



Appeal Decision

Inquiry held on 10-13 January 2023

Site visit made on 11 January

by Graham Chamberlain BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 February 2023

Appeal Ref: APP/Q4245/W/22/3306715

World of Pets, Thorley Lane, Timperley WA15 7PJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant [outline] planning permission.
 - The appeal is made by Harlex (RLP Timperley) LLP against the decision of Trafford Metropolitan Borough Council.
 - The application Ref 105905/OUT/21, dated 20 September 2021, was refused by notice dated 10 March 2022.
 - The development proposed is described as 'Outline planning application for up to 116no. residential dwellings with all matters reserved aside from access, for which detailed consent is sought.'
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Decision

1. The appeal is allowed, and outline planning permission is granted for up to 116 residential dwellings with all matters reserved aside from access at World of Pets, Thorley Lane, Timperley WA15 7PJ, in accordance with the terms of the application, Ref: 105905/OUT/21, dated 20 September 2021, subject to the conditions set out in the attached schedule.

Preliminary Matters

2. The planning application was submitted in outline with all matters of detail reserved for future consideration save for the access into the site. I have assessed the proposal on this basis. The appellant has submitted parameter plans outlining certain details, but I have treated them as generally being illustrative given the subsequent need for reserved matters to be approved.
3. However, it has been necessary to have regard to some parameters in order to consider the effect of the proposal on the openness of the Green Belt. In particular, the maximum storey heights of the buildings and the position of a landscaping zone adjacent to Timperley Brook. In respect of building heights, the appellant confirmed that I should assess the scheme as proposing either a mix of homes arranged over 2-3 storeys in height or an alternative where the buildings would be no more than 2-storeys in scale. The dimensions have been set out in the draft planning conditions.

Background and Main Issues

4. Policy R4 of the Trafford Local Plan Core Strategy 2012 (CS) states that new development in the Green Belt (GB) will only be permitted where it is for one of the appropriate purposes specified in national guidance, would not prejudice

the primary purposes of the GB or where very special circumstances can be demonstrated in support of the proposal.

5. All parties at the inquiry agreed that the appeal scheme would not be one of the types of development listed in Paragraphs 149 and 150 of the National Planning Policy Framework (the 'Framework'). Thus, the appeal scheme would be inappropriate development within the GB which is, by definition, harmful.
6. The appellant and Council also agree that the submitted planning obligation, in the form of a Unilateral Undertaking, would adequately address the provision of affordable housing and biodiversity net gain and would secure a contribution towards education. I will return to the necessity of these obligations later. Similarly, it is common ground that conditions could be imposed requiring the provision of an onsite play area, publicly accessible electric charging facilities and pedestrian access improvements. Considering the foregoing, the third and fourth main issues listed in my Case Management Conference Summary Note have been addressed and are no longer matters in dispute.
7. Consequently, the remaining main issues in this appeal are:
 - The effect of the proposal on the openness of the Green Belt and its purposes;
 - Whether the proposed development would be in a suitable location, with reference to the spatial strategy in the development plan and the accessibility of services and facilities; and
 - Whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations to establish the very special circumstances necessary to justify the scheme.

Reasons

The effect of the proposal on the openness of the Green Belt

8. The appeal site is not currently free of development because it encompasses a collection of buildings and extensive areas of hardstanding located centrally within the site. About 39% of the appeal site¹ is previously developed 'brownfield' land, although a large part of this is hardstanding that has a limited three-dimensional presence. Nevertheless, given the use and formality of the site it does not have an overtly natural appearance or character despite there being notable areas of greenery, including scrub and lawn.
9. The appeal scheme would involve the construction of up to 116 homes across the appeal site. It is highly unlikely that this quantum of development could be contained within the areas of previously developed land. Thus, new buildings would be constructed on parts of the site that are currently undeveloped. The development of the area of scrub behind the housing in Green Lane would result in a loss of openness, but as this area is already contained by existing buildings there would be only a limited visual perception of urban sprawl.
10. Conversely, the presence of new houses on the area south of the existing glass house would result in some sprawl, as new development would extend beyond what is already there and urbanise a softly landscaped area of the site. In addition, the parameter plans indicate that the existing single storey buildings,

¹ See ID5

including the lightweight glass walled garden centre, would be replaced with buildings arranged over two or even three storeys.

11. That said, the impact could be moderately reduced upon what is proposed if the buildings do not exceed two storeys and some form of generously planted open space is provided along the Timperley Brook as a means of filtering and softening views from the south. The latter is shown on the parameter plans and the option of restricting building heights to two storeys was discussed and agreed at the inquiry. However, even with these design elements there would still be a notable and harmful uplift in the extent and spread of built form within the appeal site when this is considered spatially.
12. The appeal site is reasonably contained visually due to the presence of housing to the west and north. To the east is Thorley Lane, which is an apparently busy throughfare, and further ad hoc development beyond. It is only the southern boundary of the appeal site that adjoins open countryside.
13. From this direction when looking north, the site is softened by a thick belt of landscaping along Timperley Brook. Nevertheless, it is possible, in the winter at least, to see the existing glass house in vantage points that includes the entrance into Footpath 27 from Thorley Lane. As a result, the presence of the proposed dwellings would be apparent, especially as they would be closer to the southern and eastern boundaries than the existing buildings. This further reinforces my finding above that the homes should be two rather than three storeys high as a means of moderating the impact.
14. That said, I share the view of the appellant that the section of Timperley Brook immediately to the south of the appeal site marks the natural edge of Timperley due to the change in character. The land becomes more rural on the southern side of the Brook because of the presence of fields. The new housing would be seen in this context as a redevelopment of an urban fringe site rather than a stark encroachment into the countryside.
15. Nevertheless, the uplift in the extent of development would be very apparent to users of Thorley Lane due to the amount and closer proximity of built form. Some users of Thorley Lane would be travelling on foot and would therefore be of higher sensitivity to change when applying relevant guidance². The existing landscaping along the eastern boundary would do little to dissipate this as it is limited in extent. Additional landscaping would take a long time to mature.
16. As a result, the appeal scheme would be seen from Thorley Lane as a large body of houses with an appreciably greater massing than what currently exists. This would be compounded by the increased activity, which would include lighting, additional movements and the removal of greenery within the appeal site, including several trees. However, the visual impact would only be apparent in a reasonably short section of Thorley Lane in views taken from locations broadly between Viewpoint 1³ (VP1) and Footpath 27. The views closer to VP1 would be experienced in the context of sporadic surrounding development, which would lessen the visual effect.
17. The development would be less prominent at street level from Wood Lane or Green Lane due to the presence of existing intervening buildings. In neither of these locations would it be possible to view the extent of development in the

² Guidelines for Landscape and Visual Impact Assessment Version 3, landscape Institute – ID02

³ Of Mr Folland's visual analysis – See Appendix 1 of his proof.

same way as it would be from Thorley Lane. However, some of the proposed houses would be visible in glimpsed views from Green Lane and it would be possible to see into the site along the Wood Lane access. The residents of Green Lane would also be able to see the new houses, especially from their upper floor windows. These residents would also be receptors of higher sensitivity when applying GLVIA3⁴.

18. In conclusion, when considering the spatial and visual dimensions of openness it is apparent that the appeal scheme would have a much greater and permanent urbanising impact on the openness of the GB than what is currently on site. That said, the spatial and visual containment of the site and presence of existing development would reduce the visual impact. The spatial impact could also be moderated if the buildings are kept to two storeys in height and away from Timperley Brook. Overall, the level of harm to openness would be of significant magnitude. The appeal scheme would therefore be at odds with the fundamental aim of the GB to keep land permanently open.

The effect of the proposal on the purposes of the Green Belt

19. The contribution the appeal site makes to the purposes of the GB formed part of a Greenbelt Assessment⁵ in 2016. In this assessment the appeal site was included within Land Parcel TF44. The study understandably concluded that Parcel TF44 presented moderate evidence of urbanising features and lacks a strong rural character. That said, it was also concluded that, in a general sense, the GB in TF44 assists urban regeneration, plays a strong role in inhibiting sprawl and assists in providing a critical gap between Hale and Timperley. The study provides some context, but the appeal site only encompasses the northern part of TR44. Importantly, the land parcel as a whole includes agricultural fields and other areas of demonstrably more open land such as Grove Park. It is therefore unclear whether the strong contribution of Land Parcel TF44 to some of the purposes of the GB is equally applicable to all parts of TF44. This is unlikely given what I observed.
20. Instead, a subsequent study in 2020⁶ placed the site in land parcel GM46-1. This did not include land south of Timperley Brook but did contain the ad hoc urban fringe development to the east of the appeal site which is of a similar urban fringe character. As a result, the findings of the 2020 study are of more relevance to my assessment. In this respect, the study concluded that land parcel GM46-1 made a relatively limited contribution to checking unrestricted sprawl, preventing towns from merging, and safeguarding the countryside from encroachment. In addition, the land parcel makes limited/no contribution to preserving the setting of historic towns and an equal contribution to assisting in urban regeneration. I share the view that land parcel GM46-1, and by extension the appeal site, makes a limited contribution to each of the purposes of including land in the GB.
21. The overall conclusion of the 2020 study was that releasing GM46-1 from the GB would have a moderate adverse impact on the purposes of including land in the GB and a minor impact on adjacent GB land. It is unclear how the overall moderate score was arrived at given that most of the identified impacts on GB purposes were rated as limited. It may be that the accumulation of limited

⁴ Guidelines for Landscape and Visual Impact Assessment Version 3 – ID02

⁵ By Land Use Consultants Ltd

⁶ Greater Manchester Green Belt Study Stage 2 2020

harm could justify a moderate overall score. Nevertheless, the conclusion in respect of GM46-1 applied to the release of the entire land parcel from the GB. Therefore, the release of the appeal site in isolation, as a notably smaller component of GM46-1, would have a lower impact on the purposes of including land in the GB. Thus, the harm from releasing the appeal site from the GB would be less than moderate when applying the findings from the 2020 study.

22. That said, the appeal scheme proposes a large body of houses that would be apparent in local views and sprawl into currently undeveloped parts of the site, especially that south of the existing glasshouse. There would be a clear perception that the extent of urban sprawl at the site had increased beyond what is currently there. Accordingly, the appeal scheme would have an adverse impact on the purpose of checking unrestricted sprawl. Nevertheless, the sprawl would be occurring on a parcel of land that makes a limited/neutral contribution to the purposes of the GB. This limits the impact.
23. The impact would also be moderated because the aim of checking unrestricted sprawl has already been undermined to an extent by the encroachment of existing development into the GB. It is not as if the appeal site is an undeveloped rural field. Furthermore, the appeal site is well contained by adjacent housing, a main road and Timperley Brook. Indeed, the appeal site does not really read as part of the countryside given the extent of existing development in and around it and the formality of the lawned area to the east of the existing glasshouse which is flanked by a low wall. Thus, the impact on safeguarding the countryside from encroachment would be limited.
24. The proposal would erode the gap between Hale and Timperley. The settlements would not physically merge but the space between them would decrease. Nevertheless, the extent of development would terminate at a logical and defensible southern boundary. This is because in many respects the appeal site when viewed on the ground is seen as part of the settlement of Timperley. This is especially so when considering the extent of development to the west of the appeal site, which although outside the GB, is also limited by Timperley Brook. The land south of Timperley Brook also has a rural and open appearance more typical of the Wooded Claylands landscape character type, albeit interrupted by a pocket of development around Altrincham College. As a result, the merging impact would be limited.
25. In conclusion, the appeal scheme would cumulatively have a moderate adverse impact on the purposes of including land in the Green Belt. In this respect, the proposal does not gain support from Policy R4 of the CS, which states that new development will be permitted in the GB where the proposal would not prejudice the primary purposes of the GB as set out in national guidance.

Spatial strategy

26. To direct and distribute new housing to sustainable locations, Policy L1 of the CS states that significant new development is to be directed to the strategic sites listed in Table L1. It goes on to set a target of 80% of new housing being on previously developed land and directed in accordance with a sequential approach. When following this sequential approach, the preferred location is housing on land within the Regional Centre and Inner Areas, then locations which would significantly assist regeneration and finally land that can be shown to benefit the plan's wider objectives.

27. The appeal site is not located within any of the strategic locations listed in Table L1 and is not one of the sequentially preferable locations. Developing the GB would not benefit the plan's wider objectives. Thus, the appeal scheme would broadly be at odds with the spatial strategy.
28. However, the strategy in Policy L1 is based on a housing requirement derived from a now defunct Regional Spatial Strategy. This housing requirement is out of date by some way when compared to the current Local Housing Need figure. In fact, it's about half of current requirements. As a result, it's unlikely the spatial strategy identifies enough housing land. Moreover, the spatial strategy has an apparent over reliance on large strategic sites which have not delivered as hoped. There are no contingency sites to address this, and the development plan has not been subject to a review. When giving his evidence, Mr McGowen accepted that given these matters the spatial strategy would probably need to take a different approach if prepared now.
29. Thus, I share the view of the appellant that Policy L1 is out of date and should only be afforded limited weight. This is despite it being a carefully considered statement of policy intended to give consistency and direction. As a result, any conflict with the spatial strategy is likewise a matter of limited weight.

The accessibility of services and facilities

30. Paragraph 129 of the Framework states that the National Design Guide (NDG) and National Model Design Code (NMDC) should be used to guide decisions on applications in the absence of locally produced design guides and codes. The Council is preparing a design guide⁷, but the process is not complete. As a result, I have been guided by the NDG and NMDC.
31. The NMDC states that walking and cycling should be the first choice for short journeys of five miles or less. This is because travel by such modes can contribute towards well-being and place making. However, this is not an indication that five miles is an acceptable walking distance. That figure relates to cycling. Instead, the NDG defines walkable developments as locations where local facilities are within walking distance, generally considered to be no more than a ten-minute walk (800m radius).
32. Within approximately 800m of the appeal site there are four bus stops, a primary school, a veterinarian surgery, a secondary school, Grove Park, two neighbourhood shopping parades, a garden centre and other facilities including a church and nursery school. As a result, there is a reasonable array of services and facilities within a walkable radius.
33. Although not referred to in national planning policy, the appellant has also cited guidance prepared by the Chartered Institution for Highways and Transportation (CIHT)⁸. This suggests that a preferred maximum walking distance to local services is 1,200m. This exceeds the NDG definition of 'walkable', but it nevertheless demonstrates that the walking distance to Timperley village centre of around 1,200m (15 minutes) would not be excessive. The appeal scheme includes a pedestrian crossing at Wood Lane. This would make it easier for pedestrians to walk into the centre of Timperley. As a result, the route would be safe and convenient. Moreover, when applying

⁷ CD-D11

⁸ Providing Journeys on Foot

- a lower 1,000m distance than a Tesco Express, allotments, public house and sports club are also accessible by walking.
34. The CIHT guidance also suggests that residents may be prepared to walk up to 2,000m if commuting to work. This is logical as people may be willing to walk further if they intend to spend longer at the destination. Within a 2,000m radius of the appeal site there are several employment opportunities.
35. Paragraph 105 of the Framework states that significant development, such as that proposed, should offer a genuine choice of transport modes. The NMDC indicates that a genuine choice is one that is easy, comfortable and attractive. In this regard there would be an adequate collection of services and facilities within 800m. In addition, there would be further facilities available between within 1,200m, including a village centre. These distances are not excessive, and the routes are generally flat, along pavements and safe. Vehicle noise may suppress the attractiveness of some sections of the routes, but not to a significant extent. Thus, walking would be a genuine choice of transport mode for future residents of the appeal scheme.
36. As already stated, the NMDC seeks to promote cycling as a mode of transport for journeys under five miles. Accordingly, a large urban area becomes potentially accessible from the appeal site by bicycle when applying this distance. Many of the roads in the vicinity of the appeal site are residential in nature and thus not unwelcoming to navigate by such a mode of transport. Wood Lane is traffic calmed, thereby providing reasonable access to Moss Lane and then onwards to the Bridgewater Canal Cycleway.
37. Furthermore, Shaftsbury Avenue has traffic free cycle lanes and Thorley Lane has an unsegregated cycle lane. This infrastructure would assist cyclists. Some of it is poorly maintained but that should not count against the appeal scheme given the statutory duties placed on the Local Highway Authority to maintain the public highway. Ridgeway Road is also traffic calmed and provides an apparently lightly trafficked route to a dedicated cycle way, which in turn provides access to major employment opportunities at Wythenshawe Hospital and the surrounding industrial estate.
38. Consequently, there would be genuine opportunities for residents to travel by bicycle. However, this would be tempered by the inherent limitation that residents may not have the fitness, confidence or proficiency to cycle regularly if at all. Many potential cyclists could also be put off by the volume and speed of traffic on some local roads. For example, Thorley Lane has a 40mph speed limit. The low up take of cycling is demonstrated by 2011 Census data for the area, which confirms that only 3% of residents travel to work by bicycle. Furthermore, some residents may simply not have a bicycle and the draft Travel Plan proposes little to address this.
39. Guidance from CIHT⁹ indicates that new development should be within a maximum 300m walk of a less frequent bus route. The bus stops in Wood Lane are about 50-100m from the site access and therefore fall within this recommended distance. The No 285/286 service provides a link with Timperley and Altrincham. Buses are hourly but operate throughout the week and into the weekend during most of the day.

⁹ Buses in Urban Development

40. Residents would need to plan their bus journeys so that they were not waiting at the bus stop for up to an hour. However, this would not be a significant drawback given the short walk to the bus stops. As a result, it would be easy, comfortable and attractive to catch a bus to several local centres and facilities.
41. In addition, it would be possible to walk around 750m north of the appeal site and catch the No 11 bus service. This has a twenty-minute frequency and provides a link to other centres including Stockport and Cheadle. However, the walk would exceed the CHIT guidance that a high frequency bus service should be within 400m of a development. Nevertheless, the combined provision of the No 285/286 and No 11 services means the appeal site is adequately served by public transport.
42. The Navigation Road rail station is about 2,200m from the appeal site and therefore not within CHIT¹⁰ guidance of an 800m walk. It would be possible to combine a rail journey with walking and bus travel, but this would be quite convoluted. As a result, rail travel is unlikely to be a regular genuine option for many. That said, it would be possible to get into Manchester City Centre from the appeal site within one hour when combining bus and rail travel. This could be an infrequent travel option for future residents of the appeal site.
43. When applying the Greater Manchester Accessibility Levels (GMAL), the appeal site falls within Levels 2 and 3, which is towards the lower end. It is however near a higher GMAL level¹¹ given the provision of bus stops in Wood Lane, which are within a short walk of the appeal site. Even if this was not the case, Paragraph 112 of the Framework establishes a hierarchy that places active travel – walking and cycling – at the top. Access to public transport is to be facilitated ‘as far as possible’. This is entirely logical as independent active travel provides both resilience and health benefits.
44. Accordingly, GMAL should not be relied upon in isolation as a means of assessing the accessibility of services and facilities from the appeal site. This is because in this case, there would be reasonable access to several facilities by walking, cycling and bus. Therefore, the position of the site in an area rated as GMAL Levels 2 and 3 is not a determinative matter against the appeal scheme. Indeed, neither the Local Highway Authority nor Transport for Greater Manchester objected on this basis, although there was an indication that the site is not particularly well served by public transport. This is not however, sufficient grounds to dismiss the appeal given the analysis above.
45. The appeal site is allocated for housing in emerging Policy JPA 3.2 of the Places for Everyone Joint Local Plan. If adopted, this Timperley Wedge allocation would provide for new transport infrastructure such as a rapid transit bus service and an extended Metrolink Line. A new local centre would also be constructed. However, for the reasons already set out, the appeal site is reasonably well placed to allow future residents to access services and facilities by sustainable transport regardless of whether the Timperley Wedge allocation comes forward or not. Furthermore, the appeal site would be closer to existing services in Timperley than the new local centre. As a result, the appeal site does not need to come forward as part of the allocation for future residents to have adequate access to services and facilities by sustainable transport modes.

¹⁰ Planning for Public Transport in Developments

¹¹ See Figure 7.3 of Mr Tilley’s proof

46. Based on current trends, around 73% of journeys by new residents would likely be by private car. The appellant's draft Travel Plan (TP) is not especially ambitious and currently only includes 'soft' measures aimed at encouraging sustainable travel, such as information and signage. However, the Council has suggested a condition, agreed by the appellant, that would require the measures, incentives, targets, and objectives of the TP to be submitted and approved. This provides scope to set meaningful targets and include robust measures to achieve them.
47. In conclusion, it would be an exaggeration to suggest the appeal site is in a highly sustainable location, as advocated by Mr Harper. However, when judged holistically the appeal scheme would be in a suitable location when considering access to services and facilities. This is because future residents would have a genuine choice of transport modes. As a result, there would be no conflict with Policy L4 or Strategic Objective SO6 of the CS, which seek to promote sustainable travel.

Other considerations

Contribution to housing land supply

48. Paragraph 60 of the Framework sets out the objective of significantly boosting the supply of housing with Paragraph 74 setting out a requirement that local planning authorities provide a minimum five-year housing land supply. The appellant and Council suggest the housing land supply position is between 2.82 and 3.47 years. On either measure, the parties agreed that the shortfall is substantial. Indeed, the short-term picture is a worsening one, as on the Council's own figures the supply has fallen from 3.75 years in March 2022.
49. This situation is aggravated by the long-standing nature of the shortfall with the Council having been unable to demonstrate a five-year housing land supply since 2014. For most of this period the supply has hovered around or below 3 years with 2.4 years being the low point in 2020. Furthermore, the most recent Housing Delivery Test (HDT) measure was 79% of the relevant housing requirement. The sanction is that the Council must apply a 20% buffer to its housing requirement and prepare a Housing Delivery Test Action Plan. Mrs Wright suggests that this situation has been caused, in part, by an increased housing requirement and the slow delivery of strategic sites. The shortfall in housing delivery is therefore acute and has been a persistent problem.
50. That said, when looking forward the Council is seeking to improve the supply by taking proactive action that includes joint ventures and monitoring of stalled developments through a housing tracker. These actions may well have contributed to an uplift in the HDT measure, which was 58% in 2019. In addition, the Council are approving more permissions than the housing requirement, is working on a new development plan, has a reservoir of existing urban land¹² and has adopted the Civic Quarter Area Action Plan. Thus, an Inspector¹³ recently commented that the Council appears to be doing all it can to address the shortfall. There are also the site allocations in the emerging Places for Everyone Joint Local Plan (Pfe) to consider, but for reasons I will go into this document currently carries only limited weight.

¹² Table 5.2 of Mrs Wright's proof

¹³ APP/Q4245/W/20/3258552

51. In an attempt to illustrate the improving situation, Mrs Wright provided Table 6.1 in her evidence which purports to demonstrate that in the next 12-24 months the housing land supply could reach 5.34 years. However, substantive evidence demonstrating deliverability has not been provided and is not in the public domain. Therefore, it would be unwise to rely on Table 6.1 as evidence that the Council would achieve a five-year supply soon. Nor should I rely on the reduced housing requirement set out in PfE as a route for the Council being able to demonstrate a five-year supply in a year or two, because there are unresolved objections that will need to be explored through the examination.
52. Therefore, I share the view of the Council that the overall situation is improving despite the recent dip in the housing supply to 3.47 years. However, I also share the view of a previous Inspector¹⁴ that there are too many unknowns and consequently caution needs to be exercised in respect of future supply. What is clearer is that there is currently a substantial shortfall.
53. In this context, the evidence from Mr Nicolson, which was not challenged by the Council, is illuminating. He explained that the appellant's aim is to move into a tender process as soon as possible with a view to disposing of the site to a housebuilder. Given the financial arrangements and the debt interest, there would be no logical rationale for holding onto the site to speculate on land values rising, which the Council suggested had suppressed delivery elsewhere in Trafford. The indicative timeframe could see the site marketed and sold in a matter of months with reserved matters to follow promptly and completions achieved in late 2024.
54. Although perhaps a little optimistic, the timeframe is not unrealistic given the low supply and high demand for residential development land¹⁵. Furthermore, there is nothing of substance before me to suggest there would be any unusual challenges in bringing the appeal site forward promptly. The timeframes could also coincide neatly with the completion of outstanding wildlife surveys in the spring/summer. At the Inquiry Mr Swannell referred to a covenant prohibiting development, but the point was not substantiated and neither the appellant nor the Council were aware of this despite checking. Accordingly, the evidence before me suggests that the appeal scheme could be delivered in good time. In fact, clear evidence of the deliverability of housing on site within five years could be demonstrated reasonably soon after outline permission is granted. The appeal scheme would therefore provide a very valuable contribution to the five-year housing land supply.
55. In coming to this view, I have carefully considered the appeal decisions¹⁶ referred to by the appellant where the Inspectors gave little weight to the Written Ministerial Statement of December 2015 (WMS). This WMS indicated that unmet housing need is unlikely to clearly outweigh harm to the GB, and any other harm, so as to establish very special circumstances. Limited weight was afforded to this because the provisions in the WMS were not incorporated into the revised Framework and the associated guidance was removed from the Planning Practice Guide. Circumstances have not changed and therefore I concur with the views of the other Inspectors.

¹⁴ APP/Q4245/W/20/3258552

¹⁵ See CBRE letter dated 6 December 2022 – Appendix 15 of Mr Harper's proof

¹⁶ APP/C2741/W/19/3227359 and linked appeals APP/B1930/W/20/3265925 & APP/C1950/W/20/3265926

56. In summary, the Council have an acute housing supply shortfall, and this has been a persistent problem. Matters are improving, but the unknowns are such that caution should be applied and therefore I must factor in the real possibility that the Council may not be able to demonstrate a five-year housing land supply soon. In this context, the reasonably quick delivery of up to 116 homes would be a benefit. Given Mrs Wright's evidence the benefit would not be of substantial weight, but it would nevertheless be very significant given the acute and long-standing housing supply shortfall.

Provision of affordable housing

57. The appeal scheme would provide 45% of the homes as affordable housing, this could equate to 52 homes. This would be a policy compliant level of affordable housing but a benefit nevertheless. Mr Harper's evidence, which is uncontested by the Council, explains that the Trafford Housing Needs Assessment 2019 demonstrates that there is a net need for 545 affordable homes per annum in Trafford. Of this, 114 homes per annum are needed in the Altrincham area, which is the location in which the appeal site falls. This is important because the median house price in the Altrincham area is much higher than in Greater Manchester, meaning the affordable housing situation is more acute.

58. This is a point compounded by the apparent shortage of development sites in the Altrincham area, with only two identified sites being capable of delivering more than 50 homes. Moreover, an analysis of sites in the 2020 Strategic Housing Land Availability Assessment in the Altrincham area suggests that even if every identified site came forward and provided a policy compliant level of affordable housing, only 246 affordable homes would be delivered. This would only be enough to cover the annual affordable housing need for the next couple of years. In any event, it is not uncommon for major housing schemes to provide less than a policy compliant level of affordable housing. Some locally approved levels have been as low as around 16%.

59. The appeal scheme would deliver a policy compliant level of affordable housing and could do so reasonably quickly given that there is already interest from registered providers. This would amount to around half of the annual affordable housing need for the Altrincham area. Given the context set out above, the delivery of up to 52 affordable homes would be a significant benefit.

Use of previously developed land

60. Around 39% of the appeal site is previously developed land. Paragraph 120 of the Framework states that substantial weight should be given to the value of using suitable brownfield land within settlements for homes. There is nothing before me to suggest the appeal site is located outside any defined settlement boundary. Moreover, for the reasons already set out, the appeal site reads on the ground as being part of Timperley, albeit a transitional urban fringe site.

61. However, much of the brownfield land within the site is simply hardstanding and the site's location in the GB means it is not 'suitable' brownfield land within the meaning of Paragraph 120, especially as the scheme would have a greater impact on openness. Thus, the reuse of brownfield land would not carry substantial positive weight in this instance. Nevertheless, there is strong support for the reuse of previously developed land in both national and local policy. In this context, the reuse of a sizeable area of under-utilised and

unattractive previously developed land for housing still carries significant weight as a benefit in favour of the proposal.

Other benefits

62. There would be some short-term benefits to the construction industry from building the scheme. The Home Builders Federation Online Housing Calculator estimates that the proposal could lead to 359 jobs being created including direct and indirect employment¹⁷. Further economic benefits from local spend could be as high as £3,055,347 per annum¹⁸. The Council has not sought to challenge these figures. Accordingly, the economic benefits are of significant weight in favour of the scheme.
63. The submitted biodiversity assessment¹⁹ demonstrates that even with the planting of new hedgerows and trees within the site, retaining some boundary bramble scrub and enhancing the onsite pond, the biodiversity value of the site would fall by around half²⁰. This needs to be considered in the context that there is already limited land available for nature in Trafford. As a result, the appellant intends to provide off-site enhancement measures on land in the control of the Council. This would facilitate a 10% net gain in biodiversity. That said, the site has a baseline unit score of 10.15. Therefore, a 10% gain would only add around one unit²¹. This would be a modest increase in biodiversity. However, given the pressing need to improve biodiversity, this benefit should still carry limited weight as benefit.
64. The proposal would also provide a Sustainable Drainage System that would help to reduce the risk of flooding downstream as run off would be controlled to an appropriate rate. However, the extent to which this is a benefit has not been set out in detail in the appellant's submission. As a result, this is a matter of modest weight in favour of the scheme.
65. The appeal scheme would also provide a public open space along the Timperley Brook. However, if provided in accordance with the outline masterplan then it would be a small space with little natural surveillance. In such circumstances, its unlikely to be a destination for existing residents. Likewise, the play area towards the centre of the site would also be small and would principally serve the future residents of the appeal scheme. As a result, the open space provision would be a limited benefit. It is also unclear whether residents from outside the appeal scheme would wish to charge their electric vehicles on site and therefore this would be a modest benefit.
66. The Statement of Common Ground suggests the appeal scheme could incorporate a truly high-quality design. However, the scheme is submitted in outline, so details are not before me. Moreover, the outline masterplan has some drawbacks that would require revisions. For example, some public areas, including the public open space along Timperley Brook, would have limited natural surveillance. Some of the houses would be too close to the Thorley Lane, as confirmed in the noise assessment, and the perimeter blocks are loosely configured in areas, which would result in discordantly disjointed building lines and street scenes. Nevertheless, these issues could be

¹⁷ Socio-Economic Statement – Appendix 16 of Mr Harper's proof

¹⁸ Ibid

¹⁹ CD-A08

²⁰ From 10.15 units to 5.84

²¹ By way of comparison, the existing pond, which is in moderate condition, is worth 0.89 units

addressed, and the appellant has committed to a design review and the production of a design code. This would be an exemplar design approach that could act as a template to be followed elsewhere.

67. At around 38 dwellings per hectare the density of the scheme would be higher than surrounding development. A balance must be struck between using land efficiently and having regard to the existing local character. In this respect, an imaginative and responsive layout softened by high levels of quality landscaping could be developed.
68. Overall, delivering high quality design is an expectation placed on all development proposals and would therefore ordinarily be a neutral matter. The Framework states that significant weight should be attached to outstanding or innovative designs which promote high levels of sustainability. However, this has not been established given the outline nature of the proposal. Nevertheless, the commitment to follow an exemplar design process means that some modest positive weight can be afforded given the importance placed on this matter in the Framework.

Emerging policy

69. The appeal site is allocated for housing in the emerging PfE. This draft allocation is supported by a masterplan²² that places the appeal site in 'Site 1 Phase 1'. The emerging allocation is supported by the Council, which is of the view that some GB release is required to meet the current housing requirement. As a result, the emerging policy sets a direction of travel that would see the appeal site removed from the GB and allocated for housing.
70. That said, the appeal scheme is at odds with emerging Policy JPA 3.2 because it would not make a proportionate contribution towards infrastructure delivery. However, there is no charging schedule in place to support the equalisation mechanism and therefore the appellant cannot contribute even if they wished to. In any event, there is no evidence before me to demonstrate that bringing the appeal scheme forward without a contribution to infrastructure would prejudice the viability or delivery of the allocation or the plan more generally. To this end the Council did not run a prematurity case. In fact, the masterplan expressly acknowledges that Phase 1 can come forward ahead of the provision of wider infrastructure. Nor is there anything before me to suggest other landowners would seek to 'jump the gun' in the event the appeal scheme is permitted, and therefore an undesirable precedent would not be set.
71. Accordingly, the emerging policy position is such that, overall, it adds positive weight towards the acceptability of the scheme, despite the policy conflict. However, there are several unresolved objections to PfE, including the principle of releasing GB land for housing. The objections go to the heart of Policy JPA 3.2 and perhaps the plan more generally. Thus, when applying Paragraph 48 of the Framework, PfE should only be afforded limited weight despite its advanced stage of preparation and apparent consistency with the Framework.

Fallback position

72. The appellant submits that the appeal site could be developed for a smaller number of houses and in a way that would not amount to inappropriate development when applying Paragraph 149(g) of the Framework. It is also

²² CD-E4

suggested that the existing commercial use could be more intensively pursued. However, planning permission has not been granted for such schemes. As a result, the proposition is currently theoretical. Moreover, the Council correctly suggest that the first scenario would be an underdevelopment of the appeal site and would be unlikely to be granted planning permission because of this. For these reasons, the potential fallback position is only a very modest matter that weighs in favour of the appeal scheme.

Other Matters

73. The Council's reason for refusal refers to Policy C4 of the Trafford Unitary Development Plan (UDP). However, when asked at the Inquiry, the Council's witnesses explained that this policy simply refers to the extent of GB and lists the primary purposes for this designation. The policy sets no development management test that the proposal could offend. As a result, there would be no conflict with Policy C4 of the UDP.
74. The outline masterplan indicates that some houses could be positioned in the defined wildlife corridor²³. Indeed, it is unlikely that a scheme could come forward without this occurring. However, I have already explained that the scheme would provide a 10% net gain in biodiversity with offsite mitigation. I have not been directed to any policy requirement that the net gain must be on site. As a result, there would be an overall benefit to wildlife.
75. Revisions to the Framework are currently the subject of public consultation. However, the suggested revisions are in draft and therefore subject to significant amendments. Thus, I share the view of the Council and appellant that I need not consider the changes as part of my assessment.
76. The Council has referred to a dismissed appeal in Beaconsfield²⁴ which also related to housing in the GB. There are some parallels with the scheme before me. However, the site is in a different local authority area where distinct circumstances apply. Moreover, the Inspector found an acute effect on the openness of the GB, which is not the case here. There was also other harm to factor in, such as a poor design and a failure to preserve designated heritage assets. Accordingly, the schemes are not alike and therefore my overall conclusion would not amount to inconsistent decision making. A similar finding applies to the Warburton Lane appeal²⁵, where no affordable housing was proposed and therefore the balance of harm and benefits was different.
77. The appeal scheme is supported by a comprehensive and carefully considered Transport Assessment (TA)²⁶ prepared by professional highway engineers. It has been critically reviewed by the Local Highway Authority and Transport for Greater Manchester and no objections were received.
78. The TA demonstrates that the two proposed accesses would be safe and suitable with adequate visibility splays being provided. In fact, the proposed accesses have been subject to a successful road safety audit. The analysis of trip rates, flows, growth and assignment also confirms that there would be capacity within the road network, and at specific junctions, to cater for the traffic associated with the appeal scheme without a severe impact. Substantive

²³ A plan of which is at Figure 1 of Mr Folland's proof

²⁴ ID01

²⁵ APP/Q4245/W/19/3243720

²⁶ CDA22

evidence to the contrary has not been submitted. Accordingly, I am satisfied there are no grounds to dismiss the scheme on matters relating to transport, congestion or highway safety. Parking would be addressed at the reserved matters stage, but there is nothing of substance to demonstrate the proposal would not be able to provide an adequate amount.

79. The evidence before me does not demonstrate that the appeal scheme would place harmful pressure on healthcare infrastructure. In any event, the proposal would make a sizable contribution through the Community Infrastructure Levy, and this could be used to mitigate any residual impacts.
80. During the Inquiry I heard evidence from Mr Williams that the construction of three storey dwellings would be out of character with the surrounding area and therefore appear odd. Two storey buildings are the predominant building typology in the locality. Taller buildings on the edge of the settlement would indeed appear odd and effect the graduation of the settlement into the countryside and GB beyond Timperley Brook. This adds further impetus to my finding that the buildings should not exceed two storeys in height.
81. The appeal site is in a Critical Drainage Area but there is no objection to the proposal from the Lead Local Flood Authority or the Environment Agency subject to the use of a Sustainable Drainage System that manages surface water flows. This is set out in a Flood Risk Assessment and secured through planning conditions. A small part of the site is within Flood Zone 2, but this would be left to remain part of a wildlife corridor and therefore a sequential test in accordance with Paragraph 162 of the Framework is unnecessary.
82. Concerns relating to the impact on the privacy of neighbours can be addressed at the reserved matter stage, as can details of bin collection and mitigating the risk of crime. Similarly, concerns relating to land contamination, external lighting and construction noise can be addressed through the imposition of planning conditions. The Air Quality Assessment submitted with the application and reviewed by the Council demonstrates that the scheme would not harmfully affect air quality. The same can be said of noise, subject to conditions and a carefully considered design and layout.

Whether there would be Very Special Circumstances

83. The appeal scheme would be inappropriate development in the GB. It would also prejudice the primary purposes of including land in the GB. As a result, the only pathway for approval within the context of Policy R4 of the CS is for the appellant to demonstrate very special circumstances. As specified in the Framework, 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.
84. I have concluded that the appeal scheme would be inappropriate development that would, by definition, harm the Green Belt. I have also concluded that the appeal scheme would result in significant and permanent harm to the openness of the Green Belt and moderate harm to GB purposes. Paragraph 148 of the Framework requires substantial weight to be given to any harm to the Green Belt. In addition, there would be some limited harm from a conflict with the spatial strategy. Overall, the harm is cumulatively of very substantial weight.

85. On the other hand, the appeal scheme would assist in addressing the acute and persistent housing supply shortfall and would deliver affordable housing in an area of high need. The appeal scheme would provide other benefits including the reuse of brownfield land, the accumulation of economic benefits and a net gain in biodiversity. Emerging policy also seeks to release the appeal site from the GB for housing. Overall, the cumulative benefits of the appeal scheme are other considerations of a very high order.
86. Protecting the GB is a matter of great importance to the Government, and I have considered the proposal with this in mind. However, in this instance, the identified harm would be clearly outweighed by the other considerations identified. Accordingly, the very special circumstances necessary to justify the development have been demonstrated and therefore a conflict with Policy R4 of the CS, and Paragraph 148 of the Framework, would not occur.

Planning Obligation and Conditions

87. The appeal scheme is supported by a completed planning obligation in the form of a Unilateral Undertaking. This has been reviewed by the Council, which has not raised concerns with its execution or content, save for one obligation relating to a financial contribution towards a new roundabout on Thorley Lane. Each of the obligations are considered below.
88. *Affordable Housing* – Policies L2 of the CS requires the provision of 45% on-site affordable housing as part of schemes such as that proposed. This level of affordable housing is required in 'hot market' locations where there are good market conditions. The approach is also supported by a Housing Needs Survey dating from 2019. Accordingly, the appellant is seeking to provide this in accordance with the proposed tenure split, as the high level of need is not disputed. This provision would be secured through the planning obligation.
89. *Education* – Policy L2.2 of the CS seeks to secure improvements to social infrastructure when necessary. The Council has assessed the number of primary and secondary school places and whether there is capacity to absorb the likely demand generated by the appeal scheme. This analysis indicates that there is adequate capacity at the local primary schools but not secondary schools. A school place 'score card' has been used to assess the level of financial contribution required to mitigate the impact. Both the Council and appellant agreed that a financial contribution of £297,036 would be reasonable in scale and kind to the proposal and the impacts.
90. *Biodiversity net gain* – Policy R2.1 of the CS requires developers to demonstrate how their proposal would protect and enhance biodiversity. The Phase 1 Habitats Survey suggests there would be a net negative effect on biodiversity. Accordingly, the appellant is seeking to mitigate this impact by providing enhancement measures on land controlled by the Council. The Council have agreed to this. In so doing, the appellant is committed to providing a 10% net gain. The policy requirement is to enhance biodiversity but there is no requirement for a 10% net gain. Nevertheless, there is a pressing national and local need to enhance biodiversity and therefore a 10% net gain can be considered a benefit of the scheme. It is necessary to secure this benefit through the planning obligation. This would be done by preventing development until a net gain scheme is approved and the works carried out.

91. Thus, when applying Regulation 122 of the Community Infrastructure Levy Regulations and Paragraph 57 of the Framework, the obligations identified above are necessary to make the development acceptable and are directly, fairly and reasonably related in scale and kind to the proposal and its impacts. As a result, I can take them into account.
92. The planning obligation also seeks to provide a £35,000 contribution to a new roundabout on Thorley Lane. This new roundabout is a requirement set out in emerging Policy JPA 3.2 of PfE. The appellant is offering it in lieu of a contribution towards the equalisation mechanism also set out in the policy. However, the evidence before me does not demonstrate the roundabout is required to make the development acceptable. Moreover, I have afforded Policy JPA 3.2 of the PfE only limited weight given the extent of unresolved objections. A financial contribution is unnecessary to remedy a conflict with an emerging policy of limited weight. As a result, this is an obligation that I have not taken into account.
93. Turning to conditions. I have had regard to the advice in the Planning Practice Guide and the conditions suggested by the Council²⁷. In addition to standard commencement conditions, it is necessary to define the reserved matters and require their approval. A drawings condition relating to the position and design of the external access is necessary in the interests of certainty and highway safety. In assessing the scheme, I have factored in the position of an enhanced wildlife corridor and landscaping zone adjacent to Timperley Brook. It is therefore necessary to secure this parameter. In so doing it is unnecessary to secure the matters detailed on Parameter Plan 1, or the landscaping shown on Parameter Plan 2, because they are not details that have factored into my assessment. They relate to reserved matters in any event.
94. The application is for up to 116 homes and no more. As a result, it is unnecessary to impose a condition specifying a maximum number of homes. Similarly, it is unnecessary to secure a phasing condition as the appellant was unable to articulate why it was necessary or relevant with reference to the harm that would occur if it were not imposed. To aim for a high-quality design, it is necessary to secure the preparation and approval of a design code and masterplan and for the scheme to be tested by a design review panel. For similar reasons it is necessary to secure details of levels and to retain the maximum building height to 2 storeys. The latter would also reduce the impact on the openness of the GB relative to what was originally proposed.
95. To reduce the risk and fear of crime it is necessary for a Crime Impact Assessment to be submitted and approved. To safeguard living conditions and/or highway safety it is necessary for a Construction Method Statement, Waste Management Strategy and Acoustic Assessment and maximum noise levels for plant and equipment to be submitted and approved. For similar reasons, it is necessary to secure details of the maintenance of the vehicular access to be submitted and approved and to assess and remediate land contamination, including any from ground gases.
96. To promote and facilitate active and sustainable travel it is necessary to secure details of cycle parking, a Travel Plan, public EV charging points and off-site pedestrian crossing works. To support health and well-being, it is necessary to secure details of a Local Equipped Area of Play. For similar reasons, and to

²⁷ ID10

reduce the risk of flooding to people and property, it is necessary to secure an updated Flood Risk Assessment with drainage details and management. To protect and enhance wildlife it is necessary for updated bat, amphibian and badger surveys to be submitted and approved, including mitigation. For similar reasons, it is necessary for an Ecological Method Statement, details of external lighting and a Landscape and Ecological Management Plan to be submitted and approved, and the Timperley Brook to be protected from foul water disposal.

97. Some pre commencement conditions have been imposed on this planning permission. This is because the matters required for approval may ultimately affect the design or layout of the scheme or the approach to construction. Moreover, some pre commencement conditions are necessary because they seek to mitigate impacts arising during the construction phase.

Conclusion

98. As there would be very special circumstances, the appeal scheme would adhere to the development plan taken as a whole. There are no other considerations which outweigh this finding. Accordingly, the appeal has been allowed.

Graham Chamberlain
INSPECTOR

APPEARANCES

For the Appellant:

David Manley KC	instructed by Mr Jonathan Harper
Called:	
Nicolas Folland BA (Hons), DIP LA CMLI	Director, Barnes Walker Limited
Aaron Tilley HNC, CMILT, FCHIT	Associate Transport Consultant, Curtins
Jonathan Harper MA (Hons) MTCP MRTPI AssocRICS	Partner, Rapleys
James Nicholson	Manging Director, Harlex (RLP Timperley) LLP
Paul Arnott	Solicitor, Town legal LLP

For the Local Planning Authority:

Stephanie Hall, of Counsel	instructed by Stephen Moorhouse
Called:	
Caroline Wright MRCP MRTPI	Strategic Planning and Growth Manager, Trafford Council
Cormac McGowan BSc (Hons) MRTPI	Major Planning Projects Officer, Trafford Council
Sarah Lowes	Major Planning Projects Manager, Trafford Council
Stephen Moorhouse	Council Planning Lawyer, Trafford Council

INTERESTED PARTIES:

Jeremy Williams	Local Resident
Gary Swannell	Local Resident
Louise Westwater	Local Resident

INQUIRY DOCUMENTS

ID01	Appeal Decision APP/N0410/W/22/3299849
ID02	Extract (p113-116) from Guidelines for Landscape and Visual Impact Assessment, Version 3, Landscape Institute
ID03	Certified copy of draft Unilateral Undertaking received 9 January 2023
ID04	Letter from M R Harrison (Local Resident), who was unable to attend the Inquiry
ID05	Plan (Ref. L(00)001) of the extent previously developed land, agreed by the Council and appellant
ID06	Opening by David Manley KC
ID07	Opening by Stephanie Hall
ID08	Letter setting the appellant's most up to date five year housing land supply position
ID09	Minor correction to Aaron Tilley's proof
ID10	Suggested conditions table, subsequently amended following the conditions session
ID11	R (on the application of Samuel Smith Old Brewery (Tadcaster) and others) (Respondents) v North Yorkshire County Council (Appellant)
ID13	John Turner v Secretary of State for Communities and Local Government and Another [2016] EWCA Civ 466
ID14	Email from Kate Worsley, who was unable to attend the Inquiry
ID15	Closing by David Manley KC
ID16	Closing by Stephanie Hall
ID17	Executed copy of the Unilateral undertaking dated 19 January 2023

Schedule of Conditions

1. All applications for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
2. The development hereby permitted shall commence not later than 2 years from the date of approval of the last of the reserved matters to be approved.
3. Details of the appearance, landscaping, layout, scale, and access (in part relating to internal circulation) (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority prior to the commencement of development and the development shall be carried out as approved.
4. The development hereby permitted shall be carried out in accordance with the following approved plans:
 - Indicative Access Arrangement Visibility Splays - 72011 CUR 00 XX DR TP 75001 P06;
 - Swept Path Analysis Refuse Vehicle Thorley Lane – 72011 CUR 00 XX DR TP 75001 P06; and
 - Site Location Plan – Drwg. No: L(00)001 Rev.P1.
5. The Reserved Matters submitted in relation to Condition 1 shall be in accordance with Parameter Plan 2 – Key Urban Design Principles – Drwg. No: L(01)111 Rev.P8 in so far as it relates to the location of an enhanced wildlife corridor and landscaping zone adjacent to Timperley Brook.
6. Prior to the submission of the first application for Reserved Matters for the first phase of the development hereby permitted, a site wide detailed Masterplan and associated Design Code shall be submitted to and approved in writing by the Local Planning Authority, informed by:
 - Part Two of the National Design Guide (October 2019) (The ten characteristics of a well-designed place);
 - Any Trafford Design Guide or Code that is adopted at the time; and
 - A Design Review Outcome Report following a design review process involving the Local Planning Authority carried out by Places Matter or another appropriate design review panel that has been approved in writing by the Local Planning Authority.
7. 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 development and the surrounding area and how the development hereby permitted has been designed to avoid/reduce the adverse effects of crime and disorder. Thereafter, the development shall come forward in accordance with the approved details and timetable, and retained thereafter.
8. Any applications for Reserved Matters shall be accompanied by:
 - A Masterplan and Design Code Compliance Statement which demonstrates how that phase of the development has been brought forward in accordance with the approved Masterplan and Design Code pursuant to Condition 6 of this permission; and

- An updated phase-specific Design Review Outcome Report (informed by a design review process involving the Local Planning Authority carried out by Places Matter or another appropriate design review panel agreed in writing by the Local Planning Authority for that specific phase of the development).
9. Applications for reserved matters shall include a Construction Method Statement (CMS). The approved CMS shall be adhered to throughout the construction period. The CMS shall provide for:
 - The parking of vehicles of site operatives and visitors;
 - Loading and unloading of plant and materials;
 - Storage of plant and materials used in constructing the development;
 - The erection and maintenance of security hoardings;
 - Wheel washing facilities;
 - 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;
 - Measures to protect Timperley Brook from spillages, dust and debris;
 - A scheme for recycling/disposing of waste resulting from demolition and construction works (including asbestos if uncovered);
 - Days and hours of construction activity on site); and
 - Contact details of site manager to be advertised at the site in case of issues arising.
 10. Any reserved matters application(s) which covers the matter of 'scale' shall include details of existing and finished site levels relative to off-site datum points or Ordnance datum points which should be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. Development shall be carried out in accordance with the approved details.
 11. Any application(s) for reserved matters which include layout and/or landscaping matters shall be accompanied by a scheme for secure cycle parking storage (including public cycle parking provision) which should be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The cycle parking shall be provided prior to first occupation and maintained thereafter in accordance with the approved details.
 12. Any application(s) for reserved matters for layout or appearance shall include an updated acoustic assessment which should be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The development shall be carried out in accordance with the approved report and any mitigation measures if required.
 13. Any reserved matters application(s) that include access (internal circulation roads), layout and/or landscaping shall be accompanied by a waste management strategy which should be submitted to and approved in writing by the Local Planning Authority. The waste management strategy will be implemented in accordance with the approved details and thereafter retained.
 14. Any reserved matters applications that include layout and/or landscaping shall be accompanied with details of the location and design of a Local Equipped Area of Play (LEAP) and a timetable for its implementation which should be

submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The LEAP shall be implemented in accordance with the approved details and thereafter retained.

15. No development hereby permitted shall take place until an updated Flood Risk Assessment (FRA) and detailed drainage plan has been submitted to and approved in writing by the Local Planning Authority. The updated FRA and drainage plan shall detail the proposed Sustainable Urban Drainage Scheme (SuDs), surface water discharge rate, attenuation figures as detailed in the approved FRA (Document Ref: 071662-CUR-00-XX-RP-D-001 Rev.V07) and the potential for infiltration. The FRA and drainage plan shall also include the following mitigation measures:
- Construction shall be as per the provided approved FRA (Document Ref: 071662-CUR-00-XX-RP-D-001 Rev.V07), and no banks shall be raised for this development; and
 - 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;

The development shall be carried out in accordance with the approved details, which should be implemented prior to the first occupation of any development. The measure details above shall be retained and maintained thereafter throughout the lifetime of the development.

16. No development hereby permitted shall take place, until a SuDs management and maintenance plan for the lifetime of the development has been submitted to and approved in writing by the Local Planning Authority. The SuDs management and maintenance plan shall include the arrangements for (i) an appropriate public body or statutory undertaker; (ii) management and maintenance by a management company; or (iii) any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime. The development hereby permitted shall be carried out in accordance with the approved details.
17. No development hereby permitted shall take place until an updated bat survey has been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with any mitigation and/or enhancement measures as required by the approved survey.
18. No development hereby permitted 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 any migration and/or enhancement measures if required by the approved survey.
19. No development hereby permitted shall take place until further precautionary surveys of the site for badgers have been 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.

20. No development hereby permitted shall take place until a comprehensive Ecological Method Statement has been submitted to and approved in writing by the Local Planning Authority containing details of the measures to be taken to avoid and prevent harm to nesting birds, hedgehog, other mammals, and amphibians arising during the course of carrying out the development hereby permitted. The development shall be carried out in accordance with the approved details.
21. 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 approved in writing by the Local Planning Authority.
22. No development shall take place until details for maintenance of the vehicular accesses and visibility splays to Thorley Lane and Wood Lane have been submitted to and approved by the Local Planning Authority. Development shall be carried out in accordance with the approved details and thereafter retained.
23. No development shall take place until a scheme detailing the provision, management and maintenance of two publicly accessible electric vehicle (EV) charging points has been submitted to and approved in writing by the Local Planning Authority. The publicly accessible EV charging points shall be installed prior to first occupation, in accordance with the approved details and thereafter retained.
24. 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 other than the excluded works listed above. The submitted report shall include:
 - A survey of the extent, scale and nature of contamination;
 - 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;
 - 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;
 - A remediation strategy giving full details of the remediation measures required and how they are to be undertaken; and
 - A verification plan/report 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.

25. No development shall take place until a Landscape and Ecological Management Plan (LEMP) has been 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 LEMP shall be implemented prior to first occupation and retained thereafter

26. No occupation of the development hereby approved shall take place until such time as a travel plan has been submitted to and approved in writing by the Local Planning Authority. The residential travel plan shall include the following details:
- Marketing and sales information that shall promote sustainable travel and clearly inform prospective residents of the reduced level of car parking, including the potential for future parking restrictions to be imposed along the roads surrounding the site.
 - The measures, incentives, targets, and objectives of the TP.
 - The timescales for implementation.
 - The timescale for the appointment of a TP Co-ordinator (TPC) and when their name and contact details provided to the LPA in addition to a list of their duties and responsibilities.
 - A strategy and timescales for long-term monitoring of the TP that shall include residents travel surveys to be completed no less than once every two-years, taken from the date of first occupation of the development.
 - TP targets shall be reviewed and monitored against a baseline which will be established within 3-months of 75% occupancy levels.

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

27. No occupation of the development hereby approved shall take place until a scheme has been submitted to and approved in writing by the Local Planning Authority for offsite highway improvements comprising a new controlled pedestrian crossing at Thorley Lane near the roundabout with Wood Lane/Clay Lane and a zebra crossing on Wood Lane. No occupation of the development

shall begin until those works have been completed in accordance with the approved scheme of works.

28. Prior to the installation of any external lighting, a detailed lighting strategy shall be submitted to and approved 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; and
 - Specify frequency and duration of use; Thereafter external lighting shall be installed and retained in accordance with the approved details of the lighting strategy.
29. 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.
30. The maximum building height for any building within the site shall be two storeys. This being a maximum of 5.5m measured from ground floor Ordnance datum points to the underside of eaves and a maximum ridge height 8.5m from ground floor level datum.

End of Schedule