory HMO License would be required from the Council.

DESIGN AND APPEARANCE

25. 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. Policy L7: Design states that:

L7.1 "In relation to matters of design, development must:

- Be appropriate in its context;*
- Make best use of opportunities to improve the character and quality of an area;*
- Enhance the street scene or character of the area by appropriately addressing scale, density, height, massing, layout, elevation treatment, materials, hard and soft landscaping works, boundary treatment".*

26. The single storey side extension would be well set back from the front elevation and would provide a subservient, proportionate appearance. The set in from the side boundary would be 1m at the closest point, which is considered satisfactory in this instance given the site widens to the rear and taking into account the large front set back. The set in from the side boundary at the rear would be appropriate at 2.30m. The single storey rear extension would also appear complementary with a hipped roof and minor projection. The first floor rear extension would project a modest 1.30m beyond the two storey rear outriggers of neighbouring commercial properties in the terrace and is considered appropriate with a matching hipped roof design. Suitable rear boundary separation would be provided.

27. The external alterations to the existing property are considered appropriate with a suitably relocated window and A/C units. Details of screening for the shop bins is considered necessary, given they would be located to the side of the building and otherwise visible from the pavement.

28. A condition is also recommended to stipulate that materials samples are submitted for approval prior to commencement of development. Further details of the site boundary treatment should also be provided.

29. In summary the proposed external alterations would allow the building to appear appropriate in its context, appropriately addressing scale form, massing and elevation treatment. The design and appearance of the proposal complies with Policy L7 Design and the NPPF.

RESIDENTIAL AMENITY

30. This section considers the potential amenity impact of the proposal upon the closest residential properties.

31. Policy L7; Design also states that:

L7.3 "In relation to matters of amenity protection, development must:

- Be compatible with the surrounding area; and*
- Not prejudice the amenity of the future occupiers of the development and/or occupants of adjacent properties by reason of overbearing, overshadowing, overlooking, visual intrusion, noise and/or disturbance, odour or in any other way".*

Impact upon no. 12 Grange Avenue (neighbouring property to rear to east)

32. The first floor rear extension would be sited 7.30m away from the nearest west side extension elevation of no. 12. This extension does not feature main windows to its side elevation, whilst there are only secondary windows to the first floor side elevation of the main property. The proposed extension would be sited 8m away from the rear patio of no. 12, at an offset angle. The ground floor extension would not be overly prominent above existing boundary treatment. Taking these factors into account and the site orientation, the extensions are not considered to appear overbearing, cause undue visual intrusion or loss of light for no. 12. No windows are proposed on the rear elevation and therefore there would be less overlooking than existing due to the rear staircase being removed.

33. The proposed external alterations are considered appropriate in appearance and there is not considered to be any significant or unreasonable amenity impact upon the rear elevation / garden of no.12 from overlooking, loss of light, visual intrusion or overbearing impact.

Impact upon no. 6 Moss Road and no. 43 Grange Avenue (neighbours to side to south)

34. These properties are located a minimum 16m from the extended side elevations of the application property. Taking into account the large separation across the road, there is not considered to be any overbearing impact, undue visual intrusion, or noticeable loss of light for these properties. The new first floor rear extension side window would face the same direction as existing side windows with the same separation. There is not considered to be any material loss of privacy in this regard.

Impact upon no. 1 Radstock Road (neighbour to front to south west)

35. This property is located 45m+ from the proposed side extension. Taking into account the large separation across the road, there is not considered to be any overbearing impact, undue visual intrusion, loss of light or privacy for this property. There would be less overlooking than existing due to the rear staircase being removed.

Impact upon no. 10 Moss Road (neighbour to side to north)

36. The first floor of this property is understood to be in residential use. There is an existing rear staircase and first floor canopy which would be removed as part of the proposal. The first floor rear extension would project only 1.30m further than existing, with a hipped roof form. No objection has been received from this property. There is not considered to be any undue visual intrusion or overbearing impact on the first floor rear windows of this property.

37. The new first floor north bathroom window would only face onto the rear yard of this property and could be obscure glazed by condition, alongside other first floor north windows.

NOISE/NUISANCE

Impact upon adjacent neighbours

38. The proposal is for a residential use in a mixed-use, although pre-dominantly residential area. The occupiers of an HMO are likely to lead independent lives from one another and it is considered that families typically occupying a single dwelling, are more likely to carry out day to day activities together as a household. However, taking account of the size of the proposed HMO, it is considered the property could alternatively be occupied by a large family with adults/teenagers

for example, living mostly independently. Therefore, 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.

Amenity of future occupiers of the HMO

39. Building Regulations would dictate requirements for internal party wall noise insulation and ground floor ceiling construction between the shop and HMO. It is noted that the ground floor shop does not represent a noisy use.
40. There are two A/C units to the south side of the building adjacent to existing windows. These are proposed to be relocated to ground floor, in order to be further away from the living room and bedroom windows of the HMO. This would reduce noise impact. Acoustic information has been submitted for the units, alongside details of acoustic air vents to all bedrooms. This is considered to allow a satisfactory noise level for the majority of the time, without residents having to open windows. Environmental Health have raised no objection.

HIGHWAYS, PARKING AND SERVICING

Parking

41. The proposal is for a 5no. bed HMO, which in accordance with SPD3, would require 0.5 car parking spaces per bedroom, equating to 2.5 spaces overall. This a maximum standard. Cycle parking is however required at a minimum rate of 1 space per bedroom.
42. There would be no on site car parking space provided, however this is not possible given the size of the site and it is noted properties in general in the locality feature on street parking. There are good public transport options within the vicinity, including bus stops and Stretford metrolink stop, located a 12 minute walk away. There are a variety of shops, local services and facilities along Moss Road, whilst Stretford Mall is located ab 8 minute walk from the site.
43. A bicycle store is shown on the proposed plans, although further details of this are required by way of a condition, to show the secure stand type, a covered roof and number of spaces. The LHA raise no objection to the proposal on highways grounds.

44. The NPPF in paragraph 115 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. Taking the above into account, the proposal is considered acceptable on highways and parking grounds, having regard to Policy L4, JP-C7 and the NPPF.

Servicing

46. There would be sufficient space in the rear yard for bin storage associated with the HMO. The curtilage of the site would feature space in front of the side extension for bin storage associated with the shop. Given the road facing aspect of this area and historic bin issues at the site, it is considered reasonable to impose a condition, requiring full details of a covered shop bin store to be provided.

DEVELOPER CONTRIBUTIONS

47. The total additional residential floor space proposed is less than 100sqm and is not subject to the Community Infrastructure Levy (CIL).

PLANNING BALANCE AND CONCLUSION

48. The proposed development is considered acceptable in providing residential accommodation in an established built up area. The proposal would not lead to an overconcentration of HMOs within the local area. The design and appearance of the extensions and external alterations are considered satisfactory in the local context. There is not considered to be any significant or unreasonable impact upon the amenity of neighbouring residential properties by way of visual intrusion, overbearing impact, loss of light or privacy.

49. A lack of on-site car parking is not considered to preclude the proposal, taking into account the sustainable urban location, whilst on site bicycle storage would be provided. 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, compliant with policy L7 of the Trafford Core Strategy, PfE and the NPPF. The application is therefore recommended for approval.

RECOMMENDATION:

GRANT subject to the following conditions:

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

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

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

IPS/R/08/M320AH Rev B (proposed elevations);
IPS/R/08/M320AH Rev A (proposed floor plans);
IPS/R/08/M320AH Rev B (proposed site plan);
1 of 6 Rev A (location plan) and titled: Bin storage Area

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

3. Notwithstanding any description of materials in the application no works involving the use of any materials listed below shall take place until samples and / or full specification of such materials to be used externally on the building have been submitted to and approved in writing by the Local Planning Authority. The materials to be provide include bricks, windows, doors, roof tiles, fascias and rainwater goods. 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. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any equivalent Order following the amendment, re-enactment or revocation thereof), upon first installation the first floor windows in the north elevation of the existing building and rear extension shall be:

a) non-opening up to a height of 1.70m above finished floor level

b) fitted with textured glass which obscuration level is no less than Level 3 of the Pilkington Glass scale (or equivalent); and shall be 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.

5. The development hereby approved shall not be occupied until the acoustic ventilation measures as detailed in the document titled:

TAL4H&M – Ryttons 9x3 Acoustic AirLiner® Set with Hit & Miss Ventilator (as received 13.02.2024) and the drawing number: IPS/R/08/M320AH Rev B

have been installed to all bedrooms and the existing A/C units relocated. Such measures shall be retained in working order for the lifetime of the development.

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

6. Prior to first occupation of the development, details of the external bicycle store shall be submitted to and approved in writing by the Local Planning Authority. The approved store shall be installed on site prior to occupation of the development and retained thereafter.

Reason: To cater for cycling, a sustainable mode of transport, having regard to Policy L4, L5 and L7 of the Trafford Core Strategy and the provisions of the National Planning Policy Framework.

7. Notwithstanding the approved plans, prior to commencement of development details of a bin store and side and rear site boundary treatment shall be submitted to and approved in writing by the Local Planning Authority. The details shall include detailed drawings at 1:50, materials schedule and capacity details for the bin store. The approved bin store shall be constructed and ready for use prior to the approved extensions first coming into use and shall be retained thereafter.

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

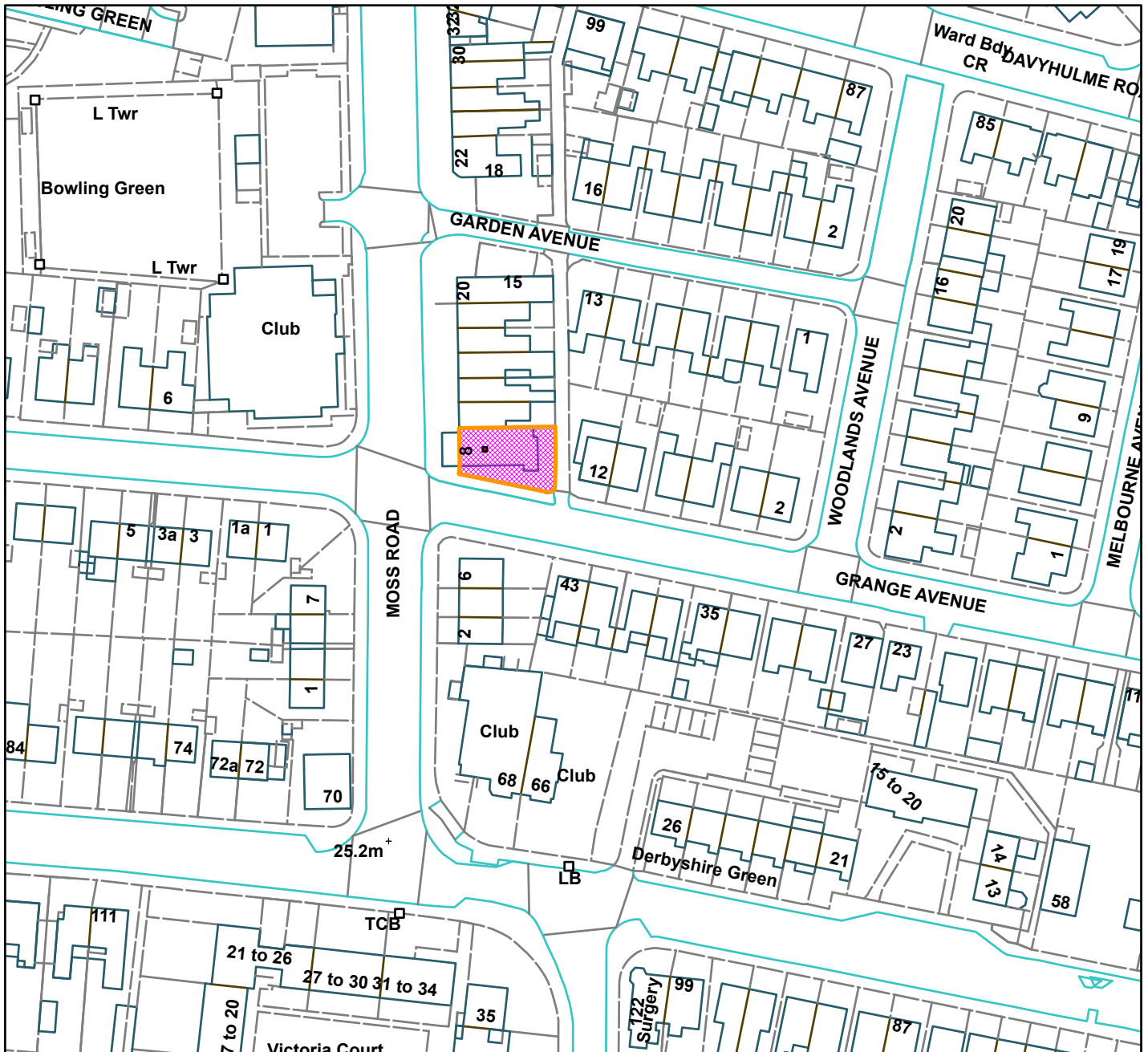
8. The loft floor of the property shall not be used as habitable accommodation unless planning permission for such use has first been granted by the Local Planning Authority.

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

GEN



8 Moss Road, Stretford (site hatched on plan)



Scale: 1:1,250

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Organisation	Trafford Council
Department	Planning Service
Comments	Committee Date 14/03/2024
Date	04/03/2024
MSA Number	AC0000809316 (2022)

WARD: Hale Barns &
Timperley South

112132/FUL/23

DEPARTURE: No

Demolition of existing dwelling and erection of 2no. detached 2.5 storey buildings to accommodate 4 apartments with associated access, landscaping and boundary treatment.

Old Meadow, Hawley Lane, Hale Barns Altrincham WA15 0DY

APPLICANT: Mr & Mrs Rosenblatt

AGENT: MSA Architects

RECOMMENDATION: GRANT

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

EXECUTIVE SUMMARY

The application relates to the redevelopment of Old Meadow on Hawley Lane in Hale, a residential site featuring a detached bungalow dwelling and surrounding gardens. Planning permission is sought for demolition of the existing dwelling and the erection of 2no. detached 2.5 storey buildings to accommodate 4 apartments, with associated access, landscaping and boundary treatment.

The proposed design would be in the form of gabled roof barns, with a contemporary vernacular approach. A central parking area is proposed, alongside gardens to the front, rear and east portion of the site. Small patios and pathways are proposed around the buildings. A bin store enclosure and two external bicycle stores are proposed.

The application has received objection letters from 14no. properties and support letters from 8no. properties. The main concerns raised relate to the principle of apartments, impact upon the character of the area, residential amenity, trees and parking/highways. 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. Policy R1 is also out of date in respect of heritage harm tests. Substantial weight is given to the moderate contribution that the proposed 3no. new residential units would make to the Council's housing land supply.

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 heritage policies which would provide a clear reason for refusing the development. There are also 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 is a detached bungalow dwelling located on the north side of Hawley Lane, on the roundabout junction with Wicker Lane and Chapel Lane in Hale. The site is roughly triangular in shape, narrowing to the east and features a driveway access in the south west corner. There are mature trees, hedges and shrubs to all boundaries.

The surrounding area features predominantly detached dwellings, of a variety of architectural styles, set within generally spacious gardens. The site of Springvale House and Barn (Grade II listed buildings) is adjacent to the north east boundary of the application site, although this is separated from the site by an access road leading to the Paddocks, a pair of detached dwellings adjacent to the north. Wicker House, a non-designated heritage asset, is located nearby on the roundabout to the south east.

The existing bungalow is constructed of white rendered walls, with gabled tiled roofs and dark aluminium framed windows/doors. There are front and rear patio areas, with the main gardens in the east and south parts of the site.

PROPOSAL

The application proposes demolition of the existing dwelling and the erection of 2no. detached 2.5 storey building accommodate 4 apartments with associated access, landscaping and boundary treatment.

Building 1 (containing plots 1 and 2) would be located within the west part of the site, orientated with main gables facing north to south. It would feature a smaller west side gable. Building 2 (plots 3 and 4) would be located in the east part of the site, orientated with main gables facing east to west. It would feature smaller north and south side gables. The architectural style is that of contemporary barns, featuring flat roof ground floor elements constructed of brick, above which are 1.5 storeys in an oblong shape featuring hanging tiles to roofs and elevations. To one main gable of each building are glazed apex windows with louvres and balconies. Juliet balconies and balconies are proposed on other parts of the buildings.

Proposed materials include brick, stone coping, timber cladding/louvres, hanging tiles, aluminium louvres and aluminium framed windows/doors.

The centre of the site would feature parking for 8no. cars, with driveway turning space and bicycle stores. A bin store is proposed adjacent to the pavement with a timber gate. The existing site entrance point would be relocated to the east and would feature stone walls/piers and a timber slatted gate. Paved paths and patio areas are proposed, alongside a variety of soft landscaping features including grass lawns, wildflowers, shrubs, hedges and trees.

The applicant has worked positively with the Local Planning Authority since the previous refused scheme at the site in making comprehensive design changes and other improvements.

Value Added

Amended plans were submitted to reduce the scale of the buildings, increase soft landscaping, increase timber cladding and remove front boundary brick walls railings. An updated tree survey was submitted to clarify tree removal. A road speed survey was also submitted.

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 Need
L4 – Sustainable Transport & Accessibility
L5 – Climate Change
L7 – Design
L8 – Planning Obligations
W1 - Economy
R1 – Historic Environment
R2 – Natural Environment
R3 – Green Infrastructure

OTHER PLANNING GUIDANCE

SPG1 – New Residential Development
SPD1 – Planning Obligations
SPD3 – Parking and Design
SPD4 – A Guide to Designing House Extensions & Alterations (somewhat relevant for facing distances/general amenity)
Nationally Described Space Standards

National Design Guide

PROPOSALS MAP NOTATION

Unallocated

PRINCIPAL RELEVANT REVISED UDP POLICIES/PROPOSALS

None

NATIONAL PLANNING POLICY FRAMEWORK (NPPF)

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

NATIONAL PLANNING PRACTICE GUIDANCE (NPPG)

The DLUHC published the National Planning Practice Guidance on 6 March 2014, and was last updated in February 2024. The NPPG will be referred to as appropriate in the report.

PLACES FOR EVERYONE (FORMERLY GREATER MANCHESTER SPATIAL FRAMEWORK 2020)

Places for Everyone (PfE) is a joint Development Plan Document being produced by nine Greater Manchester districts (Bolton, Bury, Manchester, Oldham, Rochdale, Salford, Tameside, Trafford and Wigan). It identifies the quantum of new housing and employment development, supports the delivery of key infrastructure, and protects environmental assets. The Plan was submitted to the Secretary of State for Levelling Up, Housing and Communities in February 2022, and its Examination in Public commenced on 02 November 2022. Hearings sessions concluded on 05 July 2023. Consultation on Main Modifications started on 11 October 2023 and closed on 6 December 2023. On 14 February 2024, the Inspectors' report was published, confirming that with the Main Modifications and further limited modifications suggested by the Inspectors, that Places for Everyone is sound and legally compliant. The Council intends to adopt the plan in March 2024, along with all the other authorities involved, and Places for Everyone will be formally adopted on 21 March 2024. Consequently the plan is as advanced as it can be without being adopted and thus very substantial weight can be attached to its policies.

Relevant policies:

- JP-H1 – Scale, Distribution and Phasing of New Housing Development
- JP-H3 – Type, Size and Design of New Housing
- JP-C5 – Walking and Cycling
- JP-C7 - Transport Requirements of New Development
- JP-P1 – Sustainable Places

- JP-P2 – Heritage
- JP-J1 - Supporting Long-Term Economic Growth:
- JP-S2 – Carbon and Energy
- JP-S5 – Flood Risk and the Water Environment
- JP-G6 – Urban Green Space
- JP-G7 – Trees and Woodland
- JP-G9 – A Net Enhancement of Biodiversity and Geodiversity

RELEVANT PLANNING HISTORY

107679/FUL/22 - Erection of 2 no. detached 2.5 storey dwellings to accommodate 4 apartments and associated access, landscaping boundary treatment following demolition of the existing dwelling. Refused 01.03.2023

107637/TPO/22 – Works to trees within TPO 274, specifically the removal of one ash tree. Consent to cut down 16.05.2022.

H/63901 - Erection of single storey extension on North, East and South elevations of dwelling including erection of attached garages. Approved with conditions 29.03.2006.

H/64634 - Erection of fence, gates and gateposts to frontage of dwelling following demolition of existing front boundary wall and gateposts. Approved with conditions 04.07.2006.

APPLICANT'S SUBMISSION

Design & Access and Heritage Statement
 Tree Survey/Method Statement
 Bat/Ecology Survey
 Road Speed Survey

CONSULTATIONS

Local Highways Authority –

No objection subject to suitable bicycle/bin storage, closing of existing access, construction of new access, visibility splays, parking, gate set back and submitted of Construction Method Statement. Happy to accept speed survey information and evidence of its conclusion.

Heritage Officer –

Based upon revised plans

Welcome the revisions. In particular the changes to boundary treatment including the reduction in height, removal of brick piers, walls and railings and also the removal of coping stones. The timber gate is also noted. It is advised this is the subject of a condition

to ensure it is completely timber and does not include a metal frame. Details of the bike and bin store will also be required.

The increase in timber cladding and soft landscaping is also an improvement. I do still have some reservation regarding the use of metal trims, louvres, balustrade and fenestration.

A condition asking for specifications and samples of materials is advised to ensure the quality of the scheme is fully delivered. The slight reduction in height and massing is also noted. This will increase the spaciousness, albeit marginally; I do still remain concerned about the increase in built form, density and hard landscaping on the site required to accommodate four dwellings as set out in my original response.

Taking into account the changes, I consider the harm has been reduced to moderate [less than substantial harm to the setting of Springvale and its associated barn, both GII] as well as minor to the setting of Wicker House NDHA. This harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use [208 NPPF] and a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset [209 NPPF].

United Utilities –

No objection, encourage that the surface water drainage hierarchy is followed. Give advice regarding any sewer connections and infrastructure protection.

Lead Local Flood Authority –

No objection, little change in impermeable surface area for surface water run-off.

Greater Manchester Ecology Unit –

No further information required relating to protected species. Make several recommendations in respect of external lighting, work avoiding main bird season, biodiversity enhancements, amphibian/mammal precautionary measures and general protected species informative.

Tree Officer –

No objection. Satisfied with soft planting scheme on proposed landscaping plan.

REPRESENTATIONS

In response to the original plans, objection representations were received from 13no. properties, summarised as follows:

- *Overlooking from higher level windows*
- *Loss of privacy particularly in winter*

- *Noise from 4 apartments and construction/demolition*
- *Increase in traffic and congestion on the road and a busy roundabout*
- *Road safety issue*
- *Visitors would have to park on Hawley Lane*
- *Safety concern for pedestrian and cyclists using already busy roads*
- *Obstruction from construction vehicles on road*
- *Should be no apartments on Hawley Lane*
- *Felling of trees would have negative impact*
- *Plans are overdevelopment*
- *Higher building and visibility more prominent than existing property*
- *Concern regarding retention of existing trees*
- *Development would be out of context*
- *Inappropriate for the location*
- *Erodes amenity from the size and height*
- *More pollution from vehicles*
- *History status of building next door should be taken into account*
- *Until recently a conservation area, concern regarding potential loss of trees*
- *Query whether bats have been taken into account*
- *Could set a precedent for apartments*
- *Quite ugly design*
- *Increase in service vehicles alongside owner vehicles*
- *Could be more than 8 cars*
- *One of the properties is left with minimal garden*

In response to the original plans, supporting representations were received from 8no. properties, summarised as follows:

- *Scheme would allow neighbours to stay in the community*
- *Beautiful contemporary design enhancing character of the area*
- *Respectful in terms of landscaping, scale and materials*
- *Favour contemporary design*
- *Would blend in well with surroundings and landscaping*
- *Development looks more like well-designed houses than block of flats. Appears well hidden*
- *Would provide three more desperately needed homes*
- *Important to make use of available land to provide a mixture of housing in local area*
- *People who are downsizing from larger detached homes are able to stay in the local community*
- *Congratulate architect coming up with a contemporary yet respectful design*
- *Need for more apartments in Hale Barns*
- *Many people have lived in large houses for many years, who would require more manageable properties, especially apartments*
- *Design is in keeping with all other new buildings in the area*

- *Very little suitable apartments in Hale Barns are for downsizing*
- *Plot is a good size for such development and makes good use of land*
- *Sympathetic design to the area*
- *Cannot see any issue regarding highways safety or increased traffic*
- *Happy to see retention of trees/hedges*
- *Would bring diversity to housing in the area*
- *Elegant apartment block enhancing area's diversity of high quality buildings.*

In response to the revised plans, objection representations were received from 5no. properties, summarised as follows:

- Object for same reasons as previously
- Amendments are minor
- Development too large for plot
- Do not resolve previously raised issues of impact on privacy and light
- Proximity issue
- Obscured glass does not provide comfort
- Basic amenity of privacy would be destroyed
- Double hedge out of keeping
- Highly detrimental to street scene
- Felling of mature trees would be environmental disaster
- New vehicles would add to chaos on roundabout and pedestrian impact
- Apartments do not belong on Hawley Lane
- Not all side windows identified as being obscure glazed and none as fixed closed
- Does not address original issues
- Development would impact on rural character

Cllr Butt representation received for original plans:

Wish to object to, and Call in, Planning Application 1122132/FUL/23, in its current form for the following reasons:

- *Was part of the conservation area but the site - which importantly represents the open aspect, character and amenity of the location - would be significantly degraded.*
- *The heights of the proposed development in perspective to neighbouring properties would be intrusive and diminish their current privacy in several parts of those premises.*
- *I believe a previous reason for refusal still stands that: 'The proposal would not improve the economic, social and environmental conditions of the area nor does it comply with the development plan and therefore does not comprise sustainable development...'*
- *The area is characteristically identified for its individual family dwellings and no apartment buildings.*

- *The proposed development facilitates the parking of at least 8 vehicles which would be added to with visitors. Access and egress of so many vehicles at busy times, on an already hazardous, larger sprawling roundabout with no central reservation, would create traffic issues and would be further danger to pedestrians as there are already no safe crossing points in this area.*
- *The close proximity to the local synagogue, St Ambrose College and Elmridge Primary School, coupled with its use as a rat-run for Hale Rd traffic at times of congestion or roadworks would compound the issues around highway and pedestrian safety.*

Cllr Butt representation received for revised plans:

Do not see any significant change within the revised plan which alters the original objections in line with the objections raised by the neighbouring residents.

OBSERVATIONS

PRINCIPLE OF DEVELOPMENT

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** (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 2023 NPPF, particularly where that policy is not substantially changed from the 2012 version. It is acknowledged that some policies, including those controlling the supply of housing are out of date, not least because of the Borough's lack of a five year housing land supply. However, other relevant policies remain up to date and can be given full weight in the determination of this application. Whether a Core Strategy policy is considered to be up to date or out of date is identified in each of the relevant sections of this report and appropriate weight given to it.
3. The NPPF is a material consideration in planning decisions, and as the Government's expression of planning policy and how this should be applied, should be given significant weight in the decision making process.
4. Paragraph 11 d) of the NPPF indicates that where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date, planning permission should be granted unless:

i. The application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

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

5. Policies controlling the supply of housing, as well as those relating to the proposal's heritage, design and amenity impacts are considered to be 'most important' for determining this application when considering the application against NPPF Paragraph 11.
6. 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. In relation to paragraph 11 d) (i), there is a protected asset of particular importance (a listed building) that is affected by the proposal and this is assessed in the heritage section below. If this does not generate a clear reason for refusal then the decision making framework moves onto paragraph 11(d)(ii) i.e. the tilted balance.
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. Policy R1 of Trafford Council's Core Strategy, relating to the historic environment, has been found to 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 inconsistent with the NPPF. The application will be assessed against the relevant provisions of the NPPF.

Housing Land Supply

8. The application proposal would deliver 4no. new residential apartments for private market housing in an established built up area. The net increase of 3no. residential units is a moderate contribution towards meeting the Borough's housing need, although substantial weight should still be afforded in the determination of this planning application. This is from the scheme's contribution towards addressing the identified housing shortfall, and meeting the Government's objective of securing a better balance between housing demand and supply.
9. The application site is located within a sustainable location within an established suburban area close to public transport links, local schools and other community facilities. The character of the area is generally that of large detached dwelling houses, located within good sized plots. The principle of apartments is considered acceptable in that the apartments would widen the choice of accommodation within

the area, whilst taking into account the high quality individual design of the development as well. The location of the site on a corner plot is also considered more suited to apartments. For example there is already more activity than elsewhere as a result of the roundabout junction and bus stops present outside the site.

10. The creation of the additional residential units and apartments is therefore acceptable in principle, terms of the Council's housing policies L1 and L2, alongside Places for Everyone Policy H1 and H3. This is subject to other material considerations being satisfactory, which are reviewed in the sections below. In addition there are likely to be a minor economic benefit during the construction phase of the development. The proposal would be under the threshold of 10 dwellings for affordable housing contributions.

HERITAGE

11. The application site is located adjacent to Springvale House and Barn (Grade II listed buildings and a designated heritage asset). The site is also opposite Wicker House (a non-designated heritage asset). The site forms part of the setting of these heritage assets. Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 States: 'In considering whether to grant planning permission (or permission in principle) for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State 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'.
12. The site and surrounding locality was removed from the South Hale Conservation Area in 2017 as part of Boundary Deletion G. This area as a whole features predominantly modern properties and was removed to focus the attention of the Conservation Area on the earlier properties of Victorian and Edwardian date, which are typically larger, are situated in larger plots or demonstrate more traditional design features and materials. This was in order to create a more distinctive character to the Conservation Area, with fewer mid to late 20th and early 21st century properties within the boundary. The application site still shares positive attributes though, such as the feeling of spaciousness, mature boundary treatment and a higher proportion of soft landscaping to built form.
13. Policy R1 of Trafford Council's Core Strategy, relating to the historic environment, has been found to 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 inconsistent with the NPPF. The application will be assessed against the relevant provisions of the NPPF. Of particular relevance are NPPF paragraphs 201, 202, 203, 205, 206, 207, 208 and 209.

Springvale House and Barn significance

14. Springvale is a large, detached dwelling constructed in 1808 for John Crampton, surveyor and school master. The tithe apportionments c.1842 indicate John Crampton was the owner & occupier of over 4 acres of land including a number of crofts & pasture to the west of the house and barn. The house was designed in the neo-classical style constructed over two storeys with a typical Georgian double depth, central staircase plan. The principal elevation is set back from Wicker Lane, accessed via a pedestrian gate and a separate vehicular access to the south. Symmetrical in design, the building is enlivened with classical detailing including a projecting stone plinth, dentilled eaves cornice, 6-panel door with fanlight, open pediment, Tuscan half columns and 16 pane sash windows. A flat roofed porch on Tuscan columns which was taken from the old Bowdon Station has been removed. A number of extensions have been added to the building and replaced during the 20th & 21st centuries.
15. The 'L' shaped barn to the west is believed to predate the house, identified in the listing description as late 18th century. The building has historically been linked to the house via an ancillary building since mid-19th century and has subsequently been altered and extended during 20th century. The barn is listed for its group value with the house; the two are now interconnected. Hale Barns is recorded as far back as the 17th century; nevertheless the Cheshire tithe map c.1842 indicates that during the 19th century, it continued to remain a small and isolated settlement. Springvale formed part of a much larger area of arable and pastoral land with dispersed farmsteads and historic field boundaries. Springvale is one of the few remaining historic farmsteads in the locality. The spacious nature of the surroundings helps understand its rural agricultural past, whilst contributing towards its aesthetic and historical illustrative significance.

Wicker House significance

16. This dwelling is one of the earliest brick built dwellings in the area, dating from the early 19th Century when agricultural was the predominant land use and source of employment. Wicker Hall alongside Springvale were the two main dwellings in the locality when they were originally built. The building is a double fronted, large cottage type dwelling with simple square plan form. There is good detail including stone window header key stones, brick voussoir headers, stone cills and timber framed front windows, alongside a slate roof with scallop features. There are twin chimneys and overhanging eaves with some exposed rafter edges. Overall there is a good level of architectural integrity and survival of historic fabric. The size of the plot and garden space around the dwelling contributes towards its significance. The dwelling is located in a very prominent position at the end of Wicker Lane on the roundabout. It is considered to be significant for its architectural and historic values, as well as its setting and context. The building has been identified as a non-designated heritage asset in accordance with Annex 2 NPPF.

Impact upon setting of Springvale and Barn

17. The proposed Building 2 would be sited so as to keep the eastern portion of the site undeveloped, which helps to retain appreciation of the heritage asset in views across this part of the site. Its east gable end would be in line with the rear elevation of The Barn at Springvale and would be set down in height compared to the main ridge line of Building 2. This breaks up the massing and reduces the prominence of this elevation from Springvale and the road. The application site also predominantly faces south west and Springvale/Barn faces north east, meaning the main site frontages are not seen in direct context of one another. A further sense of separation is provided by the roundabout.
18. A minimum 17.40m separation would be provided from the closest north gable elevation of Building 2 and the Barn, and a minimum 37m separation would be provided to the south gable of Springvale house itself. This siting in combination with the height, is considered to allow for a good amount of separation and 'breathing space' with these heritage assets. It is noted that both proposed buildings would be set notably further in from the north site boundary at main two storey level than the previous refused scheme. This, alongside the reduced high level massing, absence of large second floor glazing to rear gables and general proposed materiality would give less prominence from Springvale than previously proposed. The east portion of the site is also less developed.
19. In terms of the architectural style and form, the contemporary barn appearance takes cues from the Barn at Springvale and provides an interpretation of the original rural, agricultural setting. The use of red hanging tiles represents a traditional material, which would help the buildings assimilate into the landscape. Red colour bricks are present on the Barn at Springvale and no. 6 Hawley Lane. It is noted that hanging tiles are a feature of no. 11 Wicker Lane, on the east side of the roundabout. The end gables with apex glazing and louvre detail are not considered to appear overly dominant due to the high quality design.
20. In spite of the above factors, due to the scale of the buildings and sizeable plan form, there is considered to be some general visual intrusion and a loss of spaciousness adjacent to the site of Springvale. The increased prominence, hardstanding and height would erode the original undeveloped setting more than the existing property. It is this setting which helps in understanding the historic significance of the heritage asset. Whilst it is considered this understanding would still be possible with the proposed development, this would be to a lesser degree than existing. As a result the development overall is considered to cause (moderate) 'less than substantial harm' to the historic significance of this heritage asset in relation to paragraph 208 of the NPPF.

Impact upon setting of Wicker House

21. Wicker House is currently the main building of focus on the roundabout when viewed from the east. The proposed buildings, particularly Building 2 would be visible in direct context of Wicker House and there would be some distraction from

the historic emphasis on Wicker House in the street scene context. This is minimised somewhat by the intentional design feature of the east gable end being lower in height than the main part of the building. Building 2 would also be sited a generous 32.80m minimum away from Wicker House.

22. Taking the above into account, there is considered to be minor harm to the setting of Wicker House. The harm in relation to paragraph 209 of the NPPF is not considered to be an overriding prohibiting factor. This is when taking a balanced view of the scheme, alongside the minor level of harm and the significance of the heritage asset.

Heritage Conclusion

23. It is considered that the proposed buildings would cause (moderate) less than substantial harm to the setting of Springvale and Barn and minor harm to the setting of Wicker House, owing to the increase in built form on the site, loss of spaciousness and increased prominence. Due regard has been had to heritage assets in relation to Policy R1 of the Core Strategy and Policy JP-P2 of Places for Everyone.

24. In relation to paragraph 208 of the NPPF, there are public benefits identified from providing 3no. net additional high quality residential units and 4no. new apartments. This is through increasing housing supply and widening the choice of accommodation in the area. Economic benefits from the construction phase also represent a public benefit, albeit to a lesser degree, and meets Policy W1 of the Core Strategy and JP-J1 of Places for Everyone. There are also benefits from the high quality, sustainable design and layout of the buildings. The weighing of public benefits against the harm identified to the designated heritage asset is made in the conclusion section of this report.

DESIGN, LAYOUT AND VISUAL IMPACT

25. Paragraph 131 of the NPPF states that *“The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process”*.

26. Core Strategy Policy L7 requires that, in relation to matters of design, development must be: appropriate in its context; make best use of opportunities to improve the character and quality of an area; enhance the street scene or character of the area by appropriately addressing scale, density, height, massing, layout, elevation treatment, materials, hard and soft landscaping works, boundary treatment; and

make appropriate provision for open space, where appropriate, in accordance with Policy R5.

27. 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, together with associated SPDs and the Borough's draft design code. It can therefore be given full weight in the decision making process.
28. The siting and orientation of the proposed buildings would respond well to the shape of the site. The footprint of the buildings would occupy 21.70% of the plot, which is considered satisfactory and not excessive for the character of the area, whilst being reduced from the previous application footprint of 23.90%. The site is notably larger than all other sites in the immediate locality (aside from Springvale). For the upper storey elements, which would be most visible from outside the site, the figure would only be 16.70% of the site area. This is a reduction from the previous scheme equivalent of 19.10%. The shape and form of the two storey elements are considered to be much less imposing than the refusal scheme as well.
29. The previous design featured hipped roofs, rising up to top flat roof elements, which increased the effective high level roof line massing both front to back and side to side. There was a maximum roof height of 10.40m, compared to the suitable 9.50m now proposed. The site rises to the north and would be excavated in parts by up to 1.20m to sit the buildings into the ground. Whilst the scheme is considered acceptable in its own right, it is considered useful to make these comparisons with the previous refusal to demonstrate the difference.
30. The proposed scheme provides a contemporary take on a rural vernacular style, which is suited to the site and character of the locality. The buildings would be well proportioned and feature well sited/sized window and door openings, with conservation style roof lights. Two of the gables would feature apex glazing, with horizontal louvres to effectively break up the glazing. In terms of materials, the chamfered timber clad surrounds to the gables and aluminium fascias would soften the appearance of these elements. The hanging tiles on the main elevations would provide a traditional material for the bulk of the buildings, whilst also providing a more lightweight appearance than e.g. bricks. The brickwork to the single storey flat roof elements would provide a good contrast to the tiles and help break up the massing, whilst providing a solid base appearance. Soldier course detailing, coping and vertical timber louvres would provide visual interest and relief to the buildings.
31. In comparison the previous application architectural style was much more formal, with a double gable frontage to one of the buildings, alongside high chimneys and bay windows to both buildings. It featured an overall domestic scale which did not recede enough into the landscape character of the site, with the buildings appearing as two large detached houses. The greater separation now provided between the two buildings would allow for more views through the site from Hawley Lane compared to previously, contributing towards openness. The building elevations

that feature main habitable windows provide good boundary separation, unlike previously where rear elevations with main windows were sited too close to the rear site boundary. The scale of the buildings would be more prominent than the existing bungalow, however the increased visibility is not considered to be harmful in design terms, given the high quality, respectful and sympathetic appearance proposed.

32. Hardstanding would increase compared to existing due to footprint and parking (from 33.70% to 44.60% of the site area), although is lower than the previous application (50.90%). The arrangement of the central access drive allows cars to be parked away from the main elevations and relatively out of sight. The view through from the entrance would be focused more on the buildings, soft landscaping and boundary vegetation beyond. This is in contrast to the previous application, where a large horizontal expanse of hardstanding dominated the site frontage. High quality traditional block paving is proposed, as reviewed further in the landscaping section.

33. In summary the proposal is considered to comply with the provisions of Policy L7 of the Core Strategy, JP-P1 and the NPPF with regard to design.

RESIDENTIAL AMENITY

34. This section considers the potential amenity impact upon neighbouring residential properties. L7.3 states that “In relation to matters of amenity protection, development must:

- Be compatible with the surrounding area; and
- Not prejudice the amenity of the future occupiers of the development and/or occupants of adjacent properties by reason of overbearing, overshadowing, overlooking, visual intrusion, noise and/or disturbance, odour or in any other way”.

Impact upon no. 1 The Paddocks (neighbour to north)

35. Plot 2 within Building 1 features first and second floor north facing habitable room windows. These would be sited 11m away from the north site boundary line, and 25m away from the closest south side elevation of the neighbour. SPG1 stipulates a 10.50m boundary separation standard at first floor at 13.50m at second floor. 27m is stipulated between facing elevations across gardens, although this takes into account potential for 3m permitted development right extensions that could reduce this distance to the general 21m in a residential context.

36. The boundary separation distance at first floor complies with the standard, although the second floor window would need to be obscure glazed, to avoid overlooking from this higher level (with condition requiring this). The closest part of the east facing balcony to Building 1 is sited 13.50m in from the north boundary line.

37. The buildings could not extend in the future under permitted development rights due to being in apartment use. As such the proposed 25m facing distance is acceptable. It is also noted there are well established boundary trees and hedging between the properties which provide significant screening. In addition the application site sits at a lower land level than the no.1 The Paddocks, whilst Building 1 would be partially offset and at a slight angle away from this property. The closest ground floor side windows of this property are secondary windows to a living room, whilst the first floor side elevation window serves a bathroom. These windows would be largely blocked by existing evergreen boundary trees and hedging. The separation distance to the closest facing main windows of the neighbour (a kitchen/breakfast room) would be 33.70m. The main aspects of rooms in this property overall are to the north west and south east. New planting is also proposed on the boundary within the application site.
38. Taking the above factors into account, whilst there would be an increase in possible overlooking compared to the existing bungalow, it is not considered to be at a significant or unreasonable level, and not to any extent which could warrant a refusal on these grounds.
39. Building 1 would have increased prominence from this neighbour compared to the existing bungalow. However this is not considered to be at an overbearing level or cause any notable loss of light, given the large separation distance. There is considered to be minor visual intrusion possible from the north gable end of Building 1, whilst the west gable of Building 2 may be partially visible.

Impact upon Springvale Barn and House (neighbours to north east)

40. Building 2 would feature first floor north facing windows sited 5.30m increasing to 10.20m away from the north site boundary. These windows would not serve habitable rooms and should be obscure glazed by condition to avoid overlooking. Any possible lateral overlooking from the recessed gable balcony of Building 2 would only face onto the driveway area.
41. In terms of visual impact, there are windows in the south gable of the Barn, however these are understood to be secondary windows, and Building 2 would not cross past this elevation. The patio and garden of the Barn is sited 12m+ in from the shared boundary. There are also substantial trees on this boundary, along with separation provided by garages of the Barn. The north gable of Building 2 is also at a lower height than the rest of the building. Taking these factors into account, there is not considered to be any overbearing impact or undue visual intrusion on Springvale Barn. Any possible loss of light would be at a minor level, particularly taking into account the already substantial boundary trees. Building 1 is not considered to have any impact on Springvale Barn.

42. The significant separation distance with Springvale House (37m+), along with its private garden area being to the north side, means there is not considered to be any specific amenity impact on this property from the development.

Impact upon neighbours to South on Hawley Lane

43. The south gable of Building 1 would be sited a minimum 34.40m from Quinta and 34.60m from no. 3 Hawley Lane. Building 1 would be directly opposite the entrance to Elmsway Road rather than front elevations of these properties. This offset positioning, combined with the appropriate design, ensures that the building and its gable is not considered to appear overbearing or cause any undue visual intrusion within the street scene upon neighbours.
44. Building 2 at first floor would be sited a minimum 25.80m away from no. 1 Hawley Lane for its lower south side gable element, and minimum 30.50m from no. 3 Hawley Lane. The main glazed gable would face east to the roundabout, where a minimum 32.80m distance would be provided with Wicker House and a 50m+ facing distance would be provided with the property no. 11 Wicker Lane. Again this siting and separation is not considered to appear overbearing or cause any undue visual intrusion within the street scene for these neighbours. Window facing distances across the road would exceed the 21m standard for maintaining sufficient privacy.

Impact upon no. 6 Hawley Lane (neighbour to west)

45. The main two storey side elevation of Building 1 would be sited 20.70m away from this neighbour. The lower side gable elevation would be sited 17.50m away and largely opposite the ground floor utility room of this neighbour. The separation meets the typical standard of 15m (from SPD4), between a neighbouring elevation facing a side gable wall of the application building. The siting is considered sufficient to avoid an overbearing impact and undue visual intrusion from these more visible higher parts of the building. It is noted that no. 6 features other north and south side facing garden spaces, providing additional and alternative outlook and light.
46. Whilst there would likely be some loss of light from overshadowing in early morning, good sun light and day light levels are still considered possible for the property throughout the course of a day. The removal of T1 could have the effect of helping light levels for the east elevation/garden of the neighbour. Two first floor west side windows are proposed on Building 1 at 7m to 7.50m in from the boundary. These should be obscure glazed and fixed shut given the boundary proximity and to avoid elevated overlooking to the neighbour. The ground floor side windows are considered suitable to be clear glazed, given the strong intervening boundary treatment at this lower level. A condition is recommended to require retention of the existing established evergreen hedging on the west boundary, notwithstanding the landscaping plan details. The orientation of the Building 1 gable end balcony is to the south. Any possible lateral overlooking from this recessed balcony would be at

7.50m in from the west boundary and towards only a small part of the side garden of no. 6, whilst there is also substantial boundary screening present

Impact upon no. 4 The Coppice (neighbour to north west)

47. Again the separation distance of 20m+ and offset building siting is considered sufficient to avoid any significant or undue amenity impact on this neighbour. Any possible lateral overlooking from the rear juliet balcony would be at 15m+ from the west boundary line and 27m+ to the rear elevation of this neighbour, who also features a juliet balcony.

Amenity of future occupants of the development

48. All apartments exceed the National Space Standards and would feature good room sizes. Adequate windows would provide sufficient natural light and outlook. The ground floor apartments would feature patio areas providing outdoor amenity space. The first floor apartments would feature juliet balconies and small stand out balconies, also giving important outdoor amenity space.

49. The interface distance in the centre of the site between certain east and west facing rooms of the apartments is less than the typical 21m requirement (at around 10m to 13m). However it is noted that the windows are typically offset, rather than directly opposite and some of the windows are not for main habitable rooms. Any facing habitable rooms generally have alternative outlook. A lower standard of privacy in some areas can reasonably be expected, in that the proposal is an apartment scheme, with residents already having shared communal spaces.

50. Good hallway space would be provided, whilst lift access to all floors would contribute towards a high standard of accessibility, functionality and amenity.

ACCESS/HIGHWAYS, PARKING AND SERVICING

51. Policy L7 states that in relation to matters of functionality, development must:

- Incorporate vehicular access and egress which is satisfactorily located and laid out having regard to the need for highway safety;
- Provide sufficient off-street car and cycle parking, manoeuvring and operation space;

52. Paragraph 115 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*

53. SPD3 contains maximum car parking standards of 2no. spaces per two or three bedroom dwelling. Bicycle storage should be provided at a rate of 2no. allocated spaces.

Access

54. The existing site access would be blocked up and a new vehicular/pedestrian access created 15m further to the east on Hawley Lane. A speed survey has been carried out which demonstrates maximum 85th percentile approaching vehicle speeds of 20.24mph in the easterly direction. There is a speed hump located in between the roundabout and site entrance, which slow vehicles down towards the site.
55. Accordingly a 2m x 23m easterly visibility splay is shown to be achievable from the new site entrance to the near kerb line, which is considered sufficient based on the evidence provided. It is noted that visibility to the centre line of the road, which traffic is not expected to cross for the majority of the time given the proximity of the roundabout, would be greater than this figure. The new access is sited a sufficient distance away from the roundabout to be appropriate in highways safety terms. Sufficient visible is available in the westerly direction.
56. The new entrance gates would be set back from the kerblines by 6.50m, allowing cars to wait off the highway whilst gates open. There is sufficient space within the site itself for vehicles to exit in forward gear and the new access would be 4.50m wide to facilitate two way movements if so required.
57. Any increase in traffic as a result of the development is not considered to be significant and the scheme is only a minor development.

Parking

58. Parking would be provided at a rate of 2no. spaces for each apartment which is considered sufficient in relation to the standards from SPD3. The site is also in a sustainable urban location, with good access to shops, services, community facilities, and bus stops immediately outside the site.
59. It is noted that there are no parking restrictions on roads in the locality. It is considered reasonable that any visitors could park nearby on the highway if so required, or within the site itself with a small car/motorcycle. Bicycle storage would be provided for each apartment at a rate of 2 spaces each. These would be in secure, covered locations. Elevation details of the external store structures are required by way of a condition. There are no objections to the proposal from the local highways authority.

Servicing

60. An enclosed bin store is proposed within the site, adjacent to the front boundary in the location of the existing vehicular access. This would be of a sufficient size for the development and direct access would be provided to the road, allowing efficient collection on bin days. Whilst the LHA have requested the dropped kerb be fully

removed in this location, it is considered appropriate to leave a small section of the dropped kerb, to allow for ease of bin movements.

61. Taking the above into account, the development is considered to comply with policy L4 of the Core Strategy and policies JP-C5 and JP-C7 of Places for Everyone.

NOISE/DISTURBANCE

62. The use of the site would still be residential, although there would be a greater intensity of use than existing. Four of the parking spaces would be closer to the north site boundary than existing. However these spaces would be still be sited well away from the closest neighbours, with intervening boundary treatment. Given the relatively small number of apartments and continuing residential nature, there is not considered to be any significant or unreasonable level of noise/disturbance to neighbours. It is considered appropriate require details of any external lighting by condition, to ensure any such lighting is suitably located and not of excessive brightness.

TREES

63. The development proposes the removal of a large Category C Conifer hedge on the north east site boundary which is considered acceptable. It is noted that this would increase inter visibility with Springvale, however this is in a part of the site in front of the building line. T1 has been identified as a Category U tree and is proposed to be removed on safety grounds. This has also been approved separately under application 107637/TPO/22.
64. The TPO group of trees on the north site boundary would be enclosed by protection fencing for the construction period, as would the trees on the south boundary. Subject to the precautionary digging methods being following, as outlined in the submitted report, the scheme is not considered to adversely impact upon existing high value trees. There are no objections from the Council's Tree Officer. All retained trees should be protected during construction by way of a condition. The proposal is considered to comply with Policy R3 of the Core Strategy and policies JP-G6 and JP-G7 of Places for Everyone in this regard.

LANDSCAPING AND BOUNDARY TREATMENT

65. The general layout shown on the proposed landscaping scheme shows a good variety of shrubs and hedges/trees. Several native hedge and tree species are proposed. A least 1 tree per apartment is proposed in accordance with SPD1. Sufficient replacement planting is proposed for the removed Conifer hedge on the north east site boundary. It is recommended the well-established existing west boundary hedging is retained, notwithstanding the details on the landscaping scheme.

66. The brick walls within the site would help divide semi-private garden spaces from the parking area and are considered suitable. Patio areas would be small in size and pathways would be of a reasonable width. The main access area and parking spaces would be covered by different brick and stone block paving materials. This would provide a suitable high quality traditional appearance, breaking up and delineating the different areas.
67. The new front gates would be 1.50m high with a slatted timber design which is considered appropriate, allowing views into the site. Stone side walls and gate piers are proposed to the entrance, providing a sense of arrival. Stone is suitable in providing a traditional, more rural appearance typically found in Hale. To the pavement boundary of the new bin store, a new 1.80m high timber gate and posts are proposed, which is considered suitable for this short section, also being located alongside the fence of the adjacent substation. Materials details for boundary treatment are required by way of condition.

ECOLOGY

68. A bat roost assessment survey and subsequent emergence survey have been carried out for this protected species, taking into account demolition of the existing building. Results of the emergence survey showed no bats emergence activity from the buildings on site and this has been accepted by GMEU. No nesting bird behaviour was observed. Given the small scale of the scheme, biodiversity net gain is not required. Biodiversity enhancement measures are still recommended by way of new bat and bird boxes through condition. The landscaping scheme proposes native hedging which would contribute to biodiversity, alongside other trees and shrubs proposed. The Ecology report identifies precautionary measures for vegetation removal which are recommended to be included by condition. Such measures are re-iterated by GMEU. Mammal and amphibian precautionary measures are recommended as an informative only. Appropriate external lighting by way of a condition would also be to the benefit of wildlife protection. Taking the above into account, the proposal is considered to comply with Policy R2 of the Core Strategy.

CLIMATE CHANGE

69. The scheme has been designed to 'Passivhaus' principles. Good sized windows are shown throughout, minimising reliance on artificial light. Louvres would help minimise overheating to large glazed gables, whilst large window reveals would also provide some relief in mid-summer. High air tightness and insulation proposed would reduce heat loss. Natural ventilation would be achievable for the majority of rooms which feature windows on two elevations, allowing cross air flow. The majority of windows are to the south, east and west elevations, allowing natural solar gain and minimising heat loss to the north. It is noted that the use of air source heat pumps are being explored. A rated white goods and led lighting bulbs are proposed.

70. Sedum planting to the flat roofs would slow down the rate of surface water run-off. The timber elements of the buildings are a sustainable, renewable material. No on site renewable energy measures are proposed and it is acknowledged that these could otherwise have a strong visual impact e.g. from solar panels. One electric vehicle charging space per apartment would be expected to be provided as part of new Building Regulations. The site is located in a sustainable location, helping to minimise reliance on private cars for travel and associated emissions. It is considered that the scheme has been designed with energy efficiency in mind, whilst falling below the threshold from Policy G3 and L5 of the Core Strategy. The scheme also meets the aims of Policy JP-S2 of Places for Everyone.

71. A condition requiring an exceedance above current Building Regulations by a minimum 15% is considered necessary, to help secure the design and environmental benefits that are proposed.

ACCESSIBILITY AND EQUALITY

72. Building Regulations 2010 in The Access to and Use of Buildings (2010) document, part M(4)1, 2, and 3 requires where possible, dwellings to be suitably accessible for all people, adaptable and wheelchair friendly.

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. 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.

76. The apartments would be constructed with level threshold entrance doors and lift access to the upper floors. There is also good circulation space provided in the majority of rooms and hallways. This would provide good access and functionality for all future residents, including wheelchair users and the less mobile.

77. 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

78. This proposal would create 844sqm of gross residential floor space in the form of apartments. Taking into account demolition of the existing dwelling, 533sqm of net additional residential floor space is proposed. The site is located in the 'hot charging zone' and the development would be liable to a Community Infrastructure Levy (CIL) payment of £65 per square metre.

PLANNING BALANCE AND CONCLUSION

79. 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 making. The NPPF is an important material consideration.

80. NPPF Paragraph 11d 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 is that planning permission should be granted unless either paragraph 11d (i) or paragraph 11d (ii) mean otherwise.

81. Paragraph 11d (i) and (ii) are engaged due to Core Strategy Policy L2 being out-of-date given the absence of a five year housing land supply, as well as policy R1 being out of date due to inconsistency with the NPPF.

82. In weighing the planning balance, the benefits of the proposal need to be weighed against the adverse impacts, as outlined below.

Benefits of the scheme

83. The proposed development would create 3no. net additional residential units on the site and provide 4no. new apartments in a sustainable location. This helps address the Borough's housing supply shortfall, adds to the housing mix and provides social benefits. As such this is afforded substantial weight.
84. The buildings would have a high quality design/appearance which would contribute positively to the character of the area. A sensitive contemporary form and materiality is proposed. This is afforded substantial weight.
85. The scheme has been designed to Passivhaus principles with a sustainable layout, design, building fabric and lower energy usage. A condition securing 15% improvement above current Building Regulations is recommended. This is afforded moderate weight.
86. High quality living accommodation is proposed which would provide a good standard of residential amenity. Level entrances and lift access to all floors are incorporated. This is afforded moderate weight.
87. Small scale economic and employment benefits of the development are identified from the construction phase. These are afforded limited weight.

Harms of the scheme

88. Less than substantial (moderate) harm is identified to the setting of Springvale House and Barn (Grade II listed) alongside minor harm to the setting of Wicker House (a non-designated heritage asset). This is afforded great weight.
89. There would be a minor increase in actual and perceived overlooking, alongside some visual intrusion to immediate neighbours no. 1 The Paddocks and no. 6 Hawley Lane. A minor loss of light is expected for no. 6. These factors are afforded limited weight.

Conclusion

90. In relation to the less than substantial harm identified to the setting of the Springvale House and Barn (Grade II listed), the social benefits of increased housing supply, the social, environmental and economic benefits of good design, and the economic benefits of the construction phase is considered to outweigh this harm, against paragraph 208 of the NPPF. Taking into account paragraph 11d) i of the NPPF, the application of heritage policies which protect an asset of particular importance (Springvale House and Barn), is not considered to provide a clear reason for refusing the development. When taking a balanced view of the impact upon Wicker House as well (a non-designated heritage asset), this is not considered to preclude the development, against paragraph 209 of the NPPF.

91. The proposal not considered to have any significant or unreasonable amenity impact upon neighbouring properties. Material considerations including access, parking, ecology, trees and drainage have been found acceptable. Also taking paragraph 11d) ii of the NPPF into account, it is considered that there are no adverse impacts (harms) identified from granting planning permission, which would significantly and demonstrably outweigh the benefits identified above. The application is recommended for approval with conditions.

RECOMMENDATION

GRANT subject to the following conditions:

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

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

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

1919 PL 027 A (location plan);
1919 PL 050 C (proposed block plan);
1919 PL 051 C (proposed site plan);
1919 PL 080 B (entrance arrangement);
1919 PL 052 A (plots 1+2 ground floor plan);
1919 PL 053 A (plot 2 first floor plan);
1919 PL 054 A (plot 2 second floor plan);
1919 PL 055 A (plots 1+2 roof plan);
1919 PL 056 A (plots 1+2 elevation I);
1919 PL 057 A (plots 1+2 elevation II);
1919 PL 058 A (plots 3+4 ground floor plan);
1919 PL 059 A (plots 3+4 first floor plan);
1919 PL 060 A (plot 4 second floor plan);
1919 PL 061 A (plots 3+4 roof plan);
1919 PL 062 A (plots 3+4 elevation I);
1919 PL 063 A (plots 3+4 elevation II);
1919 PL 071 B (street scene);
1919 PL 072 A (section plan);
270-RE-01 P4 (landscape concept plan);
0270-LA-01 P7 (landscape layout)

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

3. Notwithstanding any description of materials in the application no external works involving the use of any materials listed below

Bricks, roof and elevation tiles, windows, doors, roof lights, stone copings, fascias, louvres, timber cladding, balustrades, rainwater goods, front boundary stonework/gates and landscaping paving

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

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

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any equivalent Order following the amendment, re-enactment or revocation thereof), upon first installation the first floor windows in the west elevation of Plot 2 and north elevation of Plots 3 and 4, and the second floor window in the north elevation of Plot 2 shall be:

a) non-opening up to a height of 1.70m above finished floor level

b) fitted with textured glass which obscuration level is no less than Level 3 of the Pilkington Glass scale (or equivalent); and shall be 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.

5. External roof edges, window/door setbacks, guttering, brick elevation features, timber elevation features and balconies shall be constructed as typically shown in the submitted building section drawings on pages 22, 23, 24 and 25 of the Design & Access Statement Rev B.

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

6. Prior to first occupation of the development, details including the location and specification of external lighting shall be submitted to and approved in writing by the Local Planning Authority. The lighting shall be installed and retained as approved thereafter.

Reason: In the interests of amenity and wildlife protection, having regard to Policy R2 and L7 of the Trafford Core Strategy and the provisions of the National Planning Policy Framework.

7. Prior to first occupation of the development, elevation details of the external bicycle stores for Plots 2 and 4 shall be submitted to and approved in writing by the Local Planning Authority. The approved stores shall be installed on site prior to occupation of the development.

Reason: To cater for cycling, a sustainable mode of transport, having regard to Policy L4, L5 and L7 of the Trafford Core Strategy and the provisions of the National Planning Policy Framework.

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

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

9. a) The soft and hard landscaping of the site shall be carried out in accordance with the details shown on drawing numbers: 270-RE-01 P4 (landscape concept plan) and 0270-LA-01 P7 (landscape layout) and the document titled: Landscape Strategy Report Rev: P3 and implemented within the next planting season following final completion of building works.

(b) Any trees, hedges 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

10. Notwithstanding Condition 9, the existing evergreen hedging to the west site boundary shall be retained in situ and if this hedging becomes seriously damaged, diseased or dies back, it shall be replaced with a similar evergreen species in the same location of a minimum height of 1.50 metres.

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

11. Construction works in proximity to existing trees shall be carried out in accordance with the precautionary measures identified within the submitted Arboricultural Method Statement, reference: TRE/OMHL/Rev E

Reason: In order to protect 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

12. No development or works of site preparation shall take place until all trees that are to be retained within or adjacent to the site have been enclosed with temporary protective fencing in accordance with BS:5837:2012 'Trees in relation to design, demolition and construction. Recommendations'. 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 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.

13. 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.

14. Prior to first occupation of the development, details including the location and type of 3 x bat boxes and 3 x bird boxes within the site shall be submitted to and approved in writing by the Local Planning Authority. The boxes shall be installed in accordance with the approved details thereafter.

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

15. 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.

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

16. The site entrance visibility splays as shown on drawing number 1919 PL 050 C shall be kept free of obstruction above a height of 0.60 metres for the lifetime of the development.

Reason: In the interests of highways safety and site access, having regard to Policy L4 of the Trafford Core Strategy and the provisions of the National Planning Policy Framework.

17. Prior to the first occupation of the development the means of access and the areas for the movement and parking of vehicles shall be 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.

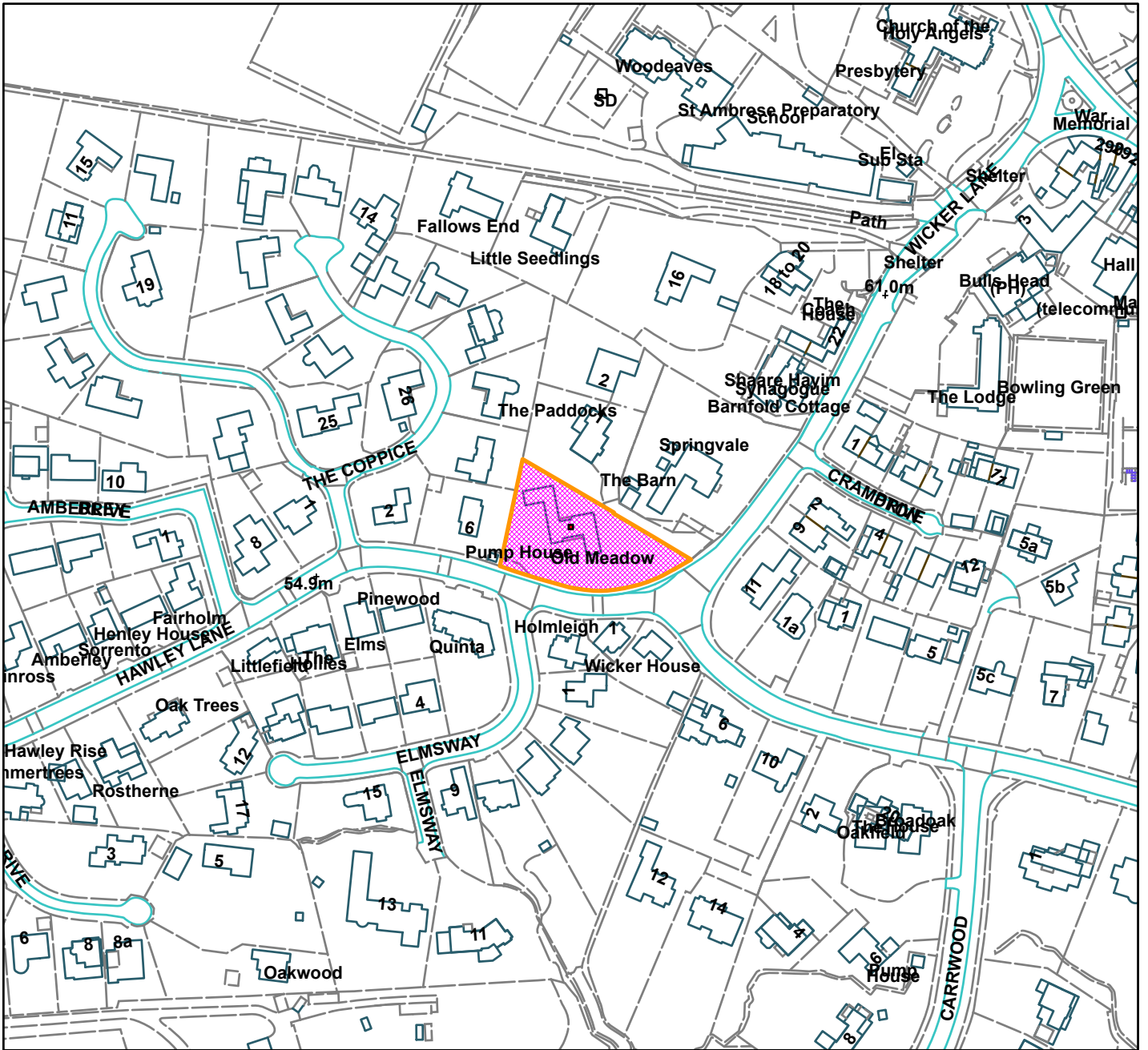
18. The fabric of the buildings shall be designed and constructed in order to achieve a minimum CO2 reduction of 15% above current building regulations.

Reason: In the interests of sustainability and climate change, having regard to Policy L5 of the Trafford Core Strategy and the provisions of the National Planning Policy Framework.

GEN



Old Meadow, Hawley Lan, Hale Barns (site hatched on plan)



Scale: 1:2,500

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Organisation	Trafford Council
Department	Planning Service
Comments	Committee Date 14/03/2024
Date	04/03/2024
MSA Number	AC0000809316 (2022)

WARD: Longford

112469/FUL/23

DEPARTURE: NO

Erection of bungalow and widening of existing access with associated parking.

Land To The Rear 3 Cromwell Road, Stretford, Manchester, M32 8GH

APPLICANT: Mosscafe St. Vincent's Housing Group

AGENT: Pozzoni

RECOMMENDATION: GRANT, SUBJECT TO CONDITIONS

The application has been referred to the Planning and Development Management Committee following a call-in request by Cllr. David Jarman, and more than six representations have been received contrary to officer recommendation.

EXECUTIVE SUMMARY

This proposal is an exact resubmission of planning application reference 101470/FUL/20, which was approved with conditions by the planning committee on 14/05/2021. This permission is still extant and will expire in May 2024. The applicant wishes to extend the permission for a further three years. The site and surrounding context has not changed, and therefore the majority of this assessment remains consistent with the previous officer report.

The application relates to a piece of land at the rear of residential properties on Edge Lane and also on Cromwell Road. The application proposes the erection of a dwelling following the demolition of an existing garage. A single-storey bungalow is proposed which would provide two bedrooms.

The application has received objection letters from 8no. properties and neutral letters from 1no. property. The main concerns raised relate to the principle of development, residential amenity, impact upon the Japanese Knotweed, and parking/highways. All representations have been duly noted and considered as part of the application appraisal.

The site is well-located in an established residential area and considered to be a suitable location for new housing in principle. That being the case, the proposal comprises a form of backland/tandem development. SPG1 identifies a number of potential problems with this type of arrangement. Conclusions regarding whether this application is acceptable have been contingent on a successful assessment of the impacts arising on residential and visual amenity. The fact that the application scheme can utilise an existing, dedicated access sets it apart from most such proposals. In addition, the low-lying nature of the development and its small footprint has also worked in its favour. It has been concluded that the proposal would satisfactorily fit onto the site without significant, adverse residential or visual amenity effects. The proposal has been found to be acceptable in all other respects.

The proposal would deliver some benefits, chiefly derived from its ability to contribute to housing supply targets, albeit very modestly. Whilst it is accepted that there would be a limited degree of harm (to residential and visual amenity), it is concluded that the adverse impacts arising would not *significantly and demonstrably* outweigh the benefits. Thus, it is recommended that planning permission, with conditions, is granted.

SITE

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

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

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

PROPOSAL

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

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

It is noted that the heritage statement submitted with this application is incorrect, as it refers to two dormer bungalows. This statement has therefore not been used within the assessment.

The application is an exact resubmission of application reference 101470/FUL/20, which was approved with conditions in 2021, and is still extant.

Value Added

Following a request from the planning officer, amended site and ground floor plans were submitted, which show four bin spaces.

DEVELOPMENT PLAN

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

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

PRINCIPAL RELEVANT CORE STRATEGY POLICIES

L1 – Land for New Homes
L2 – Meeting Housing Needs
L4 – Sustainable Transport and Accessibility
L5 – Climate Change
L7 – Design
R1 – Historic Environment
R2 – Natural Environment
R3 – Green Infrastructure

PRINCIPAL RELEVANT REVISED UDP POLICIES/PROPOSALS

None

PROPOSALS MAP NOTATION

Unallocated

SUPPLEMENTARY PLANNING GUIDANCE

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

SUPPLEMENTARY PLANNING DOCUMENTS

SPG1: New Residential Development

PLACES FOR EVERYONE

Places for Everyone (PfE) is a joint Development Plan Document being produced by nine Greater Manchester districts (Bolton, Bury, Manchester, Oldham, Rochdale, Salford, Tameside, Trafford and Wigan). It identifies the quantum of new housing and employment development, supports the delivery of key infrastructure, and protects environmental assets. The Plan was submitted to the Secretary of State for Levelling Up, Housing and Communities in February 2022, and its Examination in Public commenced on 02 November 2022. Hearings sessions concluded on 05 July 2023. Consultation on Main Modifications started on 11 October 2023 and closed on 6 December 2023. On 14 February 2024, the Inspectors' report was published, confirming that with the Main Modifications and further limited modifications suggested by the Inspectors, that Places for Everyone is sound and legally compliant. The Council intends to adopt the plan in March 2024, along with all the other authorities involved, and Places for Everyone will be formally adopted on 21 March 2024. Consequently the plan is as advanced as it can be without being adopted and thus very substantial weight can be attached to its policies.

Emerging policies relevant to this application are:

JP-G9 – A Net Enhancement of Biodiversity and Geodiversity
JP-H3 - Type, Size and Design of New Housing
JP-P1 - Sustainable Places
JP-S1 - Sustainable Development
JP-P2 – Heritage

NATIONAL PLANNING POLICY FRAMEWORK (NPPF)

The DLUHC published the latest version of the National Planning Policy Framework (NPPF) on 19 December 2023. The NPPF will be referred to as appropriate in the report.

NATIONAL PLANNING PRACTICE GUIDANCE (NPPG)

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

RELEVANT PLANNING HISTORY

101470/FUL/20 - The erection of 1no. Single-storey bungalow and widening of the existing access with associated parking (following demolition of garage). Approved with conditions on 14.05.2021.

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

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

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

APPLICANT'S SUBMISSION

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

Tree Survey and Arboricultural Impact Assessment
Design and Access Statement
Heritage Statement (not accurate)

CONSULTATIONS

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

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

Trafford Council Design and Heritage Manager – Confirms that her comments and position on this proposal remain unchanged.

Comments from application 101470/FUL/20: No objection, subject to condition (to request full design details of the windows and doors, to ensure conservation-style rooflights, to provide for overhanging eaves, and to require a brick sample panel).

Trafford Council Lead Local Flood Authority – No objection, subject to informative.

Trafford Council Pollution and Licensing (Contaminated Land) – No comments/objections.

Trafford Council Pollution and Licensing (Nuisance) – No objection, subject to condition to implement measures to limit noise.

Trafford Council Tree Officer – No objection, subject to conditions (to ensure that retained trees are protected, and to secure replacement tree planting within landscape scheme).

Trafford Council Waste Management – Requested amended plans to show four bin spaces at the dwelling.

REPRESENTATIONS

Nine letters of representation have been received, eight of which object to the application, and one neutral response was received. The key issues raised can be summarised as:

Objections:

- Proposed construction poses a serious threat to the Japanese Knotweed.
- The proposed entrance to the parking access is situated opposite the Low Traffic Neighbourhoods barriers. Removing these barriers contradicts the success of the Council's low-traffic scheme, introducing more pollution and traffic to the area.
- New entrance poses a danger to the protected cycle highway along Edge Lane.
- This space is a habitat for over a dozen protected species. The bungalow would result in the destruction of their homes, leading to the demise of these vital habitats.
- Development is 'backland development' which should not be happening so close to their property.
- Heritage statement is outdated.
- Development would be overbearing – with a blank wall being positioned under 10.5m between neighbour's windows, and the wall.
- The garden at no. 3 Cromwell Road helps to prevent flooding in an area identified as high-risk by the council's flood risk maps. Notes that it is imperative that we preserve natural flooding buffers to prevent damage to homes and those of our neighbours.
- Concerns raised regarding impact of the development on the communal garden of no. 105-111 Edge Lane, and the well-being of the residents of these gardens. The garden serves as a sanctuary for residents, fostering a sense of community and providing solace during challenging times.
- The application violates numerous clauses in the council's planning guidelines and the green policy for new residential developments.
- The communal garden at no. 105/7 Edge Lane is used for growing food, and is a safe place for many residents. The development will disrupt their wildlife, and the land they use to grow food.
- Notes that the communal garden belongs to 105/107 Edge Lane, and not 3 Cromwell Road.
- The building work will distress the wildlife, and the noise will affect people's sleeping patterns.
- Women cannot have windows/blinds open, due to male builders being outside, which is unacceptable.

Neutral:

- Understand that the project will be approved. Seek assurances that their privacy will be respected. Concerns that the boundary wall will be retained.

- Parking in this area if a major concerns, and request that every effort will be made to restrict traffic and that building noise will be restricted to a minimum.
- The proposed building of the bungalow and parking will be looking into their bedrooms on ground floors.
- Will impact on privacy of flats on Edge Lane, and they will be left with no garden.

Officer comments: All planning related issues will be addressed within the assessment below.

OBSERVATIONS

The Decision-taking Framework

1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material consideration in planning decisions.
2. The NPPF, at paragraph 11, introduces ‘the presumption in favour of sustainable development.’ For decision-taking purposes, paragraph 11c explains that ‘the presumption in favour’ means approving development proposals that accord with an up-to-date development plan without delay. However, where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, paragraph 11d advises that planning permission should be granted unless:
 - i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
3. Policies relating to the provision of housing, those controlling the protection of heritage assets, and design and amenity are considered to be ‘most important’ for determining this application when considering the application against NPPF Paragraph 11.
4. For applications involving the provision of housing, Footnote 8 confirms that ‘out-of-date’ includes situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites. This Council does not have a five year supply. Thus, paragraph 11d provides the decision-taking framework for this application and the tilted balance is engaged.
5. With reference to 11 d (i), the development is located within the setting of a listed building and Conservation Area. The heritage assessment below finds that the

proposal would cause no harm to these assets. Therefore paragraph 11 d (i) is not engaged.

6. Core Strategy Policy L7 relating to design and amenity is considered to be compliant with the NPPF and therefore up to date. Policy R1 of Trafford Council's Core Strategy, relating to the historic environment, has been found to 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 inconsistent in this respect. However, its primary focus, which is the protection of heritage assets, is aligned with the NPPF.

The Principle of Residential Development

7. With reference to the Proposals Map accompanying the statutory development plan, the application site is unallocated (consistent with other surrounding residential properties). It is situated within an existing built up area, close to local amenities and services as well as transport infrastructure (including public transport; both buses and the Metrolink). The site (historically) formed part of a residential garden (now utilised by the apartment tenants) and is located in an area where housing predominates. It is therefore considered that this is an area where a further residential use would be acceptable in principle.
8. That being the case, it is acknowledged that the application site is of an unusual configuration and that this is not a natural infill plot. The proposal essentially involves the erection of a dwelling on the back part of a long garden. The development of such sites is commonly known as backland or tandem development. The equivalent garden of the adjacent property (nos. 109 to 111 Edge Lane) was developed several decades ago (it is understood) and now accommodates a bungalow (at no. 3 Cromwell Road). This development benefits from a frontage to Cromwell Road. The application site, however, does not have this feature. The majority of the site is encircled by surrounding residential properties and their gardens. It has very limited street frontage with only a narrow driveway leading to Cromwell Road.
9. SPG1: New Residential Development (2004) refers specifically to backland or tandem development, described as the placing of one dwelling behind another within a single plot. The guidance note continues by identifying a number of problems with this type of arrangement, encompassing both residential and visual amenity issues. As a consequence, tandem development 'will not normally be acceptable,' the SPG advises. However, there can be some instances where this form of development could work and the harm that the SPG anticipates may not occur or may be satisfactorily reduced. It is considered that this is a site which warrant this further exploration. The key factor in favour of this site is that it has its own dedicated access; there would be no shared access from the road. Moreover, this is an established driveway which, it is to be assumed, has been

used over time for the parking of vehicles (although not recently observed, it is accepted).

10. Accordingly, the visual, residential and amenity impacts of the development have been very carefully considered and are covered elsewhere in this report. The Central government's ambitions of significantly boosting the supply of housing are embodied in the NPPF. Policy L2 of the Core Strategy (which is generally regarded as being up-to-date) is clear that all new residential proposals will be assessed for the contribution that would be made to meeting the Borough's housing requirement. Whilst only providing one 2-bed dwelling (which could either be for market sale or some form of affordable housing), nonetheless the ability to contribute to the housing supply position is a matter which weighs in the application's favour.
11. Accordingly, whether the proposed development is wholly acceptable in principle in this case is contingent on successful conclusions being drawn on matters of visual and residential amenity. In signalling the outcome of these assessments, as described in detail in due course, it is concluded that the proposed development is within acceptable technical limits; thus, this is a suitable backland/tandem proposal *in this location and for this site*.

Design and Visual Amenity

12. The promotion of high standards of design is a central narrative within the NPPF. At paragraph 131 it is explained that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. In further promoting well-designed planning outcomes, in October 2019 the Government published its National Design Guide (NDG). The Core Strategy also attaches importance to the design and quality of the Borough's built environment. The text supporting Policy L7 advises that high quality design is a key factor in improving the quality of places and in delivering environmentally sustainable developments. Design solutions must: be appropriate to their context; and enhance the street scene by appropriately addressing scale, density, height, massing, layout, elevational treatment, materials, hard and soft landscaping, and boundary treatments, the policy is clear. Policy L7 is considered to be compliant with the NPPF, and therefore up-to-date for the purpose of decision-taking.
13. The NDG explains that a well-designed development is unlikely to be achieved by focusing only on the appearance, materials and detailing of buildings. Rather, it comes about through making the right choices on matters of layout, and of form and scale, it continues. Layout is a central consideration in the context of this proposal. One of the key visual amenity concerns arising from backland/tandem development is that it could undermine the character of a streetscene by not respecting the prevailing urban grain. It is noted that there is a strong grid-like structure to the residential streets including and surrounding the application site,

with dwellings positioned towards each frontage on roads which run parallel to each other. There are very few examples of this being breached. The proposed development, however, would be at odds with the established pattern of development blocks and plots. However, the next stage assessment is the extent to which this 'infringement' would be perceived, particularly from public view points. In the case of this proposal, this is reduced as a consequence of the proposed bungalow's form and scale.

14. The development has a modest footprint. In addition, it is low-lying in offering accommodation at ground floor level only. Indeed, it is considered that matters of form and scale have been used effectively in this case and that the proposal would not be unduly noticeable behind existing developments, being of low stature and being naturally set back. Whilst it is accepted that two-storey properties dominate in this locality, within this there is a range of building styles and eras and thus some variation in building height. Furthermore, there is in fact an isolated bungalow directly adjacent to the site (no. 3 Cromwell Road) and others along Cromwell Road. The proposed bungalow would not be unduly obtrusive and would have limited visibility in any event. At its most noticeable, in views down the driveway from Cromwell Road, it would be seen in the background of no. 3 Cromwell Road, although the existing garage is in fact more prominent from this aspect, it is considered.
15. It is also noted that the proposed development still allows for space to be retained at plot boundaries and would offer decent garden space for the prospective resident. The development would thus not be cramped within the plot or appear as overdevelopment; a further common feature of backland/tandem development which can harm the character of an area.
16. Overall, it is maintained that backland/tandem development, from a visual amenity perspective, is not generally preferred and that in this case there would still be some departure from the locality's characteristics, particularly in terms of urban grain and house type. However, it is considered that some careful planning has been applied to this proposal with the effect being that the extent of tangible visual harm would be limited. This is as a consequence of the proposed development's small scale (particularly its height) and its naturally concealed positioning. A further improved arrangement, in visual amenity terms, would be an adjusted siting towards the northern part of the site, thereby better reflecting the layout of no. 3 Cromwell Road. However, this has been dismissed by the applicant since it would result in further tree loss, and it is accepted that the retention of trees is generally beneficial in further adding to the site's discrete character and providing some screening. Furthermore, it is recognised that there would be knock-on residential amenity impacts as a consequence of the two bungalows' more adjacent positioning.
17. In turning to matters of appearance, the proposed bungalow is of a traditional form and massing with a pitched roof and simplified openings. The proposal

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

18. With reference to boundary treatments, the proposal involves the retention of existing brick walling to the western and northern boundaries, and of the fencing to the boundaries with no. 3 Cromwell Road. Whilst the proposal has always allowed for the retention of a brick wall to the south at the boundary with nos. 109/111 Edge Lane, the new boundary treatment to be introduced to separate the proposed bungalow from nos. 105/107 Edge Lane was initially proposed as fencing. Concerns were raised by the Heritage Development manager within application 101470/FUL/20, regarding the use of fencing in this location, which was felt to have an unduly hard and unrelieved appearance which would be observed in views of the listed building from Edge Lane. It has since, however, been changed to a brick boundary to link up with existing walling to the north and east. Fencing is proposed to align the Cromwell Road driveway, however, and is considered acceptable in this location.
19. The proposed layout and form/scale of the building is considered to be of an adequate standard such that this backland/tandem development would not cause undue harm to the local, physical environment. The fact that the proposed bungalow is of a good design - in terms of materials, appearance and detailing - further supports this conclusion. However, it is considered crucial that this quality in design is not diminished. Thus, it is important to impose a series of design-led conditions, for example to secure full material samples (including for hard landscaping) and concerning window/door design, to guarantee a well-designed development on implementation.
20. To conclude on matters of design, it is considered that the proposed development as a whole satisfies the requirements of Policy L7, JP-P1 of PfE, and is also compliant with the NPPF and NDG.

Impact on Heritage Assets

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

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

22. To reiterate, there are two heritage assets within the site’s locality (both designated): the Grade II listed former Union Baptist Church and the Longford Conservation Area (LCA). The site is not within the latter but is a short distance from its western boundary. However, from the outset no issue has been raised in respect of the impact on the setting of the LCA in view of the lack of functional and aesthetic connectivity between the site and this heritage asset and that the proposed bungalow would not generally be observed in views towards or encompassing the LCA. However, concerns regarding the impact on the setting of the listed building did originally feature in the consultation responses of the Heritage Development manager within planning application 101470/FUL/20.
23. The former Union Baptist Church is a large and prominent building, with its principal elevation facing Edge Lane. It dates from the 1860s and is constructed in brick with an ashlar stone façade to the front. It is of Classical style with substantial columns supporting a central pediment and a stained glass feature window. It sits adjacent to 105/107 Edge Lane, and an oblique view of the application site can be seen from Edge Lane provided by a gap in the built form. The trees within the site, and on an adjacent site, and the spaciousness of the application site form a backdrop to the listed building in this view.
24. As has been reported, there were some initial concerns raised by the Heritage manager within the original application - focussed on the selection of materials – regarding the impact on this church’s setting. These concerns were addressed through amendments to the building’s elevations and the provision of an improved boundary treatment. The context to these concerns was some continued unease in respect of the proposed siting of the bungalow which, it was felt, would be improved by a northwards shift within the plot in order to create further separation between the bungalow and the listed church. With this suggested amendment not pursued, an improvement to the materials palette would help to minimise and mitigate the impact on the church’s setting, it was concluded. This was further achieved through the provision of more architectural detailing in the form of brick lintels and stone cills. The final consultation response of the Heritage manager, in response to the amended plans submitted for application 101470/FUL/20, reports no impact on the significance of the Union Baptist Church. The Heritage Manager was consulted on the current application. She confirmed that her position and comments in relation to the impact on both designated heritage assets remains the same – no harm to the Union Baptist Church, and the Longford Park Conservation Area.
25. As a consequence of this position, the proposal is acceptable on heritage grounds and no harm is identified to the heritage asset. There is no requirement to carry out the NPPF tests in seeking to establish whether any harm to significance is

capable of being outweighed. The Heritage Development manager has, however, suggested some conditions in the interests of securing a quality finish and consistent with the aims of paragraph 19. This includes ensuring that the windows and doors would be set back within their openings, to secure an adequate overhang to the eaves, and to ensure the use of conservation-style rooflights.

Residential Amenity

26. Policy L7 of the Core Strategy is clear that development proposals must not prejudice the amenity of occupants of adjacent properties by reason of an overbearing impact, overshadowing, overlooking, visual intrusion, or noise/disturbance. The need to establish decent standards of residential amenity for prospective occupiers of new residential development is also referred to. That this site is bounded by residential properties has already been cited, together with the fact that backland/tandem development can often cause a range of residential amenity concerns.
27. In assessing amenity in this case, some reference is given at the outset to the unusual orientation of the proposed dwelling, in that its principal and side elevations are not so easily defined; it does not correspond with the alignment of the adjacent bungalow of no.3 Cromwell Road. This offers a standard arrangement of the front elevation addressing Cromwell Road and the rear elevation overlooking the private garden, and with these comprising the widest parts of the property relative to the shorter side elevations. The proposal's more unfamiliar layout is a consequence of the need to work around the site's constraints whilst seeking to protect and provide good levels of amenity.
28. The impact of the development itself on surrounding residents is covered first, and within this the issue of noise and disturbance. Advice on this topic has been taken from the Pollution and Licencing (Nuisance) team who has advised that, in general terms, the introduction of one residential unit to an existing residential area is unlikely to generate a level of activity that could be deemed unduly problematic. Any occupier-specific noise problem, if it did occur at a later date, could be dealt with under separate environmental health legislation.
29. It is accepted that the other potential source of noise/disturbance issues could come from the use of the access, particularly when shared. However, the fact that the proposed development benefits from an established and dedicated means of access significantly moderates this as a concern. The effect is there would be no apportioning of the access (typical of backland/tandem development), and the residential amenity problems associated with vehicles and residents using it, to access the rear-most property in close proximity to the frontage dwelling, would not occur. This conclusion is further reinforced by the scale of the development. However, a condition is recommended to secure the provision and implementation of a Construction Environmental Management Plan

with the aim of minimising any adverse environmental effects (including noise and disturbance) during the demolition and construction process. This could restrict the hours of construction, for example.

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

properties at their rear and the separation distance achieved (at 17.6 metres minimum), it is not considered that the degree of overlooking would be unduly adverse.

34. In terms of whether the proposed development would be overbearing to neighbouring occupiers, again it can be commented that a height to eaves of 2.6 metres (and a maximum height to ridge of 4.5 metres) would reduce the potential for any adverse effects, particularly when seen in the context of the proposed and existing boundary treatments. Whilst the benefits of a more northerly siting of the bungalow in design/conservation terms have been reported, equally the siting as *proposed* would allow the open aspect to the rear of the existing bungalow at no.3 Cromwell Road to be retained, reducing any sense of enclosure and better preserving residential amenity. Where there would be some overlap in built form, the proposal allows for gaps to be retained at site boundaries (approximately 1.8 metres to the boundary with no. 3 Cromwell Road, for example) which would further help to avoid any undue overbearing relationships.
35. It is acknowledged that the outlook from the rear of nos. 105/107 Edge Lane would change most significantly; the view over the existing open garden would be transformed, and in its place a 1.8 metre high brick wall some 5.4 metres from existing ground floor windows and the side elevation of the proposed bungalow a further 3 metres from that. However, a similar relationship already exists for nos. 109/111 Edge Lane, and residential amenity levels are not considered unduly jeopardised as a result.
36. For the avoidance of doubt, the summary described above, whilst referring to overbearing impacts, would also apply in respect of any potential for overshadowing, of either garden areas or internal rooms. The reason for this conclusion is again with reference to the proposal's low form, its siting within the plot, and adequate spaces to boundaries.
37. For the tenants of nos. 105/107 Edge Lane, it is accepted that there is a further impact associated with the loss of shared private amenity space. Proposals for backland/tandem development on long gardens are typically a product of the space being beyond the recreational needs or maintenance capabilities of the present occupiers. This is an unusual situation, however, since the applicant (the landlord) and some tenants (as reported in representations) have differing views on whether the site has value in its current form.
38. The site is not formally laid out as amenity space but, it is understood, some tenants have worked together to improve its appearance and it is used for the growing of vegetables as well as providing opportunities for social gatherings. The apartments do not have balconies and, if the site were to be developed, the private amenity space would reduce to the retained rear yard area. Whilst there is some lawn to the front, this has limited usability as private amenity space given the levels of vehicular and pedestrian activity on Edge Lane.

39. The site has however not been formally laid out for the tenant's use and its size goes beyond what might reasonably be expected when renting an apartment. Nonetheless, it is clearly cherished by some tenants. Indeed, access to private outdoor amenity space is needed for a variety of functional and recreational requirements and it provides important amenity value. However, some space would be retained, immediately to the rear of the property. Whilst accepting that the quality and usability of this remaining space could be improved, its size is considered more commensurate with the flats to which it relates and the typical expectations of tenants. Similar space exists to the rear of nos. 109/111 Edge Lane.
40. Overall, the proposed development would undoubtedly have some impact on the living conditions of surrounding occupiers, this is especially so for no. 3 Cromwell Road and the occupiers of the flats, together with properties on Kenwood Road to the rear, all who have become accustomed to the site being in its present undeveloped state. However, it is evident that the proposal has been carefully thought through to the extent that these impacts are not considered to be significantly adverse or unduly harmful. They are not of the magnitude that would normally be concluded in standard backland/tandem development given the presence of an independent access. The single-storey nature of the development is further advantageous. The loss of valued space for the existing tenants is regrettable but it is considered that its enjoyment has been short term.
41. In turning to whether the proposed development would provide prospective occupiers with comfortable levels of residential amenity, the issue of overlooking in the opposite direction towards the proposed bungalow has been considered. In terms of the relationship between the application proposal and Kenwood Road, again whilst some views into the patio windows in the west-facing elevation may be possible, for the reasons previously stated it is not considered that the scale of overlooking would be overly detrimental. Again, this is in view of the angles available, the low quantities of glazing to the Kenwood Road properties, and the separating distance. A similar conclusion applies in respect of the extent to which the proposed bungalow's private rear garden would be looked over by the adjacent Kenwood Road property (no. 6). Whilst this would be possible, and again from a higher level, it is not considered to be of an order that would be particularly undesirable and indeed not dissimilar from what can typically be achieved – at first floor level – from adjacent properties in a built up area.
42. In turning to overlooking from the Edge Lane flats, the absence of habitable room windows in the southern elevation of the proposed bungalow would prevent any internal privacy problems, and the overlooking of the private amenity space from upper levels is not considered particularly unsympathetic given that the area of space which could be viewed is of a more secondary use.

43. In noting that surrounding properties are taller, a further consideration has been whether those residing in the proposed bungalow would experience an uncomfortable sense of enclosure. However, it is considered that the separation distances to both the Edge Lane flats and the Kenwood Road properties (of 8.3 metres and 15.9 metres respectively) - and when bearing in mind the stepped nature of both rear elevations (such that these are the minimum distances) - would help to avoid unpleasant overbearing relationships in both cases. This conclusion has been further supported by the design and layout of the proposed development; the positioning of windows and the siting of the private rear garden particularly.
44. On the matter of private amenity space, SPG1 advises that whether the amount of proposed private outdoor amenity space is adequate will depend on the type and size of the residential unit and the nature of its surroundings. Around 80 square metres of garden space will normally be acceptable for a three-bedroom semi-detached house in an area of similar properties, the SPG continues, but smaller houses, such as terraced properties, may be acceptable with somewhat less. In providing some 150 square metres of private garden space in the northern part of the site – and for a two bedroomed bungalow - this development would exceed requirements, and with this supplemented by other, smaller areas of amenity space, particularly towards the driveway. Overall, it is considered that the judicious approach that has been followed in respect of the proposed bungalow's scale, layout and design has served to offer a reasonable standard of residential amenity on what is fundamentally a constrained site.
45. To conclude, it is evident that this is a proposal where residential amenity has been at the forefront of considerations. However, it is considered that the design process has been successful in satisfactorily reducing the impacts to neighbours and in ensuring that an adequate level of amenity is provided for new occupiers. Whilst some impacts to neighbouring properties are anticipated – over and above the existing arrangement – these impacts are not considered to be of a magnitude to trigger a conflict with Policy L7 and to warrant refusal of the application. However, it is accepted that the position is marginal and that if the proposed development were able, at a later date, to expand and alter (for example, through extensions and additions to the roof) then these impacts could increase to an order which would be unfavourable. It is for these reasons that it is considered justifiable in this case to impose a condition to remove certain permitted development rights in order that the Council can retain control over future development proposals and for these to be assessed on their merits at the time. With this in place, and with other conditions referred to previously, the proposal is considered compliant with Policy L7 and the NPPF on the matter of residential amenity.

Highways Matters

46. The NPPF explains that transport policies have an important role to play in facilitating sustainable development and in contributing to wider sustainability objectives (paragraph 105). Development should only be prevented or refused on transport grounds if there would be an unacceptable impact on highway safety, or 'the residual cumulative impacts on the road network would be severe', it continues (paragraph 115). Policy L4 of the Trafford Core Strategy is the relevant policy at development plan level. This is clear that planning permission will not be granted for new development that is likely to have a 'significant adverse impact' on the safe and efficient operation of the strategic road network (SRN), and the primary and local highway network. It has been concluded that the *severe* reference within the NPPF is a more stringent test for residual cumulative impacts, and thus Policy L4 is considered to be out-of-date for the purposes of decision-taking.
47. The site presently has a narrow, car-width access from Cromwell Road. It is gated, with brick piers and without a dropped kerb. Adjacent to it is a pedestrian-only access. The proposal involves the widening of the existing vehicular access and the provision of new gates and brick piers. The LHA have raised no objection to the proposed arrangement. It is noted that the plans do not show secured and sheltered cycle parking facilities on site. This could be addressed via condition, however, since there is adequate space within the curtilage. The LHA also supports the provision and implementation of a Construction Management Plan, (to manage material deliveries, for example). Overall, it is concluded that the proposal is acceptable when having regard to the requirements of Policy L4, of SPD3: Parking Standards and Design, and also relevant guidance in the NPPF.

Landscaping and Green Infrastructure

48. The NPPF is clear that the creation of well-designed places is dependent on the incorporation of appropriate and effective landscaping (paragraph 130). In turn, the importance of quality landscape treatment in all new development proposals is further recognised by Policy L7 of the Core Strategy. Allied to Policy L7, there is a further policy requirement within the Core Strategy regarding on-site planting in particular. This is covered by Policy R3 (Green Infrastructure), and is complemented by SPD1: Planning Obligations. Policy R3 explains that new development will be expected to contribute on an appropriate scale to the provision of 'green infrastructure'. The aim is for a multifunctional network of green spaces, delivering benefits for people, the economy, and the environment, to be provided across Trafford, it continues.
49. The site, as a former garden, already contains some vegetation including mature trees, and there are further trees at its boundaries. The application submission includes an Arboricultural Impact Assessment (AIA) which details the effect the proposed development would have on trees on and near the site. The AIA, which has been reviewed by the Council's Tree officer, identifies one tree (a pear, T5) within the centre of the site which should be removed. Whilst this would facilitate

the development, it is also recorded as being a tree in poor health and condition. An adjacent beech (T6) would not be affected. The AIA identifies some trees of high amenity value on the Cromwell Road frontage; the nearest being a lime (T1) just outwith the site at its south-eastern boundary. However, the AIA confirms that this tree, as with the other trees of the same status, would be retained. The Tree officer has confirmed acceptance with the findings of the AIA and of the proposal's impact on the existing tree stock in general. However, this is subject to a condition being attached to ensure that careful working practices would be employed during the construction process in order that T1, as well as T6, would be successfully retained.

50. A further condition is recommended in the interests of securing new quality landscaping in order to adequately compensate for those trees lost as well as providing new 'specific green infrastructure' of the type required by Policy R3/SPD1. Whilst a detailed landscaping scheme has not been provided, the site layout plan provides an indication of the proposed planting strategy. This allows for the planting of seven new trees within the site and for new areas of grass and shrub planting typical of a newly landscaped garden. A condition should be imposed, it is considered, to request full landscaping details which would build upon the information submitted to date to include planting plans, a schedule of plants, and an implementation programme.
51. Overall, the application's approach to soft landscaping is considered acceptable, in allowing for the retention of existing trees where possible and supplementing this with new planting. This would reflect the site's existing green character and would help integrate the development into its surroundings, thereby satisfying Policy L7. In addition, it is concluded that the quantity and type of green infrastructure provision (1 tree removed, to be replaced by 7) responds to the requirements of Policy R3 and SPD1.

Ecological Matters

52. As part of the planning system's role in contributing to and enhancing the natural and local environment, the NPPF advises that this includes minimising the impacts on biodiversity (paragraph 180). At the development plan level, this matter is covered by up-to-date Policy R2 of the Core Strategy which seeks to protect and enhance Trafford's ecological resources. When having regard to the site's characteristics – including the presence of a vacant building on site as well as mature trees and vegetation (the majority of which would be removed) – consultation has taken place with the Greater Manchester Ecology Unit (GMEU).
53. A number of objections to the application refer to the presence of the Japanese knotweed. A condition is suggested to require that a non-native species protocol is submitted to the LPA, detailing the containment, control and removal of the Japanese knotweed on site.

54. In respect of the vegetation to be cleared, GMEU has not objected to the principle of this, and with no good reason to request an ecological assessment. However, in recognition that the site is likely to have some wildlife value (as suggested in the letters of representation), a condition is recommended for the purpose of securing biodiversity enhancement measures, which could include native planting as part of the landscaping scheme or the installation of bird/bat boxes
55. The proposal involves the removal of at least one tree, which may be used by nesting birds. In light of this, a condition is suggested in order to encourage vegetation clearance outside of the bird nesting season. With these safeguards in place, it is considered that the proposal is in compliance with Policy R2 and the NPPF on the subject of ecology.

Other Planning Considerations

56. In respect of the proposed bungalow itself, consultation with the Council's Waste Management team highlighted that insufficient bin spaces were provided on site. The plans have since been amended to show four bin spaces at the site as requested, which would comply with the requirements set out by the Waste Management team.
57. The site is not within the flood map for surface water 1 in 100-year outline and there are no records of flooding within 20m or Ordinary Watercourses within 5m. There will be no significant change to the impermeable area, and so little change to the surface water runoff generated by the site. No concerns have been raised by the Lead Local Flood Authority on the matter of flood risk or drainage, although the consultation response advises the applicant to use a permeable surface for areas of hardstanding.
58. The Contaminated Land team have raised no objections to the proposed development.
59. Accordingly, on these ancillary issues, compliance with Core Strategy policies L5 and L7 (which are up-to-date on these topics) has been demonstrated.

DEVELOPER CONTRIBUTIONS

60. The application proposal would be subject to the Community Infrastructure Levy if it were provided as private market housing. It would not, however, if it were an affordable unit.
61. The requirement to incorporate on-site specific green infrastructure, in accordance with SPD1: Planning Obligations and Policy R3/Policy L8, has been fulfilled, as previously explained.

PLANNING BALANCE AND CONCLUSION

62. The application site is located in the Stretford area of the Borough, close to the junction of Edge Lane with Cromwell Road. It comprises land which historically formed part of the garden of nos.105-107 Edge Lane (and which has since been converted into flats, consistent with nos. 109-111 Edge Lane). The planning application involves the provision of a new bungalow on the site, following the demolition of an existing single garage, to form a new, separate planning unit.
63. 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 making. The NPPF is an important material consideration.
64. The decision-taking structure to be applied in the determination of this application is that set out at paragraph 11d of the NPPF as the Council does not have a five year supply of housing land.
65. The proposal comprises a form of backland or tandem development. Conclusions regarding whether this application proposal is acceptable in principle have been contingent on a successful assessment of the impact on the area's character, on neighbouring properties, and its ability to offer decent living conditions for prospective occupants. The fact that the application scheme can utilise an existing, dedicated access sets it apart from most backland/tandem proposals which seek to rely on access from a common driveway. Furthermore, it is evident that this proposal has been designed with some understanding of the importance of protecting this existing residential area and amenity as much as possible. A creative approach has been applied to the siting of windows and to the orientation of the principal elevations. The effect is a development which could satisfactorily fit onto the site without adversely affecting the character of the area to a significant degree. In addition, whilst the site's use and appearance would undoubtedly change relative to its present position, which in turn would have an impact on the enjoyment and experience of surrounding properties, it is not considered that this impact would amount to a significant reduction in residential amenity. Whilst some potential for overlooking - in both directions - has been identified, on balance this is not considered to be excessive; no policy guidance has specifically been breached, and the proposal is not considered contrary to Policy L7 on this basis.
66. The proposal has been found to be acceptable in all other respects and there would be no impact on the significance of designated heritage assets.
67. The proposal would deliver some benefits. These are chiefly derived from its ability to contribute to housing supply targets, albeit very modestly. The proposal is also in line with NPPF principles in promoting a more efficient use of land in a sustainable and accessible location.

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

RECOMMENDATION: GRANT subject to the following conditions

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

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

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

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

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

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

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

4. Notwithstanding the approved plans referred to at condition no.2, no above-ground construction works shall take place unless and until samples and full specifications

of materials to be used externally on the development hereby approved have been submitted to and approved in writing by the local planning authority. Such details shall include the type, colour and texture of the materials, and the samples shall include constructed panels of all proposed brickwork illustrating the type of joint, the type of bonding and the colour of the mortar to be used. Development shall be carried out in full accordance with the approved details.

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

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

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

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

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

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

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

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

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

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

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

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

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

11. The development hereby approved shall be implemented (including any works of demolition and site preparation) in full accordance with the measures and practices identified in the submitted Arboricultural Impact Assessment, prepared by Amenity Tree Care (ref. 7770 Arboricultural Impact Assessment-Cromwell-24.12.2020-V1-SB), and with such measures and practices remaining in place throughout the demolition and construction processes.

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

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

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

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

- i. Suitable hours of construction and demolition activity;
- ii. The parking of vehicles of site operatives and visitors;
- iii. Deliveries to the site;
- iv. Loading and unloading of plant and materials;
- v. Storage of plant and materials used in constructing the development;
- vi. The erection and maintenance of security hoardings;

- vii. Wheel washing facilities and other measures to keep the highway clean;
- viii. Measures to control the emission of dirt and dust during demolition/construction processes;
- ix. A scheme for the recycling/disposing of waste resulting from demolition/construction activities (prohibiting fires on site); and
- x. Contact details of a site manager to be advertised at the site in case of issues arising.

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

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

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

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

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

16. Prior to the commencement of development (including demolition, ground works, vegetation clearance), an invasive non-native species protocol shall be submitted to and approved by the local planning authority, detailing the containment, control and removal of Japanese Knotweed on site. The measures shall be carried out strictly in accordance with the approved scheme.

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

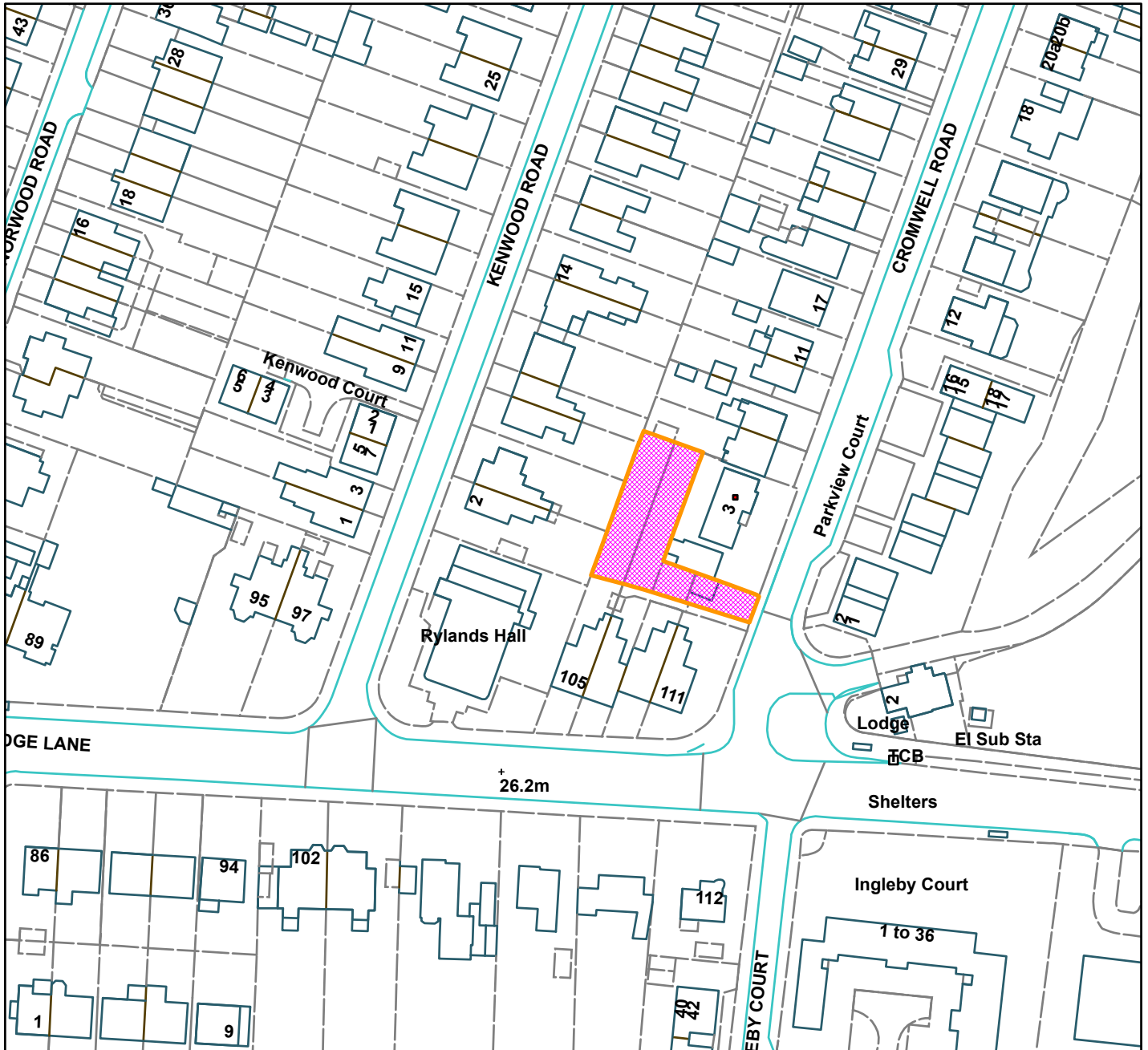
17. No development shall take place (excluding any works of demolition) unless and until details of the proposed foundation design have been submitted to and approved in writing by the local planning authority. The submitted details shall include gas protection measures to prevent the ingress of landfill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

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

AF



Land To The Rear 3 Cromwell Road, Stretford (site hatched on plan)



Scale: 1:1,250

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Organisation	Trafford Council
Department	Planning Service
Comments	Committee Date 14/03/2024
Date	04/03/2024
MSA Number	AC0000809316 (2022)

WARD: Stretford & Humphrey Park

112534/VAR/23

DEPARTURE: No

Application under Section 73 of the Town and Country Planning Act 1990 (as amended) for variation of conditions 10 and 13 on planning permission 103844/HYB/21 (Full planning permission for the demolition of specified buildings; and outline planning permission with all matters reserved except for access for a mixed-use development comprising: up to 13,000 sqm of commercial, business and service floorspace (Use Class E); up to 2,800 sqm of public house or drinking establishment floorspace (Sui Generis); up to 720 sqm of learning and non-learning institutions (Use Class F1); up to 2,400 sqm for local community uses (Use Class F2); up to 800 residential units (Use Class C3); public realm and landscaping; highways improvement works; and other associated infrastructure.). To allow for the retention of the Aldi store, re-orientation of the park, reimagining of the proposed maximum heights for a reduction to the North and West and an increase from 10-12 storeys in the central area, removal of the previously proposed increase in height to the Arndale House and foodhall, creation of a retail loop.

Land at Stretford Mall And Lacy Street, Chester Road, Stretford, M32 9BD

APPLICANT: Trafford Bruntwood (Stretford Mall) LLP

AGENT: Mrs Rhian Smith, Avison Young

RECOMMENDATION: GRANT SUBJECT TO S106 AGREEMENT

The application has been reported to the Planning and Development Management Committee as the Council has a financial interest in the site and is joint applicant, together with Bruntwood as joint venture partner.

Executive Summary

The site relates to two parcels of land in Stretford: Stretford Mall and its immediate surroundings, and land adjacent to Lacy Street on the eastern side of the A56. The Mall site constitutes the defined Stretford Town Centre. Consent is sought for amendments to the existing planning permission for the redevelopment of the site, including the retention of the Aldi store, the reorientation of a proposed area of open space and changes to the maximum height parameters. The proposal is considered to be in accordance with the Development Plan, the National Planning Policy Framework and relevant local and national planning guidance. The amendments proposed are considered to be acceptable for the reasons set out in the main body of this report, subject to the conditions listed and subject to the completion of a deed of variation of the existing Section 106 Agreement. Given the Council's current lack of a five year housing land supply, the 'tilted balance' set out in Paragraph 11(d) of the NPPF is applicable. In carrying out this exercise, it is concluded that the adverse impacts of granting planning permission would not significantly and demonstrably outweigh the benefits of doing so. Indeed the benefits of the scheme are considered to significantly outweigh the adverse impacts identified above. The application is therefore recommended for approval.

SITE

The application relates to two parcels of land in Stretford: the first comprising Stretford Mall and its immediate surroundings (the 'Mall' site) and the second being land adjacent to Lacy Street on the eastern side of the A56 (the 'Lacy Street' site). The former of these is approximately 6.6ha and is bound by Kingsway to the North, the A56 to the east, Wellington Street/St Matthews Church to the south and Barton Road to the west. This is occupied by the 1960s shopping centre itself, a multi-storey car park along with areas of surface-level parking and landscaping. The Lacy Street site measures 0.85ha and is bound by Edge Lane to the north, the A56 to the west, Newton Street to the south and the Bridgewater Canal to the east. This is largely occupied by the Lacy Street pay & display car park as well as the site of the former Royal Mail sorting office, with mature landscaping to the north-west corner and along the northern boundary.

There are a number of Grade II listed buildings in close proximity to the site, namely the Church of St Matthew and former cross base to the south of the Mall site, the Civic Theatre (now Stretford Public Hall) on the corner of the A56/Kingsway and the Top Rank Club (former Essoldo Cinema) on the corner of the A56/Edge Lane. Beyond these, the Grade II listed Church of St Ann and St Ann's Presbytery are approximately 300m to the north of the site on the A56, whilst the Grade II Union Baptist Church is approximately 500m to the east on Edge Lane. The Grade II listed Bridgewater Canal Aqueduct is approximately 400m to the south of the site.

The site is situated within Flood Zone 1, having a low probability of river or sea flooding. Much of the adjacent highway network falls within the Greater Manchester Air Quality Management Area, including the A56, Kingsway and Edge Lane, whilst the Bridgewater Canal constitutes a Site of Biological Importance. Victoria Park to the north of the Mall site is an area of Protected Open Space. The site as a whole is highly accessible by public transport with the Stretford Metrolink stop being situated off the northern side of Edge Lane. A number of bus services operate along the A56, Kingsway and Edge Lane with destinations including Manchester City Centre, Sale, Altrincham and Chorlton.

The Mall site is identified as Stretford Town Centre on the Council's adopted Policies Map, whilst the Lacy Street site forms a 'Strategic Development Site'.

Full planning permission has previously been granted for selective demolition and alteration works within the King Street area of the Mall site, including elevational improvements and the removal of the external multi-storey car park (MSCP) ramp. This work is currently ongoing. Outline planning permission has also previously been granted for the mixed-use redevelopment of the Mall and Lacy Street sites comprising potential commercial, business, community educational and residential uses, along with improved public realm and highway infrastructure.

PROPOSAL

Consent is sought for a number of amendments to the existing planning consent for the redevelopment of the Mall/Lacy Street sites referred to above (planning ref. 103844/HYB/21). These amendments are summarised as follows:

- Retention of the Aldi store in its current form
- Re-orientation of proposed park
- Amendments to maximum building heights in certain parts of the Mall site
- Creation of a retail loop that can be serviced separately to the residential development

To support these proposed amendments, updated land use and maximum height parameter plans are submitted for approval, whilst the application is also supported by an updated illustrative masterplan, Design and Access Statement Addendum, Environmental Statement Addendum and a Design Code.

The submitted supporting information notes that there is now a need for the Aldi store to remain in place, hence the changes to the masterplan in this part of the site. The re-orientation of the park is intended to provide better connectivity through the site, and also reflects the approved location of the Market Hall. It is noted that the size of the central greenspace remains as per the original application.

Maximum building heights are proposed to be reduced towards Barton Road, Wellington Street and Church Street, whilst maximum heights are proposed to increase towards the centre of the Mall site. The maximum building height now proposed is 12 storeys, increasing from 8 storeys under the original application.

No changes are proposed to the maximum quantum of development or uses proposed under the original application.

The application is accompanied by an Environmental Statement Addendum which concludes that the information contained in the Statement does not change the assessment of effects presented in the original Environmental Statement, which remains valid and up to date. It is confirmed that the conclusions in the original Environmental Statement remain unchanged.

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

Strategic Objectives SO1, SO2, SO3, SO4, SO5, SO6, SO7 and SO8
Relevant Place Objectives for Stretford

L1 – Land for New Homes
L2 – Meeting Housing Needs
L3 – Regeneration and Reducing Inequalities
L4 – Sustainable Transport and Accessibility
L5 – Climate Change
L7 – Design
L8 – Planning Obligations
W1 – Economy
W2 – Town Centres & Retail
R1 – Historic Environment
R2 – Natural Environment
R3 – Green Infrastructure
R5 – Open Space, Sport and Recreation

SUPPLEMENTARY PLANNING DOCUMENTS/GUIDANCE

Revised SPD1 – Planning Obligations
SPD2 – A56 Corridor Development Guidelines
SPD3 – Parking Standards & Design
PG1 – New Residential Development

Trafford Design Code Consultation Draft – this now carried moderate weight

PROPOSALS MAP NOTATION

Town and District Shopping Centres
Strategic Development Sites (Employment)
Other Strategic Development Sites
Protected Linear Open Land (adjacent)
Wildlife Corridor (adjacent)
Trunk and Primary Route Network (adjacent)
Quality Bus Corridor (adjacent)

PRINCIPAL RELEVANT REVISED UDP POLICIES/PROPOSALS

S10 – Local and Neighbourhood Shopping Centres

PLACES FOR EVERYONE

Places for Everyone (PfE) is a joint Development Plan Document being produced by nine Greater Manchester districts (Bolton, Bury, Manchester, Oldham, Rochdale, Salford, Tameside, Trafford and Wigan). It identifies the quantum of new housing and employment development, supports the delivery of key infrastructure, and protects environmental assets. The Plan was submitted to the Secretary of State for Levelling Up, Housing and Communities in February 2022, and its Examination in Public commenced on 02 November 2022. Hearings sessions concluded on 05 July 2023. Consultation on Main Modifications started on 11 October 2023 and closed on 6 December 2023. On 14 February 2024, the Inspectors' report was published, confirming that with the Main Modifications and further limited modifications suggested by the Inspectors, that Places for Everyone is sound and legally compliant. The Council intends to adopt the plan in March 2024, along with all the other authorities involved, and Places for Everyone will be formally adopted on 21 March 2024. Consequently the plan is as advanced as it can be without being adopted and thus very substantial weight can be attached to its policies.

Policies relevant to this application are:

JP-Strat9: Southern Areas
JP-Strat14: A Sustainable and Integrated Transport Network
JP-S1: Sustainable Development
JP-S2: Carbon and Energy
JP-S4: Flood Risk and the Water Environment
JP-S5: Clean Air
JP-S6: Resource Efficiency
JP-H1: Scale, Distribution and Phasing of New Housing
JP-H2: Affordability of New Housing
JP-H3: Type, Size and Design of New Housing
JP-H4: Density of New Housing
JP-G6: Urban Green Space
JP-G7: Trees and Woodland
JP-G8: A Net Enhancement of Biodiversity and Geodiversity
JP-P1: Sustainable Places
JP-P2: Heritage
JP-P4: New Retail and Leisure Uses in Town Centres
JP-P5: Education, Skills and Knowledge
JP-P6: Health
JP-P7: Sport and Recreation
JP-C1: An Integrated Network
JP-C6: Walking and Cycling
JP-C8: Transport Requirements of New Development

JP-D2: Developer Contributions

NATIONAL PLANNING POLICY FRAMEWORK (NPPF)

The DLUHC published the revised National Planning Policy Framework (NPPF) on 19 December 2023. 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 December 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

Both sites:

103844/HYB/21: Full planning permission for the demolition of specified buildings; and outline planning permission with all matters reserved except for access for a mixed-use development comprising: up to 13,000 sqm of commercial, business and service floorspace (Use Class E); up to 2,800 sqm of public house or drinking establishment floorspace (Sui Generis); up to 720 sqm of learning and non-learning institutions (Use Class F1); up to 2,400 sqm for local community uses (Use Class F2); up to 800 residential units (Use Class C3); public realm and landscaping; highways improvement works; and other associated infrastructure – Approved with conditions 14/04/2023.

Mall site:

107558/FUL/22: Full planning application for selective demolition works including the removal of the existing King Street roof structure, making good of exposed building fabric, alterations to existing building elevations, alterations to the external elevations of the MSCP and relocation of the MSCP ramp, creation of Use Class E floorspace (commercial, business and service uses), works to the existing access from Kingsway and internal road layout and public realm and landscaping works – Approved with conditions 15/11/2022.

105746/FUL/21: Alterations to 4 no. external shopfront elevations – Approved with conditions 25/11/2021.

91563/FUL/17: Demolition of part of shopping centre, minor alterations to car park and new facades to retained building – Approved with conditions 15/12/2017.

84982/FUL/15: Extension to western side of shopping centre (Unit 5A) to create new foodstore and subdivision of existing unit to create four kiosk units. Alterations to existing parking area and landscaping works – Approved with conditions 19/05/2015.

Lacy Street site:

100557/DEM/20: Demolition of the Former Postal Sorting Office. (Consultation under Schedule 2, Part 11 of the Town and Country Planning (General Permitted Development) (England) Order 2015 – Prior Approval given 14/07/2020.

APPLICANT'S SUBMISSION

- Design and Access Statement Addendum
- Design Code
- Environmental Statement Addendum Letter
- Planning Covering Letter
- Statement of Community Involvement
- Transport Assessment Addendum

CONSULTATIONS

Active Travel England: No comments.

Electricity North West: Querying status of existing substation.

Environment Agency: No response received.

Environmental Protection (Air Quality): No additional comments or objections.

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

Environmental Protection (Nuisance): Comments to be reported in the Additional Information Report

Greater Manchester Archaeological Advisory Service: No archaeological implications.

Greater Manchester Ecology Unit: No objection.

Greater Manchester Police – Design for Security: No response received.

Heritage Development Officer: All harm identified to the setting [indirectly] of heritage assets ranges from negligible to moderate. With regard to the designated heritages assets affected [Stretford Public Hall, Essoldo & St Matthews Church], this is

considered to be 'less than substantial harm' (para 202 NPPF). The balancing exercise should be undertaken bearing in mind the statutory duty of Section 66(1) of the Planning (Listed Building & Conservation Areas) Act 1990.

With regard to the harm identified to the setting [indirectly] of 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 (203 NPPF).

Lead Local Flood Authority: No comments.

Local Highway Authority: No objections subject to further details being provided at reserved matters stage.

National Highways: No objections.

Sport England: Non-statutory objection on the basis that no contributions are proposed for sport provision and no on-site provision.

Trafford Council – Education: Education contribution is required – calculation provided.

REPRESENTATIONS

Application consultation:

Following public consultation, a total of 17no objections were received. These raise the following concerns:

- Engagement by the Council has been lacking
- Food Hall has closed as a result of this planned regeneration
- Stretford House is used as a measure for the changes to heights, but is not in keeping with the area
- Proposed heights will overshadow, overlook and reduce daylight to nearby houses
- Development will attract antisocial behaviour
- More parking is needed, impact on local streets
- Breaking up of concrete car park is causing vibration on nearby streets
- Pile driving will have negative impact on existing houses
- High-rise building not supported
- Dwellings should be aimed at families
- Existing issues with GPs, dentists and schools
- New park won't feel nice due to overshadowing
- Lack of housing/active frontage overlooking Kingsway – safety concerns
- Some inconsistencies on plans, including parking on Wellington Street
- Mass and height of buildings are out of scale

- Development will block views of St Matthews Church and present wall of buildings to Chester Road
- More houses rather than flats should be built
- Lack of surface parking will disadvantage disabled residents
- Unhappy that hedge on Wellington Street will be destroyed – ecology implications
- Additional bins will look unsightly and cause additional noise
- Views of residents not reflected in Statement of Community Involvement
- Impact on townscape character and identity due to increased heights
- Adverse impact on heritage assets
- Overbearing appearance and loss of sunlight from public viewpoints
- Lack of compliance with Trafford Design Guide
- Unacceptable increase in housing density

Pre-application consultation:

The application submission includes a Statement of Community Involvement (SCI), which details the pre-planning application consultation that has been undertaken on behalf of the applicant in relation to the current proposals. This notes that a public consultation exercise has been carried out, which included an in-person event on Saturday 7th October 2023 at Stretford Socials in Stretford Mall, and a virtual consultation period, which ran from Friday 6th to Sunday 15th October.

The SCI states that 601 responses have been received, including responses to questions such as if the re-orientation of central park, the variation in proposed building heights and the updated car parking and servicing strategy are supported. Appendix I of the SCI summarises these responses, which identified that support for the re-orientated car park was at 32%, whilst support for the revised building heights was only at 14%. Support for the updated car park and servicing strategy was at 23.5%.

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 2023 NPPF, particularly where that policy is not substantially changed from the 2012 version. Whether a Core Strategy policy is considered to be up-to-date or out-of-date is identified in each of the relevant sections of this report and appropriate weight given to it.
3. The NPPF is a material consideration in planning decisions, and as the Government's expression of planning policy and how this should be applied, should be given significant weight in the decision making process.
4. Paragraph 11 (c) of the NPPF states that development proposals that accord with an up-to-date development plan should be approved without delay. Paragraph 11 (d) states that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, planning permission should be granted unless:
 - (i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
5. The Council does not, at present, have a five year supply of immediately available housing land, so paragraph 11(d) is therefore automatically engaged. The December 2023 NPPF also states that where the Housing Delivery Test (HDT) indicates that the delivery of housing was below 75% of the housing requirement over the previous 3 years, the policies 'most important for determining the application' should be considered out-of-date with regard to NPPF paragraph 11(d). The HDT indicates a 65% delivery rate in Trafford and as such, paragraph 11(d) is also engaged for this reason.
6. The footnote to paragraph 11 (d)(i) explains that the policies of the NPPF referred to include those which relate to habitats protection, designated heritage assets and flood risk. The assessment of the scheme in relation to these areas and assets of particular importance does not lead to a conclusion that 'provides a clear reason for refusing the development proposed'. Paragraph 11(d)(ii) of the NPPF – the tilted balance – is therefore automatically engaged. Planning permission should therefore be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole. This exercise is set out within the 'Planning Balance and Conclusion' section of this report.
7. Notwithstanding the above, the status of the 'most important' policies for determining this application is set out below:

- The Council does not, at present, have a five year supply of immediately available housing land and therefore the housing targets identified in Policies L1 and L2 of the Core Strategy are out-of-date in NPPF terms, albeit other aspects of the policies such as affordable housing targets, dwelling type, size and mix are largely still up to date and so can be afforded substantial weight.
- Policy 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.
- 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 W1 of the Core Strategy is considered to be compliant with the NPPF by supporting economic growth and is therefore up-to-date and can be afforded full weight.
- Policy W2 of the Core Strategy is considered to be generally consistent with the NPPF in supporting the growth of Trafford's town centres and the role they play in local communities.
- The relevant Strategic and Place Objectives are considered to be up-to-date as the general thrust of these is in accordance with the NPPF.

Summary of principle of residential development:

8. Whilst the Council does not have a five year housing land supply, the scheme achieves many of the aspirations which the housing policies seek to deliver. Specifically, the proposal contributes towards meeting the Council's housing land targets and housing needs identified in Core Strategy Policies L1 and L2 in that the scheme will deliver up to 800no new residential units on a brownfield site in a sustainable location within the urban area. It is also considered to be acceptable in relation to Policies L1.7 and L1.8, in that it helps towards meeting the wider Strategic and Place Objectives of the Core Strategy. The scheme also accords with the aspirations of the emerging Places for Everyone plan, which seeks to deliver an annual average of 1,122 new dwellings in Trafford Within the plan period (policy JP-H1). In addition, policy JP-H2 seeks to significantly increase the supply of new housing.
9. The lack of a five year housing land supply has significant consequences in terms of the Council's ability to contribute towards the Government's aim of boosting

significantly the supply of housing. Significant weight should therefore be afforded in the determination of this planning application to the scheme's contribution to addressing this, and meeting the Government's objective of securing a better balance between housing demand and supply.

TOWNSCAPE IMPACT, VISUAL IMPACT AND DETAILED DESIGN

10. Policy L7 of the Trafford Core Strategy states that *"In relation to matters of design, development must: Be appropriate in its context; Make best use of opportunities to improve the character and quality of an area; Enhance the street scene or character of the area by appropriately addressing scale, density, height, massing, layout, elevation treatment, materials, hard and soft landscaping works, boundary treatment; and, Make appropriate provision for open space, where appropriate, in accordance with Policy R5 of this Plan"*. 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.
11. Paragraph 131 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"*.
12. 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. The Consultation Draft Trafford Design Code advocates a landscape-led approach to design proposals. It aims for developments to be shaped by their environment to create healthy, engaged and connected communities.
13. Emerging PfE policy JP-P1 outlines an ambition to create a series of beautiful, healthy and varied places. Development should be distinctive, with a clear identity that respects and acknowledges the character and identity of the locality in terms of design, siting, size, scale and materials used.

Townscape and Visual Impact Assessment:

14. The application is accompanied by an addendum to the Townscape and Visual Impact Assessment (TVIA) which was submitted under the original application. This provides an update to the main TVIA in respect of the changes to the development now proposed. These documents consider in detail the impact of the proposed development with respect to its 'Townscape' effects and 'Visual' effects. 'Townscape effects' relate to the impact on the physical characteristics or components of the environment which together form the character of that

townscape, including buildings, roads, paths, vegetation and water areas. 'Visual effects' relate to impacts on individuals whose views of that townscape could change as a result of the proposed development, such as residents, pedestrians, people working in offices, or people in vehicles passing through the area.

15. The study area used for the TVIA was set at 2km around the application site, beyond which it is not considered that effects on landscape character or visual amenity will be impacted as a result of the proposed development.
16. The TVIA addendum states that the effects resulting from demolition and construction will be consistent with those identified within the original assessment. With regard to the completed development, the addendum notes that of the 19 viewpoints considered under the original assessment, 3 will take in views of the amended elements of the proposed development: viewpoint 1 (junction of Edge Lane and Chester Road), viewpoint 5 (Church Street) and viewpoint 6 (St Matthew's Churchyard). In relation to viewpoint 1, the predicted view within the original application anticipated additional massing on top of the Mall and on Arndale House, as well as new development visible further along Chester Road and at the Lacy Street site. The proposed amendments would result in taller elements visible behind the retained Mall building; this does not affect the conclusion of the TVIA that a moderate neutral magnitude of change would occur from this viewpoint.
17. In relation to viewpoint 5, the predicted view within the original application anticipated that the residential blocks within the St Matthew's part of the site would be visible at end of Church Street and fronting Wellington Street, with glimpsed views along the streets that run towards the central park. Under the amended proposals, the re-orientated park will result in a clearer sightline between the blocks towards the proposed park. The original TVIA predicted a major beneficial magnitude of change from this viewpoint location, which remains the case in the addendum.
18. For viewpoint 6, the predicted view within the original application anticipated that beyond the immediate foreground of the churchyard, the St Matthew's part of the proposed development would be clearly visible. The view was anticipated to take in the new residential street that bounds the edge of the churchyard with townhouses on the far side of this. Beyond and rising above the town houses would be taller residential elements that surround the central park. A view along a residential street was predicted to take in trees and planting, with views of the park at the terminus of the street. The proposed development in the foreground was predicted to screen views of the Mall. Under the current proposals, the foreground views will remain as previously proposed, with the taller elements around the park having been refined so that there are limited areas where the maximum height rises to 12 storeys. The original application predicted a major beneficial magnitude of change, which remains the case in the addendum.

19. No change to effects on landscape designations or landscape character is anticipated compared to the original assessment. The TVIA addendum concludes that whilst the amendments will result in some subtle changes to the view from a limited number of viewpoint locations, it is not anticipated that the visual effects from these viewpoints will change.
20. Officers have considered the TVIA addendum and are satisfied that the proposed amendments will not give rise to unacceptable townscape or visual impacts. The taller elements of the scheme will naturally be more visible from certain locations compared to the original scheme, however this does not necessarily equate to them being more harmful. A qualitative assessment of the proposed amendments is contained in the following section of this report.

Height parameters and design:

21. As with the original application, given that outline consent is sought (excluding the 'full' demolition works) with all matters other than 'Access' reserved, the final scale, layout and appearance of the development is not for consideration under this application. Amended parameter plans have however been submitted to indicate proposed land uses and maximum heights across the site.
22. The approach to development presented in the revised height parameters plan is considered to be appropriate, having regard to the submitted TVIA and addendum referred to above. It is considered that the greater heights indicated within the central part of the Mall site (now up to 10 and 12 storeys) would be acceptable, given the distance to neighbouring sites, the need to maximise the use of this sustainable brownfield site in line with the NPPF, whilst also reflecting the character and nature of this town centre location. The maximum heights proposed then decrease to a maximum of 8 storeys around the central area of open space and 6 storeys around this, with the remainder of the Mall site largely having a maximum of 3 storeys, with the exception of pockets of 4 and 5 storey areas. The boundaries with Wellington Street/Church Street/St Matthews Church to the south and Barton Road to the west have a maximum height of 3 storeys. This approach will ensure that successful relationships with surrounding development are achieved, that the setting and significance of heritage assets is protected (discussed further below) and that the character of the site and its surroundings are respected. No changes are proposed to the Lacy Street site, which remains acceptable in this respect.
23. The Design and Access Statement Addendum notes that the updated masterplan proposes reduced building heights around Wellington Street, Church Street and Barton Road with an increase to the maximum heights proposed in the centre of the site development, with a cluster of a maximum of 10 and 12 storeys around the park and King St. This cluster is screened to some extent by the seven-storey Arndale House and the six-storey multi storey car park in the centre of the site. The DAS Addendum states that this approach allows for a better stepped

transition to the neighbouring, predominately low-rise residential properties around the site.

24. Officers note that the siting and extent of the areas designated for up to 10/12 storeys is such that these blocks would need to be slender in form, rather than comprising 'slab blocks' of substantial length. This is important in helping to minimise their visual impact and contributes to setting the parameters for a scheme that can incorporate high quality design, and that can accord with the Council's Consultation Draft Design Code and the National Design Guide. Outside of these central areas, the revised height parameter plan generally proposes a reduction in maximum heights compared to the original application. The entire boundary with Chester Road now has a maximum height of 6 storeys, whereas there was previously a section (above Arndale House) with a maximum of 8 storeys. Previously, all areas of the site which did not form a boundary, were not allocated for open space and did not fall within the taller central section were shown with a maximum height of 6 storeys. The extent of site coverage at this scale has now been substantially reduced, partly as a result of the retention of the Aldi store, but also on land to the south of this (3/5 storeys), land adjacent to King Street Square (3 storeys) and part of the land north of St Matthew's Church (elements of 4 storeys). Officers consider this reworking of proposed height focuses taller development within less sensitive areas, and where greater density can be more comfortably accommodated. In turn the reduction in height within areas outside of this central section will help to deliver a variety in scale, as well as an appropriate transition towards the smaller scale residential properties surrounding the site.
25. Whilst the parameter plan shows maximum heights, as is stated in the applicant's Design and Access Statement and Design Code, an appropriate variation in the height of buildings and their roof form, as well as sufficient spacing between them will be essential to ensure the scheme is acceptable in street scene and design terms. On this basis, Officers are satisfied with the parameters established and a condition should be attached to any consent issued to ensure that reserved matters applications come forward in accordance with the parameter plans, Design and Access Statement and Design Code. The concerns of some local residents regarding the scale of development are acknowledged, however Officers are satisfied that the submitted parameters plan will ensure a scheme is delivered which is respectful of the site and its surroundings whilst also delivering an appropriate density.
26. One representation suggests Stretford House is being used as a measure for the changes to heights, but that is not in keeping with the area. Officers are clear that Stretford House is not a building against which the acceptability of proposed heights is being assessed. Rather, consideration has been given to what is appropriate for the site itself, having regard to its context and submitted supporting information. Other concerns raised relate to the potential for the development to block views of St Matthews Church and present a wall of buildings to Chester

Road. Officers note that the indicative masterplan has been designed to enable views of the church from the north in particular, rather than seeking to block such views. For reasons set out elsewhere in this report, the proposed development is not considered to result in harm to this heritage asset. With regard to Chester Road, the maximum height proposed within this part of the site is reduced from the original application and Officers are satisfied that a scheme can be delivered which is appropriately designed and does not present a 'wall of development' to Chester Road.

27. Whilst consent is not sought for matters of scale, layout, appearance or landscaping at this stage, the original submitted Design and Access Statement and the Design Code submitted with this application include design principles which have been established for the proposed development. These documents set out the intentions of the applicant with respect to the design approach to be taken in relation to future reserved matters applications, and include matters such as scale, building typologies, parking and open spaces.
28. The Design Code includes detailed requirements for reserved matters applications. For example, the section on built form requires the primary material to be brick, window reveals to be a minimum of 1.5 bricks and sets out detailed requirement for various types of block. The character areas defined in the original DAS have also been reviewed and revised to reflect the current application proposals, with four areas now being proposed: Stretford Gardens within the central part of the Mall site, St Matthew to the south, adjacent to the church, Wellington Street in the western part of the Mall site and Lacy Street on the opposite side of the A56. Each of these areas is provided with its own detailed design code, for example the Wellington Street code requires active front doors and living spaces to those units fronting Wellington Street itself. This document is generally reflective of the requirements set out in the Council's Draft Design Code but is expected to be updated to be in compliance with it prior to Committee. As such it would represent a sound basis against which future reserved matters applications can be assessed.
29. A condition should be attached to any consent issued requiring reserved matters applications to be brought forward in accordance with the principles set out within the Design Code. This will also require the submission of a 'Statement of Compliance' with each reserved matters application to demonstrate that appropriate regard and consideration has been given to this document. Officers are satisfied that such an approach, together with the design requirements set out in the Trafford Design Code, will ensure the design quality envisaged under the current application is carried through to delivery on site.
30. Given the above and based upon the information which has been provided at this stage, it is considered that the proposed development can be delivered to a high standard in terms of its detailed design and appearance, and the current application is therefore deemed to be acceptable in this respect.

HERITAGE ASSETS

Legislative and policy background:

31. 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.”*
32. Policy R1 of the Core Strategy states that all new development must take account of surrounding building styles, landscapes and historic distinctiveness and that developers must demonstrate how their development will complement and enhance existing features of historic significance including their wider settings, in particular in relation to conservation areas, listed buildings and other identified heritage assets. This policy does not reflect case law or the tests of ‘substantial’ and ‘less than substantial harm’ in the NPPF. Thus, in respect of the determination of planning applications, Core Strategy Policy R1 is out-of-date and can be given limited weight.
33. Emerging PfE policy JP-P2 states that development proposals affecting designated and non-designated heritage assets and/or their settings will be considered having regard to national planning policy.
34. Paragraph 201 of the NPPF requires 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”*.
35. Paragraph 205 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. Paragraph 206 requires *“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”*. 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.
36. Significance is defined in the NPPF as ‘The value of a heritage asset to this and future generations because of its heritage interest. The interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset’s physical presence, but also from its setting.’ Setting of a

heritage asset is defined in the NPPF as 'The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral'.

37. Paragraph 208 of the NPPF states that *“where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use”*. Paragraph 209 identifies that the effect of an application on the significance of a non-designated heritage asset should also be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

Significance of nearby heritage assets:

38. Chapter 7 of the original Environmental Statement addresses matters of built heritage and provides an assessment of the potential impact of the development on the setting and significance of both designated and non-designated heritage assets. This is informed by a Heritage Statement (HS), submitted as Appendix 7.1 of the ES. The ES Addendum states that the changes proposed under the current application have been assessed and will not incur any undue harm upon the built historic environment and will not result in any changes to the conclusions outlined within the original Heritage Statement and ES.
39. The closest listed buildings to the application site are the Grade II Church of St Matthew and Former Cross Base to the south of the Mall site, the Civic Theatre (now Stretford Public Hall) on the corner of the A56/Kingsway and the Top Rank Club (former Essoldo Cinema) on the corner of the A56/Edge Lane. Beyond these, the Church of St Ann and St Ann's Presbytery are approximately 300m to the north of the site on the A56, whilst the Union Baptist Church is approximately 500m to the east on Edge Lane (all Grade II). The Grade II listed Bridgewater Canal Aqueduct is approximately 400m to the south of the site.
40. Stretford Public Hall is significant for its architectural, historic and communal values. Dated 1879, the building with its prominent clock tower has a landmark status in the area and has a particularly detailed front elevation. Whilst much of its setting has been altered over time, it does however benefit from being viewed in conjunction with the Essoldo Cinema, which together create a distinct gateway into Stretford Town Centre. The Essoldo Cinema itself is significant for its architectural and historic interest. Built in 1936 in an Art Deco style, the building has a prominent entrance on the A56 designed to resemble a cash register and a second entrance fronting Edge Lane. As noted above, this creates a gateway into the town centre along with Stretford Public Hall.

41. The gothic revival Church of St Matthew, built in 1842 and subsequently enlarged is of particular architectural significance, which together with the separately listed Former Cross Base is currently best appreciated from within and in close proximity to the churchyard. Longer range views are generally restricted by vegetation whilst Stretford Mall is considered to have a negative impact on the setting of these assets at present.
42. The significance of the Church of St Ann and St Ann's Presbytery derives largely from their architectural interest. Dated 1862-7 and designed by Edward Welby Pugin, the church is particularly prominent on the A56, whilst there is a more tranquil character to land at the rear. The setting of the presbytery in particular is generally only appreciated from short range views. The Bridgewater Canal Aqueduct is significant principally for its historic and architectural interest and its association with the industrial development of the area. This asset is best appreciated at canal level, limiting its setting.
43. Several non-designated heritage assets (NDHAs) in the vicinity of the site have been identified in the HS. These include the Former Post Office and Derby Hall, immediately adjacent to the Mall and application site boundary. Also identified as NDHAs are Stretford Library, the Robin Hood Public House and Trafford Christian Life Centre to the north and west of the Mall site, whilst Victoria Park and its entrance gates are situated further to the north. Stretford Metrolink Stop on Edge Lane, as well as Stretford Cemetery and associated entrance gates, mortuary chapel and WWII memorial are referenced, as are the Bridgewater Canal and Watch House Cruising Club to the south of the Lacy Street site.

Impact of development on heritage assets:

44. The Council's Heritage & Urban Design Manager has been consulted on the application and notes that in July 2021, Heritage Architecture Ltd. (HA) provided a Heritage Statement and ES Chapter (Chapter 7: Built Heritage) to support the hybrid Planning Application (103844/HYB/21). There was a general concern that a methodology assessment adapted from ICOMOS guidance on 'Heritage Impact Assessments' in relation to World Heritage Sites has been used, which ranks heritage assets based on their potential for international heritage value. Notwithstanding this, the H&UDM acknowledges that the HS provides a comprehensive and informed understanding of the significance of the affected heritage assets.
45. The Council's H&UDM concurs with the list of designated and non-designated heritage assets considered by the Assessment. No objections to the proposed partial demolition of Stretford Mall are raised and it is stated that the redevelopment of the site provides a welcomed opportunity to reinstate the eroded historic urban grain, integrate remaining heritage assets, improve their connectivity and create an interesting, distinctive and well-designed town centre. Reference is

made to the 2021 HS, noting that the urban form of Stretford is severely fragmented: *“there is a poor sense of enclosure to the street blocks surrounding the Site and as a result there is a general lack of pedestrian activity and vitality to the area, with vehicular traffic forming the dominant feature”*. An initial phase of demolition has taken place, subsequently opening up King Street and revealing the historic street pattern and associated non-designated heritage assets.

46. The application seeks permission for a number amendments to the masterplan which have been considered in relation to the affected heritage assets. These include the re-orientation of the park to provide better connectivity through the site and allow views of St Matthew’s Church, Grade II listed; reimaging of the overall maximum building heights across the site, which has resulted in a reduction in maximum heights to the north and west of the site and an increase in height in the centre of the site from 10 storeys 12 storeys and the removal of the increase height to Arndale House.
47. The revised proposals have sought to retain the 3-storey elements around the Grade II listed Church of St. Matthew, which was approved within the hybrid application as an appropriate, responsive height. Routes within the masterplan area have been realigned, including the neighbourhood park proposed to the centre of the site, to ensure the designated heritage asset is sufficiently integrated and clear sightlines towards the Church will be maintained and enhanced. The reinstatement of historic urban grain in this location is also welcomed, providing a sense of enclosure and context to the Church, which is a benefit of the proposals. It is stated that the detailed design stage should seek to improve the architectural interest of the block fronting Chester Road in order to enhance the setting of St Matthews Church.
48. The H&UDM welcomes the removal of the proposed two storeys to Arndale House which will reduce the impact of the development on St Matthews Church in views from Chester Road. The detailed design stage should seek to improve the architectural interest of this block to enhance the setting of St Matthews Church. Kinetic views looking southwards across the currently open space will be lost through the development of 3 storey houses and 6 storey blocks adjacent to the Mall in this location. This again will impact on the setting of the listed building and views of the Church will be lost from Chester Road.
49. The redistribution of the massing and height of the development across the site, focused on the central core of the masterplan area, results in a noticeable change from the previously approved 8 storeys to up to 10 - 12 storeys. There is some concern regarding the clustering of these taller elements of the development and resultant massing adjacent to King Street. This will increase the visual impact of the development on the setting of on non-designated heritage assets as well as the experience and appreciation of Stretford Public Hall and the Essoldo in views along Chester Road. The design of the development in terms of articulation, scale, massing, alignment and materiality will be critical in ensuring the impact on

the affected designated and non-designated heritage assets will be minimised and should be secured at reserved matters stage.

Identification of harm and public benefits:

50. All harm identified to the setting (indirectly) of heritage assets by the Council's Heritage & Urban Design Manager ranges from negligible to moderate. This assessment takes into account aspects of the development which have not changed and the proposed amendments to the masterplan including the improvements in relation to St Matthew's Church and the increase in height and massing of the development in relation to Stretford Public Hall, the Essoldo, Derby Hall and the former Post Office on King Street.
51. With regard to the designated heritage assets affected (Stretford Public Hall, the Essoldo and St Matthews Church), this is considered to constitute 'less than substantial' harm. In accordance with NPPF paragraph 206, this harm requires clear and convincing justification and as required by paragraph 208, this harm should be weighed against the public benefits of the proposal. With regard to the harm identified to the setting (indirectly) of non-designated heritage assets, a balanced judgement is required having regard to the scale of any harm or loss and the significance of the heritage asset (in accordance with NPPF paragraph 209).
52. There are considered to be numerous significant public benefits associated with the proposed development which would outweigh the harm to designated and non-designated heritage assets identified above. The proposals would deliver up to 800 no much needed residential units in a highly sustainable location, contributing towards meeting the Council's housing land targets and housing needs. The scheme would also deliver a rejuvenated town centre for Stretford, enhancing it as an asset for the local community, as well as a destination for those visiting the area. A significant amount of publicly accessible open space and public realm will be delivered, along with 25 per cent affordable housing provision on-site. As set out elsewhere in this report, the construction phase is anticipated to support 1,440 no direct and indirect jobs during the 3.5 year construction period, which would also generate a gross spend of circa £127,000 per year. In addition, the new households are estimated to spend around £15m per year locally. The scheme will also secure a contribution of just under £3.7m towards primary and secondary education facilities in the local area. The proposals would maximise the benefits associated with a brownfield site in a highly accessible location and overall, the scheme is considered to constitute a socially, environmentally and economically sustainable form of development.

Conclusion on heritage impacts:

53. In conclusion, the public benefits identified above are considered to clearly and demonstrably outweigh the less than substantial harm to designated heritage assets as well as the minor harm to non-designated heritage assets. On this basis,

the proposed development is deemed to accord with the NPPF and is considered acceptable in this respect.

RESIDENTIAL AMENITY

54. 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”*.
55. As with the original application, given that approval is not being sought for matters of scale, layout or appearance at this stage, a full further assessment of matters of amenity (including overshadowing and overlooking) will be necessary at reserved matters stage. It is however necessary to consider whether a scheme falling within the amended parameters identified on the submitted plans can be accommodated without causing unacceptable harm to residential amenity.
56. There are no existing residential properties within either the Mall site or the Lacy Street site. The closest residential properties to the Mall site are those on Wellington Street and Church Street to the south, Barton Road to the west, those on the opposite side of the A56 to the east and those on residential streets to the north of Kingsway. As with the original application, a maximum height of three storeys is proposed adjacent to the southern and western boundaries of the site, with the expectation being that townhouses would address Wellington Street and Church Street. The existing properties fronting the southern boundary of the site are two storey pairs of semis, and these are set approximately 15m from the site at the nearest point.
57. As with the original application and based on the submitted information, it is considered that the separation distances set out in the Council’s adopted Planning Guidance 1: New Residential Development (2004) can and should be achieved at Wellington Street/Church Street, having regard to the need for landscaping and potentially parking space to be provided. Similarly, it is considered that a scheme can be delivered with no unacceptable impact on the amenity of properties on Barton Road.
58. A strip around the eastern and northern boundaries of the Mall site is proposed for highway and pedestrian access improvements. Having regard to this, development proposed with a height of up to six storeys or more on the Mall site could only potentially be within approximately 70m of the nearest residential properties on the eastern side of the A56 at the nearest point. This far exceeds the separation distances set out in the Council’s guidance and is considered sufficient to ensure there is no unacceptable impact on the amenity of these residents. Similarly, five storey elements of the proposed development would be a minimum of

approximately 32m away from the nearest residential properties to the north of the Mall site, six storey elements would be approximately 55m away and those with eight storeys or more would be at least 100m away. Again, this is comfortably sufficient to avoid an unacceptable amenity impact.

59. It is acknowledged that some parts of the scheme would now have a maximum height of ten or twelve storeys, compared to the maximum of eight storeys under the original application. However, this is only the case in three relatively small parts of the site and these areas with greater maximum height do not have a substantial footprint. Furthermore, these are located centrally within the Mall site where potential impacts on the amenity of existing residential properties would be minimised. Indeed, the 10 storey areas are approximately 85m away from the closest existing residential properties, and the 12 storey area is approximately 93m away. The extent and arrangement of these areas is such that the tallest blocks within the development would be slender in form, rather than comprising 'slab blocks' of substantial length, which would further reduce the likelihood of any detrimental amenity impacts occurring. Issues of visual impact are assessed elsewhere in this report, however with regard to amenity, the proposed increase in maximum height is not considered to have a level of impact for which permission should be withheld.
60. No changes are proposed to the Lacy Street site, and amenity impacts associated with this element of the development have been assessed under the original application.
61. Although permission for layout is not sought under this application, it is unlikely that all separation distances between new buildings proposed in future reserved matters applications will meet the SPD1 guidelines. Properties will however be designed to provide good natural lighting and the development will seek to provide future residents with good levels of amenity, sunlight, daylight and private amenity space consistent with the delivery of a higher density development. This will be secured at the appropriate reserved matters stage.
62. Given the above, it is considered that a development which does not have an unacceptable impact in terms of daylight, sunlight and overshadowing can be delivered within the parameters proposed under this application. Further consideration will be given to the final layout, scale and appearance of the development at reserved matters stage, at which point it is recommended that a supporting daylight and sunlight assessment is submitted to ensure that all relationships are acceptable in this respect.

HIGHWAY MATTERS

63. 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”.

64. Paragraph 115 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”.*
65. Emerging PfE policy JP-C6 states that new development will be required to be located and designed to enable and encourage walking, cycling and public transport use, to reduce the negative effects of car dependency, and help deliver high quality, attractive, liveable and sustainable environments.
66. The original application was supported by a Transport Assessment (TA) which considered all relevant traffic and transport matters relating to the site, and sought to demonstrate that the proposed development is acceptable with regard to impacts on the local highway network, access, parking and accessibility by sustainable modes of transport. The current proposals do not result in any substantial changes to the scheme in respect of highway matters, with the exception of proposed access points. Three new points of access (E, F, and G) are proposed, along with changes to approved access points A, B, D, and H, for which vehicle tracking information has been provided.
67. As a summary, access points A and B are on Kingsway, points D and F are on Chester Road, point E is into the Lacy Street site from Newton Street and point G is at the end of Wellington Street. Access point H, originally taken from Wellington Street has been removed from the scheme. A Transport Assessment Addendum (TAA) has been submitted which provides a full explanation as to how each access point is intended to operate.
68. The Local Highway Authority (LHA) has been consulted and notes that access points A and B have been approved under the Kingsway Future High Streets Fund scheme, outside of the planning process. No concerns are raised in respect of these. Similarly, no concerns are raised in relation to access points D, E and G. For point D (retained left-in left-out junction under the Arndale centre – proposed to be a service access for the Chester Road retail units), it is noted that layout shown on the submitted plans is indicative based on this access already being in place, and subject to change as a result of the ongoing development of a separate scheme to undertake highway and active travel improvement works along the A56 which will impact this location. For access point E, it is intended to amend the indicative proposals submitted under the original application, and the proposals now include a priority access at the Newton Street junction with Lacy Street to accommodate plot servicing and access to accessible car parking spaces. The proposals also seek to remove 4no short stay parking spaces to accommodate vehicle turning movements. The TAA confirms any changes to this access will be

developed in conjunction with the A56 improvements. Access point G is a proposed priority access located at the junction of Wellington Street and Church Street; the LHA requests that an independent Stage 1 Road Safety Audit is completed for this access alongside the relevant reserved matters application; this can be secured by condition.

69. In relation to access point F (Chester Road), this would be immediately adjacent to what will ultimately become an on-road bus stop. The TAA notes that the submitted access arrangements are indicative and the detailed design to be submitted at the relevant reserved matters stage will be drawn up in discussion with the A56 active travel and highway improvement works design team. It is understood that this team is generally supportive of the closure of the layby and the A56 cycle facilities being taken off road at this location, to run behind the proposed bus shelter, prior to re-joining the proposed shared bus and cycle lane. These works would also be subject to a Stage 1 Road Safety Audit, which would be required at reserved matters stage.
70. As noted above, the application is accompanied by detailed designs for the proposed access points, though these are subject to change depending on the final scheme of improvement works on adjacent highways. The LHA is however satisfied with the details that have been provided at this stage. Conditions should be attached to any consent issued requiring the submission of final detailed designs/vehicle tracking information for all proposed accesses.
71. The TAA also advises that internal access for vehicles will be defined at reserved matters stage and that servicing routes within the development will not be for general vehicle use, and will be managed. As per the original consent, conditions will be attached to require the submission of a Movement, Parking and Servicing Management Strategy and a Waste Management Strategy at reserved matters stage for each phase of development.
72. Some representations suggest that more parking is needed within the development, and that there will be a resulting impact on local streets. It is noted that the current application does not propose any amendments to the overall approach to parking that was considered acceptable under the original application, with the majority being provided within the retained MSCP. As a result of the retention of the Aldi store, the surface car park within this part of the site will remain in place. The TAA indicates that circa 100no spaces would be provided here, with additional spaces being located in place of the existing MSCP access ramp, which is to be internalised. The previous hybrid application indicated that the overall level of parking to be provided by the development would be in the region of 31 per cent – with 100 per cent provision for townhouses. Accessible parking will also be provided.
73. Under the original application, a Parking Strategy was submitted to provide explanation and justification for the level of car parking proposed, including

Census car ownership figures. This also stated that a car club can be provided as part of the development, which would be suitable for those requiring a car for occasional use, such as at evenings and weekends, shopping trips and visiting friends and family. A condition was also imposed to secure a review of existing Traffic Regulation Orders in the vicinity of the site, which would ensure that additional restrictions and potentially extensions to resident permit schemes can be implemented where necessary. This would also be attached to any consent issued under this application, and would serve to limit the potential for disamenity to surrounding residents to arise as a result of overspill parking associated with the proposed development.

74. A condition would also be imposed to secure the review of parking demand and use at each phase of development, which would inform the detailed proposals for future phases. A Travel Plan is also conditioned. The LHA, under the original application, requested that a detailed parking layout and parking management strategy is provided at the reserved matters stage, to include a breakdown of residential parking (for example, driveway/podium/use of the multi-storey car park) and accessibility spaces. The LHA accepts that the development is suitable for a level of parking provision below that required by SPD3, and that the detailed arrangements will need to be considered further at the reserved matters stage when the final layout has been determined. This condition should be attached to any consent issued.
75. Officers remain satisfied that the anticipated level of car parking to be delivered is sufficient and would not result in an unacceptable overspill impact on surrounding streets, subject to appropriate conditions. The site is in a highly sustainable location with excellent connectivity via tram or bus, as well as being highly accessible for pedestrians and cyclists making sustainable methods of transport a realistic option for journeys to and from the site.

Summary of highway matters:

76. The proposed development is deemed to be in accordance with local and national planning policy in respect of highway impacts and the 'residual cumulative impacts' are not considered to be 'severe' (as set out in NPPF paragraph 115). The Local Highway Authority is satisfied with the proposed development, subject to a number of appropriately worded planning conditions. On this basis, the proposed development is considered to be acceptable in this respect.

OPEN SPACE

77. The Council's adopted SPD1: Planning Obligations states that "*large residential developments of approximately 100 units, or that provide homes for 300 people or more, will need to provide new open space as part of the site design*". Core Strategy Policies R3 and R5 provide further clarification on how this could be provided.

78. Emerging PfE policy JP-P7 states that a network of high quality and accessible sports and recreation facilities will be protected and enhanced, supporting greater levels of activity for all ages. This will be delivered by creating a public realm that provides frequent opportunities for play and that all ages can enjoy together and requiring new development to provide new and/or improved existing facilities commensurate with the demand they would generate.
79. The current application proposes changes to the location and orientation of areas of public open space to be provided within the Mall site. The main change relates to amendments to the central area of open space referred to as 'Stretford Gardens', and involves the reorientation of the park to a north/south configuration from the previous east/west arrangement. The submitted Design and Access Statement Addendum notes that this will provide better connectivity through the site, reflect the proposed location of the Market Hall and allow north/south views and easier walking routes towards St Matthews Church and Victoria Park. A comparative direct daylight study within the DAS Addendum shows that the amendment represents an improvement to direct daylight on the park compared to the previous proposal. The park will also be wider than shown on the previous proposed masterplan, which is expected to create more usable amenity space.
80. The submitted information explains that there is no substantial change in the quantum of space provided by the park compared to the original application. This area is intended to act as the heart of the development where people can meet, play and relax. Vehicular access will be restricted to services only to create pedestrian and cycle friendly edges. Lower buildings to the southern edges are intended to maximise direct daylight and sunlight penetration into the park. The proposed 'Broady Square' area of open space will no longer be delivered as a result of the retention of the Aldi store within the masterplan area.
81. Officers are satisfied with these proposed amendments to the approach to open space provision. As with the original application, the development will provide a significant amount of public open space and public realm which is considered to be sufficient and appropriate for a site of this scale in a town centre location and would address the aims of Core Strategy Policies R3 and R5. The detailed design of these spaces and the specific landscape treatment would be developed at the appropriate reserved matters stage.
82. Sport England has again been consulted to assess demand against information contained within the Council's adopted Playing Pitch Strategy, in order to determine whether and how the additional demand arising from the development can be accommodated locally. No on-site sport provision is proposed, which is deemed to be acceptable in this instance given the town centre location of the scheme, the size of the site and the amount of public realm being delivered.

83. Sport England state that they object to the application on the basis that no financial contribution is proposed towards improvements to off-site indoor and outdoor sports facilities. The response includes a calculation for a financial contribution towards indoor and outdoor sport, inclusive of costs for a range of facilities including swimming pools, changing rooms and playing pitches.
84. As was the case under the original application, it is considered that the figures set out in the Sport England response do not reflect the policy requirements of the Trafford Core Strategy and SPD1, in particular the request for a contribution towards indoor sports facilities. With regard to outdoor sports provision, no contribution to changing facilities would be required due to the completion of an improved changing room scheme at Turn Moss Playing Fields, as identified and prioritised in the Local Football Facilities Plan (LFFP) and stated in the Council's 5 year investment plan. The applicant is committed to providing 25 per cent affordable housing as part of the development as well as a policy-compliant contribution towards education improvements. Although no contribution is made toward off-site sport improvements, overall the proposed development is considered to be in accordance with the aims of Core Strategy Policy R5 in that the development will deliver a substantial amount of open space within a town centre site where there currently is none. This is a significant benefit of the proposed development. The lack of a contribution towards off-site sports facilities is identified as an adverse impact of the development, and will be considered in the planning balance.
85. With regard to semi-natural greenspace, SPD1 defines this as including areas of countryside close to residential areas, urban fringe, linear countryside routes, woodlands and nature reserves. This document seeks mitigation measures associated with new development, however none is proposed in respect of the current application which has to be considered as an adverse impact of the proposal.
86. Given the scale of the development there is also a requirement for children's play provision with a Neighbourhood Equipped Area for Play (NEAP) standard play area and an additional Locally Equipped Area of Play (LEAP) standard play area, in line with the standards adopted in SPD1. The space available within the indicative landscape masterplan suggests that this provision can be delivered, however further details of this provision will be required at the reserved matters stage. A condition to this effect should be attached to any consent issued.

ECOLOGY/BIODIVERSITY NET GAIN

87. It is noted that the current application was submitted prior to the requirement for Biodiversity Net Gain (BNG) coming into force (applications submitted after 12 February 2024). The proposed amendments do not impact upon the conclusions reached under the original application, and the application remains acceptable in this respect. Notwithstanding that BNG is not a mandatory requirement for this

application, a condition is again recommended for the submission of a scheme of Biodiversity Enhancement Measures to secure improvements in this respect.

DEVELOPER CONTRIBUTIONS

88. The proposed amendments do not generate a requirement for any developer contributions beyond those secured under the Section 106 Agreement associated with the original consent. These relate to the provision of affordable housing and a financial contribution towards improved educational facilities.
89. It is however necessary to secure a variation to the existing S106 Agreement to ensure that this relates to the current application, rather than solely to the original permission. This variation also includes amendments to the education clauses, in order to reflect updated figures from Education.

MATTERS ADDRESSED IN ENVIRONMENTAL STATEMENT ADDENDUM

90. The submitted Environmental Statement Addendum considers the impact of the proposed amendments to the application on the conclusions reached under the original Environmental Statement, in respect of those matters originally assessed (socio-economics, built heritage, air quality and noise and vibration).
91. Matters of built heritage are considered earlier in this report, with the amended development having been re-assessed in this respect. In terms of socio-economics, air quality and noise/vibration, the ES Addendum concludes that the scale and type of proposed amendments do not have any impact on the assessments submitted in the original ES, and these conclusions therefore remain valid. These matters have been fully assessed under the original planning application and Officers are satisfied that the current amendments do not affect the conclusions previously reached. In addition, the Council's Environmental Protection service advises it has no additional comments to make beyond those provided in relation to the original application.

OTHER ISSUES RAISED IN REPRESENTATIONS

92. 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.
93. Some representations raise concerns that the ongoing work at the Mall is causing vibration at existing properties. The King Street works and development associated with this permission will be subject to the requirements of a Construction Environmental Management Plan, which is intended to minimise impacts of the development as far as possible. Some level of disruption is inevitable with any development, but this is not considered to be of such a degree to warrant the refusal of planning permission. Officers note that there is no

requirement for a Fire Statement to be submitted, as planning permission for new buildings is only being sought in Outline form.

94. A representation suggests the closure of Stretford Food Hall came about as a result of this development. There is no indication that this is associated with the proposed development. Whilst works to King Street are ongoing, the completed development is intended to enhance the area and encourage both businesses and residents to Stretford. Other representations suggest the development will attract antisocial behaviour, however there is nothing to suggest this will be the case; indeed the scheme is expected to represent an improvement to the current situation through additional activity and a greater number of residents within the area.
95. Other concerns relate to a perceived lack of consultation by the Council. This report sets out the extent of pre-application consultation which has been carried out by the applicant (which constitutes a joint venture between Bruntwood and Trafford Council) and also reports on responses to the statutory consultation process carried out by the Council as Local Planning Authority. Officers are satisfied that an appropriate level of consultation has been carried out, particularly given the context of this application constituting an amendment to an existing planning permission. A response also suggests that the views of residents are not reflected in the submitted Statement of Community Involvement. This document presents the results of the pre-application consultation and identifies areas of which the local community were not largely supportive. Notwithstanding this, Officers have considered all matters raised in consultation responses.
96. One response states that the proposed dwellings should be aimed at families. It is noted that a condition on the existing consent requires the submission of a strategy for delivering residential units suitable for family living, alongside any future reserved matters application. This should be reattached to any consent issued under this application, and is considered sufficient to ensure an appropriate level of family housing is provided. Other concerns relate to the desire for more houses rather than flats. The exact mix of housing to be delivered will be determined at reserved matters stage, though there is no change to the indicative proposals set out under the original application. Officers note that it will be necessary to deliver an appropriate density in this sustainable town centre location, whilst ensuring surrounding residential streets (such as Wellington Street) are appropriately addressed.
97. Another concern relates to the lack of housing/active frontage overlooking Kingsway and associated potential safety concerns. Officers note that Kingsway is subject to highway improvement works which are intended to make this area more pedestrian-friendly. Any detailed scheme for this part of the site will need to ensure that an appropriate design solution is delivered which takes accounts of potential safety issues. With regard to potential inconsistencies on plans (including parking spaces on Wellington Street shown on some plans but not others), it should be

noted that any such plans are only provided for indicative purposes at this stage, with detailed plans to be provided at reserved matters stage. Officers are satisfied that all plans submitted for approval are consistent and accurate, and that indicative/illustrative plans appropriately show the form and extent of development which may come forward under detailed reserved matters applications.

98. With regard to the loss of the hedgerow on Wellington Street, it is noted that any detailed scheme for redevelopment will be required to be accompanied by a full landscaping scheme, setting out the species of plants to be provided and ensuring that any lost areas for landscaping are appropriately compensated for. The existing consent also includes restrictions on vegetation clearance during the bird nesting season, as well as the requirement for a scheme of biodiversity enhancement measure to be submitted. These conditions will also be included on any consent issued in relation to the current application. In terms of comments regarding the unsightly appearance and noise associated with additional bins, a condition requiring the submission of a Waste Management Strategy will be attached to any consent issued whilst any detailed scheme will need to provide appropriate facilities for waste storage. This is considered to be sufficient in ensuring this matter is appropriately addressed.

CUMULATIVE IMPACTS

99. Under the original application, cumulative impacts were considered in relation to all relevant matters within the Environmental Statement, with eight sites being identified for assessment. These impacts were assessed within a specific chapter of the Environmental Statement, together with effects associated with the combination of impacts from the proposed development, known as 'synergistic effects'. This chapter of the ES concluded that there is unlikely to be any significant adverse cumulative construction effects, though there may be some minor adverse impacts associated with construction noise and impacts on the Bridgewater Canal, though these can be mitigated to some degree by appropriate method statements. Regarding the operational phase of development, the ES also concluded that there is unlikely to be any significant adverse cumulative effects, with some beneficial impacts in terms of socio-economics.
100. In terms of synergistic effects, the ES acknowledged the potential for some impacts to occur during the construction phase in respect of construction noise, though it also identifies some beneficial economic impacts which offset this to some degree. These impacts were not deemed to render the development unacceptable in planning terms. Operationally, there were not predicted to be any significant synergistic cumulative effects of the development.
101. The ES Addendum confirms that the above conclusions remain valid in respect of the amended scheme. In summary, Officers are satisfied that potential cumulative impacts have been appropriately considered within the application with mitigation

recommended as necessary. As such, the application is considered to be acceptable in this respect.

ENVIRONMENTAL EFFECTS AND MONITORING

102. The significant effects of the proposed development have been considered in the original Environmental Statement, the addendum to the Environmental Statement, and through the analysis carried out throughout this report and that associated with the original planning application. It is concluded from this information and analysis that there would be no significant effects on the environment arising from this scheme, with the exception of construction noise impacts on existing sensitive receptors. These effects can be controlled and mitigated to some extent by the provision of an appropriate Construction Environmental Method Statement required by planning condition. The only adverse impact identified during the operational phase relates to noise from fixed plant at the site, however mitigation measures are proposed to minimise effects on existing and future residents and users of the site, and the residual effect is not significant.
103. Subject to the 'embedded' mitigation measures and further mitigation being secured by appropriate planning conditions, there is not deemed to be any reason to withhold planning permission on the basis of the environmental impact of this development. A number of monitoring measures are required to ensure that some of the environmental impacts of the scheme identified in the ES and summarised in this report are mitigated. The majority of these would be brought forward through planning condition, including in respect of air quality and noise impacts.

EQUALITIES

104. 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.
105. 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.
106. 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.
107. The applicant provided an Equality Impact Assessment with the original application which sets out how matters associated with the above-mentioned protected characteristics have been addressed. This identifies that there is no clear relationship or direct impact on equal opportunities from the development proposals with regard to equality groups gender reassignment; marriage and civil partnership; race; religion or belief; sex/gender; and sexual orientation. This states that there are potential impacts for people from the equality groups age; disability; and pregnancy and maternity.
108. For the construction phase, it is identified that people from the age (younger and older) and disability (physical and mental) protected groups are likely to be more affected by disturbance, noise, and dust. The effects from demolition and construction are however temporary and have been identified as 'not significant'. In addition, such effects will be minimised and mitigated through a Construction Environmental Management Plan.
109. Once completed, the proposed development is deemed to enhance access, movement and use of the new and regenerated retail, housing and leisure facilities, through pedestrianisation, the provision of green spaces, and public realm improvements. These are identified as having positive effects for all people, including all groups with protected characteristics. The proposed diverse mix of housing and facilities would allow for different age demographics within the community, and encourage different people to live in more inclusive neighbourhoods. The change from an unattractive and underused shopping mall back into a town centre with a diversity and mix of uses will create a more vibrant and safer atmosphere with places that people will want to use. The proposed development when completed is identified as having positive effects for residents, workers, and visitors, including those people with protected characteristics.
110. The Assessment concludes that no significant disproportionate or differential negative impacts on groups with protected characteristics have been identified, whilst no options have been missed to promote equality of opportunities. The amendments proposed under this application are not considered to impact upon these conclusions and based on the information submitted, Officers are satisfied that no adverse impact on protected groups will arise as a result of the development.

PLANNING BALANCE AND CONCLUSION

111. 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.
112. 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 and has a three year HDT figure of less than 75%, the tilted balance in Paragraph 11 of the NPPF is engaged. An assessment of the scheme against Paragraph 11(d)(i) does not suggest that there is a clear reason for refusal of the application when considering habitat protection, heritage or flood risk.
113. The proposal complies with the development plan which would indicate that planning permission should be granted. There are no material considerations, either in the NPPF or otherwise which would suggest a different decision should be reached. However, as the tilted balance in Paragraph 11 of the NPPF is triggered it is necessary to carry out an assessment of whether the adverse impacts of the development would significantly and demonstrably outweigh the benefits. It is important to note that this assessment relates to the scheme as a whole, rather than solely to the amendments sought under this Section 73 application.

Adverse impacts:

114. The following adverse impacts of granting permission have been identified:
- Less than substantial harm to designated heritage assets in NPPF terms and minor harm to non-designated heritage assets.
 - Loss of trees and vegetation within the site, although this would be mitigated as far as possible by replacement planting and biodiversity enhancement measures.
 - No financial contribution to outdoor sport or semi-natural greenspace.
115. The main benefits that would be delivered by the proposed development are considered to be as follows:
- The transformational regeneration benefit to the town centre, including the Lacy Street site. This is associated with the reintroduction of the historic street pattern, the creation of new townscape, significant public realm improvements, improved relationship with St Matthew's Church, job creation and improved accessibility.
 - The provision of new local centre facilities which has the potential to contribute to the enhanced sustainability of the local community and the creation of a sense of place.

- The delivery of up to 800no new homes in a highly sustainable location. The proposals would contribute significantly towards addressing the identified housing land supply shortfall and substantial weight has been given to this benefit.
- 25 per cent of the total number of dwellings will be delivered as affordable units on site.
- A financial contribution towards off-site improvements to education facilities.
- The proposals would maximise the benefits associated with a brownfield site in a highly accessible location, re-using significant areas of previously developed land, including for housing which will contribute positively to the Council's policy aspiration to maximise the use of previously developed land for housing.
- The construction phase is anticipated to support 1,440no direct and indirect jobs which would also generate a gross spend of circa £127,000 per year.
- Once built, the proposed housing is estimated to generate a gross additional household expenditure of just over £15m per annum.
- Improved appearance to and interaction with surrounding land and routes, including the A56, Bridgewater Canal, Edge Lane and Kingsway and the re-integration of the town centre with its surroundings.
- Delivery of a high quality development, secured by a condition requiring compliance with the submitted Design and Access Statement.
- Recreational, social and environmental benefits associated with the provision of on-site publicly accessible open space and public realm.
- New Homes Bonus.

Conclusion:

116. The main adverse impacts identified above are the less than substantial harm to designated heritage assets and minor harm to non-designated heritage assets, the loss of some trees and vegetation (albeit mitigated) from within the site and the lack of a financial contribution towards outdoor sport or semi-natural open space.
117. Substantial weight is however given to the contribution the scheme will make to the transformational regeneration of the town centre, the Council's five year housing land supply and the high quality development of previously developed land in a highly sustainable location. Substantial weight is also afforded to the delivery of 25 per cent on-site affordable housing and developer contributions towards enhancements to off-site education facilities. Significant weight is also given to the economic benefits of the scheme, arising both during construction and following completion of the development. Weight is also afforded to the other benefits listed above.
118. 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. Indeed the benefits of the scheme are considered to significantly outweigh the

adverse impacts identified above. The application is therefore recommended for approval.

RECOMMENDATION:

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

- (i) To complete a deed of variation to the existing legal agreement under S106A of the Town and Country Planning Act 1990 (as amended) to secure:
 - Amendments to the wording of the education contribution clauses; and
 - Amendments to the planning application reference number to which the legal agreement relates.
- (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):

Conditions:

For the purposes of all relevant conditions below, 'phase' is defined as (a) the phases shown within the phasing plan submitted in relation to Condition 9, or (b) a reserved matters application for buildings or infrastructure.

'Full' component of development:

1. The commencement of the 'Full' component of the development hereby approved must be begun not later than 14th April 2026.

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. All works of demolition shall be carried out in accordance with drawing ref. 1988/P/00006 (Demolition Plan).

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

3. No phase of works of demolition shall take place unless and until a Demolition Method Statement for that phase has been submitted to and approved in writing by the Local Planning Authority. The Statement shall provide for:
- (i) the parking of vehicles of site operatives and visitors;
 - (ii) the loading and unloading of plant and materials, including times of access/egress;
 - (iii) the storage of plant and materials;
 - (iv) demolition methods to be used, including the use of cranes and piling;
 - (v) measures to control the emission of dust and dirt during demolition;
 - (vi) measures to prevent disturbance to adjacent dwellings from noise and vibration;
 - (vii) measures to protect and stabilise all designated and non-designated heritage assets within the site;
 - (viii) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - (ix) wheel washing facilities, including measures for keeping the highway clean;
 - (x) a scheme for recycling/disposing of waste resulting from demolition works;
 - (xi) information to be made available for members of the public; and
 - (xii) contact details of the site manager to be advertised at the site in case of issues arising

The approved Statement shall be adhered to throughout the demolition phase of development.

Reason: To ensure that appropriate details are agreed before works start on site, in the interests of highway safety, heritage protection 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 phase of demolition or development ground-works shall take place unless and until a Written Scheme of Investigation (WSI) to secure the implementation of a programme of archaeological works for that phase has been submitted to and approved in writing by the Local Planning Authority. The WSI shall cover the following:
- (i) A phased programme and methodology to include:
 - a) evaluation through trial trenching within the Phase 2 area of the development
 - b) informed by (a), a watching brief during the removal of foundation slabs beneath Phase 3 to determine the extent of truncation/disturbance and to assess the potential for further remains
 - c) evaluation through trial trenching within the Phase 1E area of the development

- d) informed by (a) (b) and (c), more detailed targeted excavation in any areas of the site where significant archaeological remains are encountered (subject of a separate WSI).
- (ii) A programme for post-investigation assessment to include:
 - a) analysis of the site investigation records and finds
 - b) production of a final report on the significance of the heritage interest represented.
- (iii) Deposition of the final report with the Greater Manchester Historic Environment Record.
- (iv) Dissemination of the results of the site investigations commensurate with their significance, including popular and/or academic publication, public engagement, information panels, on-site heritage display.
- (v) Provision for archive deposition of the report, finds and records of the site investigation.
- (vi) Nomination of a competent person or persons/organisation to undertake the works set out within the approved WSI(s).

The programme of works shall be implemented in accordance with the approved details.

Reason: In order to record and advance understanding of the significance of any heritage assets to be lost, in accordance with Policy R1 of the Trafford Core Strategy and Paragraph 211 of the National Planning Policy Framework. This work/information is required prior to commencement as any work on site could cause harm or damage to potential archaeological assets.

5. No clearance of trees or shrubs, or demolition of buildings H or P as identified in the 'Buildings Protected Species Survey Report' – Sensible Ecological Survey Solution Feb 2021, 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.

6. Demolition 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 demolition 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.

'Outline' component of development:

Time limits/phasing/quantum:

7. Application for approval of reserved matters in respect of the first phase of development must be made no later than 14th April 2026 and the first phase of development must commence no later than whichever is the later of the following dates:

(a) 14th April 2026; or

(b) The expiration of two years from the final approval of reserved matters in respect of the first phase of development

Application(s) for the approval of reserved matters for all other phases must be made no later than 14th April 2033. Development associated with all other phases must commence no later than the expiration of two years from the date of approval of the last of the reserved matters for that phase.

Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

8. For each phase of development, the approval of the Local Planning Authority shall be sought in respect of the following matters before development first takes place in that phase:

(a) Appearance

(b) Landscaping

(c) Layout

(d) Scale

Reason: The application is granted in outline only under the provisions of Article 5 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 and the details of the matters referred to in the condition have not been submitted for consideration.

9. Any reserved matters application(s) shall be accompanied by a Phasing Plan (updated as necessary) for all approved development which has not yet been

delivered on site. Development shall thereafter take place in accordance with the approved details.

Reason: To ensure that development is brought forward in an appropriate manner, and to ensure that utility infrastructure is delivered in a coordinated and planned way, having regard to Policies L4 and L7 of the Trafford Core Strategy and the National Planning Policy Framework.

10. Any reserved matters application(s) shall be brought forward in accordance with the details shown on the following submitted plans:

Plan Number	Drawing Title
1988-P/00002 (Rev D)	Land Use Parameter Plan
1988-P/00003 (Rev H)	Maximum Heights Parameter Plan

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

11. The development hereby approved shall be limited to the following maxima (all figures Gross External Area):

- (i) 800no residential units (Use Class C3)
- (ii) 13,000m² for commercial, business and service uses (Use Class E)
- (iii) 2,800m² for public house/drinking establishment uses (sui generis)
- (iv) 720m² for learning and non-learning institutions (Use Class F1)
- (v) 2,400m² for local community uses (Use Class F2)

Reason: To set appropriate parameters for future reserved matters applications and to ensure an appropriate mix of uses, having regard to Policies L1, L2, L4, L7 and W2 of the Trafford Core Strategy and the National Planning Policy Framework.

Reserved matters submission:

12. Any application for reserved matters shall be accompanied by a Statement that provides details of the following, both for the proposed phase and the cumulative total from any previously approved/developed phases:

- Quantum of development falling within each use class;
- Mix of residential units, including the number of which are suitable for family living as required by Condition 16;
- Number of M4(2) and M4(3) residential units to be delivered;
- Quantum of Specific Green Infrastructure provided including tree planting and metrics of qualifying alternative treatments;
- Number of residential units occupied across the whole site at the time of submission.

Reason: To ensure that the development proceeds in accordance with the requirements of this permission and is in accordance with Policies L2, L7, R5 and other relevant policies of the Trafford Core Strategy and the National Planning Policy Framework.

13. All development proposed under future reserved matters applications shall be designed in general accordance with the design principles established within the submitted Design and Access Statement (as amended), Design and Access Statement Addendum, dated November 2023 and Design Code, dated December 2023, prepared by Fielden Clegg Bradley Studios. Any future reserved matters application(s) shall be accompanied by a Statement of Compliance to demonstrate how the application generally accords with the principles established within the Design and Access Statement, Design and Access Statement Addendum and Trafford Design Code.

Reason: In order to ensure a high quality design and 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 and National Design Guide.

14. Notwithstanding any description of materials in the application, any reserved matters application(s) relating to 'appearance' shall be accompanied by a detailed façade schedule for all elevations of all buildings proposed within that phase. The schedule shall be provided in tabulated form with cross referencing to submitted drawings. Further drawings and cross sections (at a scale of 1:20) shall be submitted to illustrate the following details:

- (i) All brickwork detailing;
- (ii) All fenestration details and recesses, including frame profile;
- (iii) All balcony details;
- (iv) All terrace details;
- (v) All entrances into the building(s);
- (vi) The siting of any equipment on the roofs of the development;
- (vii) The means of dealing with rainwater and any necessary rainwater goods that may be visible on the external façade of the building(s); and
- (viii) The siting of any external façade structures such as meter boxes.

Details of any lift overruns to be provided on buildings within that phase shall also be provided. All buildings shall be designed to incorporate any lift overrun within the building envelope.

Reason: In the interests of visual amenity and to ensure that the quality of the applicants original design intent is not diminished between approval and delivery, having regard to Core Strategy Policy L7 and paragraph 140 of the National Planning Policy Framework. The scheme is required prior to the commencement

of development to ensure that the substructure is appropriately designed to accommodate the approved scheme and the developer and contractor are aware of the construction and cost implications of the design intent.

15. The development shall provide 25 per cent affordable housing across the development as a whole and the first application for reserved matters in respect of any residential development hereby approved shall be accompanied by an Affordable Housing Scheme which shall include the following:
 - (i) the number, tenures, types and locations of the affordable housing to be provided in the development comprised in those reserved matters;
 - (ii) details which demonstrate that the affordable housing shall be designed, constructed and completed in accordance with the requirements of the Design and Quality Standards dated April 2007 published by Homes England as amended or replaced from time to time;
 - (iii) the timing of the construction of the affordable housing comprised in those reserved matters by reference to the occupation of the market housing;
 - (iv) details of who shall own and operate the affordable housing comprised in those reserved matters, whether or not it is to be a Registered Provider; and
 - (v) confirmation of where and how the remainder of the affordable housing in the development is proposed to be provided so as to demonstrate to the Local Planning Authority's reasonable satisfaction that the overall 25 per cent affordable housing requirement shall be met.

Each subsequent application for reserved matters in respect of any residential development hereby permitted shall be accompanied by an updated Affordable Housing Scheme which shall include the details set out in parts (i)-(v) of this condition.

Where an Affordable Housing Scheme has been submitted to the Local Planning Authority in accordance with the above parts of this condition, no development comprised within the relevant reserved matters may be commenced unless and until the Affordable Housing Scheme for those reserved matters has been approved in writing by the Local Planning Authority.

The development shall be carried out in accordance with the approved Affordable Housing Scheme(s).

Reason: To secure a policy compliant level of on-site affordable housing provision, in accordance with Policy L2 of the Trafford Core Strategy and the National Planning Policy Framework.

16. Any application for reserved matters in respect of residential development shall be accompanied by a Strategy for delivering residential units suitable for family living within that phase. In determining whether a residential unit is suitable for family living, regard shall be paid to particular needs in relation to the size of residential

units, as identified within the Development Plan or any recognised local/national standard that is in place at the time of any application for reserved matters. The development shall be carried out in accordance with the approved details.

Reason: To ensure the housing needs of the Borough are adequately met and in accordance with Policy L2 of the Trafford Core Strategy.

17. Any application for reserved matters shall be accompanied by an updated Flood Risk Assessment and Drainage Strategy for that phase, which builds upon the submitted version (Flood Risk Assessment and Outline Drainage Strategy / Date: 17th February 2021 / Author: Civic Engineers / Ref: 1524-01). This shall include the following elements:

- A BRE365 investigation;
- A Geotechnical Investigation to confirm the risk of groundwater flooding;
- A CCTV survey to confirm connection points and to help establish relevant catchments and discharge rates; and
- Confirmation that foul and surface water shall be drained on separate systems.

The development shall proceed in accordance with the approved Drainage Strategy and any identified mitigation measures.

Reason: To secure proper drainage and to manage the risk of flooding and pollution, having regard to Policy L5 of the Trafford Core Strategy and the National Planning Policy Framework.

18. Any reserved matters application(s) relating to 'landscaping' shall be accompanied by a Tree Retention and Protection Plan for that phase. This shall demonstrate that all trees that are to be retained within or adjacent to the reserved matters application site will be 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 and adjacent to 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.

19. (a) Any reserved matters application(s) relating to 'landscaping' shall be accompanied by full details of both hard and soft landscaping works for that phase. These details shall include the formation of any banks, terraces or other earthworks, hard surfaced areas and materials (including access roads, footways,

and areas of the site designated for car parking), boundary treatments, planting plans, specifications and schedules (including planting size, species and numbers/densities, which shall be in accordance with best practice as set out in the Trafford Design Code), existing plants / trees to be retained and a scheme for the timing / phasing of implementation works. Any trees to be planted must have adequate rooting volume available to so that they can grow for the whole of their lifespan. Where this is not possible, raft systems shall be used, details of which shall be provided, including technical drawings of the type of system to be used, the area that the system will cover and the type and volume of soil to be used (structural soils will not be acceptable).

(b) The landscaping works for each phase 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 relevant phase of the development 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.

20. Any reserved matters application(s) shall be accompanied by a Movement, Parking and Servicing Management Strategy for that phase. This shall include plans showing details of the areas for the movement, loading, unloading and parking of vehicles within that phase and shall include a review of parking demand and use for any earlier operational phases. The submitted Strategy shall also include details of how any parking spaces will be allocated and appropriately managed and shall include details for the provision, access and management of disabled parking facilities and servicing arrangements for that phase, including hours of servicing.

The approved Strategy shall be implemented upon that phase of the development being brought into use and adhered to at all times thereafter.

Reason: To ensure that satisfactory provision is made within the site for the accommodation of vehicles attracted to or generated by the proposed development, having regard to Policies L4 and L7 of the Trafford Core Strategy, Supplementary Planning Document 3: Parking Standards and Design and the National Planning Policy Framework.

21. The first application submitted for approval of reserved matters shall be accompanied by a survey of existing Traffic Regulation Orders (TROs) and occupancy of on-street parking facilities within a 5-minute walk of the application

site (as defined in Figure 2 of the submitted Parking Strategy, ref. 1524-01, dated March 2021), which has been undertaken within 6 months of the submission date of that application. This shall be accompanied by a strategy for the review of existing TROs and resident parking schemes within the defined area, including a process for identifying and securing any necessary mitigation measures, additional TROs or resident parking schemes.

Reason: In the interests of residential amenity, having regard to Policies L4 and L7 of the Trafford Core Strategy and the National Planning Policy Framework.

22. Notwithstanding any details submitted with the application, including the Site Access details and details contained within the Transport Assessment, any reserved matters application(s) shall be accompanied by detailed designs of all access points and an associated Access Strategy for that phase. The designs shall include technical drawings of all proposed accesses/junctions and shall include all necessary vehicle tracking information. The Access Strategy shall detail the anticipated nature and frequency of use of all access points, and shall detail any necessary measures for retaining or relocating existing on-street parking provision. The development shall proceed in accordance with the approved details.

Reason: In the interests of residential amenity, having regard to Policies L4 and L7 of the Trafford Core Strategy and the National Planning Policy Framework.

23. Any reserved matters application(s) shall be accompanied by a Strategy for Inclusive Access and Accessibility Statement for that phase. The submitted Strategy shall be based upon the development plan requirements in relation to complying with Part M4(2) of the Building Regulations, shall detail measures taken to ensure that the level of disabled parking provision is sufficient and shall include measures for ensuring accessibility to and within the site for all visitors and residents. The submitted Accessibility Statement shall indicate how accessible units have been provided for, or otherwise explain and justify why their provision is not appropriate in that phase, and shall explain how accessible provision will be included in future reserved matters applications. The approved Strategy and Statement shall be implemented upon that phase of the development being brought into use and adhered to at all times thereafter.

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

24. Any reserved matters application(s) relating to the construction of new buildings shall be accompanied by a scheme for secure cycle storage for that phase of development. The scheme shall ensure that cycle storage provision is made inside the building for apartment buildings. The scheme shall include details of the location and design of cycle storage facilities, shall be implemented before the

relevant phase of 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.

25. Notwithstanding the details submitted, any reserved matters application(s) relating to 'layout' or 'appearance' shall be accompanied by a Waste Management Strategy for that phase. This Strategy shall demonstrate that all bin stores shall be internalised within the fabric of the buildings and shall include proposed hours for waste and recycling collections from any commercial premises within that phase. Thereafter, waste and recycling bins shall be stored and made available for collection and return in accordance with the approved Strategy for each phase.

Reason: In the interests of highway safety and residential amenity and to ensure that satisfactory arrangements are in place for the disposal of refuse (including recyclables), having regard to Policy L4 and Policy L7 of the Trafford Core Strategy and the National Planning Policy Framework.

26. Any reserved matters application(s) relating to 'appearance' shall be accompanied by an Energy Strategy for that phase. This shall build upon the aims established within the submitted Carbon Budget Statement (ref. 1620011392, dated February 2021). The approved strategy for each phase shall be implemented in full.

Reason: 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.

27. Any reserved matters application(s) relating to 'appearance' shall be accompanied by a glazing, ventilation and M&E strategy for that phase. The approved strategy for each phase shall be implemented and retained for the lifetime of the development.

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

28. Any reserved matters application(s) shall be accompanied by a detailed Crime Impact Statement for that phase, produced in accordance with the principles and recommendations established within the submitted Crime Impact Statement (ref. 2015/0350/CIS/03, dated 02/03/2021). The Statement(s) 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 and

shall also include details of any necessary counter-terrorism measures. Thereafter development of that phase 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.

29. Any reserved matters application(s) relating to 'layout', 'scale' and 'appearance' shall be accompanied by a Daylight, Sunlight and Overshadowing Assessment, or a statement detailing why such an assessment is not required (which will only be accepted for phases where development does not give rise to such impacts), for that phase. The Assessment shall consider potential impacts on any approved or proposed sensitive receptors within and adjacent to the application site, as well as potential impacts of overshadowing on proposed amenity areas.

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

30. Any reserved matters application(s) relating to 'layout' and 'scale' shall be accompanied either by a Wind Microclimate Assessment or a statement detailing why such an assessment is not required for that phase. Any Assessment shall consider potential impacts on sensitive receptors and shall include a scheme of mitigation measures where necessary. Any required mitigation shall be implemented before that phase of development is brought into use.

Reason: In the interests of ensuring pedestrian comfort and safety, having regard to Policies L4 and L7 of the Trafford Core Strategy and the National Planning Policy Framework.

31. Any reserved matters application(s) shall be accompanied by a further Heritage Assessment, or a statement detailing why a further full assessment is not required (which will only be accepted for phases where development does not give rise to potential heritage impacts), for that phase. The Assessment shall consider potential impacts on designated and non-designated heritage assets and shall include measures taken to minimise any harm caused by the development.

Reason: In order to minimise any harm which may be caused to the setting of designated and non-designated heritage assets, having regard to Policies L7 and R1 of the Trafford Core Strategy and the National Planning Policy Framework.

32. The public realm indicated on the submitted Maximum Heights Parameter Plan (Drawing 1988-P/00003H), a Locally Equipped Area of Play (LEAP) and a Neighbourhood Equipped Area of Play (NEAP) shall be provided within the development in accordance with a phasing plan which shall be submitted to and

approved in writing by the Local Planning Authority prior to the submission of the first reserved matters application.

The public realm, LEAP and NEAP shall thereafter be implemented in accordance with the approved phasing scheme. Any reserved matters application(s) relating to a phase that includes an area of public realm / open space / LEAP / NEAP shall include full details of the play area facilities within that phase, including location, size, specification for the play equipment to be installed, full landscaping details and a maintenance regime for the lifetime of the development. The play area facilities shall be provided before that phase is occupied and subsequently maintained for the lifetime of the development in accordance with the approved details.

Reason: To ensure that children within the development have reasonable access to good quality play space, in accordance with Policy R5 of the Trafford Core Strategy and SPD1: Planning Obligations.

33. Any application(s) for reserved matters shall be accompanied by an Active Environment Strategy, with details of pedestrian and cycling networks to be provided through the site and which shall incorporate the principles of Active Design set out within Sport England's Active Design Guidance (Active Design: Planning for health and wellbeing through sport and physical activity). The development shall be designed in accordance with all approved Active Environment Strategies.

Reason: To promote active travel and create an active environment through the provision of a network of safe, secure, convenient and attractive walking and cycling routes, informal spaces and facilities that encourage physical activity, and ensure this forms an integral part of the proposed development having regard to Policy L4 of the Trafford Core Strategy and Section 8 of the National Planning Policy Framework.

Pre-construction:

34. No works associated with each phase of the development shall take place unless and until a Construction Environmental Management Plan (CEMP) for that phase has been submitted to and approved in writing by the Local Planning. The Plan(s) shall provide for:
- (i) the parking of vehicles of site operatives and visitors;
 - (ii) the loading and unloading of plant and materials, including times of access/egress;
 - (iii) the storage of plant and materials;
 - (iv) construction and demolition methods to be used, including the use of cranes and piling;
 - (v) measures to control the emission of dust and dirt during demolition;

- (vi) measures to prevent disturbance to adjacent dwellings from noise and vibration;
- (vii) measures to protect and stabilise all designated and non-designated heritage assets within the site;
- (viii) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- (ix) wheel washing facilities, including measures for keeping the highway clean;
- (x) a scheme for recycling/disposing of waste resulting from demolition and construction works;
- (xi) measures to protect the Bridgewater Canal from accidental spillages, dust and debris;
- (xii) information on how any asbestos material is to be identified and treated or disposed of in a manner that would not cause undue risk to adjacent receptors;
- (xiii) information to be made available for members of the public; and
- (xiv) contact details of the site manager to be advertised at the site in case of issues arising

The approved Plan shall be adhered to throughout the construction period of the relevant phase of development.

Reason: To ensure that appropriate details are agreed before works start on site, in the interests of highway safety, heritage protection 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.

35. 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.

36. Other than the demolition of buildings and structures down to ground level and site clearance works, no development associated with each phase of the development shall take place unless and until an investigation and risk assessment in relation to contamination on site (in addition to the phase 1 assessment completed) has been submitted to and approved in writing by the Local Planning Authority for that phase. 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 above-ground construction work 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;
- (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 approved remediation strategy/strategies shall be implemented in full.

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.

Pre-above ground construction:

37. No above-ground construction works associated with each phase of the development shall take place unless and until a report detailing all fixed plant for that phase has been submitted to and approved in writing by the Local Planning Authority. The report shall demonstrate that all endeavours have been made to internalise plant within the fabric of the buildings where possible, and shall include details of noise levels from any necessary external fixed plant installations (including in combination). 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". Development shall proceed in accordance with the approved report.

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

38. Where any substantial combustion processes (such as combined heat and power) are to be utilised as part of any phase of the development and where there is a risk of impacts at relevant receptors, no above-ground construction work for that phase shall take place unless and until an updated Air Quality Assessment which takes into account the proposed combustion processes has been submitted to and approved in writing by the Local Planning Authority. Any identified mitigation measures shall be implemented in full.

Reason: In the interests of protecting amenity and air quality, having regard to Policies L5 and L7 of the Trafford Core Strategy and the National Planning Policy Framework.

39. Notwithstanding any description of materials in the application and any subsequent reserved matters applications, no above-ground construction works associated with each phase of the development shall take place unless and until:
- a) Brick sample panels have been provided on site in agreement with the Local Planning Authority to aid the selection of materials for that phase, and shall include the type of joint, the type of bonding and the colour of mortar to be used;
 - b) Samples and full specifications of all materials to be used externally on all parts of the buildings, including bricks and brickwork detailing, windows (including mullions and transoms, methods of openings, reveal depths), doors and rainwater goods for that phase, have been submitted to and approved in writing by the Local Planning Authority. The specifications shall include the type, colour and texture of the materials;
 - c) Sample panels for the materials agreed under (a) and (b) for that phase have been provided on site and approved in writing by the Local Planning Authority.
 - d) The siting of any equipment to be sited on the roofs of the buildings.
 - e) The siting of any external façade structures such as meter boxes.
 - f) The siting, design and material/finish of the louvres indicated for mechanical ventilation
 - g) The external appearance of lift overruns.
 - h) All eaves, verge and ridge details.

Development shall be carried out in accordance with the approved details and the sample panels required by (c) above shall be thereafter be retained on site throughout the construction of each phase.

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

40. No above-ground construction work associated with each phase of the development shall take place unless and until a scheme for Biodiversity Enhancement Measures for that phase has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented before the relevant phase of development is brought into use/occupied.

Reason: In order to protect and enhance biodiversity associated with the site having regard to Policy R2 of the Trafford Core Strategy and the National Planning Policy Framework. These details are required prior to commencement as some measures may need to be incorporated within the building design.

Pre-occupation/use:

41. No phase of the development hereby approved shall be occupied/brought into use unless and until a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation for that phase has been submitted to and approved in writing by the Local Planning Authority. The report(s) 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.

42. No phase of the development hereby approved which includes landscaping shall be brought into use unless and until a schedule of landscape maintenance for that phase, 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, including the appointment and retention of a management company. Maintenance 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 L5, L7, R2 and R3 of the Trafford Core Strategy and the National Planning Policy Framework.

43. No phase of the development hereby approved shall be brought into use unless and until a scheme for any external lighting to be installed on buildings or

elsewhere on site within that phase has been submitted to and approved in writing by the Local Planning Authority. The scheme(s) shall be accompanied by an assessment to demonstrate that the impact of new external lighting into habitable windows, either within or off-site, would be within acceptable margins, following the Institution of Lighting Professionals (ILP) Guidance Notes for the Reduction of Obtrusive Light GN01/21. The scheme(s) shall also be accompanied by an assessment of the impacts of any external lighting on biodiversity. Thereafter the site shall only be lit in accordance with the approved scheme(s).

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

44. No phase of the development hereby approved shall be brought into use/occupied unless and until a Travel Plan for that phase has been submitted to and approved in writing by the Local Planning Authority. The plan shall include:

- Realistic and quantifiable targets to reduce car travel and increase use of non-car modes;
- Targets to be continuously reviewed and monitored against the baseline which will be established within 3 (three) months of the first date of occupation/use;
- Effective measures and incentives to promote sustainable transport options for residents, employees and visitors;
- Details of car club provision within the site;
- Residents travel surveys to be completed every 12 months from the date of first occupation;
- Appointment of a travel plan co-ordinator;
- The production and provision of welcome packs;
- The production of an action plan which sets out how any missed targets will be addressed;
- The production of an Annual Monitoring Report which shall be made available for inspection by the Local Planning Authority upon request.

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

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.

45. The parking facilities for each phase of development shall not be brought into use unless and until a scheme for the installation of electric vehicle charging points for that phase (minimum 7kWh), in accordance with The Building Regulations Part S, or IAQM guidelines, has been submitted to and approved in writing by the Local

Planning Authority. The charging points shall be installed prior to the parking facilities being brought into use and made available for use thereafter.

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

46. The existing taxi rank on Kingsway shall not be removed unless and until details of a replacement facility within or adjacent to the application site have been submitted to and approved in writing by the Local Planning Authority. The existing taxi rank shall not be removed until the approved replacement location has been brought into use.

Reason: In order to ensure sufficient accessibility by taxi, having regard to Policy L4 of the Trafford Core Strategy and the National Planning Policy Framework.

Control conditions for operation:

47. Any part of the development falling within Use Class E(b) of Schedule 1 of the Town and Country Planning (Use Classes) Order 1987 (as amended), or constituting a public house/drinking establishment (sui generis), shall only be open for trade or business between the following hours:

08.00 – 23.00 Monday to Thursday

08.00 – 00.00 Friday and Saturday

10.00 – 23.00 Sunday and Bank Holidays

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

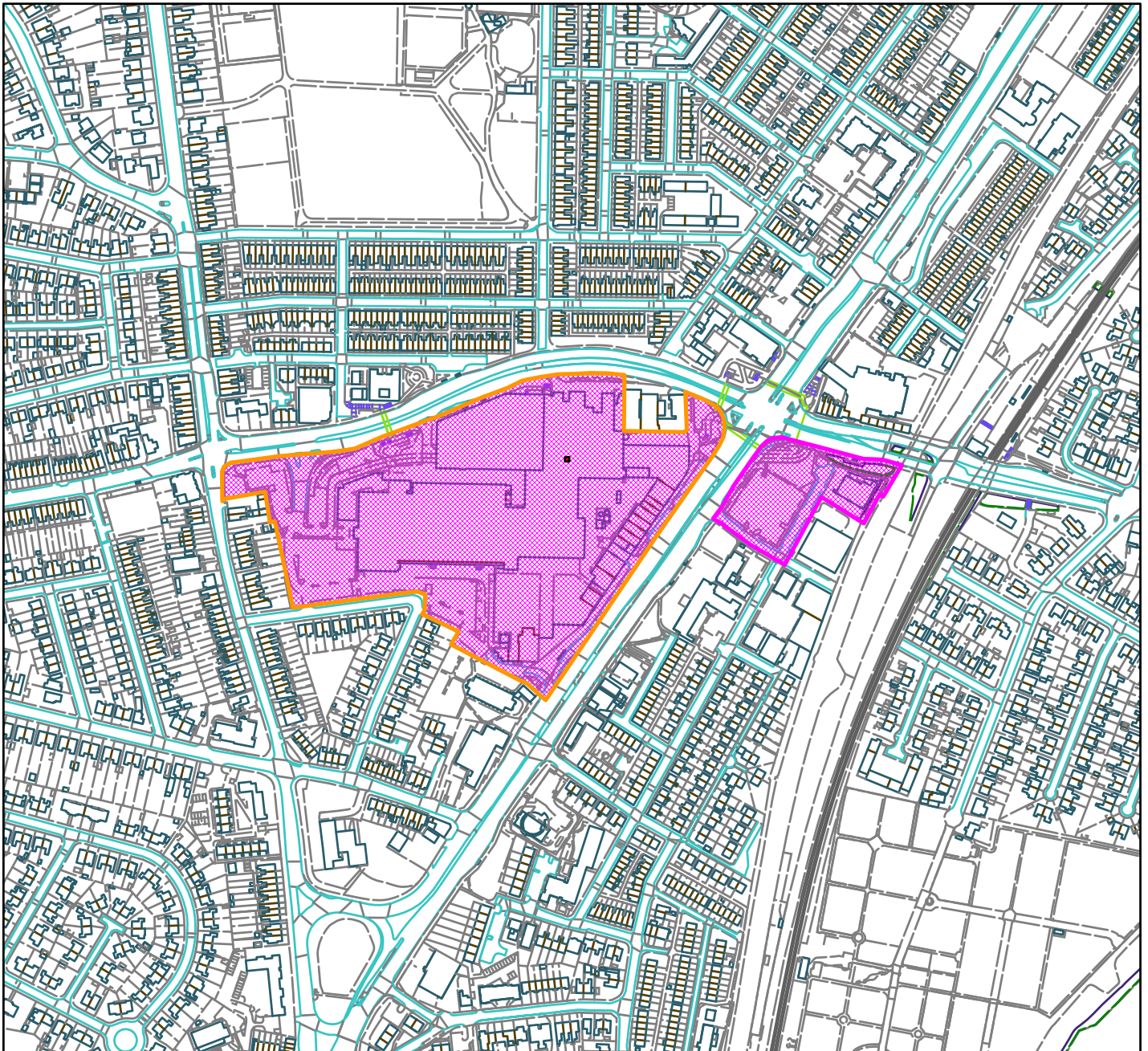
48. Any reserved matters applications for uses falling within Use Class E(b) of Schedule 1 of the Town and Country Planning (Use Classes) Order 1987 (as amended), or constituting a public house/drinking establishment (sui generis), shall be accompanied by an Outdoor Eating and Drinking Management Plan where outdoor eating and/or drinking is proposed. The Plan shall assess the effects of outdoor eating and drinking on amenity in the vicinity, and include mitigation measures as appropriate.

Reason: In the interests of amenity, and to allow the Local Planning Authority to consider restricting outdoor eating and drinking through further conditions at reserved matters stage, having regard to Policy L7 of the Trafford Core Strategy and the National Planning Policy Framework.

JD



Land At Stretford Mall And Lacy Street , Chester Road, Stretford (site hatched on plan)



Scale: 1:5,000

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Organisation	Trafford Council
Department	Planning Service
Comments	Committee Date 14/03/2024
Date	04/03/2024
MSA Number	AC0000809316 (2022)

WARD: Altrincham

112574/FUL/23

DEPARTURE: No

Change of use of part of first and second floors from Commercial, Business and Service (Use Class E) to 9 No. residential apartments (Use Class C3), external alterations to include elevational changes, additional windows, replacement and relocation of windows and doors and partial raising of the roof height, roof replacement, cycle parking, landscaping and creation of associated internal bin store.

The Graftons, Stamford New Road, Altrincham, WA14 1DQ

APPLICANT: Trafford Metropolitan Borough Council

AGENT: Mr Matthew Dixon, Enabl

RECOMMENDATION: APPROVE

This application is being reported to the Planning and Development Management Committee because it is a Council Application.

Executive Summary

This application relates to the upper floor mainly vacant ancillary commercial units which are positioned around a turning circle above the ground floor units of the Grafton Centre, a mid-20th Century commercial/retail complex. The building is located in Altrincham Town Centre and is bound by Stamford New Road to the south-east, Regent Road to the south-west, and the pedestrianised George Street to the north-west. The site is bound by similar town centre type uses to all sides, as well as two Conservation Areas and several non-designated heritage assets.

The applicant proposes to convert the commercial units to accommodate 9 No. apartments as emergency accommodation for individuals who have been displaced by global conflicts in Afghanistan and Ukraine. External works would include the raising of three of the buildings' roofs by 30cm, window and door amendments, and amended materials to the external fascias.

In terms of heritage impacts it is considered that as a result of the proposed alterations the development would result in some moderate harm ('less than substantial' at the lower end of the scale in NPPF terms) to the setting of the adjacent George Street Conservation Area (the proposal also resulting in negligible harm to the setting of the adjacent Stamford New Road Conservation Area). Applying the NPPF paragraph 208 it is considered that the identified 'less than substantial' harm would be outweighed by the public benefits of the development including bringing the building back into a viable use and the provision of nine dwellings which could be used as family housing for people displaced by global conflicts. The proposal would therefore comply with heritage policies of the NPPF and Policies L7 and R1 of the Core Strategy, together with Policy JP-P2 – Heritage of the emerging Places for Everyone Plan.

SITE

The application relates to part of the first and second floors of the Grafton Centre, a mid-20th Century commercial/retail complex including a high rise block accommodating retail units/bars/cafes at ground floor, and offices/storage and a hotel to the upper levels. The building is located in Altrincham Town Centre and is bound by Stamford New Road to the south-east, Regent Road to the south-west, and the pedestrianised George Street to the north-west. The site is bound by similar town centre type uses to all sides.

The centre of the Graftons is single storey, this element having a flat roof which is overlaid with a circular servicing deck set around a central roof lantern dome, this servicing route crossing George Street via a raised bridge leading up from Central Way to the north-west. The raised area is bound by two storey (first and second floor) elements, which are the subject of the current application, and set out in three blocks, A-C, as well as the access to hotel tower block. The first and second floor units are vacant having most recently been used as storage linked to the ground floor retail units, apart from a single unit which is used as ancillary commercial storage.

The deck provides access to the hotel car park and a servicing area for a ground floor retail unit. Part of the deck's Stamford New Road elevation comprises of a 7.6m wide 3.9m high concrete panel screen which blocks views from the deck towards this road.

As per the Altrincham Town Centre Neighbourhood Business Plan the application site is located in the 'Mixed Use Historic' Character Area, with a ground floor active frontage.

The Graftons is bound by the George Street Conservation Area to the north/north-west, and the Stamford New Road Conservation Area to the south, east and north-east.

PROPOSAL

The applicant proposes to convert the first and second floor units to accommodate 9 No. apartments; 3 No. 2 bedroom, 3 No. 3 bedroom and 3 No. 4 bedroom. Works would entail the raising of the roof of the units within Blocks A and B facing George Street to the north-west and the Causeway to the north-east, by 0.25m to provide sufficient head height at second floor (first floor of the relevant apartments), the installation of additional and amended window openings, together with other minor external changes including the installation of an external bike store and an internal bin store.

The raised roof elevations would have a beige brick skin and concrete panels (the latter to match those currently in place) on the George Street elevation whilst the new windows would be slimline UPVC recessed by 200mm, with the internal courtyard facing windows being recessed by 90-100mm.

The apartments would comprise of a kitchen-diner-living room, bedrooms and store room. Several of the apartments would include a WC and an en-suite bathroom.

The apartments would break down as follows:

3 No. 2 bedroom 4 person;

3 No. 3 bedroom six person;
1 No. 4 bedroom five person; and
2 No. 4 bedroom 8 person.

The apartments are to be operated as emergency accommodation for individuals who have been displaced by global conflicts in Afghanistan and Ukraine, funded by the Local Authority Housing Fund.

Several trees/bushes would be installed to the new residential unit's front elevations adjacent to the turning circle.

The applicant submitted a prior approval application, reference 111497/PMA/23, for 10 No. apartments under Schedule 2, Part 3, Class MA of the GPDO 2015 (as amended) which was approved 6 October 2023. This permission did not encompass any external changes to the building.

Value Added

Following a request from the assessing Officer the applicant has amended their proposal to change the positioning and design of several windows, and replace the originally proposed fibre cement cladding with a beige brick skin and matching concrete elements.

DEVELOPMENT PLAN

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

- The **Trafford Core Strategy**, adopted 25 January 2012; The Trafford Core Strategy is the first of Trafford's Local Development Framework (LDF) development plan documents to be adopted by the Council; it partially supersedes the Revised Trafford Unitary Development Plan (UDP), see Appendix 5 of the Core Strategy.
- The **Revised Trafford Unitary Development Plan (UDP)**, adopted 19 June 2006; The majority of the policies contained in the Revised Trafford UDP were saved in either September 2007 or December 2008, in accordance with the Planning and Compulsory Purchase Act 2004 until such time that they are superseded by policies within the LDF. Appendix 5 of the Trafford Core Strategy provides details as to how the Revised UDP is being replaced by Trafford LDF.
- The **Altrincham Town Centre Neighbourhood Business Plan (ANBP)**, adopted 29 November 2017. The plan includes a number of policies, a town centre boundary, primary shopping frontages, mixed use areas and 6 allocations.

PRINCIPAL RELEVANT CORE STRATEGY POLICIES

L1 - Land for New Houses;
L2 - Meeting Housing Needs;
L4 - Sustainable Transport and Accessibility;
L5 – Climate Change;
L7 - Design;
L8 - Planning Obligations;
W1 – Economy;

W2 – Town Centre and Retail;
R1 – Historic Environment;
R2 - Natural Environment;
R3 – Green Infrastructure.

OTHER LOCAL POLICY DOCUMENTS

Revised SPD1 - Planning Obligations;
SPD3- Parking Standards & Design;
SPD 5.1 - George Street Conservation Area Appraisal;
SPD 5.1a - George Street Conservation Area Management Plan;
SPD 5.4 - Stamford New Road Conservation Area Appraisal;
SPD 5.4a - Stamford New Road Conservation Area Management Plan;
PG1 - New Residential Development;
PG24 - Crime and Security;
Draft Trafford Design Code.

PROPOSALS MAP NOTATION

Development in Town & District Shopping Centres -S5;
Main Office Development Areas - E10.

PRINCIPAL RELEVANT REVISED UDP POLICIES/PROPOSALS

None.

ALTRINCHAM TOWN CENTRE NEIGHBOURHOOD BUSINESS PLAN (ATCNBP) ADOPTED NOVEMBER 2017

Policy R – New Retail Development;
Policy S – Main (Primary) Shopping and Mixed Use with Ground Floor Active Frontages;
Policy H – Town Centre Housing;
Policy D – Design and Quality;
Policy G – Green Infrastructure.

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). It identifies the quantum of new housing and employment development, supports the delivery of key infrastructure, and protects environmental assets. The Plan was submitted to the Secretary of State for Levelling Up, Housing and Communities in February 2022, and its Examination in Public commenced on 2 November 2022. Hearings sessions concluded on 5 July 2023. Consultation on Main Modifications started on 11 October 2023 and closed on 6 December 2023. On 14 February 2024, the Inspectors' report was published, confirming that with the Main Modifications and further limited modifications suggested by the Inspectors, that Places for Everyone is sound and legally compliant. The Council intends to adopt the plan in March 2024, along with all the other authorities involved, and Places for Everyone will be formally adopted on 21 March 2024. Consequently

the plan is as advanced as it can be without being adopted and thus very substantial weight can be attached to its policies.

Emerging policies relevant to this application are:

JP-H4 - Land for Homes;
JP-P1 - Sustainable Places;
JP-P2 - Heritage;
JP-Strat12 - Main Town Centres.

NATIONAL PLANNING POLICY FRAMEWORK (NPPF)

The MHCLG published the revised National Planning Policy Framework (NPPF) in December 2023. 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 August 2022. The NPPG will be referred to as appropriate in the report.

NATIONAL DESIGN GUIDE

The National Design Guide was first published in 2019 and was updated in January 2021. This document set a national framework for the delivery of high quality design in new development across the country. The National Design Guide will be referred to as appropriate in the report.

RELEVANT PLANNING HISTORY

111497/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 10 no. Apartments (Use Class C3) for part of first and second floors under the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) - Schedule 2, Part 3, Class MA. Prior Approval Required and Approved 2 October 2023.

89240/FUL/16: Replacement of existing, and introduction of new windows at first and second floor levels to George Street elevation and the internal facing elevations to the Dome Area; replacement of existing advertising screen with glazed screen to Stamford New Road elevation. Approved 24 November 2016.

88031/PRO/16: Change of use of part of existing building from office (Use Class B1(a)) to residential (Use Class C3) to create No 14 residential apartments. Application for determination as to whether prior approval is required under Class O, Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended). Prior approval required and approved 8 June 2016.

H/63956: Change of use from class B1 (office) to class A1 (shops). Approved 4 April 2006.

H/53317: Change of use from offices ancillary to ground floor shop units to B1 office. Approved 7 March 2002.

H/52249: Change of use of first and second floors from ancillary storage and office for retail premises below to self-contained offices Approved 10 September 2001.

H/50276: Change of use of first and second floor from vacant retail and ancillary accommodation to three flats. Alterations to external appearance of property. Approved 4 December 2000.

APPLICANT'S SUBMISSION

The applicant has submitted Design and Access, Planning and Heritage Statements in support of their proposal.

CONSULTATIONS

Strategic Planning: No objection.

GMP Design for Security: No comment received.

Servicing: No objection.

Heritage Development Officer: The proposal would result in moderate harm to the setting of an adjacent George Street Conservation Area and negligible harm to the setting of the adjacent Stamford New Road Conservation Area.

LHA: No objection subject to conditions.

GMEU: No objection subject to conditions.

Arborist: No comment.

Environmental Health (Nuisance): No objection subject to conditions.

Electricity North West: Comments received.

Altrincham BID: Comments received.

REPRESENTATIONS

A letter of objection has been received from a neighbouring occupant which raises the following issues:

- The proposal, through its removal of a current Stamford New Road facing first floor screen and the introduction of an external staircase could result in an unacceptable privacy and lighting impact on adjacent residential occupants.

A further letter has been received from a neighbouring occupant which neither supports nor objects to the proposal.

OBSERVATIONS

THE DECISION MAKING FRAMEWORK

1. S38(6) of the Planning and Compensation Act 1991 states that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF at paragraphs 2 and 47 reinforces this requirement and at paragraph 12 states that the presumption in favour of sustainable development does not change the statutory status of the

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

2. The Council's Core Strategy was adopted in January 2012, prior to the publication of the 2012 NPPF, but drafted to be in compliance with it. It remains broadly compliant with much of the policy in the 2023 NPPF, particularly where that policy is not substantially changed from the 2012 version.
3. The NPPF is a material consideration in planning decisions as the Government's expression of planning policy and how this should be applied; it should be given significant weight in the decision making process.
4. Paragraph 11 d) of the NPPF indicates that where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date, planning permission should be granted unless:
 - I. The application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - II. Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
5. Policies relating to the proposal's housing, heritage, design and amenity impacts are considered to be 'most important' for determining this proposal when considering the application against NPPF Paragraph 11.
6. The Council does not, at present, have a five year supply of immediately available housing land and thus development plan policies relating to the supply of housing are 'out of date' in NPPF terms.
7. Policy R1 of the Core Strategy, relating to the historic environment, does not reflect case law or the tests of 'substantial' and 'less than substantial' harm in the NPPF. Thus, in respect of the determination of planning applications, Core Strategy Policy R1 is inconsistent with the NPPF. 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 and the emerging Places for Everyone Plan can be given significant weight and is the appropriate means of determining the acceptability of the development in heritage terms.
8. Policy L7 of the Core Strategy (design, including amenity) 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.
9. It is concluded elsewhere in this report that there are no protective policies in the NPPF which provide a clear reason for the refusing the development proposed. Paragraph 11(d) (ii) of the NPPF is therefore engaged.

PRINCIPLE OF DEVELOPMENT

Town Centre Use

10. PfE Policy JP-Strat12 states: *The role of the main town centres as local economic drivers will continue to be developed, providing the primary focus for office, retail, leisure and cultural activity for their surrounding areas. Development here will offer a significant opportunity to reduce levels of poverty and deliver inclusive growth. Opportunities to further increase the population catchments of these centres will be taken, including significantly increasing the resident population of the main town centres by providing a mix of type and size of dwellings supported by the necessary infrastructure and amenities including new and improved public spaces and green infrastructure. This will be achieved alongside, rather than displacing, the range of non-residential uses in the centres.*
11. Core Strategy Policy W2.2 states: *Altrincham, as the main town centre in the Borough, will be the principal focus for high quality comparison retail supported by a range of retail, service, leisure, tourism, office and other town centre-type uses, including residential.*
12. The Altrincham Town Centre Neighbourhood Development Plan includes the following policy: H 1: *In support of the Core Strategy target to accommodate a minimum of 12,210 new dwellings across the Borough over the period to 2026, and to reflect Housing Growth Point Status, the Plan supports development proposals that will provide at least 300 additional residential units in the town centre, in addition to the 250 units minimum target defined in the Core Strategy, a total of at least 550 units in all, in order to support the sustainable development both of the town centre economy and the role of the town centre as a social centre serving its catchment community.*
13. The site's proposed apartments would comply with Core Strategy W2.2, Policy H1 of the ATCNDP and Policy JP-Strat12 of the emerging PfE Plan through the provision of an acceptable town centre use.

Loss of Commercial Use

14. The building's upper floors comprise of vacant commercial units plus a single occupied commercial unit.
15. Core Strategy Policy W1.12 states: *In determining applications for non-employment uses on unallocated employment sites, sites outside of the Strategic Locations and employment places identified in W1.3, developers will be required to provide a statement to the satisfaction of the Local Planning Authority, demonstrating that:*
 - *There is no need for the site to be retained for employment purposes and it is therefore redundant;*
 - *There is a clear need for the proposed land use(s) in this locality;*
 - *There are no suitable alternative sites, within the locality, to meet the identified need for the proposed development;*
 - *The proposed redevelopment would not compromise the primary function of the locality or the operations of neighbouring users; and*
 - *The proposed redevelopment is in accordance with other policies in the Development Plan for Trafford.*

The proposal would result in the loss of the current commercial units which would fall under the definition of employment use, however the units have previously been used as office/storage space ancillary to linked ground floor commercial units. The applicant's submission therefore states that they were ancillary, back of house spaces which were used by the businesses operating on the ground floor and the proposed change of use would therefore not result in an unacceptable loss of office floorspace. The submission also confirms that the units, apart from a single occupied unit, have been vacant since 2016, evidencing the limited support function they offered to the ground floor spaces. The ground floor units would be retained and the development would therefore not compromise the primary function of the locality.

16. On this basis, the Council's Strategic Planning team has raised no objections to the proposals and has confirmed that they meet the requirements of W1.12.

Housing Land

17. PfE Policy JP-H4: *New housing development should be delivered at a density appropriate to the location, reflecting the relative accessibility of the site by walking, cycling and public transport and the need to achieve efficient use of land and high quality design. Lower densities may be acceptable where they can be clearly justified by: 1. Local housing market issues, such as a demonstrable need for a particular type of housing that cannot be delivered at a higher density; or 2. Site-specific issues, such as the design context and any potential impact on the wider landscape or townscape including heritage assets and green infrastructure.*

18. The site is not identified within Trafford's SHLAA (Strategic Housing Land Availability Assessment). The plot is located in Altrincham town centre.

19. The proposal would result in the conversion of the current units at first and second floor into nine dwellings which would be used to provide emergency accommodation for individuals who have been displaced by global conflicts in Afghanistan and Ukraine.

20. The Council can currently demonstrate a housing land supply of 3.85 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 65% - i.e. Trafford has delivered 65% of its LHN (including 20% buffer) in the three years to 2022.

21. The proposal is considered to be broadly in compliance with Core Strategy Policies L1 and L2. Thus the development would result in the redevelopment of the current site thereby complying with Policy L1.7 which sets an indicative target of 80% of new housing provision within the Borough to be built upon brownfield land.

22. The proposal is in a highly sustainable town centre location within a short walking distance to town centre amenities including Altrincham Transport Interchange. It is therefore considered that the proposal will specifically make a positive contribution towards Strategic Objective SO1 in terms of meeting housing needs and promoting high quality housing in sustainable locations of a size, density and tenure to meet the needs of the community.

23. The development would result in the provision of nine additional dwellings, contributing to the Borough's housing supply. The proposal would also acceptably comply with the requirements of Core Strategy Policy L2 through the development being located on a sufficiently sized plot, appropriately located to access existing community facilities, not harmful to local area character or amenity, and more generally in accordance with Core Strategy Policy L7, as outlined in the design/amenity appraisals below, (L2.2). The development would also likely result in a small economic benefit during its construction phase. The dwellings could be used as family housing.

Heritage

24. The plot is within the setting of the George Street and Stamford New Road Conservation Areas as well as several positive contributors to these Conservation Areas which are considered to be non-designated heritage assets.

25. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires LPAs to pay special attention in the exercise of planning functions to the desirability of preserving or enhancing the character or appearance of Conservation Areas when determining planning applications.

NPPF Policies

26. The Government has set out its planning policies for the historic environment and heritage assets in the NPPF and the accompanying Planning Practice Guidance. Both the NPPF and the PPG are a material consideration relevant to this application 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.

27. The NPPF's Glossary Section includes the following definition for designated heritage assets: A World Heritage Site, Scheduled Monument, Listed Building, Protected Wreck Site, Registered Park and Garden, Registered Battlefield or Conservation Area designated under the relevant legislation.

28. The NPPF states at paragraph 8: Achieving sustainable development means that the planning system has three overarching objectives which includes an environmental objective – to contribute to protecting and enhancing our natural, built and historic environment.

29. Of relevance to the determination of this application is paragraph 201: LPAs 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.

30. Paragraph 203 states that in determining applications, LPAs should take account of: a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; b) the positive

contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and c) the desirability of new development making a positive contribution to local character and distinctiveness.

31. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance (NPPF paragraph 205). Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification (NPPF paragraph 206).
32. 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 (NPPF paragraph 208).
33. 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 (NPPF paragraph 209).

Development Plan Policies

34. Policy R1 states that all new development must take account of surrounding building styles, landscapes and historic distinctiveness. Developers must demonstrate how the development will complement and enhance the existing features of historic significance including their wider settings, in particular in relation to Conservation Areas, listed buildings and other identified heritage assets.
35. PfE Policy JP-P2 states: Development proposals affecting designated and non-designated heritage assets and/or their setting will be considered having regard to national planning policy.

The Significance of the Heritage Assets

36. Significance (for heritage policy) is defined in the NPPF as: The value of a heritage asset to this and future generations because of its heritage interest. The interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset's physical presence, but also from its setting.
37. The setting of a heritage asset is defined as the surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.
38. The George Street Conservation Area Appraisal SPD notes the Conservation Area's special interest as follows [3.1.1]:

- *Historically George Street was the spine of the medieval Lower Town, where the artisans and working class homes and workshops were located. Some existing property boundaries reflect medieval burgage plots, in particular within the subdivisions of present plots.*
- *Properties within the Conservation Area are of varying dates and styles. There are examples of Georgian, Victorian and 20th Century buildings.*
- *George Street evolved from a residential area in the early Victorian period to a primarily commercial location by the 20th Century. A small number of commercial properties were historically houses, later converted with shop fronts inserted. Others were built as shops with the owners living above.*
- *Victorian commercial properties reflect the extensive development of the town during this period. While other buildings show the continuing evolution of the area as a centre of commercial activity.*
- *Although the ground floors are often marred by recent retail fascias, the properties retain a variety of architectural detail to first and second floor levels contributing to a high level of historic character.*
- *A limited use of building materials, local details and plan form is repeated throughout the Conservation Area and gives the area a sense of visual harmony.*
- *Historic route ways or ginnels between properties remain on both sides of George Street, providing pedestrian access to The Causeway, Central Way and beyond.*

39. The Stamford New Road Conservation Area Appraisal SPD notes the Conservation Area's special interest as follows [3.1.1]:

The special character of the Stamford New Road Conservation Area derives from the following elements;

- *The focus of the Conservation Area is along the gentle curve of Railway Street and Stamford New Road leading to Altrincham Interchange. The predominant land use of the area tends to be commercial and retail on ground floors with offices, storage or some residential on upper floors.*
- *The designation combines early 19th century development along Railway Street with a cohesive group of good quality late 19th and early 20th century buildings along Stamford New Road and adjoining streets, testifying to the prosperity and confidence of the town.*
- *Building elevations fronting the street display a variety of good quality architectural styles, detailing and expression, particularly to upper floors, which contribute a high level of aesthetic and historic value to the Conservation Area. There are a number of consistent design details for example the use of splayed corners and plaques with names, initial and dates displayed.*
- *Generally buildings sited along Railway Street are 2 storeys in height and domestic in scale increasing to 3 storeys and a larger scale along Stamford New Road and some adjoining streets. Buildings tend to be traditional in form with pitched roofs, and front the street. In a number of cases the plot ratio is greater in depth than width, although there are some exceptions. The scale, massing and form of buildings results in a strong building line and sense of enclosure, this contributes to the visual interest and rhythm of the street scene.*
- *There are a number of significant pedestrian routes, ginnels and open spaces which contribute to the finer grain and spatial interest of the Conservation Area. There are often good views from these routes to the plain, often unaltered*

and functional historic rear elevations, outriggers and outbuildings which contribute positively to the integrity and evolution of the Conservation Area.

- *The consistent use of traditional building materials and local details repeated throughout the Conservation Area provides a sense of visual harmony. The majority of buildings are constructed from red brick laid in traditional bonds with pitched blue slate roofs and painted timber windows. There is variation in the tonal range of red brick and embellishment is usually picked out in terracotta, gauged brick or sandstone. There are smaller numbers of buildings constructed from sandstone or white brick.*
- *The area is defined by the railway, both historically and physically. Railway Street was renamed in 1849 with the advent of the railway. Stamford New Road was created after 1880 when Altrincham and Bowdon Station replaced the two earlier stations. The name declares the importance of the Earl of Stamford as a major landowner in the area. In the second half of 20th century Altrincham Station was developed to accommodate a significant transport interchange and in 2014 is undergoing major refurbishment.*

40. The George Street Conservation Area Appraisal SPD includes the following of relevance to the current proposal:

The views at the southern end of the conservation area are dominated by the intrusive mid to late 20th century development of the Graftons and tower block [6.2.12].

The Proposal and Impact on Significance

41. As noted above the applicant proposes to carry out the following works:

- Raising of the roof of the units facing George Street to the north-west to provide sufficient head height at second floor (first floor of the relevant apartments). The raised roof elevations would have a beige brick skin;
- Installation of additional and amended windows;
- Other minor external changes including the installation of an external bike store and an internal bin store;
- The new windows would be slimline UPVC recessed by recessed by 200mm, with the internal courtyard facing windows being recessed by 90-100mm.

42. Having considered the amended plans, the Heritage and Urban Design Manager commented as follows:-

The application site lies within the setting of George Street Conservation Area and Stamford New Road Conservation Area. The existing mid-20th century building is a significant intervention into the historic urban grain of the town centre and does little to enhance the adjacent designated heritage assets.

The proposed extensions to the Graftons will increase the prominence of the building in the street scene, whilst the insertion of additional windows interrupt the rhythm of existing fenestration. A number of revisions have been undertaken to the scheme which minimise the harm [201;NPPF] and include the use of buff brick, changes to window proportions and the continuation of the concrete banding. Bearing in mind the increase in height of the development and alterations to principal elevations, it is considered the harm overall to the George Street

Conservation will be moderate and negligible harm to Stamford New Road Conservation area.

Position

Based on the current proposals, I consider the works will cause moderate harm to the setting of George Street Conservation Area and negligible harm to Stamford New Road Conservation Area. This harm is less than substantial and should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use [208; NPPF].

Heritage Conclusion

43. Paragraph 205 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, irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Furthermore, Paragraph 206 states that any harm to the significance of a designated heritage asset should require clear and convincing justification. Therefore, decision-makers should give considerable importance and weight to the desirability of preserving the character and appearance of Conservation Areas when carrying out the balancing exercise required by Paragraph 208 of the NPPF.
44. Paragraph 208 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a impacted designated heritage assets, this harm should be weighed against the public benefits of the proposal, including, where appropriate, securing its optimum viable use. The analysis above has found that the proposed works would amount to 'less than substantial harm' to the setting of the George Street and Stamford New Road Conservation Areas, with this harm considered to be at the lower of the scale of less than substantial harm as 'moderate harm' in terms of the impact on the George Street Conservation Area and 'negligible harm' in terms of the impact on the Stamford New Road Conservation Area.
45. Applying paragraph 208 it is considered that the proposal's moderate harm to the setting of the adjacent George Street Conservation Area and negligible harm to the setting of the adjacent Stamford New Road Conservation Area would be outweighed by the public benefits of the productive reuse of this currently vacant and relatively prominent building which is in a relatively dilapidated state, as well as through the provision of nine apartments which would be used as family housing for people displaced by global conflicts. The proposed development is therefore considered to be acceptable in terms of its impact on the designated heritage assets.
46. The proposals have been considered against the statutory requirements of s72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, the Trafford Core Strategy, the George Street and Stamford New Road Conservation Area SPDs, PfE Policy JP-P2 and the NPPF. Special regard and special attention has been paid to the impact on the heritage assets and the tests set out in the NPPF undertaken.

47. The proposals would result in less than substantial harm, as moderate/negligible harm, to the special interest of the impacted Conservation Areas, with this minor harm clearly outweighed by the proposal's public benefits. It would therefore comply with the requirements of the NPPF tests, which in the absence of up-to-date development plan policy, is a primary material consideration. The proposal also complies with the adopted development plan policy. In NPPF Paragraph 11 d) i) terms, there is a no 'clear reason for refusal' of these proposals.
48. The proposal is therefore considered to be acceptable in terms of heritage impacts with reference to Core Strategy Policy R1, the Conservation Area SPDs, Policy JP-P2 of the emerging PfE Plan and the NPPF. In making this assessment, great weight has been given to the desirability of protecting the character and appearance of the impacted Conservation Areas

DESIGN

49. Paragraph 126 of the NPPF states: *The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.*
50. NPPF paragraph 130 states: *Planning policies and decisions should ensure that developments: a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities); d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit.*
51. Paragraph 134 states: *Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes.*
52. The National Design Guide states at C1, *Understand and relate well to the site, its local and wider context, well-designed new development responds positively to the features of the site itself and the surrounding context beyond the site boundary. It enhances positive qualities and improves negative ones.*
53. This document states at B1, *Compact form of development, well-designed new development makes efficient use of land with an amount and mix of development and open space that optimises density. It also relates well to and enhances the existing character and context.*
54. PfE Policy JP-P1 states: *We aim to become one of the most liveable city regions in the world, consisting of a series of beautiful, healthy and varied places, each having the following key attributes that all development, wherever appropriate, should be consistent with: 1. Distinctive, with a clear identity that: A. Responds to*

Conserves and enhances the natural environment, landscape features, historic environment and local history and culture; B. Enables a clear understanding of how the place has developed; and C. Respects and acknowledges the character and identity identify of the locality in terms of design, siting, size, scale and materials used.

55. Policy L7 of the Trafford Core Strategy states: *In relation to matters of design, development must: be appropriate in its context; make best use of opportunities to improve the character and quality of an area; enhance the street scene or character of the area by appropriately addressing scale, density, height, massing, layout, elevation treatment, materials, hard and soft landscaping works, boundary treatment; and, make appropriate provision for open space, where appropriate, in accordance with Policy R5 of this Plan.*

56. As per the Altrincham Town Centre Neighbourhood Business Plan the application site is located in the 'Mixed Use Historic' Character Area with properties fronting Kingsway at this point designated as 'Mixed Use with Active Ground Floor Frontage.'

57. Policy D of the Altrincham Town Centre Neighbourhood Business Plan requires:

All new build and refurbishment and the development of public realm in Altrincham Town Centre be of high quality design including the use of high quality materials and ensuring that the scale and design of (re)development is appropriate to its location and setting, reflecting the character of the area in which it is located, including heritage characteristics and that environmental sustainability issues are effectively addressed (D1).

Proposals must demonstrate that account has been taken of the key characteristics of the 4 Character Areas described in the appended Supplementary Design Document (SDD) at Appendix 3 and defined on Plan 5 on page 40, in the design of all new development/redevelopment in those areas (D2).

That all proposed development and redevelopment of buildings and the public realm in Altrincham Town Centre must demonstrate that account has been taken of the Town Centre-Wide Design Principles set out in the appended SDD at Appendix 3 which are relevant to those proposals (D3).

58. As per the Altrincham Town Centre Neighbourhood Business Plan the site is located within the 'Mixed Use Historic' area:

- *This town centre area broadly coincides with five of the Conservation Areas. One of them, George Street, is on Historic England's 'Heritage at Risk' Register due to its deteriorating character.*
- *The historic urban grain dating back to Medieval times has been retained, creating an overall grid pattern of narrow streets in between the broad Old Market Place, widened Market Street and Stamford New Road newly created in 1881. Ginnels form handy pedestrian connections.*

- *There are many high quality, varied, unique and predominantly two to three-storey historic buildings in natural materials within this area, particularly from the late Georgian period and from 1870 to 1905.*
- *Materials include brick (some polychrome); red and buff sandstone; terracotta and glazed ceramic; black and white Cheshire vernacular and Welsh blue/grey or Westmorland green slates. There is only one originally rendered and painted building (38, Stamford Street).*
- *There is a limited amount of late 20th Century development in this area, with much of it dated, unimaginative and poor quality (for example the new and refurbished retail units and the rear extensions on the newly created Causeway and Central Way service roads) and also in the case of the Grafton tower, out of scale.*
- *The 21st Century buildings are, in the main, respectful of the Conservation Area status, in terms of their scale, height, design style, materials and features.*
- *The recent conversion of a number of historic buildings in this area back to residential or to offices has, in some cases, unfortunately not preserved nor enhanced the historic character (e.g. plastic replacement windows and painted brick and stonework).*
- *Many shop fronts are of more recent poor design, materials and lighting.*
- *Much of the area is blighted by excessive and over-large signage, street clutter, external roller shutters and poorly maintained buildings and patched-up public realm.*
- *The main use of this area is by smaller independent shops, restaurants, cafes, pubs and beauty, business, legal, financial and medical services. It also includes the new Altrincham Hospital on Railway Street and the revitalised Market House venue and Market (5.2).*

59. The Altrincham Town Centre Neighbourhood Business Plan Design Guidance states:

New and Refurbished Buildings

1. *High Quality Building Design and Materials: Encourage any new development or redevelopment that achieves a consistently high quality building design throughout the town centre, in terms of scale, materials, rhythm, density and landscaping appropriate to its context.*
2. *Active Frontage: Ensure all new and refurbished buildings are designed to front on to the street and open spaces, with clear main entrances and (in those areas allocated as Main Shopping and Mixed Use with Ground Floor Active Frontages), active frontages (see Policies S1 and S2).*

3. *Working with the Site and its Context: Take advantage of the topography and built features of any site and its context, including any relevant references in the Conservation Area Appraisals and Management Plans (e.g. long range views, vistas, surrounding and neighbouring buildings and site orientation).*
4. *Sustainable Environmental Design: All new buildings should meet and if possible exceed the sustainable environmental design requirements, set out in the Building Regulations, BREEAM (Building Research Establishment Environmental Assessment Method) and any other current published requirements.*

Promoting Heritage and a Unique Sense of Place

5. *Character: New and refurbished buildings should create a sense of place, with a locally inspired or otherwise distinctive character, reflecting the content of the Conservation Area Appraisals and the Management Plans.*
6. *Sensitive Conversions: Support changes of use that find a new appropriate and sustainable future for a building, particularly those at risk, providing that the historic integrity and architectural interest of the building is not significantly altered. The Council is encouraged to consider every appropriate available tool (including Article 4 directions) to ensure that sensitive conversions are carried out including, for example the replacement, where necessary, of original wooden windows with the same material, style and moulding.*
7. *Shopfronts: Existing historic shopfronts should be preserved and restored, in line with the Council's current Shop Front Guidelines and forthcoming replacement and active ground floor uses maintained, both in use and appearance, to avoid too many blank or opaque windows. Sensitive designed replacements/reinstatements should be sought for modern shopfronts of poor design and materials.*

Siting and Footprint

60. The proposal would not impact the building's siting and footprint.

Bulk, Scale, Massing and Height

61. The building's bulk, scale and massing following the roof extension would be acceptable.

External Appearance/Materials

62. It is considered that the proposed external alterations in the form of the roof extension with a beige brick skin and concrete panels, the latter to match those currently in place, together with replacement and additional doors and windows with a 90-100mm (internal courtyard) 200mm (Stamford New Road and George Street) recess, and the installation of an external bicycle store would be acceptable in design terms. Overall, it is considered, that, notwithstanding the heritage concerns regarding the proposed window design, the proposed works would

improve the building's presentation which is currently somewhat aged and run down.

Design and Crime

63. The proposal would bring back into use a currently largely vacant and partly dilapidated building. These works would also introduce passive surveillance through the introduction of a residential use and the reuse of reconditioned/replacement windows to serve this use and would re-vitalise the immediate area, which would be of some benefit in terms of design and security.
64. Planning permission would be subject to conditions requiring the applicant to submit full design and materials details, for approval prior to the commencement of above ground development.
65. Planning permission would be subject to a condition requiring the submission of a detailed design for the proposed external deck bicycle store for the LPA's written approval prior to first occupation.
66. The development would be acceptably designed with reference to Core Strategy Policy L7, the Altrincham Town Centre Neighbourhood Business Plan, PfE Policy JP-P1 and the NPPF.

RESIDENTIAL AMENITY

67. JP-P1 (Amenity) of the emerging Places for Everyone Plan states development should be: *comfortable and inviting, with indoor and outdoor environments: A. Offering a high level of amenity that minimises exposure to pollution; and B. Addressing microclimate issues such as sunlight, indoor air quality, overheating, shade, wind and shelter.*
68. Policy L7 of the Core Strategy states: *In matters of amenity protection, development must be compatible with the surrounding area and not prejudice the amenity of the future occupiers and/or occupants of adjacent properties by reason of overbearing, overshadowing, visual intrusion, noise and/or disturbance, odour or in any other way.*

Neighbour Privacy

69. The proposal would reuse current and introduce new windows which would be used as principal habitable room outlooks. Those facing George Street would face the upper floors of commercial properties on the opposite side of the road. Those facing Stamford New Road would face several first and second floor apartments' habitable room windows at a distance of approximately 12m. Whilst this would be less than the usually permitted separation distance, this is nevertheless considered to be acceptable because multiple other upper floor apartments have a similar interface distance along this road. The habitable room windows introduced to the building's north-east elevation would face along the Causeway and would therefore not directly face any neighbouring properties.
70. The habitable room windows with internal views across the first floor deck would have their views partly blocked by the turning circle dome, with those not blocked

having a separation distance of 28-32m, apart from upper floor bedroom to bedroom windows in apartments 1 and 3, which would have a separation distance of 14.6m. However the bedroom at apartment 1 would have an additional outlook meaning therefore planning permission could be subject to a condition requiring this window to be obscurely glazed.

Overbearing/Overshadowing

71. The proposed roof extension elements at proposed Blocks A and B would not result in an unacceptable overbearing impact on neighbouring properties.

Future Occupant Amenity

72. Each apartment would have an acceptable internal layout which would acceptably comply with NDSS requirements. Most principal habitable room windows would have an unobstructed outlook with the exception of bedrooms one and two in Unit 8 which would face the retained external stairwell and proposed cycle store. It is nevertheless recognised that the design of the stairwell, which is a relatively lightweight metal structure, would allow some outlook to either side and above. Furthermore, there is an extant Prior Approval for ten residential units (111497/PMA/23) which includes an apartment with a similar outlook (with outlook not being a matter that can be considered in a Prior Approval application). It is recognised that this permission could be implemented and is a realistic “fallback” position. The proposed outlook would be no worse than approved in that application and, having regard to this fallback position, it is therefore considered that the current proposal is acceptable in this respect.
73. Whilst it is accepted that the apartments would not have their own private external amenity space, they would be within a relatively easy walking distance to several parks adjacent to Altrincham town centre.

Noise/Nuisance

74. The Nuisance consultee has confirmed no objection to the proposal, subject to conditions relating to noise mitigation measures and the control of noise from external plant.
75. It is therefore considered that, subject to appropriate conditions, the development would not have any unacceptable amenity/privacy impact on surrounding residential properties and would provide an acceptable level of amenity for future occupants with reference to Core Strategy Policy L7, Policy JP-P1 of the emerging PFE Plan and the New Residential Development SPG.

HIGHWAYS, PARKING AND SERVICING

76. 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.*
77. 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.

78. 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.
79. The development would not have any dedicated on or off-street parking which the LHA considers to be acceptable considering the plot's highly sustainable location in Altrincham town centre within easy reach of Altrincham Interchange. Cycle parking would be provided within an external deck level cycle store. The LHA and Servicing consultee have confirmed that they have no objections to the proposed scheme.
80. It is therefore considered that the development would have an acceptable highway, parking and servicing impact with reference to Core Strategy policies L4 and L7, the Parking Standards and Design SPD and the NPPF.

ECOLOGY

81. The proposal would result in the redevelopment of an existing building. The GMEU consultee has confirmed no objection subject to a biodiversity enhancement condition. It is noted that several trees/bushes would be installed to the new residential unit's front elevations adjacent to the turning circle.
82. Subject to an appropriate condition, the proposed development would be acceptable in terms of ecology impacts with reference to Core Strategy policy R2 and the NPPF.

DEVELOPER CONTRIBUTIONS

83. As per the Planning Obligations SPD the LPA would normally require the provision of an element of green infrastructure. It is noted that there is little room within the site for planting, although the application does propose some trees/bushes to be installed to the new residential unit's front elevations adjacent to the turning circle. It is therefore considered that the proposal would be acceptable in this respect through the provision of this planting.

EQUALITIES STATEMENT

84. 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.
85. 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.

86. The building has a ramped access. Each apartment would have a level access and would comply with Part M4(1) of the Building Regulations. The applicant has confirmed they are unable to provide a lift. The proposal does not include any parking provision (including accessible parking provision) given the site's highly sustainable town centre location.
87. No other benefits or dis-benefits have been identified to persons with any other protected characteristic.
88. Overall taking into account the constraints of the site and the scale of the development, it is considered that the measures proposed to provide a facility accessible to all (including those required through the Building Regulations application), would on balance provide an appropriate, practical and reasonable response to the equalities impacts of the scheme.

OTHER MATTERS

89. Addressing the issues raised by the neighbour objection letter, Officers can confirm the proposal does not entail the removal of the first floor level screen facing Stamford New Road, or the installation of an external staircase. These elements were included in the submitted Design and Access Statement to demonstrate the evolution of the design process. They are not included within the submitted plans.

PLANNING BALANCE AND CONCLUSION

90. 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. Policies relating to the proposal's housing, heritage, design and amenity impacts are considered to be 'most important' for determining this application when considering the application against NPPF Paragraph 11 as they determine the principle of the development. However Core Strategy Policies relating to housing and heritage are out of date. Paragraph 11d) of the NPPF is therefore engaged and should be taken into account as an important material consideration.
132. 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.

133. It is considered that the proposed development would result in 'less than substantial' harm (moderate harm) to the setting of the adjacent George Street Conservation Area, and 'less than substantial' harm (negligible harm) to the setting of the adjacent Stamford New Road Conservation Area.
134. Applying the test in paragraph 208 of the NPPF, it is nevertheless considered that the public benefits associated with the development (comprising the productive reuse of a prominent and relatively dilapidated utilitarian building, and the provision of nine additional dwellings which would contribute towards the Borough's housing supply and also provide accommodation to meet a specific need) are sufficient to outweigh the identified harm to the significance of the heritage assets. As such, the proposed development would comply with the heritage policies of the NPPF, Policies JP-P1 and JP-P2 of the emerging PFE Plan and Policies L7 and R1 of the Core Strategy. In terms of paragraph 11 d) i), there would therefore be no clear reason for refusal of permission.
135. All other detailed matters have been assessed, including the proposal's town centre, loss of commercial unit, housing, design, visual amenity, residential amenity, highway safety and ecology impacts. The proposal has been found to be acceptable with, where appropriate, specific mitigation secured by planning condition, and the proposal complies with the development plan and policies in the NPPF in relation to these matters. In terms of paragraph 11 d) ii), it is considered that there are no adverse impacts that would significantly and demonstrably outweigh the benefits of granting permission. Officers therefore recommended that planning permission should be granted, subject to conditions.

RECOMMENDATION

GRANT subject to the following conditions:

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

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

2. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers [PL] 106, received by the Local Planning Authority 22 December 2023; 108, received by the Local Planning Authority 9 February 2024; and 101 F, 102 E, 103 F, 104 F and 107 E, received by the Local Planning Authority 27 February 2024.

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

3. No above ground works shall take place unless and until a schedule of design intent drawings has first been submitted to and approved in writing by the Local Planning Authority. The schedule shall provide details in the form of 1:20 drawings and sections of all window and door reveals and recesses, and flat roof

trim details, including proposed materials. Development shall be carried out in accordance with the approved schedule of design intent.

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

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

Reason: In order to ensure a satisfactory appearance in the interests of visual amenity having regard to Policy L7 of the Trafford Core Strategy and the requirements of 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 materials for all hard surfaced areas planting plans, specifications and schedules (including planting size, species and numbers/densities), existing plants/trees to be retained and a scheme for the timing/phasing of implementation works. (b) The landscaping works shall be carried out in accordance with the approved scheme for timing/phasing of implementation or within the next planting season following final occupation of the development hereby permitted, whichever is the sooner. (c) Any trees or shrubs planted or retained in accordance with this condition which are removed, uprooted, destroyed, die or become severely damaged or become seriously diseased within 5 years of planting shall be replaced within the next planting season by trees or shrubs of similar size and species to those originally required to be planted.

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

6. No development, including demolition, shall take place until a Pre-Construction Environmental Management Plan (CEMP) has been submitted and approved in writing by the Local Planning Authority. The CEMP shall include details of the proposed measures to manage and mitigate the main environmental effects. The CEMP shall address, but not be limited to the following matters:
 - a) Parking arrangements for site operative and visitor vehicles. Onsite parking should be provided wherever possible.

- b) The management of deliveries to including details of any proposed delivery booking system. For information, best practice measures should be employed to restrict external construction traffic movements to off-peak traffic hours (it is accepted that in exceptional circumstances it may not be possible to avoid peak traffic hours, but this practice should not be the 'norm').
- c) Loading and unloading of plant and materials to include vehicle access and egress arrangements.
- 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) Measures to control the emission of dust and dirt.
- g) A scheme for recycling/disposing of waste resulting the works.
- h) Days and hours of construction activity on site (in accordance with Trafford Council's recommended hours of operation for construction works).
- i) Contact details for the site manager are to be advertised at the site in case of issues arising

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

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

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

Reason: To secure sustainable transport options and in the interests of local visual amenity in accordance with Policy L7 of the Trafford Core Strategy and the National Planning Policy Framework.

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

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

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

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

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any equivalent Order following the amendment, re-enactment or revocation thereof) the approved apartments shall not be occupied unless and until the second floor north-east facing bedroom window of Unit 1 (bedroom two) is fitted with obscure glazing which would be no less than Level 3 of the Pilkington Glass scale (or equivalent). This window shall be fixed shut 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.

11. No development shall take place unless and until a scheme for acoustically insulating the proposed residential accommodation against external noise sources has been submitted to and approved in writing by the Local Planning Authority. This scheme shall include a report which confirms how the proposed noise insulation will provide the noise level criteria detailed within section 9.0 of the submitted noise assessment reference 22066-RP-1-R4 within the residential accommodation. All noise insulation measures shall be installed entirely in accordance with the approved scheme. The noise insulation scheme shall be fully installed and implemented and a verification report demonstrating that this has taken place shall be submitted to and approved in writing by the Local Planning Authority before any of the dwellings hereby approved are occupied.

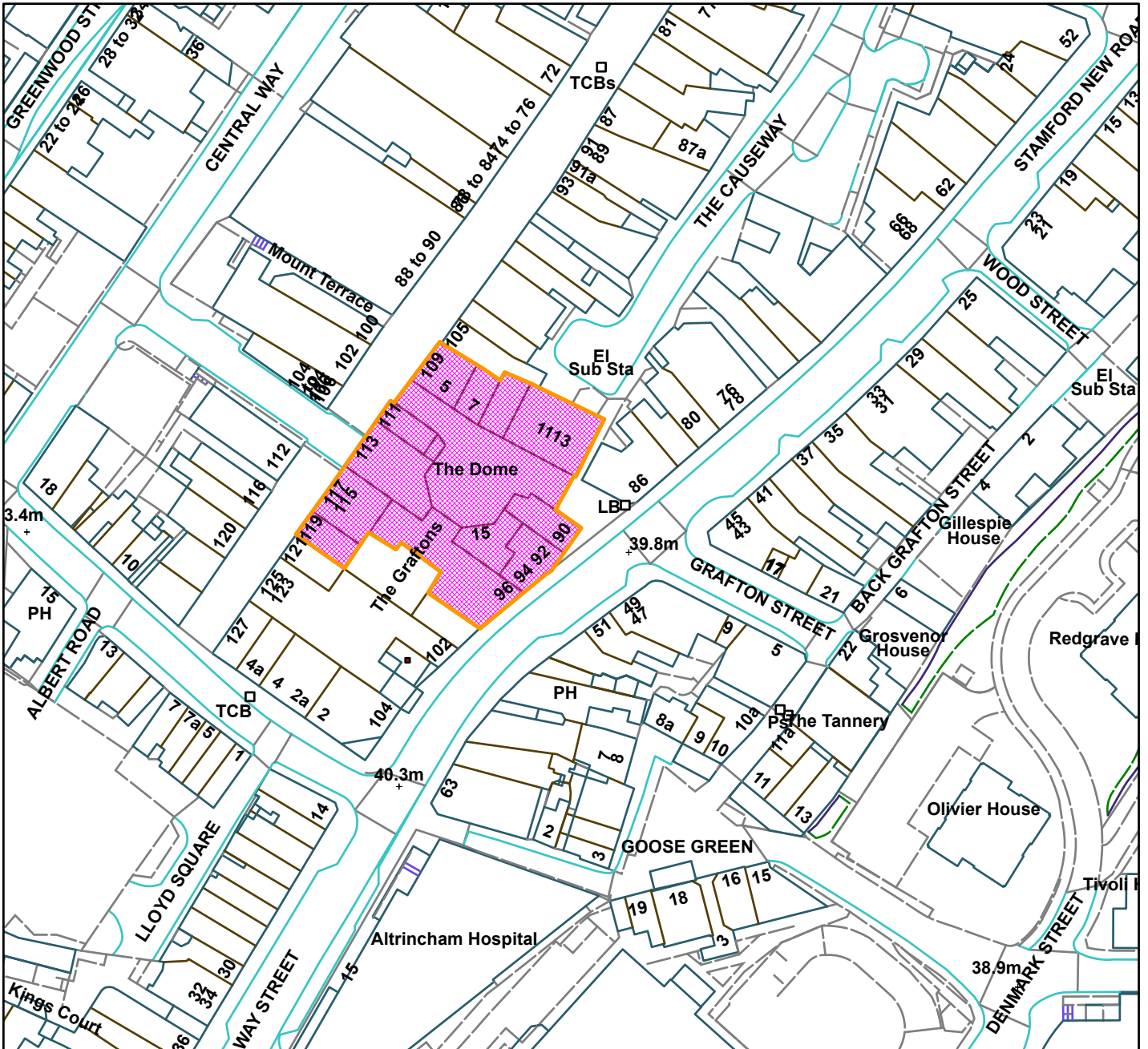
Reason: To safeguard the amenity of future occupiers of the development, having regard to Policies L5 and L7 of the Trafford Core Strategy and to secure a reduction in noise in order to protect future residents from noise disturbance. The details are required prior to development taking place on site to ensure the development would not result in an unacceptable noise amenity impact on future occupants.

12. No plant shall be installed in association with the development hereby permitted unless an assessment of plant noise has been submitted to and approved in writing by the Local Planning Authority, including a scheme of mitigation measures required to ensure that the combined noise level of all plant, when assessed and rated in accordance with BS 4142: 2014+A1 2019 is 5dB below the lowest measured background noise at the nearest noise sensitive receptor level. The approved scheme of mitigation measures shall be implemented and maintained thereafter.

Reason: To safeguard the amenity of future occupiers of the development, having regard to Policies L5 and L7 of the Trafford Core Strategy.



The Grafton Centre, Stamford New Road, Altrincham (site hatched on plan)



Scale: 1:1,250

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Organisation	Trafford Council
Department	Planning Service
Comments	Committee Date 14/03/2024
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