



TOWN AND COUNTRY PLANNING ACT 1990

APPEAL BY: Harlex (RLP Timperley) LLP

SITE: World of Pets, Thorley Lane, Timperley WA15 7PJ

LPA REFERENCE: 105905/OUT/21

PINS REFERENCE: APP/Q4245/W/22/3306715

**STATEMENT OF CASE
OF THE LOCAL PLANNING AUTHORITY**

DATE: October 2022

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Note:

This document and other relevant information relating to the Councils case as well as the Appellants submitted appeal documentation can currently be viewed on the Council website (public access portal) via the following link and entering planning reference 105905/OUT/21 when prompted.

www.trafford.gov.uk/planning/planning-applications/planning-applications.aspx

Information regarding the Councils Development Plan, Planning Guidance and other Council planning documents listed in Appendix 1 of this statement of case are available to view on the Council web-site at the following website link

www.trafford.gov.uk/planning/planning.aspx

1. INTRODUCTION

- 1.1 This appeal is made by Harlex (RLP Timperley) LLP against the refusal of planning permission by the local planning authority (Trafford Council) under reference: 105905/OUT/21 which proposes:

Outline planning application for up to 116no. residential dwellings with all matters reserved aside from access, for which detailed consent is sought.

- 1.2 The application was received on the 20th September 2021 and made valid on the 1st October 2021. The 13 week expiry date was the 31st December 2021. An extension of time was agreed with the appellant and the application determined at the 10th March 2022 by the Planning and Development Management Committee. Members resolved to refuse the application in accordance with officers recommendation for the following reason:-

1. *The proposed development is located within the Green Belt where there is a presumption against inappropriate development. The proposed development provides for the erection of new buildings, but is not considered to be one of the exceptions listed in Paragraph 149 of the NPPF. Moreover, the proposed development would harm the openness of the Green Belt and would fail to safeguard against encroachment into the Green Belt, contrary to the purposes of including land within it. The applicant has failed to demonstrate that there are any very special circumstances which would outweigh the harm to the Green Belt by reason of inappropriateness and any other harm. The development is also contrary to the spatial strategy of the development plan which seeks to direct new development to sustainable locations within the urban area. As such the development is contrary to the Policies L1 and R4 of the Trafford Core Strategy and Policy C4 of the Revised Trafford Unitary Development Plan and the National Planning Policy Framework.*

2. SITE DESCRIPTION

- 2.1 The Council will look to agree the site description with Appellant within the Statement of Common Ground (SoCG). The site comprises three former businesses: The World of Pets (WOP), The World of Water (WOW) and a car body repair business. It is understood that the building formerly occupied by the WOP business is currently used by a garden/landscaping business including retail sales on site. The former WOP and WOW buildings are converted horticultural type single storey 'glasshouses' and the car body repair business was located within a 'Nissan hut' type building.
- 2.2 The site measures approximately 3ha in area. The main vehicular access is taken from Thorley Lane (A5144) to the east side of the site and a second vehicular access used mainly for servicing and deliveries taken from Wood Lane to the north side of the site.
- 2.3 The site in its entirety is within the Green Belt, with the southern part of the site designated as a Wildlife Corridor within the Revised Unitary Development Plan (RUDP) Proposals Map. The site is located within a Critical Drainage Area as specified within Trafford Council's Strategic Flood Risk Assessment. Reference to the Environment Agency Flood Zone maps indicates the site is predominantly within Flood Zone 1 (a small section of the site to the south comes within Flood Zone 2) and is located within 8m of a statutory main river, namely Timperley Brook.
- 2.4 The site also forms part of a large strategic site proposed for Green Belt release and subsequent mixed-use development in the submitted Places for Everyone (PfE) joint Development Plan Document.
- 2.5 Land immediately to the south side of the site and to the east side (opposite side of Thorley Lane) is designated as an area of Landscape Character Protection within the Council's RUDP Proposals Map.

3. PLANNING HISTORY

3.1 Planning history for the appeal site will be agreed in the SoCG, the most recent planning application history associated with the appeal site is as follows:-

3.2 106043/EIASC/21 - Request for a screening opinion in respect of outline planning application for up to 116no. residential dwellings with all matters reserved aside from access, for which detailed consent is sought – Screening opinion issued 30.11.2021 (EIA not required)

3.3 89944/OUT/16 - Outline application for the erection of 23 dwellings (consent is sought for access and layout with all other matters reserved) – Refused 21/02/2017 for the following three reasons:-

1. *The proposed development is located within the Green Belt where there is a presumption against inappropriate development. The proposed development provides for the erection of new buildings, but is not considered to be one of the exceptions listed in Paragraph 89 of the NPPF. Moreover, the proposed development would harm the openness of the Green Belt and would fail to safeguard against encroachment into the Green Belt, contrary to the purposes of including land within it and prejudice the proper planning of the area in relation to the delivery of the Greater Manchester Spatial Framework. The applicant has failed to demonstrate that there are any very special circumstances which would outweigh the harm to the Green Belt by reason of inappropriateness and any other harm and as such the development is contrary to the National Planning Policy Framework and Policy R4 of the Trafford Core Strategy and Policy C4 of the Revised Trafford Unitary Development Plan.*
2. *The proposed development site is allocated as part of the Timperley Wedge, within the Greater Manchester Spatial Framework (GMSF) First Draft for release from the Green Belt. The development would prejudice the proper planning of the area as the required master planning process for GMSF has yet to be undertaken, and consequently the potential development/infrastructure needs to be delivered at this site are yet to be understood. If the premature release of this land means these are not properly provided for additional land may need to be released to make up any resulting shortfall. This would lead to further harm to the Green Belt, beyond that anticipated by the GMSF allocations and the exceptional circumstances which are currently being put forward for the release of this land. As such the development is contrary to Policy R4 of the Trafford Core Strategy; Policy C4 of the Revised Trafford Unitary Development Plan and Policies AG3 and GM25 of the Greater Manchester Spatial Framework (GMSF) and advice contained within the NPPF.*
3. *The applicant has failed to demonstrate that the proposed development can take place without any harm to a protected species, namely Great Crested Newts, protected under Annexes II & IV of the EC Habitats Directive 1992. In the*

absence of information to the contrary, the proposed development would conflict with the provisions of Policy R2 of the Trafford Core Strategy and advice contained within the NPPF.

- 3.4 78180/FULL/2012 – Alterations to sales building including timber cladding of existing elevations and installation of new windows and doors – Approved 10/04/2012
- 3.5 77607/CLEUD/2011 – Application for Certificate of Lawfulness for existing use of site for retail sales (Class A1) – Approved 22/12/2011
- 3.6 76696/CLEUD/2011 – Application for Certificate of Lawfulness for existing use of the site for retail sales (Use Class A1). (Resubmission of 75590/CLEUD/2010) Approved 30/05/2011
- 3.7 75590/CLEUD/2010 – Application for Certificate of lawfulness for existing use of the site for retail sales (Use Class A1) – Appeal for non-determination September 2010, appeal withdrawn 28/07/2011

4. PLANNING POLICIES

- 4.1 The Council will refer to the Core Strategy, the saved policies of the UDP, supplementary planning documents/guidance and the PfE August 2021 publication draft and its evidence base.

4.2 ***Saved Policies of the Revised Trafford Unitary Development Plan (RUDP) 2006***

C4 – Green Belt
 ENV10 – Wildlife Corridors
 H3 – Land Release for New Housing Development
 H4 – Release of Other Land for Development

4.3 ***Trafford Local Plan: Core Strategy 2012***

L1 – Land for New Homes
 L2 – Meeting Housing Needs
 L4 – Sustainable Transport & Accessibility
 L5 – Climate Change
 L6 - Waste
 L7 – Design
 L8 – Planning Obligations
 R1 – Historic Environment
 R2 – Natural Environment
 R3 – Green Infrastructure
 R4 – Green Belt, Countryside and Other Protected Open Land
 R5 – Open Space, Sport and Recreation

Relevant Strategic Objectives

SO1 – Meet Housing Needs
 SO5 – Provide a Green Environment
 SO6 – Reduce the Need to Travel
 SO7 – Secure Sustainable Development
 SO8 – Protect the Historic Built Environment

Place Objectives

Altrincham and Neighbouring Communities

4.4 ***Places for Everyone (PfE) Joint Development Plan Document August 2021 (Publication Stage)***

Policy JP Allocation 3.2 Timperley Wedge
 Policy JP-D1 – Infrastructure Implementation
 Policy JP-D2 – Developer Contributions

4.5 ***Trafford Local Plan February 2021 – Regulation Consultation Draft***

AF8 – Timperley Wedge

HO1 – Scale, phasing and distribution of new housing development

HO2 – Land release for new residential development

HO3 – Release of other land for residential development

5. The Issues

- 5.1 The Council and the Appellant are currently in discussions with regards to agreeing a Statement of Common Ground (SoCG). The Council will engage with the appellant to narrow the areas of dispute and highlight issues which will be central to the decision.
- 5.2 The planning application was refused for a single reason in regards to the impact upon the Green Belt. In reaching this decision, the Council had due regard to local and national Green Belt policy and the appellant's case advanced as part of the planning application submission. These matters are summarised as follows:-

Green Belt

- 5.3 The fundamental aim of local and national Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of the Green Belt is openness and their permanence.
- 5.4 One of the five purposes of Green Belt is to assist in safeguarding the countryside from encroachment. The appeal site is located in the Green Belt land that separates the built-up area of Timperley to the north, from Hale and Hale Barns to the south. The development of the site will have a substantial impact on the openness of the Green Belt. The site comprises some areas of PDL, however the quantum of development would have a greater impact on the openness of the Green Belt than the existing developed land, and would cause substantial harm to openness, amounting to inappropriate development.
- 5.5 Paragraph 149 of the NPPF sets out that the construction of new buildings within the Green Belt is inappropriate development and paragraph 147 states that inappropriate development should not be approved except in very special circumstances. Paragraph 149 however does set out a number of exceptions to development in the Green Belt that could be appropriate in a-g.
- 5.6 The appellant sets out a case that some of the appeal site is previously developed land (PDL) and would benefit from the exception (g) of paragraph 149, and that this should be considered as a legitimate fallback position for the development of the site as a whole. A development of circa.18no. dwellings has been suggested could be brought forward reflecting the existing built volume on site. With references the extant use of the site the appellant suggests the potential for alternative more intensive use of the site. The appellant acknowledges that a development on the PDL would not optimise or make the most effective and efficient use of the land as required by Chapter 11 of the NPPF and the comprehensive development of the entire site forms the basis of their appeal. As such, the proposed fall back does not appear to be realistic and is therefore not a genuine "fallback" position capable of being afforded weight in

the planning balance. The Council will argue that the exceptions as set out within Paragraph 149(g) are not met having regard to the case advanced by the appellant. The Development Plan policy set out within the RUDP Policy C4 and Core Strategy Policy R4 are up to date and consistent with the NPPF in respect of Green Belt policy.

- 5.7 The Council will argue that the proposed development would impact on the openness of the Green Belt having regard to visual impact, spatial impact and volume as well as remediation and enabling development necessary to make the site safe and suitable for development together with the change in nature and level of activity across the entire site.

Previously Developed Land

- 5.8 The appeal site is occupied by two large glasshouse structures which have been partially adapted to facilitate their use for storage and retail purposes. Associated with the two buildings are areas of hardstanding for external storage and display purposes, a car park and vehicular access routes. Smaller structures on site include the Nissan hut used for vehicle repairs, a sub-station building to the north-east side of WOW and storage building to the west side of the WOW.
- 5.9 Whilst parts of the site may be considered to be previously developed land as set out in the Annex 2 Glossary of the NPPF; there are a number of areas within the site that the Council will argue do not meet the definition of previously developed land having significantly revegetated and blended into the landscape including with tree/shrub coverage. The site as a whole therefore cannot be said to be PDL and should not be treated as such.

Affordable Housing (in the context of 'inappropriate development')

- 5.10 The appellants statement of case details that a development of residential units on the PDL areas of the site and which includes an element of affordable housing, having regard to Paragraph 149 (g) second criterion of the NPPF; could come forward even if it has a greater impact on the openness of the Green Belt than the existing development on site. It is acknowledged that the Council currently have a shortfall in affordable housing provision in the Borough. Notwithstanding this however the Council will demonstrate, that the development of new housing on areas of PDL would result in substantial harm to the openness of the Green Belt.

Unsustainable Location

- 5.11 The Council will demonstrate that the appeal site is in an unsustainable location poorly served by public transport and dependent on car borne journeys with limited offer at the nearby Neighbourhood Shopping Centres on Wood Lane/Green Lane. The site is an acceptable location for development in as part

of emerging Policy JP Allocation 3.2 but not in isolation. The emerging policy would allow for improvements to the highway network, provision of new public transport modes (metrolink station and rapid bus network) and infrastructure as well as a new Local Centre. It will be demonstrated that this site can only sustainably be developed as part of a coordinated whole. This is not a prematurity case, it doesn't threaten the allocation, but is not sustainable development without all of the elements of the allocation. The site is in an unsustainable location and it will remain so unless and until the development is delivered as part of the wider Timperley Wedge allocation which includes the provision of the new spine road; rapid bus service between Altrincham and Manchester Airport with priority public transport lanes; new and enhanced cycle and pedestrian routes; HS2 and Northern Powerhouse railway station and new metrolink stations in association with the western leg extension.

Planning Balance

Emerging Development Plan – Places for Everyone (PfE)

5.12 The Council will update the Inspector in relation to the emerging development plan as the examination and inquiry progress. It will in particular refer to the proposals under submitted PfE Policy JP Allocation 3.2 (Timperley Wedge) as part of a master-planned scheme which would deliver over time the necessary wide ranging infrastructure (including a new spine road and metrolink stations) to make what are currently unsustainable sites appropriate locations for housing and other types of development. The Council will explain the importance of the proposed allocation at Timperley Wedge coming forward in a phased/planned/integrated manner alongside the associated necessary infrastructure and services. In particular, the Council will explain the importance of the fair and equal contribution and the equilisation mechanism to be applied to all development parcels within the allocation towards all of the necessary infrastructure.

5.13 Policy JPA 3.2 of PfE states any development will need to be in accordance with a masterplan or SPD agreed by the Council to ensure the site is planned and delivered in a coordinated and comprehensive manner. The concept masterplan produced to support PfE has informed the main elements that will be part of the allocation but a more detailed masterplan will be produced once the PfE Plan is adopted. Policy JPA 3.2 states that the following key elements are required to be delivered and these are also incorporated within the concept masterplan

- 2,500 residential dwellings (minimum of 45% affordable)
- 60,000sq.m employment land;
- A comprehensive public transport strategy including bus rapid transit, walking and cycling routes;
- Airport Metrolink Line, western leg extension;

- Improvements to the local and strategic highway infrastructure including a new spine road and junction onto Thorley Lane;
- A new local centre, providing community infrastructure; and
- Significant green infrastructure enhancements and rural park; retain and enhance existing sports and recreation facilities

5.14 Whilst PfE is to be accorded limited weight, it illustrates the basic spatial reasons why the appeal site and other sites in the allocation are not sustainable now and should come forward as part of phased/planned/integrated masterplan. The Council will update the Inspector in relation to the elements under NPPF paragraph 48 which are required to be considered when apportioning weight to relevant PfE policies.

Housing Land Supply

5.15 The NPPF highlights the importance of significantly boosting the supply of new homes and ensuring that sufficient land is made available to maintain the supply of new homes. It requires local planning authorities to identify a supply of specific, deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement.

5.16 The Councils current housing land supply figure as at 31st March 2022 is 3.75 years. There is no dispute that certain relevant housing policies are out of date (more than 5 years ago; no 5 year HLS) and that some are inconsistent with the NPPF. It is not disputed that the housing requirement now is much higher than that in the Core Strategy. It is accepted that NPPF paragraph 11d is engaged. This does not however, without more, amount to very special circumstances justifying the release of Green Belt in circumstances where there is no five year housing land supply. The Council will explain where policies in respect of housing are out of date under the NPPF and will seek to agree a list of relevant policies with the Appellant through the SOCG.

5.17 The Council will demonstrate that there are no 'very special circumstances' that exist (including the Council's housing land supply position) which would outweigh the identified harm to the Green Belt. Thus the proposal falls to be considered under Paragraph 11(d)(i) of the NPPF – that there is a clear reason for refusing the development proposed. The tilted balance test in Paragraph 11d(ii) exercise is not triggered.

Very Special Circumstances

5.18 The Council will demonstrate that the proposed development has a greater impact on the Green Belt than the existing development on site and therefore fails to meet the exceptions as detailed at Paragraph 149(g) of the NPPF. The appellant must demonstrate that very special circumstances (VSC) exist for allowing inappropriate development in the Green Belt.

- 5.19 The appellants Statement of Case repeats the same VSC's that had been advanced as part of the planning application process and not accepted by the Council. A number of these are required to mitigate against the development and which the Council would expect to be delivered as part of any residential development regardless of the designation of the site and were not accepted as VSC either individually or cumulatively.
- 5.20 With reference to paragraphs 148 and 149 of the NPPF the Council will maintain that the case advanced by the appellant with regards VSC that clearly outweigh the harm to the Green Belt, is not demonstrated in this case.

6. CONCLUSIONS

- 6.1 It will be shown that the reason for refusal is justified and will be substantiated in evidence.
- 6.2 The proposal constitutes inappropriate development and is harmful to the Green Belt. The harm to the Green Belt is not outweighed by other considerations amounting to very special circumstances.
- 6.3 The development proposals are contrary to the development plan and the NPPF and other material considerations do not justify the grant of planning permission.

APPENDIX 1 – LIST OF DOCUMENTS TO BE REFERRED TO IN EVIDENCE

Please note that this is intended as a provisional list at this stage

A: Appellant's planning application (the application subject of this appeal):

- Application Reference: 105905/OUT/21 (including all supporting material)

B: Appellant's screening opinion application:

- Application Reference: 106043/EIASC/21 (including all supporting material)

C: Appellants pre-application submission:

- Application Reference: PREAPP/01031/19 (decision letter, planning statement and masterplan)

D: Consultation Responses:

- To Application Reference 105905/OUT/21
- To Application References 106043/EIASC/21

E: Committee and Delegated Reports:

- Officers report to the meeting of Trafford's Planning and Development Management Committee (10.03.2022) regarding 105905/OUT/21
- Additional information report (AIR) to the meeting of Trafford's Planning and Development Management Committee (10.03.2022)

F: Relevant Planning Applications (Historic)

- 89944/OUT/16 (including all supporting information; officer report)
- 77607/CLEUD/2011 (officers report, plans and decision notice)

G: The Statutory Development Plan:

- The Trafford Core Strategy (2012)
- The Revised Trafford Unitary Development Plan (2006)
- The Composite Plan

H: The Emerging Development Plan:

- Trafford Local Plan (February 2021) Regulation 18 Consultation Draft
- Places for Everyone Joint Development Plan Document – August 2021 Publication Stage

I: Development Plan Documents not progressed:

- The Draft Trafford Land Allocations Development Plan Document (2014)

J: Adopted Supplementary Planning Documents:

- Revised SPD1: Planning Obligations
- SPD3: Parking Standards and Design

- PG1: New Residential Development
- PG30 – Landscape Strategy (September 2004)

K: National Planning Policy/Guidance:

- National Planning Policy Framework (2021)
- National Planning Policy Guidance
- The National Design Guide (2019)

L: Other Documents to be referred to:

- Trafford CIL Charging Schedule (2014)
- Trafford Housing Needs Assessment (2019)
- Draft Masterplan for Timperley Wedge Allocation (September 2020 Issue 6)
- Places for Everyone Allocations: Cross Boundary Timperley Wedge Issues Summary
- Draft Trafford Design Guide

APPENDIX 2 – LIST OF SUGGESTED CONDITIONS IN THE EVENT THAT THE APPEAL WERE TO BE ALLOWED

Please note that this is intended as a provisional list at this stage and discussions with the appellant are continuing in the context of the Statement of Common Ground.

1. Application for approval of reserved matters must be made no later than the expiration of three years beginning with the date of this permission and the development must be begun not later than whichever is the later of the following dates: (a) The expiration of three years from the date of this permission; or (b) The expiration of two years from the final approval of the reserved matters, or in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: To comply with the requirements of Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The approval of the Local Planning Authority shall be sought in respect of the following matters before the development first takes place:
 - a) Appearance
 - b) Landscaping
 - c) Layout; and
 - 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.

3. The reserved matters shall comply with the development parameters outlined on the following drawings:- XXXXXXXXXXXXXXXX

Reason: To clarify the permission and ensure the reserved matters for the development are consistent with the details approved at outline stage, having regard to Policies L2, L3, L7, R2, R3 and other relevant policies of the Trafford Core Strategy and the National Planning Policy Framework.

4. The development hereby permitted (Outline Application) shall be limited to a maximum total number of 116 residential units.

Reason: To define the permission and in the interests of visual amenity, residential amenity and highway safety, having regard to Policies L4, L7, L8 and R5 of the Trafford Core Strategy and the National Planning Policy Framework.

5. No development hereby permitted shall take place until a phasing scheme which sets out the sequence in which the site will be developed out and thereafter brought into use has been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved phasing scheme.

Reason: To ensure the satisfactory development of the site in a phased matter in the interests of visual amenity, residential amenity, highway safety, community safety and sustainable development having regard to Policies L4 and L7 of the Trafford Core Strategy and the National Planning Policy Framework. Details of phasing are required to be submitted prior to commencement to enable the Local Planning Authority to assess the phasing of the development and a start on site would prejudice the proper assessment of the scheme.

6. Prior to the commencement of development an updated Flood Risk Assessment (FRA) and detailed drainage plan shall be submitted to the Local Planning Authority for approval. The submitted FRA will incorporate the proposed SuDS, surface water discharge rate and approximate attenuation figures as detailed in the approved FRA (Document Ref: 071662-CUR-00-XX-RP-D-001 Rev.V07). The updated FRA shall include further details on the potential for infiltration and shall include the stated mitigation measures:-

- Construction shall be as per the provided FRA, and no banks shall be raised for this development;
- The provided easement plan REF-L(01)110 shall be adhered to and a clear 8m easement maintained at all times to allow Environment Agency emergency vehicles to gain access to the watercourse in any event;

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the schemes timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development. Development shall be carried out in accordance with the approved details and thereafter retained.

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site and to prevent flooding elsewhere by ensuring that storage of flood water is provided having regard to Policies L5 and L7 of the Trafford Core Strategy and the NPPF.

7. No development shall take place, until a management and maintenance plan for the lifetime of the development which shall include the arrangements for an appropriate public body or statutory undertaker, management and maintenance by a management company or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime has been submitted to and approved in writing by the Local Planning authority. Development shall be carried out in accordance with the approved details.

Reason: To prevent the increased risk of flooding, to improve and protect water quality, to improve habitat and amenity and to ensure the future maintenance of the sustainable drainage structures having regard to Policies L5 and L7 of the Trafford Core Strategy and the NPPF.

8. No development, including any tree removals, shall take place until an updated bat survey has been submitted to and agreed in writing by the Local Planning Authority.

Reason: To protect the wildlife value of the site, having regard to policy R2 of the Trafford Core Strategy and the National Planning Policy Framework. The condition requires the submission of information prior to the commencement of development in order to ensure sufficient protection and/or mitigation measures are in place to avoid harm to wildlife before any operations take place on site.

9. Prior to the erection of any floodlights/external lighting, a detailed lighting strategy shall be submitted to and agreed in writing by the Local Planning Authority, which shall:
 - Identify areas/features on site that are potentially sensitive to lighting such as Timperley Brook for bats;
 - Show how and where lighting will be installed and through appropriate lighting contour plans demonstrating clearly that a dark corridor along the Timperley Brook will be maintained and any impact on bats is negligible;
 - Specify frequency and duration of use
 - The submitted scheme should ensure that all external lighting be erected and directed so as to avoid nuisance to residential accommodation in close proximity. The impact of new exterior lighting should be considered to ensure that any impact 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 GN01:2020

Thereafter the development shall be constructed and retained in accordance with the agreed lighting strategy.

Reason: In the interests of residential amenity and to protect the wildlife value of the site, having regard to Policies L5.13; L7 and R2 of the Trafford Core Strategy and the National Planning Policy Framework.

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

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

11. No development shall take place, until an updated amphibian survey has been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: To protect the wildlife value of the site, having regard to policy R2 of the Trafford Core Strategy and the National Planning Policy Framework. The condition requires the submission of information prior to the commencement of development in order to ensure sufficient protection and/or mitigation measures are in place to avoid harm to wildlife before any operations take place on site.

12. No removal of or works to any hedgerows, trees or shrubs should take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation shall be submitted to and approved in writing by the Local Planning Authority.

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. Details for this condition need to be submitted prior to the commencement of works on site because mitigation measures need to be in place prior to any operations taking place on site [all nesting birds their eggs and young are protected under the terms of the Wildlife and Countryside Act 1981 (as amended)].

13. No development shall take place, until further precautionary surveys of the site for badgers shall be conducted, the results of which, together with a scheme to mitigate the effects of the development on badgers, if recorded on site, shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with approved details and thereafter retained.

Reason: To protect the wildlife value of the site, having regard to policy R2 of the Trafford Core Strategy and the National Planning Policy Framework. The condition requires the submission of information prior to the commencement of development in order to ensure sufficient protection measures are in place to avoid harm to wildlife before any operations take place on site. [Badgers are protected under the terms of the Protection of Badgers Act 1992].

14. No development shall take place until a comprehensive Method Statement has been submitted to and approved in writing by the Local Planning Authority giving details of the measures to be taken to avoid any possible harm to hedgehog, other mammals and amphibians during the course of development. The development shall be carried out in accordance with approved details.

Reason: To protect the wildlife value of the site, having regard to policy R2 of the Trafford Core Strategy and the National Planning Policy Framework. The condition requires the submission of information prior to the commencement of development in order to ensure sufficient protection measures are in place to avoid harm to wildlife before any operations take place on site.

15. No development shall take place, including ground works and vegetation clearance, until an invasive non-native species protocol shall be submitted to and approved in writing by the local planning authority, detailing the containment, control and removal of Japanese Knotweed Giant Hogweed and Himalayan Balsam on site. The measures shall be carried out strictly in accordance with the approved scheme.

Reason: To protect the wildlife value of the site, having regard to policy R2 of the Trafford Core Strategy and the National Planning Policy Framework. The condition requires the submission of information prior to the commencement of development in order to ensure adequate protection measures are in place to ensure that invasive species do not harm the environment or site operatives.

16. Prior to any above ground construction work first taking place, a Landscape and Ecological Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. The LEMP shall include
 - Habitat enhancement and creation proposals along the Timperley Brook corridor;
 - A bird nesting strategy;
 - A strategy to maintain site permeability for small mammals such as hedgehog; and
 - Details of measures to improve the biodiversity value and creation and enhancement of habitat across the site and details of the long term implementation, maintenance and management body responsible for delivery.

The approved scheme shall be implemented prior to first occupation and retained thereafter.

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

17. No development shall take place until a scheme detailing measures to ensure no negative impacts on the ecological status/potential of the Timperley Brook resulting from the disposal of foul water and surface water post-development has been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented in full in accordance with a timetable which has first been agreed in writing by the Local Planning Authority.

Reason: Such details need to be incorporated into the design of the development to prevent flooding and pollution of the nearby watercourse having regard to Policies L5, L7 R2 and R3 of the Trafford Core Strategy and the National Planning Policy Framework.

18. All applications for reserved matters shall include a Construction Method Statement. 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 hoardings 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 and measures to prevent noise and vibration to adjacent properties including any piling activity; vii. measures to protect Timperley Brook from spillages, dust and debris; viii. a scheme for recycling/disposing of waste resulting from demolition and construction works (including asbestos if uncovered) and ix. days and hours of construction activity on site (having regard to the Councils recommended construction hours of operation) and x. Contact details of site manager to be advertised at the site in case of issues arising.

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

19. The first reserved matters application shall include a full version of a Crime Impact Statement (CIS), based on the approved Preliminary CIS (Ref:2016/0760/CIS/03 Version A 08.06.2021). The Statement shall demonstrate how crime has been considered for the proposal and the surrounding area and how the proposed development has been designed to avoid/reduce the adverse effects of crime and disorder. Thereafter development shall proceed in accordance with the approved details and timetable, and 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. This condition requires the submission of information prior to works starting on site because the approved details will need to be incorporated into the development at design stage.

20. No occupation or use of the development hereby approved shall take place until such time as the travel plan which, should include assessable targets to reduce car travel and measures to promote sustainable transport options, has been

submitted to and approved in writing by the Local Planning Authority. It is considered that as this is a residential travel plan: -

- Marketing and sales information will promote sustainable travel and clearly inform perspective residents of the reduced level of car parking, including the potential for future parking restrictions to be imposed along the roads surrounding the site.
- Measures, incentives, targets, and objectives will be established prior to first occupation of the development and the TP implemented straight away.
- The TP Co-ordinator (TPC) shall be appointed prior to first occupation, and their name and contact details provided to the LPA in addition to a list of their duties and responsibilities.
- The TP shall be implemented from the outset, and a firm commitment to long-term monitoring and implementation of the TP shall also be demonstrated.
- TP targets shall be reviewed and monitored against a baseline which will be established within 3-months of 75% occupancy levels.

Resident's travel surveys will be completed not less than once every two-years, taken from the date of first occupation of the development.

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.

21. No development shall take place until details of the vehicular accesses to Thorley Lane and Wood Lane including maintenance of the visibility splays and swept path details have been submitted and approved by the Local Planning Authority. Development shall be carried out in accordance with the approved details and thereafter retained.

Reason: In the interests of highway safety, residential amenity and the character and visual appearance of the area, having regard to policies L4 and L7 of the Trafford Core Strategy and the National Planning Policy Framework.

22. Any applications for reserved matters which include layout and/or landscaping shall be accompanied by a scheme for secure cycle parking storage (including public cycle parking provision). The cycle parking shall be provided and subsequently maintained in accordance with the approved details.

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.

23. Prior to the first occupation of the development hereby approved the off-site highway improvement works which include a new controlled pedestrian crossing at Thorley Lane near the roundabout with Wood Lane/Clay Lane and a zebra crossing on Wood Lane shall have been completed in their entirety in accordance with a detailed design scheme which shall first have been submitted to and approved in writing by the Local Planning Authority.

Reason: To improve pedestrian connectivity in the locality in the interests of sustainability and highway safety, having regard to Policy L4 and L7 of the Trafford Core Strategy and the National Planning Policy Framework.

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

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

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

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

submitted and agreed prior to commencement given the need to undertake appropriate mitigation prior to the start of the construction works.

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

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

26. Prior to development commencing a scheme detailing the provision of low emission vehicle charging points for each dwelling and other passive infrastructure for future use shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details and thereafter retained.

Reason: in the interests of sustainability and reducing air pollution having regard to Policies L5 and L7 of the Trafford Core Strategy and the requirements of the National Planning Policy Framework.

27. Any application(s) for reserved matters for layout or appearance shall include an updated Acoustic Assessment. The development shall be carried out in accordance with the approved details.

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

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

Reason: In the interests of the amenity of the occupiers of nearby premises, having regard to Policies L5.13 and L7 of the Trafford Core Strategy.

29. Any reserved matters applications that include layout and/or landscaping shall be accompanied by a waste management strategy. The waste management strategy will be implemented in accordance with the approved details.

Reason: to ensure that the site is properly and safely serviced in the interests of highway safety, having regard to Policies L4 and L7 of the Trafford Core Strategy and the National Planning Policy Framework.

