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**TRAFFORD  
COUNCIL**

## **AGENDA PAPERS FOR PLANNING AND DEVELOPMENT MANAGEMENT COMMITTEE**

**Date: Thursday, 14 March 2019**

**Time: 6.30 pm**

**Place: Committee Suite, Trafford Town Hall, Talbot Road, Stretford, Manchester  
M32 0TH**

### **AGENDA**

### **ITEM**

**1. ATTENDANCES**

To note attendances, including Officers and any apologies for absence.

**2. DECLARATIONS OF INTEREST**

Members to give notice of any Personal or Prejudicial Interest and the nature of that Interest relating to any item on the Agenda in accordance with the adopted Code of Conduct.

**3. MINUTES**

To receive and, if so determined, to approve as a correct record the Minutes of the meeting held on 14<sup>th</sup> February, 2019.

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**4. QUESTIONS FROM MEMBERS OF THE PUBLIC**

A maximum of 15 minutes will be allocated to public questions submitted in writing to Democratic Services (democratic.services@trafford.gov.uk) by 4pm on the working day prior to the meeting. Questions must be relevant to items appearing on the agenda and will be submitted in the order in which they were received.

5. **ADDITIONAL INFORMATION REPORT**

To consider a report of the Head of Planning and Development, to be tabled at the meeting.

6. **APPLICATIONS FOR PERMISSION TO DEVELOP ETC**

To consider the attached reports of the Head of Planning and Development, for the following applications.

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| Application           | Site Address/Location of Development                                   |
|-----------------------|--|
| <a href="#">94986</a> | <b>The Square Shopping Centre, Development Site, Town Square, Sale</b> |
| <a href="#">95472</a> | <b>Pinehurst, 8 Hawley Drive, Hale Barns, WA15 0DP</b>                 |
| <a href="#">95578</a> | <b>Land Encompassing 26A Marsland Road, Sale, M33 3HQ</b>              |
| <a href="#">95970</a> | <b>11A Goose Green, Altrincham, WA14 1DW</b>                           |
| <a href="#">96189</a> | <b>42 Fownhope Avenue, Sale, M33 4RH</b>                               |

7. **URGENT BUSINESS (IF ANY)**

Any other item or items which by reason of special circumstances (to be specified) the Chair of the meeting is of the opinion should be considered at this meeting as a matter of urgency.

**SARA TODD**

Chief Executive

Membership of the Committee

Councillors L. Walsh (Chair), A.J. Williams (Vice-Chair), Dr. K. Barclay, D. Bunting, T. Carey, G. Coggins, N. Evans, D. Hopps, S. Longden, E. Malik, E. Patel, E.W. Stennett and M. Whetton.

Further Information

For help, advice and information about this meeting please contact:

Michelle Cody, Democratic & Scrutiny Officer

Tel: 0161 912 2775

Email: [michelle.cody@trafford.gov.uk](mailto:michelle.cody@trafford.gov.uk)

This agenda was issued on **5<sup>th</sup> March, 2019** by the Legal and Democratic Services Section, Trafford Council, Trafford Town Hall; Talbot Road, Stretford, Manchester, M32 0TH

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## **PLANNING AND DEVELOPMENT MANAGEMENT COMMITTEE**

**14<sup>th</sup> FEBRUARY, 2019**

### **PRESENT:**

Councillor Walsh (In the Chair),  
Councillors Dr. Barclay, Bunting, Coggins, N. Evans, Hopps, Longden, Patel, Sharp (Substitute), Stennett MBE, D. Western (Substitute), Whetton and Williams.

In attendance: Head of Planning and Development (Ms. R. Coley),  
Head of Major Planning Projects (Mr. D. Pearson),  
Major Planning Projects Officer (Mr. J. Davis),  
Senior Planning and Development Officer (Mr. J. Wiseman),  
Principal Highways & Traffic Engineer (Amey) (Mr. G. Evenson),  
Solicitor (Mrs. C. Kefford),  
Democratic & Scrutiny Officer (Miss M. Cody).

Also present: Councillors S.B. Anstee, Duffield, Hynes and Jarman.

### **APOLOGIES**

Apologies for absence were received from Councillors Carey and Malik.

### **66. DECLARATIONS OF INTEREST**

No declarations were made at this point in the proceedings.

### **67. MINUTES**

RESOLVED: That the Minutes of the meetings held on 13<sup>th</sup> December, 2018, and 10<sup>th</sup> January, 2019 be approved as a correct record and signed by the Chair.

### **68. QUESTIONS FROM MEMBERS OF THE PUBLIC**

No questions were submitted.

### **69. ADDITIONAL INFORMATION REPORT**

The Head of Planning and Development submitted a report informing Members of additional information received regarding applications for planning permission to be determined by the Committee.

RESOLVED: That the report be received and noted.

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**14<sup>th</sup> February, 2019**

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**70. APPLICATIONS FOR PERMISSION TO DEVELOP ETC**

- (a) Permission granted subject to standard conditions prescribed by statute, if any, and to any other conditions now determined

| <u>Application No., Address or Site</u>                                     | <u>Description</u>  |
|---|---|
| 95687/HHA/18 – 56 Ennerdale Drive, Sale.                                    | Erection of two storey side and rear extension, and single storey rear extension.   |
| 95716/VAR/18 – Southbank and Delamer Lodge, 1-2 Cavendish Road, Altrincham. | Application for variation of conditions 1, 2, 7, 12, 13 and 14 and removal of condition 10 on planning permission 90132/FUL/16 (Change of use of existing buildings; conversion and replacement extension to South Bank to provide 7 dwellings; part demolition and rebuild, and extension to Delamer Lodge to provide 7 dwellings; part demolition and rebuild of the Coach House to provide a single dwelling; associated car parking and landscaping. (Part Retrospective)). To allow for various alterations to the roof, chimneys, elevations, windows and doors, balconies, screening and boundary walls. |
| 95865/HHA/18 – 5 Groby Court, Groby Road, Altrincham.                       | Erection of a single storey rear extension and other external alterations to existing flat.   |
| 96103/FUL/18 – 44 Dartford Road, Urmston.                                   | Erection of a two-storey four-bedroom dwellinghouse with a rear dormer and associated landscaping works.  |

**71. APPLICATION FOR PLANNING PERMISSION 90711/FUL/17 – TRAFFORD PLAZA, 73 SEYMOUR GROVE, OLD TRAFFORD**

The Head of Planning and Development submitted a report concerning an application for planning permission for the erection of a building ranging from 12 to 16 storeys containing 174 residential apartments (64 x 1 bedroom and 110 x 2 bedrooms) with associated car and cycle parking, bin stores and hard and soft landscaping.

RESOLVED: That Members are minded to grant planning permission for the development and that the determination of the application hereafter be deferred and delegated to the Head of Planning and Development as follows:-

- (i) To complete a suitable Legal Agreement under S106 of the Town and Country Planning Act 1990 (as amended) to secure:
- A contribution of £2000 for the provision of a 15-tree orchard within Seymour

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Park.

- The submission of a Viability Review of the scheme upon the sale of 95% of the approved units and agreement that 50% of developer profits over and above a 20% profit margin shall be paid to the Council towards off-site affordable housing and spatial green infrastructure improvements.

- (ii) To carry out minor drafting amendments to any planning condition.
- (iii) To have discretion to determine the application appropriately in the circumstances where a S106 Agreement has not been completed within three months of the resolution to grant planning permission.
- (iv) That upon the satisfactory completion of the above Legal Agreement that planning permission be granted subject to the conditions now determined (unless amended by (ii) above).

**72. APPLICATION FOR PLANNING PERMISSION 95723/FUL/18 – FORMER ITRON SITE, TALBOT ROAD, STRETFORD**

[Note: Councillor Walsh declared a Personal Interest in Application 95723/FUL/18 as he previously worked at the site.]

The Head of Planning and Development submitted a report concerning an application for planning permission for the demolition of existing structures and erection of 282 dwellings (191 apartments 91 houses) with associated parking and landscaping.

**RESOLVED:** That Members are minded to grant planning permission for the development and that the determination of the application hereafter be deferred and delegated to the Head of Planning and Development as follows:-

- (i) To complete a suitable Legal Agreement under S106 of the Town and Country Planning Act 1990 (as amended) to secure:
  - The provision of 1no shared ownership house (two-bed), 6no shared ownership apartments (2no one-bed, 4 no two-bed) and 6no affordable rented apartments (2no one-bed, 4no two-bed) on site.
  - A contribution of £559,708.44 towards off-site open space, young people's facilities, outdoor sports and tree planting provision/improvements.
- (ii) To carry out minor drafting amendments to any planning condition.
- (iii) To have discretion to determine the application appropriately in the circumstances where a S106 Agreement has not been completed within three months of the resolution to grant planning permission.
- (iv) That upon the satisfactory completion of the above Legal Agreement that planning permission be granted subject to the conditions now determined (unless amended by (ii) above) and to the following amendment:-

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Submitted plans condition to be amended to incorporate a plan for the provision of vehicle charging points.

**URGENT BUSINESS**

The Chair informed the Committee that there would be two meetings in March; Thursday 14<sup>th</sup> March and Thursday 28<sup>th</sup> March both commencing at 6.30pm. There would also be a briefing session on Wednesday 13<sup>th</sup> March commencing at 6.30pm.

The meeting commenced at 6.30pm and concluded at 8.09pm.





## **PLANNING AND DEVELOPMENT MANAGEMENT COMMITTEE – 14<sup>th</sup> MARCH 2019**

### **REPORT OF THE HEAD OF PLANNING AND DEVELOPMENT**

#### **APPLICATIONS FOR PERMISSION TO DEVELOP, ETC.**

##### **PURPOSE**

To consider applications for planning permission and related matters to be determined by the Committee.

##### **RECOMMENDATIONS**

As set out in the individual reports attached. Planning conditions referenced in reports are substantially in the form in which they will appear in the decision notice. Correction of typographical errors and minor drafting revisions which do not alter the thrust or purpose of the condition may take place before the decision notice is issued.

##### **FINANCIAL IMPLICATIONS**

None unless specified in an individual report.

##### **STAFFING IMPLICATIONS**

None unless specified in an individual report.

##### **PROPERTY IMPLICATIONS**

None unless specified in an individual report.

Further information from: Planning Services

Proper Officer for the purposes of the L.G.A. 1972, s.100D (Background papers):

Head of Planning and Development

Background Papers:

In preparing the reports on this agenda the following documents have been used:

1. The Trafford Local Plan: Core Strategy.
2. The GM Joint Waste Development Plan Document.
3. The GM Joint Minerals Development Plan Document.
4. The Revised Trafford Unitary Development Plan (2006).
5. Supplementary Planning Documents specifically referred to in the reports.
6. Government advice (National Planning Policy Framework, Circulars, practice guidance etc.).
7. The application file (as per the number at the head of each report).
8. The forms, plans, committee reports and decisions as appropriate for the historic applications specifically referred to in the reports.
9. Any additional information specifically referred to in each report.

These Background Documents are available for inspection at Planning Services, 1<sup>st</sup> Floor, Trafford Town Hall, Talbot Road, Stretford, Manchester M32 0TH.

**TRAFFORD BOROUGH COUNCIL**

**PLANNING AND DEVELOPMENT MANAGEMENT COMMITTEE – 14<sup>th</sup> March 2019**

**Report of the Head of Planning and Development**

**INDEX OF APPLICATIONS FOR PERMISSION TO DEVELOP etc. PLACED ON THE AGENDA FOR DECISION BY THE COMMITTEE**

| <b>Applications for Planning Permission</b> |   |             |             |                       |
|---|---|-------------|-------------|-----------------------|
| <b>Application</b>                          | <b>Site Address/Location of Development</b>                     | <b>Ward</b> | <b>Page</b> | <b>Recommendation</b> |
| <a href="#"><u>94986</u></a>                | The Square Shopping Centre, Development Site, Town Square, Sale | Priory      | 1           | Minded to Grant       |
| <a href="#"><u>95472</u></a>                | Pinehurst, 8 Hawley Drive, Hale Barns, WA15 0DP                 | Hale Barns  | 137         | Grant                 |
| <a href="#"><u>95578</u></a>                | Land Encompassing 26A Marsland Road, Sale, M33 3HQ              | Sale Moor   | 157         | Refuse                |
| <a href="#"><u>95970</u></a>                | 11A Goose Green, Altrincham, WA14 1DW                           | Altrincham  | 177         | Grant                 |
| <a href="#"><u>96189</u></a>                | 42 Fownhope Avenue, Sale, M33 4RH                               | St Mary's   | 192         | Grant                 |

**Demolition of existing buildings and structures, and construction of a new mixed use development to provide 202 residential units (Use Class C3) including two residential buildings of 12 and 15 storeys, a cinema (Use Class D2), retail units (Use Classes A1, A2 and A3), a multi-storey car park, new public realm and landscaping, new and modified access points, and associated works and improvements.**

The Square Shopping Centre Development Site, Town Square, Sale

**APPLICANT:** Maloneview (Sale) Limited

**AGENT:** Barton Willmore

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

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**The application has been reported to the Planning and Development Management Committee since six or more representations contrary to the Officers' recommendation have been received. In addition, the application site includes land within the ownership of Trafford Council.**

### **SITE**

The application site, which extends to 2.05 hectares, forms the south-eastern portion of Sale town centre. It comprises part of The Square Shopping Precinct and also incorporates land and buildings to its south. The site is bounded by Sibson Road to the south, Springfield Road to the east and Hereford Street to the west. To the north is the remainder of The Square.

The site is irregular in shape and incorporates a number of different land parcels. These consist of: eleven retail units within the shopping precinct and a central area of public open space (known as Town Square); an external service yard for the retail units which is accessed from a short stretch of highway known as Friars Road; a multi-storey public car park and an attached elevated road which provides access to adjacent rooftop car parking; a sheltered housing block (Sibson House) and garages; and a cleared site which previously accommodated a Council office building known as Friars Court. The adjacent existing office building of Dominion House is outside of the application boundary although is encircled by it.

The site is largely flat with a slight upwards gradient in a northerly direction. Of the existing buildings occupying the site, the tallest is Sibson House which is three storeys in height. The multi-storey car park is of a comparable height, whilst the retail units are two-storeys. The amount of existing gross internal floorspace within the application boundary amounts to 11,775 square metres.

The site's surroundings are generally reflective of its town centre location, particularly to the west and north. On the western side of Hereford Street is a large

Tesco foodstore which includes rooftop parking and then with an adjacent Marks and Spencer Simply Food unit with surface level parking (separated from the Tesco by Hayfield Street). To the north of the site and beyond The Square is a continuation of the retail core of the town centre (centred on the pedestrianised School Road). Acre House is also sited to the site's north. This was formerly an eight-storey office building and has recently undergone a residential conversion to provide 80 apartments (from first floor upwards). It sits atop part of The Square.

Both Sibson Road and Springfield Road form part of the B5166. This route acts as the outer edge to the town centre to the site's south and east, and thus surrounding uses in this direction are of a different character. To the east of the site, on the opposite side of Springfield Road, is Springfield Primary School, which includes a collection of buildings, playgrounds, playing fields, outdoor sports facilities, and a car park. The Church of St Paul, which is Grade II Listed, is situated to the south of the school. The church grounds include the traditional church building, an adjacent church hall, a small car park, and a small lawned area which includes a footpath down to the Bridgewater Canal towpath. Residential uses predominate to the south of the site on the opposite side of Sibson Road and then extending into Wickenby Drive, Friars Road and Springfield Road. This generally consists of two-storey semi-detached properties but there is also a three-storey, sheltered housing apartment block (Moorside Court).

## **THE CONTEXT**

The Trafford Core Strategy (adopted in January 2012) has identified Sale town centre as a location for significant investment. This is in order that its retail and leisure offer can better compete with other town and city centres and out-of-centre destinations and to enable it to meet the needs of its catchment population. More recently a public realm masterplan for Sale town centre has been approved (by the Council's Executive in September 2018) with the aim of further instigating positive change.

The Square Shopping Precinct, which was constructed in 1963, is the town centre's only purpose-built shopping centre. It was acquired by the applicant (Maloneview (Sale) Ltd) in 2005 (together with the multi-storey car park). Their ownership extends beyond the application site to include the shopping precinct in its entirety. Whilst some of the units within the precinct trade well, it has been recognised by the applicant that the shopping centre is in need of substantial investment and modernisation if it is to meet the requirements of modern retailers and operators and if it is to cater for the demand that exists within the wider area.

Over a three year period, culminating in the submission of the planning application in July 2018, the applicant and its advisors have worked up a scheme based on the comprehensive redevelopment of a significant part of its landholdings. Its focus is on the southern section of The Square and includes land within the ownership of Trafford Council (the former Friars Court site) and Trafford Housing Trust (Sibson House). Further phases affecting the remainder of the applicant's assets are envisaged in due course. The proposal that is now presented to Planning Committee has undergone an extensive design development process. Officers of the Council have been closely and intensively engaged, particularly over the last two

year period, and with a range of planning and design issues debated. Other consultation undertaken by the applicant has included presentations to Sale ward councillors (covering all four of Sale's wards) and a public exhibition within Sale town centre. In addition, the scheme has been subject to the Places Matter Design Review Panel (an independent design review process intended to add value to development schemes), and the development has also been adjusted to maximise its contribution to a new public realm and movement strategy for Sale.

Throughout this time the proposal has evolved to accommodate feedback and concerns, and the extent of the changes made are referred to elsewhere within this report. That some concerns and objections persist is recognised, and is to be expected for a proposal of this scale and magnitude. With regard to the overall level of development proposed, which has been negotiated downwards as part of the pre-application process, the applicant's position is that the mix and quantum of uses now reflected in the application scheme is at a critical threshold in order to ensure overall scheme viability. This has been documented within a Financial Viability Assessment, which has been independently and expertly reviewed on the Council's behalf.

## **PROPOSAL**

The application proposal is predicated on restructuring a key section of Sale town centre - which is currently outmoded and underutilised - and delivering an improved commercial and physical environment.

In summary, the application, which is made in full, involves the redevelopment of the application site and the creation of a new multi-storey, contemporarily-designed, mixed-use development. The principal components of the proposal comprise: 202 residential units (Use Class C3 - dwellinghouses); a new cinema (Use Class D2 – assembly and leisure); and new retail units (Use Classes A1 (shops), A2 (professional and financial services) and A3 (restaurants and cafes)). Other elements include a new multi-storey car park, new public realm and landscaping; and new/modified vehicular and pedestrian accesses. A number of existing buildings and structures are proposed for demolition, including: the existing multi-storey car park and attached elevated road; Sibson House and garages; and six retail units within The Square (directly to the south of Town Square). The amount of gross internal floorspace to be demolished to make way for the development is around 7,486 square metres.

A summary of the different uses proposed is provided in the following table:

| <b>Use Class</b>           | <b>Gross floorspace<br/>(external, sq m)</b> | <b>Gross floorspace<br/>(internal, sq m)</b> | <b>Number of units</b> |
|----------------------------|--|--|------------------------|
| A1/A2/A3 - flexible retail | 3,095  | 3,007  | 9                      |
| D2 - cinema                | 2,440  | 1,974  |                        |
| C3 – residential           | 19,897                                       | 17,997                                       | 202                    |
| Car parking                | 9,781  | 9,518  | 337                    |

The total quantum of built floorspace proposed is 32,901 square metres gross internal (and with this figure also accounting for 9,518 square metres (gross internal) of floorspace to accommodate plant and 'back of house' facilities). The 202 residential units are split between 18 townhouses and 184 apartments. The nine retail units are composed of three units within the cinema building and six units within a new retail terrace. The proposed multi-storey car park has 281 car parking spaces and with an additional 56 spaces provided elsewhere within the development (at Acre House). 202 cycle spaces and 18 motorcycle spaces are also incorporated.

The application proposal is arranged in two distinct development zones. These broadly divide the site on a north-east to south-west axis. Development zone 1 (essentially the western part of the site and the larger of the two development zones) consists of four distinct building components. These consist of: a retail and car park 'podium', a terrace of townhouses, residential block 1, and residential block 2.

The podium is the foundation of the remaining components in development zone 1. It expands across the majority of this development zone but is limited to three-storeys in height. The ground level includes a row of six retail units, and behind the retail units is an area of enclosed car parking which is intended to serve occupiers of the proposed townhouses and apartments. Above this further car parking is accommodated and with this operating as a town centre public car park. The upper surface of the podium is proposed as an area of outdoor amenity space for use by the residents. Adjacent to the podium, an area of the existing service yard would be retained and remodelled to serve both the new and existing retail units. The townhouse terrace adjoins the podium along the site's boundary with Sibson Road. It comprises 9 three-storey townhouses accessed from street level and a further 9 two-storey townhouses accessed from the podium garden. At the eastern end of the townhouse terrace is the main residential entrance onto the podium.

The two residential blocks are positioned on top of the podium. Block 1 sits behind the townhouse terrace. It is 12 storeys in height at its highest point (from ground level) and accommodates 86 apartments. Block 2 is situated behind the new retail terrace. It is 15 storeys in height at its highest point (from ground level) and contains 98 apartments. Blocks 1 and 2 are linked via a three-storey block.

The standalone cinema building is the only built structure in development zone 2. The proposed building is composed of three-storeys of accommodation (plus roof-top plant). Three retail units are proposed at ground floor level together with the cinema entrance and foyer. A six-screen cinema facility (providing 824 seats) would occupy the upper levels.

The relative storey heights of the five building components are:

- Podium: Three storeys from ground level
- Townhouse terrace: Five storeys from ground level plus roof top garden
- The cinema: Effectively six storeys plus roof top plant
- Block 1: 12 storeys stepping down to 11 storeys
- Block 2: 15 storeys stepping down to 14 storeys

In addition to the five building components, new and enhanced public realm forms an integral part of the application proposals. A new pedestrianised retail avenue would sit at the junction of the two development zones. This would provide a new route on-foot between Town Square and Sibson Road. A new area of public open space is proposed adjacent to the cinema building (identified as Threshold Square) together with enhancements to the existing Town Square.

There are other ancillary features to the application proposals. An existing unit occupied by Wilkinsons is proposed to be retained but with the provision of a new façade on its west-facing elevation that would be exposed through the demolition of the adjacent unit. Similarly, the exterior of the existing W.H.Smith unit, which would sit alongside the new retail units, is proposed to be enhanced. The proposal also includes an elevated vehicular link between the level of public car parking to an existing area of roof-top car parking which sits atop the western-most units of The Square. This currently serves as a private car park for Acre House residents but with the proposal providing access to an additional 56 spaces for general public use.

Some changes to adopted highways within the site are proposed, including the closure and building over of Friars Road, the narrowing of Sibson Road either side of the Friars Road junction, and the reconfiguration of Hereford Street to provide a more pedestrian-friendly environment. In addition, a bus layby along Springfield Road is proposed to be re-positioned northwards, whilst a Sibson Road layby is proposed to be switched to a bus stop only. Vehicular access into the site would be provided via a new access point from Sibson Road to the east of the Dominion House car park entrance. This would lead directly into the new multi-storey car park. The main service yard would be accessed from Hereford Street, and with a new loading bay proposed off Springfield Road to serve the cinema and its retail units. The proposed changes to the function of Hereford Street, together with the proposed development's servicing strategy, would require the relocation of an existing taxi rank on Hereford Street. A new taxi rank on Sibson Road is proposed, and with the Springfield Road loading bay also proposed to have a dual-function as an 'evening only' taxi rank. The extinguishment of Friars Road and parts of Sibson Road as adopted highways would also need to be subject to a Stopping-up Order under Sections 247 and 248 of the Town and Country Planning Act 1990, whilst the removal of the Hereford Street taxi rank and the creation of replacement taxi ranks at Sibson Road and Springfield Road would need to be secured via the Traffic Regulation Order process (under the Road Traffic Regulation Act 1984).

## **VALUE ADDED**

It has been explained that the application scheme has undergone an extensive design development process that has involved the input of a number of different parties, consultants and stakeholders over a three year period. Whilst some further refinements have been accepted during the formal planning application process (as identified below), more fundamental scheme changes were secured prior to the application's submission, including as informed by pre-application discussions with officers, the Design Review Panel process, liaison with Members, and the public consultation exercise.

A summary of the key changes made up until the application's submission are identified below:

- The incorporation of a cinema as a scheme anchor rather than a previous foodstore;
- The removal of retail units fronting Sibson Road and their replacement with townhouses;
- A reduction in the number of residential units from 283 to 202;
- A lowering in height of the proposal from an earlier 18-storey development;
- The removal of a third residential block atop the cinema building;
- The introduction of more family housing;
- Further, repeated adjustments to reduce the development's overall scale and mass;
- The incorporation of a planted green wall to the podium; and
- The development of the architecture of the cinema building to reduce the impression of scale and mass and to respect the adjacent listed church.

In turning to the amendments made as part of the formal application process, these are more limited but include:

- The incorporation of affordable housing at 10% of the overall number of residential units and with these to be provided as shared ownership (intermediate housing);
- The provision of additional cycle parking to enable all residential units to have one dedicated space rather than shared facilities;
- Amendments to the scheme of soft landscaping including a shift away from trees planted in pots;
- Improved surface treatments to both the footway and carriageway to Hereford Street (from black tarmac to individual concrete pavers);
- The imposition of restrictions on servicing, deliveries and refuse collections to the retail units and cinema during the night-time period;
- An amendment to the boundary treatment at podium level to maximise the potential for soft landscaping to be on display; and
- The reservation of the brick colour to the cinema building.

## **DEVELOPMENT PLAN**

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

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



Strategy provided details as to how the Revised UDP is being replaced by the Trafford LDF.

## **PRINCIPAL RELEVANT CORE STRATEGY POLICIES**

The principal Core Strategies policies that are relevant in the assessment of this application comprise:

- L1 – Land for New Homes
- L2 – Meeting Housing Needs
- L4 – Sustainable Transport and Accessibility
- L5 – Climate Change
- L7 – Design
- L8 – Planning Obligations
- W2 – Town Centres and Retail
- R1 – Historic Environment
- R2 – Natural Environment
- R3 – Green Infrastructure

However, in view of the scale and significance of this proposal there are a number of Strategic Objectives, as well as Place Objectives specific to Sale, that are also applicable, as follows:

- SO1 – Meet housing needs
- SO4 – Revitalise town centres
- SAO3 – To secure appropriate levels of residential development within Sale town centre
- SAO13 – To promote and enhance the role of Sale town centre, in particular to provide opportunities to support the growth of economic clusters
- SAO14 – To maximise the role of Sale town centre as a place for cultural success

## **PROPOSALS MAP NOTATION**

The designations, as set out on the Council's UDP Proposals Map, that are relevant to this application comprise:

- Sale town centre
- Main office development area

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

- S7 – Development in Sale Town Centre

## **SUPPLEMENTARY PLANNING GUIDANCE**

- SPD1 – Planning Obligations (2014)
- SPD3 – Parking Standards and Design (2012)
- SPD4 – A Guide for Designing House Extensions and Alterations (2012)
- PG1 – New Residential Development (2004)
- PG24 – Crime and Security (2002)

## **OTHER GUIDANCE**

- Sale Public Realm and Movement Strategy (2018)

## **GREATER MANCHESTER SPATIAL FRAMEWORK**

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

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

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

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

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

## **RELEVANT PLANNING HISTORY**

The site is composed of a number of different planning units, many of which have an extensive planning history. The most relevant and/or recent entries are identified below (in chronological order), and which includes some adjoining sites:

### **The Square Shopping Precinct**

H/51750 – Extensions, alterations and refurbishment of shopping centre including demolition of 1-9 The Mall and 25-29 School Road and erection of two storey building to form retail units; erection of two storey extension on eastern part of Town Square to form enlarged retail units, health and fitness club and creche; erection of single storey extension at Hereford Street/Benbow Street to form enlarged retail unit; removal of entrance feature and erection of new entrance feature, seating feature and canopy alterations.

Approved with conditions – 30 July 2001

### **Friars Court**

H12633 – Demolition of existing buildings and erection of three-storey office block (outline application)

Deemed consent – 14 August 1980

82266/DEMO/2014 – Demolition of existing three storey office building  
Prior approval required and granted - 25 February 2014

### Acre House

86375/PRO/15 – Change of use of existing 8 storey office building located above The Square Shopping Centre (first floor up to eighth floor) from office (Use Class B1) to residential (Use Class C3) to create 80 apartments  
Prior approved required and granted – 20 October 2015

### Dominion House

H17290 – Demolition of 9/11 Hereford Street and erection of a three-storey office block with car parking and new vehicular access  
Approved with conditions – 10 February 1983

## **APPLICANT'S SUBMISSION**

The applicant has submitted a suite of documents in support of the application, comprising:

- Design and Access Statement;
- Planning Statement (including a separate Planning Benefits Statement);
- Townscape and Visual Impact Assessment (including additional viewpoints);
- Transport Assessment;
- Travel Plan;
- Road Safety Audit;
- Car Parking Accumulation Technical Note
- Heritage Statement (plus two later addenda);
- Statement of Community Involvement;
- Flood Risk Assessment;
- Air Quality Assessment;
- Noise Impact Assessment;
- Crime Impact Statement;
- Daylight, Sunlight and Overshadowing Assessment;
- Energy and Carbon Budget Report;
- Extended Phase 1 Habitat Survey;
- Doctors and Primary School Assessment;
- Desk-top Site Investigation;
- Waste Management Strategy;
- Arboricultural Survey;
- Surface Water Drainage Strategy;
- Assessment of Wind Conditions;
- TV Reception Study;
- External lighting details;
- Preliminary Landscape Management Strategy;
- Tree Planting Strategy;

- Equality Impact Assessment; and
- Financial Viability Assessment.

An extensive package of proposed plans and drawings has also been provided, which includes:

- Demolition plans;
- Site layout plans;
- Floor plans;
- Elevations;
- Detailed elevations;
- Sections; and
- Landscape plans and illustrations.

Supplementary plans and drawings are also contained within the submitted Design and Access Statement.

## **CONSULTATIONS**

A series of statutory and non-statutory bodies have been consulted as part of this application and a summary of the comments received is set out below. Where appropriate, individual consultation responses are described in greater detail within the relevant section of the officers' assessment.

**Altrincham and Sale Chamber of Commerce** – In support of the application

**Bridgewater Canal Company** – No comments received

**Cadent Gas/National Grid** – No objection, subject to an advisory note (regarding the presence of operational gas apparatus within the site boundary and the potential requirement for a diversion of the apparatus)

**Electricity North West** – No comments received

**Environment Agency** – No objection, subject to the Lead Local Flood Authority being satisfied with the proposal when noting the conclusions of the submitted Flood Risk Assessment and recognising that the site lies within a Critical Drainage Area

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

**Greater Manchester Ecology Unit** – No objection, subject to condition/informative (to ensure that elements of the roof structure to Sibson House are removed by hand; to restrict demolition works and vegetation clearance to a period outside of the main bird breeding season unless nesting birds have been found to be absent; to cease works if bats are found, and to secure the incorporation of biodiversity enhancement features within the development).

**Greater Manchester Police (Design for Security)** - No objection, subject to condition (to ensure that the recommendations within the submitted Crime Impact

Statement are incorporated into the development, and to request the provision of a security and management plan)

**Greater Manchester Police (Counter-terrorism Unit)** – No objection, subject to condition (to require the development and implementation of counter-terrorism measures)

**Greater Manchester Fire Authority** - No comments received

**Lead Local Flood Authority** – No objection, subject to condition (to request details of a sustainable drainage scheme including arrangements for its management and maintenance, and to provide evidence that the scheme has been implemented)

**Local Highway Authority** – No objection, subject to legal agreement, condition and informative (to secure an extension to residents' parking restrictions on streets to the south of the site, to secure the implementation of the works to Hereford Street before the closure of the existing service access, the provision and implementation of detailed highway works, the development and implementation of a Travel Plan, Service Management Plan, and Car Park Management Plan, and an advisory note regarding the stopping-up order process)

**Sale Civic Society** – Objection raised, and with the concerns summarised as: the design is out of keeping with its surroundings and is more representative of a 'city' development; and parking is insufficient and would result in congestion.

**Sale Town Centre Partnership** – No comments received

**Trafford Clinical Commissioning Group** – Concerns raised (in view of the impact of the development on local primary health care facilities)

**Trafford Council Arboriculturalist** - No objection, subject to condition (to require the use of a modular system for tree planting, to request full details of the green walls and sedum roofs, to specify the number of trees to be planted, and to ensure the provision of a detailed landscape maintenance and management strategy)

**Trafford Council Conservation Officer** – Concerns raised (in view of the moderate harm that would arise to the setting of St Paul's Church and the Bridgewater Canal)

**Trafford Council Education Admissions** – Concerns raised (in view of the impact of the development on local primary schools)

**Trafford Council Equalities Officer** – No objection, subject to condition (to ensure that the mitigation measures offered by Trafford Housing Trust in relation to existing Sibson House residents are implemented)

**Trafford Council Greenspace Strategy** – No objection

**Trafford Council Housing Strategy** – No objection upon the proposal's inclusion of affordable housing at a rate of 10%. Some outstanding concerns, however, regarding the housing mix

**Trafford Council Pollution Control Air Quality** – No objection, subject to condition (to secure the submission and implementation of a construction method statement to describe how environmental impacts would be managed during the construction process, and to request the provision of electric vehicle charging infrastructure within the development)

**Trafford Council Pollution Control Contaminated Land** – No objection, subject to condition (to request further site investigation and any remediation if necessary)

**Trafford Council Pollution Control Nuisance** – No objection, subject to condition (to restrict the times of delivery/servicing, to restrict the use of the outside seating areas, to limit the uses that the retail units could be put to, to ensure that the development is designed to meet noise criteria referred to in the submitted noise assessment, and to request further external lighting details)

**Trafford Council Strategic Planning** – No objection (and with the observations raised contained within the report)

**Local Highway Authority** – No objection, subject to legal agreement, condition and informative (to secure an extension to residents' parking restrictions on streets to the south of the site, to secure the implementation of the works to Hereford Street before the closure of the existing service access, the provision and implementation of detailed highway works, the development and implementation of a Travel Plan, Service Management Plan, and Car Park Management Plan, and an advisory note regarding the stopping-up order process)

**Trafford Council Waste Management** – No objection, subject to condition (to secure the implementation of the submitted Waste Management Strategy)

**Transport for Greater Manchester (Infrastructure Development, Highways Forecasting Analytical Services)** – No objection

**Transport for Greater Manchester (Infrastructure Development, Urban Traffic Control)** – Outstanding requests for additional junction modelling

**Transport for Greater Manchester (Metrolink)** – No objection

**United Utilities** – No objection, subject to condition and advisory note (to request details of a Sustainable Drainage Scheme and its subsequent implementation, to ensure that foul and surface water are drained on separate systems, and to advise that a public sewer crosses the site and development will not be permitted over it)

## **REPRESENTATIONS**

### **STATUTORY CONSULTATION**

Following receipt of the planning application in July 2018 a consultation and notification exercise was undertaken as required by the Town and Country Planning (Development Management Procedure) Order 2015. In addition to the consultation

with statutory and non-statutory consultees, fifteen site notices were displayed at various locations around the site on 12<sup>th</sup> July 2018. The application was also advertised in the local press (the Sale and Altrincham Advertiser) on 19<sup>th</sup> July 2018. Furthermore, a total of 686 notification letters were posted to residents and businesses within and surrounding the application site.

The public consultation process outlined above produced the following responses:

### **In Support**

83 letters of support have been received, and the key issues raised can be summarised as follows:

- The development would be a fantastic renewal of Sale's dated town centre;
- The proposals would deliver new and much needed retail and leisure space;
- A cinema would be a valuable addition to the town centre and encourage evening activity;
- New housing for the local area is needed;
- The development would create new jobs;
- It could encourage further investment into the area;
- The development would help Sale achieve the same sort of improvements as seen in Altrincham
- The residents of Sale deserve an improvement to their town centre; and
- The look and offer of the town centre does not currently fit with the residential area that surrounds it.

Within some of the above letters of support, some additional comments/concerns regarding certain matters of detail were raised. These can be summarised as follows:

- The blocks of flats should be reduced to a more acceptable size and height;
- There is no need for this amount of housing; two recently-refurbished flat developments in Sale are still half empty;
- The provision of new homes is supported provided that sufficient school places are made available;
- The development should also include a medical centre since the local surgeries are full;
- Local dentists are full to capacity;
- The demolition and construction process, together with the wider uplift in vehicular traffic, could impact upon the stability of the houses along Sibson Road;
- Restrictions should be placed on when demolition and construction activity could occur;
- The potholes along Sibson Road should be repaired as part of the works;
- The proposed vehicular access to the car park is opposite residential properties, which would cause extra congestion, noise and safety issues;
- Measures should be put in place to prevent anti-social behaviour in the area of the cinema and restaurants;

- There is no need for a cinema; that area should be used for more outdoor leisure opportunities;
- A pedestrian bridge should be built across Springfield Road to enable parents and children to cross safely, and it could be extended to the Metrolink station; and
- The needs of cyclists should be taken into account.

In addition, it should be noted that 76 of the above letters of support utilise the same standard sentence, with some additional text added in some cases.

## **In Objection**

35 letters of objection have been received. The key issues raised, when separated into topic areas, can be summarised as follows:

### **General:**

- Sale town centre does need an uplift but not to this extent; the plans should be scaled down;
- There should be an overall masterplan with a long-term strategy for Sale rather than sporadic attempts to reinvent isolated components; and
- Opportunities to invest in Sale do not come along frequently; let's not repeat the mistakes of the past.

### **Housing:**

- There is no need for this scale of housing; Acre House, which has recently been converted into apartments, is not fully occupied;
- The plans are for luxury housing and not for people who need it most;
- The allocation of only 10 townhouses is insufficient to meet the need for family homes;
- Accommodation for those who want starter homes and provision for the elderly should be incorporated;
- The proposed residential blocks would be available only for private sale or rent which would exclude those on lower incomes;
- It is assumed that the scheme would not be profitable to the developer without the inclusion of apartments, but this should not be about developer's profit; and
- The majority of this development is apartments, which would be unsuitable for families since they do not provide suitable outdoor place appropriate for healthy living.

### **Town Centre Uses:**

- There are already empty shops in Sale that could be improved and then occupied as an alternative to this new development;
- The inclusion of the cinema is a poor use of space; only 10 jobs are likely to be generated from an area of the development that is larger than the combined area of the retail units;
- The cinema would be an unnecessary and unwelcome function to the edge of a residential area;



- The cinema is proposed too far away from the existing night-time hub of Sale; it is too far from public transport and too close to residential properties;
- There is no demand for a new cinema in Sale; there are existing cinemas in Altrincham Didsbury, at Salford Quays, and in central Manchester;
- Cinemas in surrounding towns are rarely full; and
- Building a cinema next to a primary school is wrong.

#### Design, Height and Layout:

- The buildings are out of character for Sale;
- A development of such a scale and mass would be appropriate in a city centre context, not Sale;
- The site would be over-developed;
- The development is far too tall and would be an eyesore;
- The height of the proposed housing is disproportionate to the surrounding area;
- The new development does not match the existing neighbourhood, which is mainly semi-detached or detached houses;
- The proposal does not respond positively to the existing Victorian and Edwardian architecture of the area;
- The height of the development would overshadow other local landmarks;
- Sale has very few tall buildings at present; if allowed this would set a very dangerous precedent;
- The proposal would deliver a tower block twice the height of Acre House;
- There has been no assessment of the impact of the development on existing views and vistas;
- There would be a negative impact upon the skyline of Sale;
- The proposed building materials are incongruous to the local environment and street scene;
- A development of this type would date quickly;
- The proposals are contrary to Policy L7: Design of the Trafford Core Strategy;
- The proposed layout would create long pedestrian corridors, which would be windy, shady areas; and
- The plans indicate that the walkways linking the cinema to the Square would be closed off in the evening.

#### Heritage Impact:

- The enormous mass of the residential blocks would distract from the Grade II listed St Paul's Church;
- St Paul's Church, which has been a local landmark for 135 years, should remain a prominent feature in the town centre, not hidden from view; and
- The siting of the cinema is unsympathetic to the church.

#### Landscaping:

- The removal of the green space at the corner of Springfield Road and Sibson Road would be a great loss;
- Some of the existing trees which are proposed to be felled are good specimens which could be retained;
- The number of new trees incorporated is inadequate;

- The proposed landscaping scheme relies on trees planted in pots; these would require regular watering otherwise they would not survive;
- Larger stock sizes for new trees should be specified to ensure that they give a positive impact from day one;
- The planting specifications for the shrub borders are inappropriate; larger plants at a higher density and with greater longevity would be better;
- Specifications for the tree pits and tree grilles are required;
- Retailers do not want trees to be planted outside of their shop units due to the obscuring effects;
- Proposing trees so close to the townhouses is unrealistic; residents would seek their removal in due course;
- 30 new trees are proposed within the development but many are proposed in high-risk locations and would not survive; and
- The majority of the proposed hard surfacing looks to be concrete block paving, which would be unacceptable.

#### Residential Amenity:

- The development would alter the Sibson Road area from a quiet residential street to being on the doorstep of commercial town centre uses;
- The residential charm of Sibson Road would be ruined;
- The quality of life for Sibson Road residents would be severely downgraded;
- The tall residential tower blocks are proposed in very close proximity to Sibson Road houses, which would lead to loss of light;
- The development would be massively over-bearing;
- High-rise townhouses and much higher rise apartment blocks would be a huge breach of privacy to Sibson Road residents;
- The cinema would overlook residential properties;
- Late night cinema goers and restaurant users would create a noise nuisance;
- The proposal includes plans for restaurants/bars with outdoor seating opposite houses;
- The development would cause serious noise pollution issues for surrounding residents brought about by extra cars, cinema activity, the location of the vehicular access, and the shops and restaurants closing later; and
- I presently work from home but would not be able to since the noise during the construction period would be disruptive.

#### Traffic/Highways:

- The roads of Sale are already gridlocked throughout the day;
- The development would cause significant increases in traffic, especially at peak times;
- Traffic congestion on Sibson Road and Springfield Road would become unbearable;
- The submitted transport assessment downplays the impact of extra traffic;
- Springfield Primary School already struggles to maintain safety with the current traffic flow; and
- The impact on the highway of Sibson Road, brought about by its reduction in width, the removal of a bus layby, the general increase in traffic, delivery activities, would be massive.

#### Car parking:

- There is insufficient car parking within the town centre already, which leads to on-street parking on surrounding residential streets;
- Too little car parking is proposed to cater for the development;
- The Square currently supports parking for over 300 vehicles; the implementation of this development would see the public parking spaces reduce to 140;
- All of the proposed parking spaces should be made available for town centre shoppers, and the residential units should be sold without parking;
- Existing residential parking permits are only active during the week and during daytime hours; the proposed cinema is likely to generate new evening and weekend parking problems;
- On-street parking on the surroundings streets would increase since shoppers would automatically search for free parking;
- Parking by visitors to the church could become difficult; and
- The lack of parking would be off-putting to shoppers, would affect trade and footfall and could dissuade potential retail occupiers.

#### Impact on Infrastructure:

- The immediate area cannot sustain the pressure of another 200 homes;
- The development would put additional pressure on roads, public transport (including the Metrolink) and other public services;
- The local schools, doctors and dentists are already full;
- It already takes over two weeks to get a routine appointment at the doctors surgery;
- Springfield Primary School, closest to the site, has already been recently extended to a three form entry, and it is still over-subscribed;
- The proposed development would tighten the Springfield catchment and put pressure on other schools;
- There has been no analysis of the impact of the proposal on secondary schools;
- The submitted primary school assessment is based on flawed data; and
- The proposals do not address the requirement for new social and community infrastructure, including parks.

#### Sibson House:

- The proposal to demolish Sibson House is not accepted; it has been my home for 28 years;
- The proposals would displace Sibson House residents from their familiar surroundings;
- Sibson House is a well-maintained block of 9 one-bedroomed flats which provides social housing for its tenants at a reasonable rent;
- There is no provision to provide replacement social housing;
- Close proximity to the town centre for Sibson House residents is important given that some have mobility problems;
- Some Sibson House residents are leasehold owners, not all are Trafford Housing Trust tenants;
- Some Sibson House residents have disability issues and this property is a safe haven for them;

- Some Sibson House residents have protected characteristics under the Equality Act 2010; and
- The public sector equality duty is engaged and an Equality Impact Assessment should be undertaken.

#### Taxi Rank Relocation:

- It was agreed before the application was submitted that the taxi rank on Hereford Street could stay; the developer has not committed to this;
- The new taxi rank at Sibson Road would be out of sight of the public and Tesco customers;
- The taxi trade cannot accept the loss of the Hereford Street taxi rank down both sides;
- If deliveries to the new units were restricted then at least one side of the rank could remain;
- No consideration has been given for access to taxis for the elderly and disabled;
- The proposed replacement rank on Sibson Road is not large enough;
- The existing rank allows easy access onto Sibson Road in both directions;
- Access on and off the proposed Sibson Road rank would be very difficult;
- Hereford Street is not heavily used by pedestrians so it is not appropriate to pedestrianise it and lose the rank;
- A rank on Springfield Road opposite the school, which is very busy at peak times, would not work;
- Drivers would have to open the vehicle door into a busy road; Hereford Street is more of a side street; and
- The changes to the rank would affect trade and impact upon drivers' livelihoods.

#### Construction/Demolition:

- The development would bring about a major disruption to everyday living and should not be allowed to proceed;
- The demolition and construction process would generate dust and create havoc;
- The construction works would cause a major inconvenience and could go on for two years; and
- The construction process would be dangerous for school pupils.

#### Environmental/Other Issues:

- The high rise blocks would affect wind conditions;
- Anti-social behaviour and crime would increase; and
- There would be a significant increase in air pollution.

#### Miscellaneous:

- Many of the letters of support are identical and their authenticity is questioned;
- The people in the immediate vicinity would be affected the most by this development; letters of support from people living further away should not be given the same weight; and
- The existing houses in the immediate area would see a reduction in their value.

Some of the above letters of objection accepted that the improvement of Sale town centre was much needed, but nonetheless the overall position was one of objection.

The letters of objection include responses from those representing the Sale town centre taxi trade and also from the St Paul's Church Parochial Church Council.

The concerns raised regarding the loss of Sibson House include six separate letters from a legal practice acting on behalf of a Sibson House resident.

In addition, a further letter of objection (not included within the above summary) has been received from the Priory Ward Councillors, which raises the following issues (in summary):

- The need to renew Sale town centre and The Square in particular is recognised;
- The proposed development is completely out of character for Sale;
- The large mass of the buildings and the multi-storey blocks would dominate the town centre;
- Residents of Sibson Road, Springfield Road and the adjacent roads would be particularly affected;
- The level of parking proposed is inadequate and would lead to added pressure on nearby roads;
- The development would generate further traffic;
- It would put additional pressure on local schools and GP surgeries; and
- The proposed replacement taxi ranks are less convenient for customers and are likely to cause traffic problems by encouraging u-turns;

## **Other**

Finally, one letter of representation was received which stated that the sender was neither supporting nor objecting. The issues raised in this case have been summarised previously.

## **Targeted Additional Consultation**

The application upon its submission did not include an Equality Impact Assessment (EqIA). An EqIA was subsequently requested when noting the content of certain representations (particularly regarding the demolition of Sibson House and the relocation of the Hereford Street taxi rank) and when having regard to the 'public sector equality duty' which is binding on the Council. Specific, targeted re-consultation took place upon receipt of the EqIA and with this generating the following responses:

- An objection from Cllr Mike Freeman which reiterates, in summary, that: the taxi trade are seeking shared space for up to 3 to 4 taxis on Hereford Street; and that it is expected that the submitted EqIA, prepared by the developer, would conclude that the rank relocation would have no detrimental impact on those who are infirm, disabled or disadvantaged.

- Two further objections from the legal practice acting on behalf of a Sibson House resident which can be summarised as:
  - The submitted EqlA is unsatisfactory, and likewise in respect of the Equality Officer's response to the EqlA;
  - It would be procedurally improper for the Council to rely upon the EqlA and the consultation response in discharging its statutory duties under the Equality Act 2010;
  - Trafford Housing Trust has not provided the support that is claimed within the EqlA to residents to date;
  - Further detailed enquiries with Trafford Housing Trust should be undertaken;
  - The EqlA fails to address wider rights benefitting owner occupiers of Sibson House which should not be treated separately from the public law rights given residents' circumstances under the Equality Act 2010.
  - These wider rights are fundamental to any mitigation strategy to be considered by the Council when discharging its statutory duty; and
  - The amount of regard the Council must give to the public sector equality duty will depend upon the circumstances of the case, but the greater the potential impact of a planning decision then the greater the regard that must be had.

## **CONSULTATION UNDERTAKEN BY THE APPLICANT**

The NPPF places great emphasis on community consultation within the planning system. In circumstances where it is considered beneficial, local planning authorities are advised to encourage applicants to engage with a local community prior to submitting an application in order that their views are taken on board.

In this instance the applicant undertook this pre-application engagement. It was focused towards the end of 2017 and it culminated in a three-day public exhibition in November 2017 (held in a shop unit within The Square). The process, outcome and response is explained in a submitted Statement of Community Involvement.

In summary, the statement records that:

- Over 600 people attended the exhibition;
- Feedback could be provided on freepost forms or via an online portal;
- 233 feedback forms and 104 online comments were received;
- 92% of respondents either 'strongly agreed' or 'agreed' with the principle of regenerating The Square;
- 71% either 'strongly agreed' or 'agreed' with the delivery of additional housing in the local area;
- 66% either 'strongly agreed' or 'agreed' with the provision of a town centre cinema;
- 90% either 'strongly agreed' or 'agreed' with the creation of a revitalised shopping centre to create additional jobs and enhance business growth;
- 92% either 'strongly agreed' or 'agreed' with the provision of new and improved open space;
- Additional positive comments included:

- The potential to reduce the large number of existing unoccupied retail units;
- The enhancement to the town centre's retail offer; and
- The creation of an evening economy for Sale;
- Concerns raised included:
  - The height and inappropriateness of the residential blocks;
  - The existence of other cinemas nearby;
  - Increased pressure on existing infrastructure (including schools, doctors, and the Metrolink);
  - Lack of town centre car parking;
  - Increased traffic congestion; and
  - The negative impact upon levels of air quality.

More recently, and since the submission of the application, the applicant has undertaken a leaflet drop within the Sale area which seeks to encourage expressions of support, and the outcome of this exercise has been reported to officers. 147 response forms have been returned. 143 of these express general support for the proposal, whilst three oppose the development and with the concerns cited including:

- The proposal is fundamentally flawed; and
- There is no need for a cinema in Sale.

Another returned response form states that the recipient would be in favour of the application provided that the housing rents and values are affordable.

## **LEGAL CONSIDERATIONS**

### THE TOWN AND COUNTRY PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) REGULATIONS 2017

Under the terms of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017, a 'screening' procedure was completed prior to the application's submission to establish whether the proposed development is likely to have *significant effects on the environment* sufficient to warrant the undertaking of Environmental Impact Assessment (EIA). Whilst resolving that the proposal falls within a category of Schedule 2 developments where the need for EIA is at the discretion of the local planning authority, it was concluded by officers that the proposed development is not EIA development on the basis that the *likely effects are not significant* in the manner envisaged by the EIA Regulations and accompanying guidance.

### THE EQUALITY ACT 2010

The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society. Section 149 of the Act is known as the 'public sector equality duty', and it has been held that this equality duty is engaged in the determination of planning applications.

It has been brought to officers' attention that the application proposal could have a potential impact upon certain protected groups recognised by the Act. The report

which follows includes consideration of the impact of the development under the terms of Section 149 of the Act and with a section of the report dedicated to the matter, in drawing upon the submitted Equality Impact Assessment.

## **OBSERVATIONS**

### THE DECISION-TAKING PROCESS

1. S38(6) of the Planning and Compensation Act 1991 states that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF at paragraphs 2 and 47 reinforces this requirement and at paragraph 12 states that the presumption in favour of sustainable development does not change the statutory status of the development plan as a starting point for decision making, and that where a planning application conflicts with an ***up to date*** (emphasis added) development plan, permission should not normally be granted.

2. The Council's Core Strategy was adopted in January 2012, prior to the publication of the 2012 NPPF, but drafted to be in compliance with it. It remains broadly compliant with much of the policy in the 2018 NPPF, particularly where that policy is not substantially changed from the 2012 version. It is acknowledged that policies controlling the supply of housing are out of date, not least because of the Borough's lack of a five year housing land supply, but other policies relevant to this application remain up to date and can be given full weight in the determination of this application. Whether a Core Strategy policy is considered to be up to date or out of date is identified in each of the relevant sections of this report and appropriate weight given to it.

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

4. Paragraph 11 d) of the NPPF indicates that where there are no relevant development plan policies or the policies which are most important for determining the application are out of date planning permission should be granted unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

5. Policies concerning town centres, for controlling the supply of housing, and those relating to heritage matters are considered to be 'most important' for determining this application when considering the application against NPPF paragraph 11 as they impact upon the principle of the development. This Council does not, at present, have a five year supply of immediately available housing land and thus development plan policies relating to housing land supply are 'out of date' in NPPF terms (such as Policy L2). Policy R1 of the Core Strategy, relating to the historic environment, does



not reflect case law or the tests of 'substantial' and 'less than substantial harm' in the NPPF. Therefore, in respect of the determination of planning applications Policy R1 is out of date. However, Policy W2, which relates to retail and town centre matters, is considered to be compliant with the NPPF in supporting the role and function of town centres, and is thus in date for decision-taking purposes.

6. Although Policy R1 should only be given limited weight, no less weight is to be given to the impact of the development on heritage assets as the statutory duties in the Planning (Listed Buildings and Conservation Areas) Act 1990 are still engaged. Heritage policy in the NPPF can be given significant weight and is the appropriate means of determining the acceptability of the development in heritage terms. Analysis later in this report demonstrates that there are no protective policies in the NPPF, including policies related to designated heritage assets, which provide a clear reason for refusing the development proposed. Paragraph 11(d)(ii) of the NPPF is therefore engaged, i.e. planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

## THE PRINCIPLE OF THE DEVELOPMENT

7. With reference to paragraph 7 of the NPPF, the purpose of the planning system is to contribute to the achievement of sustainable development. The paragraph continues by defining the objective of sustainable development which, at a high level, is summarised as: *meeting the needs of the present without compromising the ability of future generations to meet their own needs*. The 'securing of sustainable development' is also one of the eight Strategic Objectives (SO7) of the Trafford Core Strategy.

8. There are a number of central, re-occurring principles throughout the NPPF which support the delivery of sustainable development. These include: significantly boosting the supply of homes; making effective use of previously developed land; focussing significant development in locations which are or can be made sustainable; avoiding inappropriate development in areas at risk of flooding; the continued development of town centres as commercial, retail and leisure hubs (as well as residential locations); and achieving places and developments that are well-designed and durable. At the outset, and notwithstanding the commentary above regarding the primacy of the statutory development plan, it can be commented that the proposal - *in principle* - would deliver a form of development that is consistent with these NPPF principles.

9. The proposal would secure the comprehensive redevelopment of a significant portion of the town centre; it would deliver new and improved retail accommodation and introduce new leisure and residential uses which would strengthen the town centre's performance and promote its role and function. The site's central and sustainable location would also enable existing public transport infrastructure to be utilised, and with some walk-in custom also envisaged given the proximity to the residential catchment that the development seeks to serve.

10. In its delivery of over 200 new residential units, the development would also make a considerable contribution to the Council's housing land supply and could

minimise the impact on greenfield land in meeting the need for new homes. Indeed, this is a brownfield site which is unused and underused in parts. The development would enable the site to be used more effectively by incorporating a mix of uses and built at a much higher density. Furthermore, these uses, including new housing, would be provided in a location which is categorised as having the lowest exposure to flood risks (Flood Zone 1). Finally, the development provides an opportunity to address design and access deficiencies associated with the existing shopping precinct and to deliver a new high quality development on a gateway site.

11. In these terms the proposal would deliver – in principle – a form of development that is in step with key values which form the cornerstone to the NPPF. Whilst this level of ‘in principle’ support is important, these topics – together with other specific matters of *detail* – are discussed in the following sections of this report. This is when having regard to the specific circumstances of the proposal and of the site, and to enable *overall* conclusions on scheme acceptability to be drawn (including when having regard to the decision-taking procedures to be followed as set out in paragraphs 1 to 6 above).

## INVESTMENT IN THE TOWN CENTRE

### Background

12. Sale town centre is positioned to the west of the A56 Washway Road. School Road, which leads from the A56, is the centre’s traditional pedestrianised high street. It accommodates an assortment of retail and commercial units (typically Use Classes A1 (shops), A2 (professional and financial services) and A3 (restaurants and cafes)), generally within two-storey buildings and with a wide variety of building styles. There is a diverse range of shops (occupied by both independent and multi-nationals), cafes and amenities along School Road. Retailers represented include Aldi, Superdrug, Bon Marche and Vodafone. Caffe Nero is also present, and there are branches of the Halifax, Santander and Lloyds Bank.

13. The Square, which is a 1960s-style shopping precinct, is the town centre’s other main retail focus. It comprises two main ‘mall’ areas; one internal and one external, and with both leading to a central open square (known as Town Square). It currently provides approximately 14,000 square metres of retail accommodation, again generally in A1, A2, A3 use, and is anchored by Boots, Wilkinsons and W.H Smiths. Other national retailers include Holland and Barrett, New Look and O2, and then there is some independent representation. Within the boundary of Sale town centre, supermarkets operated by Tesco and Sainsburys are also accommodated, together with a Marks & Spencer Simply Food. The Waterside Arts Centre is the town’s main cultural attraction, which lies adjacent to Sale Town Hall and Council offices.

14. Clearly, the collection of amenities within Sale town centre performs an important function in catering for the day-to-day shopping and service needs of Sale’s sizeable residential catchment (which includes Ashton-on-Mersey, Sale West, Brooklands and Sale Moor as well as central Sale). This is evidenced by the general busyness of the centre. Despite this, however, it is widely recognised that the town centre is underperforming, particularly when having regard to the socio-economic characteristics of its catchment population. The retail composition of the centre is

skewed towards convenience goods (food) and with this dominated by supermarket representation. The comparison (non-food) offer is weak and there is a marked lack of higher-end comparison stores. Discount stores and charity shops are, however, well represented. The town centre's food and beverage components are largely pub-based, and there is little in the way of family entertainment, apart from the leisure centre and the Waterside Centre.

15. Furthermore, on the whole, environmental quality in the town centre is substandard. School Road has some landmark buildings, as well as some attractive tree planting, and it generally benefits from active ground floor uses. However, it is messy and cluttered in parts, not all of the shops units have been well-maintained, and paving has become disorderly and uneven in parts. The environment of The Square is particularly poor. In design terms it is archetypal of its era, and whilst it has undergone some minor cosmetic improvements (most recently in 2003), it remains as originally built and with previous emerging propositions to deliver more substantial physical change never coming to pass. It is a hard, concrete environment which lacks any quality planting and greenery. In addition, it is orientated such that the shop units face inwards towards Town Square and with service areas and back-of-house facilities facing Sibson Road, which provides an unappealing and unwelcome edge to the town centre when viewed from outside.

16. The town centre further suffers from poor pedestrian connectivity. The centre is noticeably segregated from its surrounding neighbourhoods, and with the route of the B5166 (Sibson Road and Springfield Road) in particular acting as a clear barrier between the town centre and the adjoining urban fabric. Furthermore, there are inadequate pedestrian links between the different parts of the town centre, and again The Square is perceived as a specific impediment to movement. Whilst pedestrian access into The Square is feasible from the north (from School Road), access from the east and west is constrained, and there is no direct route from the south. Access to The Square from all directions is prohibited outside of normal trading hours (with a gate preventing access from the north).

17. Other town centres within Trafford have benefitted from regeneration and redevelopment in recent years. Outdated shopping precincts in both Altrincham and Urmston have been remodelled and replaced to provide new, attractive shopping and leisure environments to meet the needs of modern retailers and operators. Altrincham in particular has undergone a very successful evolution. Its Stamford Quarter, which opened in 2011 and which has been accommodated within the traditional retail core of the town centre (George Street), is now home to a collection of high street multi-national retailers. The town centre has also profited from a new cinema development (operated by the Vue) and with a second independent cinema having recently opened along George Street. The success of the Altrincham Market as an independent food hall has been phenomenal and has underpinned a wider transformation of the town centre and its food and beverage offer in particular. The changes in the make-up of Altrincham have also been supported by significant investment in the public realm. In turning to Urmston, the Eden Square project delivered a new shopping complex in the heart of the town centre, and there are current proposals for the redevelopment of Urmston's market to provide a new indoor and outdoor food and beverage venue, akin to Altrincham's.

18. However, Sale town centre has not been exposed to the same opportunities. Investment that has occurred, and well over a decade ago, has been on a smaller scale (the Aldi on School Road, for example) and, whilst welcomed and successful in its own right, it has not been directed at the heart of Sale's retail and commercial activities (The Waterside Centre, for instance). As other centres and locations have strengthened, the consequence is the leakage of retail and leisure expenditure from the Sale catchment to other towns and destinations. This includes the Trafford Centre and Manchester city centre. The pattern and scale of this outflow has been corroborated in the preparation of the emerging new Trafford Retail and Leisure Study.

19. Furthermore, it is recognised that, nationally, the retail environment is undergoing profound change, with an increase in shopping taking place online, a number of high-profile retail bankruptcies and liquidations, and a general rationalisation of high street shops by national retailers and other service providers. Conversely, there has been a resurgence in certain sectors of the leisure industry as consumers' leisure spending has increased, and the hospitality sector has also grown. That the role of town centres may need to shift to accommodate changes within the retailing sector has been well-documented, and is also recognised by the NPPF.

20. Thus, there are a number of factors which give cause for concern in respect of the long-term health of Sale town centre.

#### The Policy Position

21. Consistent with preceding guidance, the NPPF reinforces the Government's objective of promoting vital and viable town centres. Paragraph 85 explains that planning policies and decisions should support the role that town centres play at the heart of their local communities. It continues that, in preparing development plans, local planning authorities should, amongst other things:

- Define a network and hierarchy of centres and foster their long-term vitality and viability;
- Take a positive approach to the growth, management and adaptation of town centres;
- Allocate a range of suitable sites in town centres to meet the scale and type of development likely to be needed (including for retail, leisure, office and other main town centre uses); and
- Recognise that residential development often plays an important role in ensuring the health of centres.

22. 'Main town centre uses' are defined within the glossary to the NPPF. It includes retail development, leisure and entertainment uses (including cinemas, restaurants, bars and pubs, nightclubs, health and fitness centres), offices, and arts, culture and tourism development. The overriding preference for locating these 'main town centre uses' within existing centres is embodied in the NPPF and is implemented by means of the sequential test. Paragraph 86 directs that this test should be applied to all planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date development plan. It states that: *main town centre uses should be located in town centres, then in edge-of-centre locations,*

*and only if suitable sites are not available should out-of-centre sites be considered.* A further test is also required for applications for retail and leisure development that are proposed outside of town centres. Paragraph 89 requires applications for such development, which are over 2,500 square metres in floorspace (gross), to include an assessment of the retail/leisure impact on those town centres that may be affected.

23. That town centres are vital in supporting sustainable communities is also recognised by the emerging Greater Manchester Spatial Framework (GMSF). This is a joint plan for Greater Manchester prepared by a partnership of the ten Greater Manchester local authorities (the Greater Manchester Combined Authority). The latest draft document (January 2019) seeks to enhance the role of Greater Manchester's centres as local economic drivers and in providing a strong focus for their surrounding population.

24. In recent years successive Government guidance regarding planning positively for town centres has been put into practice by this Council. The Revised Unitary Development Plan, which was adopted in 2006 and whose saved policies still form part of the statutory development plan, recognised the need to reinforce the role of the Borough's town centres to counterbalance some effects of out-of-centre retailing. The need to ensure that the Borough's town centres remain the focus of shopping, leisure and service activity has been carried forward within the Trafford Core Strategy; one of the eight identified Strategic Objectives (SO4) is to 'revitalise town centres'. Allied to this, the subsequent Place Objectives for the different areas of Trafford, including for Sale, emphasise the need to support the development and growth of town centres (see SAO3, SAO13 and SAO14). The overall strategy for the Borough's centres is contained within Policy W2. Its retail hierarchy identifies Sale as one of three 'Other Town Centres', along with Urmston and Stretford, and behind Altrincham as the 'Principal Town Centre' (and then with other defined lower-order district and local centres). At the heart of the policy is the aim of maintaining a hierarchy of vibrant, diverse and distinct shopping centres in order to meet the needs of Trafford's population. It has already been commented that Policy W2 is regarded as consistent with the NPPF and therefore up-to-date for the purposes of decision-taking.

25. Recent investment in both Altrincham and Urmston town centres was assisted by the site-specific policies and proposals of the then development plan, namely the Revised UDP. In seeking to address the shortcomings for Sale town centre as previously identified, it follows that an equivalent approach - this time targeted at Sale - is sought by the adopted Core Strategy. Policy W2 seeks to facilitate the redevelopment of the town centre in order to improve its retail and leisure offer and to promote a greater variety of uses. Indicative minimum figures are provided, which includes 4,000 square metres of new retail floorspace and 100 residential units. The potential for office accommodation, as well as leisure, hotel and community-facility development, is also referred to.

26. In reflecting the role and purpose of a Core Strategy document (in providing the overall spatial strategy of the statutory development plan), Policy W2 is not explicit about where this new development within Sale town centre could be accommodated. However, the subsequent Land Allocations document, which was to sit alongside the

Core Strategy built upon the objectives of Policy W2. The last version of this document (the Consultation Draft, January 2014) did in fact identify The Square shopping precinct as the key development opportunity. Of course, in 2015 preparation of the Land Allocations document was put on hold until such time that the production of the GMSF was further advanced. However, in the interim, a different development plan approach has been agreed. A new Local Plan, which will integrate both strategic objectives and the allocation of sites, is being prepared. Upon its adoption it will replace both the Revised UDP and the Core Strategy, though at present it is at a very early stage of production. However, work undertaken to date (in the form of a Local Plan Issues Paper, July 2018) maintains a strong commitment to supporting and strengthening the Borough's town centres. As the new Local Plan is progressed it is expected that it will similarly recognise the opportunity that the redevelopment of The Square shopping centre affords in securing the future health of Sale town centre.

27. There is a further document, recently prepared, that supports intervention in Sale town centre in order to raise the quality of the town centre offer and improve the appearance and function of the town centre environment. In 2017 consultants were appointed by the Council to develop a vision for extensive public realm improvements in and around Sale town centre. The instruction was in recognition of the centre's unsatisfactory townscape, the lack of connectivity between its constituent parts and surroundings areas, and that it experiences traffic congestion issues. The general public, local businesses and key stakeholders were encouraged to participate in the process, and the applicant for this development was also involved. On 17<sup>th</sup> September 2018 the document, known as The Sale Town Centre Public Realm and Movement Strategy, was formally approved by the Council's Executive. The document puts forward an ambitious, indicative masterplan which envisages the creation of a safer, more pleasant shopper and visitor environment, as well as a reorganisation of both pedestrian and vehicular traffic flows. It is based upon the principles of enhancing the quality of the town's public spaces, realigning key roads and junctions and freeing up space for pedestrians and cyclists, improving north to south connectivity, introducing quality planting and hard and soft landscaping, and defining a refreshed identity for the town centre. Certain locations are focused upon, including School Road, Sibson Road and Springfield Road, and the area outside of the Town Hall and the Waterside Centre. There is no certainty that the vision will be delivered, in full or in parts. However, the document is intended as a strategy to guide investment, to inform decision-making, and to attract appropriate funding.

28. The area of - and surrounding - the application site is identified as having a number of problematical features within the document. This includes the organisation of the Square in hindering pedestrian movement, a marked lack of quality in the built form, the absence of greenery, its neglected appearance at a gateway location, and the severance effect of Sibson Road. Accordingly, reference is given to the opportunities afforded by the Square redevelopment project in supporting the document's aspirations for a more vibrant and attractive town centre and also in delivering key aspects of the vision. The document has no official planning status (it is not a supplementary planning document, for example), although it is to be regarded as a material consideration for the purposes of decision-taking (although with limited weight applied).

## The Proposed Development

29. The site is entirely located within the boundary for Sale town centre, as defined by the Proposals Map accompanying the development plan. It is thus within an 'in-centre location' in reflecting NPPF terminology. The Proposals Map does not presently define a 'primary shopping area' (that part of a town centre where retail development is concentrated) for its town centres. However, the Land Allocations document sought to do this, in reflecting NPPF advice and in the interests of directing certain main town centre uses to more central, 'core' locations. In this respect it is significant that a large part of the application site (specifically, that part which covers The Square) falls within a draft primary shopping area.

30. The application scheme consists of the following key uses:

- 3,007 square metres (gross internal) of retail floorspace;
- 1,974 square metres (gross internal) of leisure floorspace; and
- 202 residential units.

31. A specific Class A1 (shops) use is not sought. Rather, the application seeks flexibility to enable occupation by Class A2 (professional and financial services) and Class A3 (restaurants and cafes), as well as Class A1, users. The application submission is clear, however, that the Class D2 leisure floorspace would be a cinema. All such identified and potential uses fall within the NPPF definition of main town centre uses, and with these uses directed to town centre locations in order to promote and strengthen them. The application scheme's residential component reflects further NPPF advice that residential development can also support the wider functioning of town centres. There is thus no requirement to undertake a sequential test since the application site commands the preferred, central location. Furthermore, no assessment of retail/leisure impact is necessary since it is assumed that the impacts that would arise – in terms of vitality and viability - would be entirely beneficial.

32. The particular mix and quantum of uses is largely consistent with the policy objectives for Sale town centre, as laid out in Policy W2. It is recognised, however, that there is a degree of deviation. Policy W2 also refers to office accommodation, and the amount of retail floorspace sought by the policy is also greater. Hotel and community-facility development is also referred to. In response, these policies were drafted several years ago and were reflective of market conditions at the time, together with the findings of the then Trafford Retail and Leisure Study (2007), which formed part of the evidence base to the Core Strategy. In the intervening period, and as previously described, there has been a shift in the shopping and expenditure patterns of consumers. This includes an increase in online shopping, the ongoing popularity of eating out, and spending more on leisure experiences rather than on traditional goods. That the role of town centres needs to adjust in response to this change, and to prevent further decline, is widely acknowledged. Thus, the application submission is clear that the particular mix and type of uses now proposed is in response to present market appetite. It is also supported by the findings of the emerging replacement Trafford Retail and Leisure Study. Furthermore, it is important to note that the application scheme only affects a portion of The Square

and the redevelopment of remaining parts, which in turn could include office, hotel or community-facility development, is envisaged in later phases.

33. The application scheme would thereby deliver new main town centre uses at the heart of Sale town centre (including within a draft primary shopping area). Nine flexible retail units and a six-screen cinema, designed and organised to meet modern retailer/operator requirements, would replace existing, constrained and antiquated retail space. The flexibility sought for the retail units is intended to enable the development to respond to continual rapid changes in the retail and leisure industries, as advocated by the NPPF. The proposal would provide the right conditions – namely modern accommodation, collectively arranged, and accessible to Sale’s catchment population – to encourage new retailers and operators to locate and invest. It follows that the applicant cannot confirm the tenant line-up for the retail units at this stage. An operator for the cinema has, however, been confirmed, and with this being a leading commercial UK cinema chain it is understood. The certainty surrounding the cinema is helpful in giving an indication regarding the likely occupation of some of the adjacent retail units. This aspect of the proposal would provide a new family leisure destination for Sale. It is also likely to foster a stronger and more diverse evening economy, which would ensure that the town centre is busier for longer periods of the day. It is considered likely that this new leisure facility would be complemented by new eating and dining experiences, including family restaurants, in a way that would be comparable to Altrincham and other surrounding centres. Therefore, it is expected that there would be occupation, particularly in those retail units forming part of the cinema building, by food and beverage operators (Class A3), which would also reflect the national trend. However, the market opportunity would also be available for a more diverse and high-end retail offer, which could include high-street comparison goods retailers (Class A1). Moreover, there would be further flexibility to generally enable a richer mix in the town centre offer.

34. Whatever precise occupation would occur, the application scheme, which would be anchored by a cinema, seeks to provide the right framework to improve the economic competitiveness of Sale town centre and to improve its attraction overall. The enhanced retail and leisure offer is likely to reduce Sale’s susceptibility to alternative shopping and leisure destinations, including out-of-centre locations (the Trafford Centre) and outwith the Borough (Manchester city centre). It may also help to combat further growth in internet shopping. The likelihood, therefore, is that the leakage of retail and leisure expenditure from Sale’s catchment would be reduced; in turn the town centre’s market share would be increased as expenditure would be retained locally. In the absence of the application scheme, and in seeking to capitalise on growth in consumer spending, potential retailers/operators may choose to invest in alternative locations (which would also serve the Sale catchment).

35. Evidence submitted on the applicant’s behalf (in the form of a Planning Benefits Statement) indicates that the annual attendance to the new cinema alone would be in excess of 250,000 people. Given the proposal’s ability to recapture trade and to generally have a positive impact on patterns and levels of town centre activity, it is considered that there is a very real opportunity for widespread spin-off expenditure to be generated for current town centre traders due to the potential for linked trips. Furthermore, the potential also exists, it is considered, for the proposed development



to act as a catalyst in encouraging further town centre investment. In increasing the attraction of Sale as a retail and leisure destination, the proposed development would offer added confidence to the retail and leisure market to invest in the area, and thus could kick-start a more significant and wider transformation of the town centre.

36. The appropriateness of the number of residential units provided within the development has been widely debated. The figure, at 202, is greater than that anticipated by Policy W2 (although with the policy's cited 100 units accepted as an indicative minimum figure). However, the applicant has explained that commercial-only developments have become increasingly challenging to deliver as the retail market has shifted. Essentially, the residential aspect of many mixed-use developments is the biggest value driver. Furthermore, it has been recognised that the provision of a modern residential offer within town centre environments can enhance their attraction overall; it can increase dwell times and general levels of town centre activity, in the manner envisaged by the NPPF. Indeed, the role of town centres in accommodating new housing growth is emerging as a distinct strategy within the GMSF (see Objective 2). As well as contributing to housing supply – together with brownfield and sustainability – targets, the approach is underlined by a recognition that increasing the resident population of town centres is a way of enhancing their varied functions, increasing vibrancy and vigour, and making them more robust to continued market changes.

37. The implications of the level of housing incorporated within the scheme – from a number of different policy directions - will be discussed later within the report. However, for the purpose of outlining the benefits to Sale town centre, it is considered that the scheme's residential offer would make a significant contribution to the town centre's vitality and its new quality of place. Moreover, the evidence of the submitted FVA suggests that, without the residential aspect, the development overall could not be delivered. It is also important to note that the residential element of the development, whilst considerable in quantity, would still be complementary in locational terms to the commercial components. The provision of the residential units at the upper levels would not jeopardise the ability of the development, and the main town centre uses in particular, to support the central functioning of the town centre as a commercial environment.

38. The above discussion has served to broadly outline the direct structural effects of providing the market opportunity for an enhanced retail and leisure offer for Sale town centre and a greater diversity of uses. At the same time, however, there would be a significant and direct change in the centre's physical environment, which it has been acknowledged is unsatisfactory in parts. The appropriateness of the development in design terms will be covered in subsequent sections of this report. Nonetheless, at this stage it can be commented that the scheme would relieve the town centre of unattractive and stark built form, and a cleared and vacant gap site, and would provide a new modern edge to the town centre when viewed from the south. However, in addition, the development would also deliver a number of important components identified by the approved Public Realm and Movement Strategy, including on land outside of the applicant's control and within the wider town centre. These are works that are recommended by the study in the interests of providing an attractive and successful town centre as a whole.

39. One of the key ambitions of the strategy is to create a network of interconnected, flexible and multifunctional public squares. The intention is for these spaces to encourage activities, such as play and recreation, and to function as new community focal points. In response, the application scheme would deliver a new town centre public space (known as Threshold Square) at the junction of Sibson Road and Springfield Road. It would be comparable in size and area to the existing Town Square and the space outside of the Waterside Centre (which would be achieved through the re-allocation of some of the Sibson Road carriageway) and would thus offer meaningful opportunities for people to engage, interact and linger. The provision of a new quality public space at the junction of Sibson Road and Springfield Road is specifically identified within the public realm strategy in order to provide a new and inviting presence at the town centre's southern gateway. In addition, the proposal would also provide for the enhancement and improvement of the existing Town Square and with a new connecting pedestrian avenue.

40. That Sibson Road is perceived as a barrier to pedestrian movement in view of its width and lack of pedestrian crossings is acknowledged by the strategy, as has previously been commented. The document envisages a major reconfiguration in the geometry and functioning of Sibson Road involving the widening of the footway on both sides (and narrowing of the carriageway), green edges to form a new 'linear park', the provision of a two-way cycle lane, and the incorporation of a series of pedestrian courtesy crossings. The proposed development would provide much of what is envisioned for the northern side of Sibson Road. This would comprise the removal of a series of existing elongated traffic islands, the re-assignment of space from carriageway to footway extending from the junction with Hayfield Street to beyond the junction with Springfield Road, and the provision of a tree-lined buffer to the front of the new residential development.

41. The strategy places great emphasis on the ability of the town centre's side streets, and particularly those leading towards School Road, to become bearers of improved north to south connectivity within the town centre. That some side streets currently suffer from poorly conceived and inadequate public realm, and with repeated vehicular and pedestrian conflicts, is recognised by the study. Hereford Street in particular is identified as a location that is presently dominated by traffic and parking and which is characterised by poor built form. The strategy encourages a review of the use of Hereford Street, including the re-siting of an existing taxi rank. Accordingly, the proposed development responds to this recommendation, and with it proposing a series of environmental improvements intended to deliver a more pedestrian friendly environment. The new retail avenue within the application scheme would also provide a further convenient and attractive north-south linkage to complement the existing side streets and to generally support enhanced pedestrian connectivity within the town centre (and with the applicant confirming that the existing gate into The Square from School Road to the north would be removed).

42. The approved Public Realm and Movement Strategy for Sale is a vision for the delivery of an improved town centre; it is intended to create a framework from which the identified targets can, hopefully, be achieved. It is recognised that there are limits to the strategy, including budgetary, commercial and land ownership issues, and some of the concepts and ideas it recommends may require longer-term consultation

and resolution before they can be realised. The strategy concludes with a cost plan, which includes estimates for the individual projects, and within an overall indicative figure of £10.6m (excluding VAT) put forward. In this regard it is most significant that this application proposal would cross-fund some significant components of the public realm strategy and would discharge several of its recommendations without input from any public funding sources. With this development having the ability to act as a catalyst in encouraging further investment in Sale town centre, it is hoped that other development opportunities may come forward (including the next phase in The Square's transformation) which may similarly subsidise and support other recommended public realm initiatives, thus again reducing the reliance on public funding streams.

## Conclusion

43. In recent years the retail performance of Sale town centre has suffered due to strong competition from other destinations, including Manchester city centre and the Trafford Centre, alongside changes to the national retail market and the rise in shopping online. Whilst development has been brought forward in other town centres within the Borough, Sale has not benefitted to the same extent, and the consequence is that the retail property market in Sale is weak when considering the relative affluence of its catchment population. Furthermore, significant tracts of the town centre are characterised by poor built form, by confused, dated and poorly defined public realm, and by badly conceived pedestrian routeways. It follows that there is a strong commitment within the Trafford Core Strategy (by means of Policy W2) to deliver a revitalised town centre for Sale and to maximise its potential in serving its residents. This is focussed on securing an improved retail and leisure offer in the town centre, as well as some new residential uses, to support increased footfall in the town centre and to stem the outflow of trade. An enhanced and attractive town centre environment is also sought. These objectives are endorsed by the approved Public Realm and Movement Strategy which seeks to secure high quality public realm, to link key town centre destinations, and to deliver a more pedestrian-friendly town centre.

44. The application scheme has been devised in the knowledge of the Core Strategy's aims for Sale town centre, and is further intended to assist in realising crucial elements of the public realm strategy (and which otherwise may not occur). In recognising the key challenges that Sale town centre faces, development on this scale (when having regard to the mix and quantum of uses) is considered fundamental to the future success of the town centre. Overall, it is considered that the application scheme, in its entirety, has the potential to deliver a real step change in the role and function of Sale town centre, helping it to make it an attractive and diverse destination for both daytime and evening activity. Moreover, as has been observed in the transformation of Altrincham, the proposal could act as a stimulus for additional retail and leisure investment, which could further increase its attractiveness to consumers. The proposal is therefore regarded as being fully consistent with the NPPF in having a significant positive effect on town centre vitality and viability, and it would also satisfy Core Strategy Strategic Objective SO4 , several of the Place Objectives for Sale (SAO3, SAO13 and SAO14) and Policy W2.

## RESIDENTIAL DEVELOPMENT

### Policy Background

45. The NPPF places great emphasis on the need to plan for and deliver new housing throughout the UK. The Government's current target is for 300,000 homes to be constructed each year to help address the growing housing crisis. Local planning authorities are required to support the Government's objective of significantly boosting the supply of homes. With reference to paragraph 59 of the NPPF, this means ensuring that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed, and that land with permission is developed without unnecessary delay. Within the Core Strategy, the first Strategic Objective - SO1 - recognises the importance of promoting sufficient housing across the Borough to meet Trafford's needs.

46. The responsibility of local planning authorities in supporting the Government's ambitions include identifying and updating annually a supply of specific deliverable sites to provide five years' worth of housing against their housing requirement. This is in addition to a new housing delivery test (introduced in November 2018 as part of the revised NPPF) which is intended to measure a local planning authority's performance in facilitating the delivery – rather than merely planning for – new homes.

47. Policy L1 of the Core Strategy sets out the required scale of housing provision for Trafford over the plan period (from 2012 to 2026). The need to plan for a minimum of 12,210 new dwellings (net of clearance) is referred to, which equates to at least 587 homes per year. It is significant that this Council has not been able to demonstrate that it has a rolling five year supply of deliverable land for housing against this requirement. Latest housing land monitoring indicates a supply, against this requirement, of some three years. Furthermore, with the publication of the revised NPPF this housing requirement has recently been superseded. Paragraph 73 of the NPPF states that housing requirement figures cannot be relied upon if they are over five years old. As a statutory development plan that was adopted in 2012 and with no formal review having been undertaken, the Core Strategy's housing supply targets have thus been overtaken by the Government's own indicative figures of local housing need (based upon a different formula), which were published in September 2017. The effect is that Policy L1 is regarded as out-of-date for the purposes of decision-taking. Thus, the revised annual housing requirement for the Borough is presently 1,319 new homes, which is an uplift of 732 new homes per year; more than double. This would provide an overall requirement of in the order of 26,500 over the period from 2017 to 2037.

48. The use of the Government's housing requirement for Trafford represents a transitional arrangement until the GMSF is in place. To reiterate, a new development strategy for Greater Manchester is currently being prepared. The GMSF is an overarching spatial plan aimed at delivering growth and prosperity across Greater Manchester. It will set out a broad framework over the next two decades, and this will include the amount of new development that should come forward for residential and employment purposes across the ten authority areas. A

further consultation draft of the GMSF has recently been published. Again, this takes an ambitious approach to growth, in line with the NPPF, including providing for a minimum of 201,000 new homes throughout Greater Manchester. In giving a disaggregated (draft) figure for Trafford, a minimum requirement of 19,280 new homes is identified over the plan period (from 2018 to 2037). This equates to an average annual requirement of 1,015, which similarly represents a significant uplift relative to the Core Strategy's position. It is accepted, however, that the figures in the GMSF have yet to be ratified and as such the higher Government-provided figure is presently in force. Upon its adoption, the agreed minimum target set out in the GMSF will be carried through to the new Trafford Local Plan. Clearly, the Government's interim target and the draft GMSF target are both far in excess of that set out in the Core Strategy, and thus it is unequivocal that the required five year supply based upon these new targets is not place. In respect of housing delivery, a first stage calculation undertaken by the Government (released in February 2019) suggested that, across Trafford, only 45% of homes have been delivered when compared with the number of homes required over the last three year period.

### The Proposed Development

49. The application proposal would deliver 202 residential units. Policy L2 of the Core Strategy is clear that all new residential proposals will be assessed for the contribution that would be made to meeting the Borough's housing needs. This would amount to 15% of the new Government-directed annual requirement of 1,319 new homes (if it were assumed that annual requirements had continually been met such that no ongoing deficit had to be recovered). The ability to contribute to this extent is significant, particularly in the context of the present, unfavourable housing land supply position.

50. The location of this new housing is also important. Policy L1 of the Core Strategy identifies town centres as preferred and suitable locations in accommodating the Borough's housing requirement. Furthermore, Policy W2, in seeking a strengthened Sale town centre, includes new residential development as part of the development mix. However, since the adoption of the Core Strategy, and as previously mentioned, the strategy of further increasing the resident population of town centres has emerged as a particular policy objective. The benefits of this approach to town centre health and performance have already been set out in the preceding section; that there are other advantages associated with accommodating development needs in a manner that is sustainable is also evident. The new NPPF requires that policies and decisions should support development that makes efficient use of land. A key part of this strategy, it is explained, is associated with achieving appropriate densities, particularly in the case of new residential development and in circumstances where brownfield land can be exploited. Local planning authorities are urged to develop policies which optimise the use of land in their areas, especially where there is an existing or anticipated shortage of land for meeting identified housing needs (paragraph 123). It continues that this should include the use of minimum density standards for development proposals in town centres and other locations that are well-served by public transport.

51. This approach of the NPPF is also reflected in the emerging GMSF. The January 2019 document places much emphasis on increasing development

densities specifically in well-connected areas (which includes town centres and other public transport nodes, it is stated) in order to maximise the potential of established locations (see Objective 2). The ability of all town centres to provide opportunities for new housing development, as part of the wider objective of enhancing their varied functions to ensure their long-term survival, is also referred to (see Policy GM - Strat 6). This new priority on town centres for more residential development builds upon earlier consultation versions of the GMSF. The October 2016 GMSF document received substantial opposition, particularly regarding certain site-specific housing allocations which would necessitate Green Belt release. The new document maintains the overall aspirations of the plan, in seeking to facilitate a significant programme of home-building across Greater Manchester. However, relative to earlier drafts, the current document seeks to shift the burden of development away from greenfield and Green Belt sites. Rather it seeks to further optimise brownfield land opportunities in accommodating housing growth, and with a heightened focus on the potential of town centres. This approach is supported by the NPPF (paragraph 137) which is clear that in circumstances where local planning authorities (or the strategic policy-making authority) are contemplating Green Belt release, all other reasonable options for meeting its identified need for development should be fully explored. It continues that this includes making as much use as possible of suitable brownfield sites and underutilised land, and optimising the density of development, particularly in town and city centres and at other public transport hubs.

52. Thus, the proposed 202 residential units would be provided in a location that is being increasingly targeted by planning policy as part of a strategy of securing the positive transformation of town centres whilst simultaneously relieving the pressure on Green Belt land and other greenfield sites. The ability of the development to contribute in this manner, and to this extent, is regarded as significant. Whilst it is noted that some representations have suggested that there is no need for new housing in Sale - at least not to this extent - this goes against all available evidence, and with this Council having a responsibility to meet its housing requirements and to contribute to addressing the national housing shortage.

53. The NPPF requires local planning authorities to plan for an appropriate mix of housing to meet the needs of its population and to contribute to the achievement of balanced and sustainable communities (paragraph 61). This is supported by Policy L2, which refers to the need to ensure that a range of house types, tenures and sizes are provided. In this regard, consultation with the Council's Housing Strategy officer has been undertaken in the interests of ensuring that the housing mix proposed would meet the particular housing needs of the area. However, the limited range in units sizes has generated some concern, and with the range considered to be too imbalanced and in favour of smaller units. Of the 202 residential properties, it is proposed that 76 would be one bedroomed, 98 would be two beds, 23 would be three beds, and 3 would be four beds. Thus, over 86% of the total number of units would provide small-scale accommodation containing either 1 or 2 bedrooms. This unevenness in the distribution of the sizes has been raised with the applicant, together with the fact that over 90% of the new units would take the form of apartments (which would include some of the 3 and 4 bedroomed units). However, in response it has been explained that the housing offer that has been incorporated within the development is based on current and future demographic and market trends, and with it further recognising that Sale is becoming an ever more popular

place to live across all sectors of the population. Despite the Housing Strategy officer's comments, there in fact is no up-to-date evidence regarding the specific housing requirements of the Sale area, other than a general sense that family housing is what is sought. Whilst the unit mix and type may seem disproportionate, a greater degree of variance was in fact secured as part of pre-application discussions, and with the amount of three and four bedroomed units increased at that stage and with townhouse properties introduced. Whilst in general terms officers are committed to working with applicants and developers to agree on the most appropriate housing mix, it is accepted that it may not always be possible to provide a fully balanced range of sizes across all sites, particularly when having regard to scheme viability and the specific target market of that development. In the absence of any counter-evidence (until such time as the Local Plan is advanced and a new Housing Need and Demand Assessment is prepared), and noting that some progress has been made in redressing the imbalance, the applicant's assertion that the size mix in this case would suit the needs of the local area is accepted. Indeed, it is acknowledged that smaller homes carry the advantage of enabling people, and especially young people, to get on the property ladder, as well as allowing for downsizing. Furthermore, and with reference to the larger apartments that have been incorporated, it is recognised that there is growing evidence that apartment living, within high quality modern developments, is proving increasingly popular with families in the UK akin to the position in other countries.

54. In considering the tenure proposed, and whether this is sufficiently mixed and reflective of local needs, whilst setting aside the affordable component which is discussed in due course, the application submission explains that the remaining units are intended for market sale. As such, they would be available to both owner-occupiers and buy-to-let investors, which would provide some variability in tenure.

55. Another important component in contributing to the objectives of creating mixed and balanced communities, as required by the NPPF, is the provision of affordable housing. The definition of affordable housing has been broadened in the new NPPF (and with this not reflected within the Core Strategy). The glossary defines it as: *housing for sale or rent for those whose needs are not by the market (including housing that provides a subsidised route to home ownership and/or is for essential local workers)*. It includes affordable housing for rent (including affordable rented and social rented), starter homes, discount market sales housing, and other affordable routes of home ownership (including shared ownership and rent to buy). Paragraph 63 states that affordable homes should be sought within all new residential proposals for major development (ten units or more).

56. At the local level, the requirement to secure an affordable contribution is covered by Core Strategy Policy L2. The policy is clear that – in respect of all qualifying development – appropriate affordable provision should be made. In recognising that the Borough does not perform as a single uniform property market, the policy explains that Trafford is split into three broad market locations which have different percentage requirements for the provision of affordable housing. As corroborated by an accompanying Supplementary Planning Document (SPD1: Planning Obligations, July 2014), which draws upon the recommendations of the Trafford Economic Viability Study (2009 and a 2011 update), the application site is located within a 'moderate market location.' In such locations, provision of affordable housing at a

mid-level percentage is typically sought (i.e. at a level higher than in 'cold market locations' but at a level lower than in hot market locations). Policy L2 and SPD1 also recognise that different market conditions can apply throughout a development plan period which also impact upon the level of affordable provision that a new residential development can successfully sustain. 'Poor market conditions' had been in force since the Core Strategy's adoption which was in recognition of the UK housing market undergoing a period of significant downturn following the 2008 recession. However, in recent years the residential market has shown signs of recovery and has now re-stabilised. It follows that in November 2018 a recommendation of officers to accept a shift to 'good market conditions' for the purposes of negotiating affordable housing and applying Policy L2 and SPD1 was accepted by the Planning and Development Management Committee. The effect, therefore, is that within this 'moderate market location' and under present 'good market conditions' a 25% affordable housing target will normally be applied, the SPD advises. That being the case, there is a further exception to these geographical and market conditions, which is also set out in Policy L2 as well as the SPD. *In areas where the nature of the development is such that, in viability terms, it will perform differently to generic developments within a specified market location, the affordable housing contribution will be determined via a site specific viability study, and will not normally exceed 40%*, it is explained.

57. Family housing (generally in the form of dwellinghouses) predominates throughout the Sale area. Whilst there are some examples of apartment developments, these tend to be concentrated towards the A56 where environmental quality is lower. The application proposal, in offering a much more concentrated number of apartments, in a higher-rise development and in a high quality environment, deviates from the area's conventional housing, and is in fact targeted at a broader audience (as has been explained in responding to concerns regarding the housing mix). It is therefore considered that the proposed development has the potential to outperform – in development value terms - for its market location. On this basis, the 25% requirement previously referred to has not been accepted by officers as the correct target figure, and with this conclusion supported by the Council's independent viability advisor. Rather, with reference to the exception afforded by Policy L2 and SPD1, the target figure could in fact be up to 40% dependent on the findings of a site-specific Financial Viability Assessment (FVA).

58. The requirement for affordable provision in this case is two-fold. There is the general requirement triggered by Policy L2 as referred to above, but account also needs to be taken of the fact that the proposal would involve the demolition of existing affordable homes in the form of Sibson House. Sibson House presently contains 9 flats. 6 of these are social rented whilst 3 are leasehold properties. Without any affordable provision, the development would result in a loss of at least 6 affordable units. It therefore seems entirely reasonable for the development, as a starting point, to compensate for this loss, either on site or elsewhere in the locality.

59. The application upon its submission made no allowance for affordable homes, including any compensatory units to cover the loss of Sibson House. The originally submitted FVA indicated that the development would be especially vulnerable if affordable provision was included. This was when having regard to the ability of the residential component to 'prop up' the commercial floorspace and then when



factoring in other costs associated with public realm improvements along with necessary financial contributions to be secured via a legal agreement (including towards 'specific green infrastructure' and a revised parking permit scheme). Nonetheless, the lack of affordable homes was considered unacceptable, and with this reflected in the original consultation response of the Housing Strategy officer. Some favourable adjustments to the financial appraisal have, however, since been made. This has been driven by positive discussions with Trafford Housing Trust associated with arrangements for the acquisition of Sibson House, together with a previous over-estimation on the applicant's part of certain costs. The revised FVA shows that the development can in fact viably sustain a 10% proportion of affordable housing. This amounts to 20 units or an overall uplift of 14 units when allowing for the loss of the Sibson House social rented properties. This 10% inclusion would reduce the profit target originally sought but would still produce a competitive enough return for the landowner, the revised FVA records (i.e. the value created by the development minus the costs incurred to deliver it).

60. The 10% affordable offer is based on the 20 units comprising shared ownership (or intermediate) housing which would be transferred to the chosen Registered Provider. The effect is that the units would have in the order of a 25% discount on Open Market Value, it is explained. For clarity, shared ownership is an approach in which the occupier of the residential unit (a house or flat) buys a proportion of the property and pays rent on the remainder, typically to a local authority or housing association. An advantage of shared ownership is that it can open up the option of owner-occupation for households on lower incomes. The 20 affordable units would be 1 and 2-bed units within the two apartment blocks.

61. The revised (as with the original) FVA has been reviewed by the Council's independent viability advisor. The audit process has allowed for a number of interim revisions to ensure reasonableness in the applicant's approach. The final response from the advisor records that the value and cost information provided by the applicant would appear to be a fair reflection of the market. The profit margin (as reduced) - when allowing for an affordable offer of 10% together with other financial contributions - is regarded as a reasonable rate of return for a scheme of this nature and complexity, it is stated. Therefore, the advice concludes that the inclusion of 10% affordable housing in this case is an appropriate level that would serve to maximise the provision of new affordable homes within this proposal whilst not undermining the ability of the development to be brought forward. The advice is clear, however, that the overall viability position could be subject to change as the scheme is progressed. Thus, the mechanism used to secure the affordable housing (typically a Section 106 legal agreement) should allow for a reappraisal exercise that could allow for the 'claw-back' of monies by the Council should the development ultimately perform better than currently predicted, the advice states. This type of 'overage clause', which could be used to support additional off-site affordable provision, has been used previously.

62. Notwithstanding the conclusions of the viability advisor, and whilst appreciating the progress made since the application's submission, it is nonetheless recognised that the 10% inclusion (amounting to 14 affordable units net) falls short of the maximum 40% affordable housing target that is applied (as a starting point) to this type of 'non-generic' proposal. In contrast, a 40% figure would have provided 81

units gross, or 75 net. Furthermore, Core Strategy Policy L2 explains that a split of 50/50 in the affordable units to be provided between shared ownership (intermediate) and then social (affordable) rent is usually sought. This is unless '*exceptional circumstances can be demonstrated*'. That the proposal does not reflect this requirement constitutes a development plan policy conflict, although in any case Policy L2 does not capture the broader range of affordable housing categories advanced by the NPPF and is thus out of date on this point. In this case the provision would be wholly shared ownership and in fact there would be a loss in social rented accommodation. Discussions have taken place with the Council's Housing Strategy officer on this matter, in noting that the initial consultation response clearly questioned the lack of any affordable provision within the scheme and the net loss overall. With the applicant's viability position now fully documented and audited, and with measurable betterment secured as part of positive negotiations, the Housing Strategy officer is accepting of the affordable offer; this includes both the amount and the tenure. In essence, all officers are satisfied that a rigorous site-specific viability process has been followed in this instance and that the position arrived at has been fully justified when allowing for the individual circumstances of this case. Further to this, and as indicated by Trafford Housing Trust, there is also some recognition that the Trust may use the sale of Sibson House as a means of investing in new, modern affordable provision in the locality.

63. Overall, therefore, it is considered that the development's delivery of housing at the level proposed represents a significant opportunity in current challenging times. Its provision in a central and accessible brownfield location is further advantageous. The housing mix and type incorporated is considered acceptably reflective of the needs of the local area, particularly when allowing for the applicant's market knowledge and the lack of any alternative up-to-date data. Furthermore, and significantly, the maximum site-specific level of affordable housing has been negotiated. As such, the proposal is considered to be fully supportive of the housing objectives laid out in the NPPF as well as Core Strategy Strategic Objective SO1, and to be compliant with the overall aims of Core Strategy Policy L1 and Policy L2 to the extent that the latter are consistent with the NPPF (and whilst recognising the divergence in the type of affordable housing offered).

## Conclusion

64. The emphasis placed on local planning authorities by the Government to facilitate the delivery of new homes is clear. This Council was already behind its Core Strategy target in demonstrating a five year supply of deliverable housing land. However, in recent months with the publication of the new NPPF, the annual housing requirement has risen more than two-fold as Government-prepared figures have had to be accepted, and in going forward a similarly elevated figure is expected as part of the GMSF.

65. This application would provide 202 new homes and as such would make a considerable contribution to the present, uplifted annual requirement and would help to address the supply deficit. Furthermore, these new homes would be provided on brownfield land and, significantly, in an accessible town centre location, and as such would align with the policy objectives of the NPPF and emerging GMSF. In

optimising the potential of the site to support new housing growth, the development could divert pressure from more sensitive Green Belt and greenfield land.

66. Officers have been mindful of the policy aim to achieve mixed, balanced and sustainable communities. An acceptable mix of housing has been secured, it is considered, which would contribute to the needs of Sale's current and future populations, including when allowing for aspirational and viable smaller units. Finally, the provision of affordable housing within the development has been maximised through a site-specific viability process, and with the shared ownership (intermediate) housing that is offered serving to widen opportunities for home ownership (although with it departing from Policy L2 requirements due to the lack of affordable rented accommodation, yet with this not being fully in line with the NPPF approach in any event). The proposal is therefore regarded as being fully reflective of the Government's NPPF objective regarding substantially increasing the supply of housing, as further underlined by the GMSF, as well as reflecting Core Strategy aims regarding the scale, distribution and nature of new housing to meet the needs of Trafford (including as set out in Strategic Objective SO1 and Policy L1 and Policy L2).

## DESIGN AND APPEARANCE

### Background

67. The promotion of high standards of design is a central narrative within the NPPF. The overarching social objective, which is one of three objectives critical to the achievement of sustainable development, is reliant upon the planning system fostering a well-designed and safe built environment, according to paragraph 8. It continues, at paragraph 124, that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Paragraph 130 urges local planning authorities to refuse development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions. It continues that, when determining applications, great weight should be given to outstanding or innovative designs which promote high levels of sustainability, or help to raise the standards of design more generally in an area.

68. The Core Strategy also attaches importance to the design and quality of the Borough's built environment. The text supporting Policy L7 advises that high quality design is a key factor in improving the quality of places and in delivering environmentally sustainable developments. Design solutions must: be appropriate to their context; and enhance the street scene by appropriately addressing scale, density, height, massing, layout, elevational treatment, materials, hard and soft landscaping, and boundary treatments, the policy is clear. Policy L7 is considered to be compliant with the NPPF, and therefore up-to-date for the purpose of decision-taking.

69. At the outset, when this proposal (or a variation on it) was first tabled, the need to vertically stack the development - to deliver the required quantum of floorspace and the necessary mix of uses to enable scheme viability - was made clear. Indeed, this approach was consistent with officers' understanding of market conditions as well as

the broad evidence that informed the formulation of Core Strategy Policy W2 and its aspirations for Sale town centre. Accordingly, the starting position was that the proposed redevelopment of the site would be based on a high density, mixed-use model, which in turn would be compatible with key development principles advocated within the NPPF. A low density, low-rise approach was not a realistic option, and one which was not felt, as it happens, to be sufficiently aspirational in seeking to make the best use of the opportunity available in such a central and sustainable location. That being the case, that an architectural approach of very high quality would be warranted for a development of this scale and prominence was forcefully made by officers from the outset. This was accepted by the applicant, and it is recognised that the appointed architect, Simpson Haugh, which is Manchester-based, have compiled a diverse portfolio of successful and award-winning projects throughout its 30 year history.

70. The final design that has been arrived at, as presented within this application submission, is the outcome of a thorough and robust iterative process, which has received strong input from officers as well as from Members, the local community and an independent design review panel. More recently, following a new appointment, the Council's Heritage Development officer has also participated in design discussions. The aim has been to provide a site-specific response that is firmly based upon the principles of design excellence and quality. The design approach, which is outlined within a Design and Access Statement submitted with the application, is fresh, contemporary and overridingly urban in its character, and with a consistent design philosophy that permeates throughout the development. It is, nonetheless, bold and creative, and in some ways departs from established design principles prevailing in the Sale area (particularly regarding height and mass). Accordingly, it is accepted that architectural design is a matter of reasoned judgement, and in this respect it is acknowledged that a number of forceful objections have been received on this topic. Notwithstanding this, however, the poor condition of the existing buildings and urban fabric occupying the site seems to be universally accepted. This includes the multi-storey car park and the 1960s shopping precinct. On this basis, the benefit of the application scheme in relieving the town centre of substandard built form and underutilised adjoining land is largely undisputed.

### The Design Response

71. The PPG accompanying the NPPF is clear that new development should respond to and reinforce locally distinctive patterns of development. This is supported by Policy L7 which advises that good development requires an understanding of the context in which it takes place. Significantly, however, the PPG continues that this should not '*prevent or discourage appropriate innovation*'.

72. The submitted Design and Access Statement makes the case for the proposed development being based on a good understanding of local character and circumstances. What cannot be ignored, however, is that the proposed development would introduce an overall scale and height of development that is not currently representative of Sale. To reiterate, the application proposal involves the provision of a development that would include two residential blocks that would extend to 12 and 15 storeys. As confirmed by the Design and Access Statement, tall buildings

are not a common feature in Sale, in the town centre or beyond. In fact, the majority of town centre buildings are at a maximum of two storeys, including within the application site. There are some that are up to four storeys, which includes the existing multi-storey car park as well as Sibson House and Dominion House. St Paul's Church is of a comparable height. A handful of buildings in the locality extend to six storeys, including the office building of Jackson House which sits at the junction of Sibson Road with the A56 (and which is actually outside of the town centre). The tallest town centre building by some margin is Acre House, which adjoins the application site, although with this terminating at 9 storeys. The effect is that Acre House, which holds little architectural merit, currently dominates the skyline and is largely viewed as a standalone structure.

73. It is unarguable, therefore, that the proposed development would breach existing building heights across the town centre. Its peak height – at a point of 15 storeys – would be 6 storeys above the existing Acre House. Whilst this Council is dealing more frequently with proposals for new taller buildings (chiefly for residential purposes), these tend to be concentrated in the northern parts of the Borough, towards or within the Regional Centre, or within identified Strategic Locations (such as the developments at Pomona and Trafford Waters). In fact, when compared with some new tall buildings that have been erected in these locations, and specifically Manchester city centre outside the Borough, this proposal is relatively modest in height. However, at a maximum of 15 storeys, in an environment where lower-rise buildings prevail, it is clear that it would be perceived as a tall building. It would be the first example on this scale not only in Sale but also within the southern part of the Borough more broadly. Previous apartment scheme developments in Sale, including for example along the A56 corridor, have typically delivered a maximum of five or six storeys.

74. However, as explained, the starting point to discussions regarding this proposal was that a certain level of floorspace would be required in order to ensure scheme delivery, and with this needing to be expressed in a vertical form in view of site area limitations. What has proven helpful in supporting the applicant's case, and allowing for officers to contemplate taller buildings in this setting, is the comparative absence within and adjoining Sale town centre of heritage assets. Unlike Altrincham, there is no town centre conservation area, and in fact within the town centre boundary there are only two listed buildings/structures. Slightly further afield there are two further listed buildings, including St Paul's Church adjacent to the site. There are then some other buildings and features (within and adjoining the town centre) which have been identified by the Heritage Development officer as having some local significance (including Sale Town Hall and the Bridgewater Canal). The effect is that, whilst there is certainly a need to demonstrate compatibility with the site's surroundings (and with some concerns, nonetheless, expressed regarding the impact on the setting of those heritage assets that do exist), there is a greater degree of flexibility than would be the case in a town centre that had a more recognisable historic character and where there were greater instances of heritage 'setting' that would need to be taken into account. From the outset it was considered that this presents a particular opportunity for Sale town centre that could be positively utilised.

75. That there are other design difficulties, however - in seeking to accommodate the required floorspace threshold - has been fully recognised. That the application site,

first and foremost, is a town centre site is to be acknowledged. Its immediate context is thus commercial in character. Be that as it may, it is recognised that parts of the site sit at the fringes of the town centre, that elements of it have not fully contributed – either visually or functionally – to the operation of the town centre, and that the area immediately to the south is more residential in its appearance. This change in character, with Sibson Road acting as the transition point, is reflected in documentation forming the Design and Access Statement. It is observed in the use of buildings, in the density of development, and in building styles, eras, heights and footprints. That this poses a specific design challenge is recognised by the Design and Access Statement: there is a desire to create a new, striking and enticing gateway to the town centre whilst also being sufficiently complementary to the more suburban development directly to the south. The need for sensitivity to be applied to respect this shift in character has repeatedly been emphasised. However, above all, that this fundamentally is a town centre site – where high density development is generally encouraged - has had to be accepted.

76. From a position of acknowledgement that this proposal would need to exceed a certain development quantum in order to be realisable, repeated efforts have been made throughout the design evolution process to limit the proposal's height and to reduce the impression of scale and mass. Drawings, physical models and computer visuals have been used to test how each developing alternative would appear. Adjustments have included the siting of the low to mid-rise townhouses along Sibson Road to respond to the existing two-storey semi-detached on the southern side of the road, and with these providing a transition between the height and scale of the existing houses and the larger scale apartment blocks within the proposed development. Further changes comprise: a reduction in the height of both apartment blocks (from an earlier maximum of 18 storeys); the omission of a split form to apartment block 1 which would have been perceived as a separate structure; the removal of a third residential block atop the cinema; the elimination of high-rise built form from the edge of the podium and as blocks 1 and 2 would converge; and the provision of shifted floorplates to the residential block to provide top floor articulation. Through these adjustments some concerns regarding the visual implications of the development's requirements and floorspace parameters have been successfully reconciled.

77. The need to deliver architectural quality for a development of this scale and prominence has been a repeated observation of officers throughout the pre-application and application processes. That this development must set very high standards in building design in view of its scale, mass, wider impact and likely longevity is unequivocal. In terms of facing materials and detailed elevational design, significant time has been spent in reviewing and refining the approach, and whilst some conditions would still be necessary in securing samples of materials and finishes, the detailed treatment of the elevations has been considered in full at application stage and has been regarded as a key matter of principle in assessing the suitability of the design response.

78. The material and elevational strategy that has been presented has been developed to reinforce objectives regarding reducing the perception of scale and mass. In terms of materials, the desire to avoid an excessive use of cladding and steelwork, often observed in tall apartment buildings, was made clear from the

outset. The Design and Access Statement refers to the fact that brick is used extensively as a building material within and on the outskirts of Sale town centre. A range of different colours can be observed: dark brick to Acre House; a red/orange brick to the houses along Sibson Road, to Jackson House and Dominion House; historic red brick to Sale Town Hall and the Lloyds Bank building; and a buff stone/brick to St Paul's Church and the houses along Springfield Road. The use of a high quality brick, with complementary colours and variations in depth, texture and relief, as the dominant material was therefore accepted. A red multi-tone brick is proposed for the lower townhouse terrace. It would also be incorporated within the north-facing elevation of residential block 2. A light grey brick is suggested for the main volume of the cinema building, for the Town Square-facing elevations of the apartment buildings, for the car park entrance, and for the podium elevations aligning the retail avenue. Mid grey tones would then be incorporated to the upper level townhouses, to the elevations of the residential blocks fronting the podium garden, and at the upper extreme of the cinema. Finally, a small expanse of dark grey/black brick is proposed at the top of block 1, whilst some green glazed bricks would be introduced as an accent colour to the cinema. Details of the approach to mortar have also been provided, including the use both of contrasting and matching mortars, as well as recessed mortar, to particular areas.

79. The distribution of the different brick colours has been carefully thought through. For example, the use of red brick for the street-level townhouses is a response to the red brick of the opposing houses along Sibson Road. Similarly, the light grey tone to the apartment buildings has been selected to allow for some merger with the background sky and to give a light weight impression. One area where brick colour has been subject to late re-assessment has been for the cinema building, in reflecting the recent input of the Council's Heritage Development officer. A suggestion was made for this to be altered to red brick in complementing the warmer hues of the street-level townhouses. However, upon further analysis, it was agreed that this would in fact serve to render this aspect of the development more visually intrusive, and rather that paler brick tones would be more appropriate in reaffirming a common building language and not further isolating the cinema. Whether a buff brick would be more appropriate (in better responding to the adjacent St Paul's Church) as opposed to the grey brick proposed is a matter that remains unconfirmed (as subsequently developed below) but could be settled via material samples post-determination. Overall, it is considered that the use of the harmonising brick colours across and within the building components would serve to break up the separate structures and allow them to be observed in isolation rather than as continuous and unalleviated built form, although equally with it allowing for some visual coherence in order that the development would not be observed as a series of independent standalone structures. The right balance has been achieved, it is considered.

80. The intention to provide added articulation and an appropriate level of interest to the elevations has been further developed in the façade design. A 'grid' system has been put forward which has emerged in varying forms across the different elements of the scheme. In general terms it involves the use of geometric grid shapes accentuated through brick piers, and then with recessed openings and panels of varying widths to create a regular rhythm. Some of the proposed openings feature glazing whilst others repeat the brickwork (sometimes using a contrasting colour) but with this brick panel then set further inwards. The general aim of the grid concept is

to create a sense of depth and shadow to each building frontage and to provide added variation and contrast. The Design and Access Statement describes the individual articulation that has been applied in the design of each component part, and with some buildings adopting different systems across different planes. The north-facing elevation of proposed residential block 2, for instance, has been identified as a particular 'feature' elevation in seeking to animate a revitalised Town Square. It is explained that this elevation comprises a brick 'grid' frame in warm grey tones with horizontal floorplates expressed at alternate storeys and with red brick infill panels also running across two floors. There would be two layers to these panels, with the first set back one brick depth from the face of the outer brick frame, and then a second panel set back a further one brick depth. The windows to the apartments, which would be floor to ceiling height, would then be recessed even further. This is one example of the detailed surface modelling that is proposed to be utilised throughout the development, and with officers satisfied that this approach would provide added texture and relief to the elevations which would further assist with softening the way the proposed development would be perceived.

## Townscape and Visual Impact Assessment

81. Despite the design quality requirements that have been successfully negotiated, it is still fully acknowledged that the proposed development is markedly different from what the site presently accommodates and that it would thus establish a different relationship with the site and its surroundings and have a different impact on the streetscape and skyline. For development proposals in urban areas, a Townscape and Visual Impact Assessment (TVIA) is often used as a tool for assessing the effects of a new development upon an existing townscape. The term townscape is defined by the Landscape Institute as: *'the character and composition of the built environment including the buildings and the relationship between them, different types of urban open space (including green space), and the relationship between buildings and open space'* (Guidelines for Landscape and Visual Impact Assessment). A TVIA is a process similar to a landscape assessment in rural areas. It aims to ensure that all possible effects of a proposed change or development, both on the townscape itself and on views and visual amenity, are taken into account in decision-making. In view of the height - as well as the scale and prominence - of this development, a TVIA was regarded as essential, and with the assessment forming part of the application submission.

82. The submitted TVIA document explains that the methodology applied in the assessment of this development followed best practice guidelines as established by the Landscape Institute. The document records that the extent of the area within which a proposed development is likely to result in visual effects on townscape character is limited by local landform and the extent of the existing built-up area. In this case, and when having regard to topography and existing intervening features, a study area was set at a distance of 1.5 kilometres around the site, beyond which no effects on townscape character or visual amenity are expected. Reference is also given to the extent to which the receiving townscape is sensitive to change. That this is not a particularly highly valued or distinctive townscape, and with only moderate historic interest, is referred to, together with the lack of any formal landscape designations within the wider study area.



83. Within the 1.5 kilometre radius, 19 representative viewpoints were then identified, the TVIA document explains. These were chosen in consultation with Council officers and they encompass a range of distances and directions from the site, as well as representing different 'receptors' of the development, including occupiers of nearby residential properties or general passers-by. Some additional viewpoints, to supplement the original TVIA, were then requested by the Heritage Development officer. For the avoidance of doubt, it is reiterated that the loss of a private view is not a valid planning objection. However, important public views, by their very nature, are matters of public interest, and it is these views that a TVIA process seeks to evaluate as part of a wider process in establishing townscape impact.

84. The TVIA document then provides a visual presentation of the development in situ from all identified viewpoints. These images illustrate that from some viewpoints the extent of visual change would in fact be 'low' and that in turn the significance of this change on the landscape would be 'minor' (in reflecting industry criteria and terminology). This includes, for example, Viewpoint 14 at the A56/Atkinson Road junction to the north-west of the site. This is often a product, the TVIA document explains, of the distance of the viewpoint from the site or with the view being blocked by intervening structures or clusters of trees. From some other viewpoints, 'medium' change of 'moderate' significance is predicted. This includes Viewpoint 19 at Kelsall Street some distance to the site's south, with the TVIA commenting that the development would become noticeable above the roofline of the existing terraced houses, but that the residential character of the street scene at eye level would not materially alter.

85. However, the TVIA acknowledges that from a select number of viewpoints, the extent of visual change would be 'high' which would be of 'major' significance. There would be a very appreciable change, for example, to the view within the existing Town Square (Viewpoint 1) when looking south. Existing views of the dated shopping precinct with Acre House in the viewpoint's western periphery would be replaced by views of the new modern shop units surrounding an enhanced public space, and with proposed residential block 2 standing as a large presence above. However, it is acknowledged that this is a view that would be observed within the commercial environment of the town centre and with receivers of the visual change (i.e. shoppers, visitors and town centre workers, in the main) being both widespread and transient. Other viewpoints which the TVIA acknowledges would undergo a 'high' degree of visual change of 'major' significance are potentially more sensitive, it is considered. These are the views directly to the south and south-west of the site, and comprise: Viewpoint 5 Sibson Road at Springfield Road 35 metres from the site; Viewpoint 7 Friars Road at Sibson Road 24 metres from the site; and Viewpoint 8 Friars Road 150 metres from the site. Some of the additional viewpoints requested by the Heritage Development officer have been categorised in a similar manner.

86. In relation to Viewpoint 7, the TVIA illustration demonstrates that the northwards view from the Sibson Road residential properties would alter tremendously. The existing view of the cleared Friars Court site and the rear of the shopping precinct beyond would be replaced with a close-range view of the proposed townhouse terrace. Similarly, from Viewpoint 8, which is on a similar orientation but at a greater distance from the site, the TVIA image indicates that the townhouses and apartment blocks would be very noticeable introductions in northward views. The fact that

these viewpoints would experience such extensive change is regarded as more significant given that they would be observed from outwith the town centre and - certainly for Viewpoint 8 - from a more outlying, residential location. Moreover, it is evident that the main receivers of this change would be occupiers of established residential properties rather than members of the travelling public. That being the case, that it is not a duty of the planning system to uphold private views has already been stated. Furthermore, that the proposed development would not have an adverse overbearing impact on occupants of these existing properties – despite its scale and proximity – has also been found, as will be expanded upon in due course. In addition, and what the TVIA process has demonstrated more generally, is that – on the whole – the majority of identified viewpoints do not feature sensitive, cherished public views that would be lost. Rather, they are viewpoints that presently make little positive contribution to townscape character, and with the site's redevelopment providing an opportunity to improve them. That the proposed development would lead to the closure of certain views (for example, of Acre House) and would enable this existing development to be seen as part of a tall building cluster (for example, from Viewpoint 10, at Hayfield Street) could be regarded as a further benefit in townscape terms.

87. There are some exceptions, however, and these tend to relate to those views that encompass, or are taken from, Sale's heritage assets. Whilst it has been commented that these are limited in contrast to other town centres, there are nonetheless some important examples, including both designated and non-designated forms, and with the value of these assets contributed to by both the views that they offer and the views that they from part of. The key heritage assets that the TVIA process has identified would be affected, the Heritage Development officer has advised, comprise the listed Church of St Paul's and the non-designated Bridgewater Canal. The key viewpoints that corroborate this impact comprise Viewpoint 5, and then some of the additional viewpoints recently requested (identified as viewpoints G to K).

88. The church occupies a prominent position on the corner of Sibson Road and Springfield Road. Its bell tower is a landmark feature and is visible from various locations within the town centre. Most notably, these are eastwards views down Sibson Road, southwards views down Springfield Road, and westward views from the Bridgewater Canal towpath. The grounds to the church provide access to the Bridgewater Canal and its towpath, and there is some unity between the two heritage assets in this location and with each contributing to an appreciation of the other. An important view which takes in both heritage assets is available from the canal bridge over Northenden Road, adjacent to the Metrolink station (identified as Viewpoint G). Both heritage assets are located to the west/south-west of the site, and with the proposed cinema building forming the closest element within the application scheme. The Heritage Development officer has expressed concern regarding the impact of the development, and the cinema specifically, on certain key views associated with these heritage assets. This includes Viewpoint H, which is the view southwards down Springfield Road. The TVIA illustration indicates that the cinema would be taller than the church as well as the existing multi-storey car park that occupies this part of the site. Despite the visual separation provided by the Springfield Road carriageway, there is concern that the new cinema building (chiefly as a consequence of its height but further exacerbated by its scale and mass) would

result in a competing element within this important vista. Viewpoint J and Viewpoint K are taken from the canal towpath. From this location, the church (including, separately, its nave, polygonal apse and bell tower) currently benefits from largely unrestricted views which enable each component to be silhouetted against the skyline. However, the images provided illustrate that the cinema instead would become the backdrop and that the distinct outline of the church would be lost when viewed from certain points along the towpath. The Heritage Development officer is concerned that the presence and dominance of the cinema would diminish the quality of these views and adversely affect the way in which the church would be experienced from the Bridgewater Canal. Conversely, however, the Heritage Development officer, upon provision of an illustration of Viewpoint G, is broadly satisfied that the panorama of the church and canal from the Metrolink station would not be impacted to a significant degree; whilst the cinema and two apartment blocks would be visible, they would sit alongside the existing Acre House, and with the church tower still remaining a prominent feature in the skyline.

89. Therefore, the concerns of the Heritage Development officer regarding key heritage views are chiefly attributed to the cinema. As will be covered in a subsequent section of this report, it is the 'setting' of a heritage asset that is the particular policy test as established by the NPPF, and with views of or from an asset playing an important part in defining this setting. The cinema building has been recognised as an especially complex component throughout the design development process. This has been in view of its proximity to the listed church, but yet with this location adjacent to the new public square and at a prominent gateway offering the most appropriate siting for the development's anchor. However, there are inherent design difficulties associated with a cinema in reconciling operator requirements with aesthetic considerations. Most cinema buildings are essentially a 'big blank box' with a certain floorplate and an obvious lack of windows and openings. The original design template put forward in this case was for the cinema to be expressed as a separate entity and with a form that could be derived from its function. Particular floorspace requirements were also set out, which in turn dictated the building's height. However, beyond that, the design development process for the cinema specifically has been especially protracted, in recognising the sensitivity of the location. This has been driven by an objective to achieve architectural quality that reflects the circumstances of the location, and to establish an appropriate relationship with the adjacent church by reducing the perception of scale and mass. It follows that there have been numerous design iterations for the cinema specifically, which have each sought to work with and adapt an established building size and shape.

90. The approach towards detailed surface design embodied in the scheme has already been explained, and this has been repeated in the cinema building. The form of the building has been split into three distinct horizontal bands. The ability to incorporate glazing at the ground floor band to serve the commercial units has been maximised. The two upper bands, containing the cinema screens, would be partially cantilevered over the surrounding new public square. That grey brickwork would dominate has already been referred to. The main middle band incorporates a series of recessed vertical setbacks and recessed brick header panels, and with a slight shift in positioning at the midway point. A combination of green and black glazed bricks is proposed to emphasise the 'cuts' and to introduce colour to the elevations,

which in turn would complement the greenness of the adjacent soft landscaping. The upper band would be formed using projecting brick headers arranged in a random pattern. A parapet would serve to conceal some rooftop plant. The three bands have been configured to minimise the visual scale of the building and to provide visual interest to an otherwise unalleviated structure. The vertical recesses would provide surface articulation, whilst the projecting brickwork – with a protrusion of 30mm from the general brickwork line – would cast subtle shadows at the uppermost tier.

91. The concerns of the Heritage Development officer regarding the impact on key views are noted and understood, and that this impact in turn is likely to manifest itself in an adverse impact on the setting of heritage assets will be covered in due course. The NPPF and its accompanying PPG recognise the importance of effectively managing change in the built environment. The proposed development would alter the skyline and townscape of Sale, and this has been accepted from the onset of discussions. The location of the cinema is established, and in fact it has not been suggested, including by the Heritage Development officer, that this is a fundamentally unsuitable location when having regard to the nearness to heritage assets. It is considered unfortunate that views of/from the church and canal would change, and particularly that the cinema could serve to detract from St Paul's Church in certain views and would provide a less favourable background in specific canal-side locations. However, the lengthy design discussions have served to enliven the principal elevations of the cinema, and indeed the Heritage Development officer has fully appreciated the benefits that have accrued from this process. From a position of accepting that change to the appearance and function of the application site is to be welcomed as a whole, officers are satisfied that the design philosophy and the approach to surface modelling have assisted in mitigating the impact of the development, and the cinema particularly, in certain key views. That this conclusion has been reached, which is nonetheless finely balanced, is further supported by the fact that the TVIA process has demonstrated that no important views, including those affecting heritage assets, would be completely obscured despite the height and scale of the buildings proposed. Views would change but they would not be destroyed, and for the most part the development could be appropriately accommodated.

92. A further factor to be borne in mind when considering mitigation is the extent of soft landscaping to be incorporated within the development. In view of the scale and height of the proposal, it has been acknowledged that the development's presence within this setting would benefit from considered landscape works. The purpose of this landscape mitigation has been to reduce the significant visual and landscape effects identified through the TVIA process, and to generally enhance the character of the proposals and assist their assimilation into the wider townscape. The precise details of this landscaping are described subsequently, however, it can be confirmed that the proposal includes new tree planting within public realm and pedestrian areas, including along Sibson Road, Springfield Road and outside of the cinema. The canopy of the trees would serve to filter views of the proposal and to generally assist in softening the visual relationship between the development and its wider setting. Noting the development's height and that ground level planting is of limited assistance in providing screening at upper levels, it is significant that the proposal includes a tiered approach to landscaping, which involves further tree planting at podium level and a vertical green wall which extends to five storeys. The potential of

this landscaping to further reduce visual effects, subject to appropriate management and maintenance, has provided officers with further comfort.

## Conclusion

93. Good quality design is an integral part of sustainable development. The NPPF and PPG recognise that design quality matters and that the planning process should be used to drive up standards across all forms of development. Pre-application discussions commenced in this case in full acknowledgement of the requirement for good design set out in national, as well as local, policy. As part of this, however, it was accepted that the proposal, by its nature, would seek to optimise the potential of the site and that an amount and mix of uses would be necessary to sustain the development overall. In return, the need for very high design quality was emphasised.

94. Various strategies and methods have been applied to assess whether the scale and form of development is appropriate for the site. This has encompassed good consultative and participatory techniques, including the referral of the application to an independent design review panel. Graphical impressions of the development have been provided, a TVIA process has been undertaken, a robust Design and Access Statement has been submitted, and the design development process has been truly iterative and inclusive.

95. Achieving development that is sympathetic to local character is central to NPPF and PPG advice. In this case, the Design and Access Statement has demonstrated that the proposal has been influenced in several respects by site characteristics. This covers the function of the development, the sensitivity of surroundings uses, the existence of heritage assets, and the material mix. That parts of the site are presently unsatisfactory in their appearance, and that the proposal would offer the opportunity to deliver much improved built form, has also been recognised. Ultimately, however, it is accepted that the proposal would provide a form of development that would be new to the Sale street scene, namely as a result of its height in extending – at a maximum – to 15 storeys. However, that being the case, and in recognising the comparative absence of heritage assets and the limited existence of key public views, officers are satisfied that the proposal would not be incompatible with the existing townscape. The site's town centre location and that it would sit next to Sale's tallest existing building has further supported this position. Furthermore, any preliminary concerns regarding potential adverse visual effects have been addressed as much as possible through design evolution together with the treatment of the buildings' elevations which would work to soften the scale of the mass. Landscape mitigation would also play an important role.

96. The advice in the NPPF (paragraph 127) has been returned to: new developments should respect a site's context, but this approach to decision-taking by local planning authorities should not stifle appropriate innovation and change. Notwithstanding the comments of the Heritage Development officer regarding the impact on certain views, the overall officer conclusion is that the application scheme represents a positive example of a new development at an increased density which this site could appropriately accommodate. Compliance with Core Strategy Policy L7 has therefore been concluded.

97. As a concluding remark, however, it is important to emphasise that the formation of this conclusion is based on the precise architectural arrangement that has been offered. A proposal that had not paid the same attention to detail in its design would not have been accepted. It is for this reason, as will be expanded upon in due course, that it is recommended that a Section 106 legal agreement is used to prevent any possible future attempts to materially diminish the quality of the development prior to its construction. This approach is supported by the NPPF.

## LANDSCAPING AND GREEN INFRASTRUCTURE

98. The NPPF is clear that the creation of well-designed places is also dependent on the incorporation of appropriate and effective landscaping (paragraph 127). This is reinforced by the accompanying PPG, which acknowledges that high quality hard and soft landscape design can help to successfully integrate a new development into the wider environment. For the avoidance of doubt, the term 'soft landscaping' is used to describe the vegetative materials which are used in landscape design, such as trees, plants, shrubs, hedges, grass and flower beds. 'Hard landscaping' refers to the heavier elements in landscape design, such as paving, walkways, walls, water features and street furniture. Both are regarded as necessary to make a landscape fully functional and - subject to appropriate use and detailing - to enhance the quality of buildings and spaces.

99. The importance of quality landscape treatment in all new development proposals is further acknowledged by the Trafford Core Strategy. Policy L7 requires new development to enhance the street scene and character of an area, and this includes consideration of hard and soft landscaping, the policy states. Allied to Policy L7, there is a further policy requirement within the Core Strategy regarding the provision of on-site planting in particular. This is covered by both Policy L8 and Policy R3, and is complemented by SPD1: Planning Obligations. Policy R3 explains that new development will be expected to contribute on an appropriate scale to the provision of 'green infrastructure'. The aim is for a multifunctional network of green spaces, delivering benefits for people, the economy and the environment, to be delivered across Trafford, it is continued. In providing further guidance, the SPD refers to 'specific green infrastructure', which could include tree planting but could also extend to cover green roofs, green walls or forms of sustainable drainage. The scale of provision should be tailored to the details of the proposal, since the intention is that it would mitigate specific issues in that area. This could include the effects of urban heat or of air and water pollution, or to address local surface water management needs or ecological impacts. The SPD also sets out that on-site provision, rather than a financial contribution towards off-site provision, would normally be expected. Whether sufficient specific green infrastructure is incorporated is a matter of judgement when having regard to the details of the proposal and the requirements of the Core Strategy and SPD1; there is no set formula to be applied.

100. It follows that the need to address both policy expectations has driven the review of the acceptability of the proposed approach to landscaping, which is standard practice when considering the majority of planning applications. However, in this case the aspirations of the approved Public Realm and Movement Strategy for Sale town centre have also been central considerations in establishing the

acceptability of the proposed approach. Moreover, as referred to above, the need for landscaping to reduce the visual impact of this development has been a further consideration.

### Soft Landscaping

101. In the first instance, the proposed development's impact on existing trees within and adjoining the site has been assessed. The application submission includes an Arboricultural Impact Assessment (AIA), which has been reviewed by the Council's Arboriculturist. In general terms, the site is characterised by a hard urban environment with little in the way of tree cover. The AIA identifies particular tree groupings, which includes to the south of the multi-storey car park, to the west of the Friars Court site, and along Springfield Road. There is one small tree within the existing Town Square. The majority of the trees are defined as being 'early mature' rather than 'semi-mature' or 'mature'. 14 trees are identified as requiring removal to facilitate the development, together with two tree groups. Some additional trees are recommended to be taken out on the grounds of their ill-health or condition. This includes all existing trees adjacent to the multi-storey car park and Friars Court, and two on Springfield Road. None of these trees are awarded a category A rating (i.e. of the highest quality with an expected remaining life expectancy of at least 40 years). They are instead identified as being of moderate (B), moderate/low (B/C) or low (C) quality. The majority of trees along Springfield Road would be retained. The consultation response from the Arboriculturist records these trees do have some collective amenity value, although some constitute inappropriate and unsuccessful planting, it is stated. It continues that there is no in principle objection to the tree loss identified, provided that well-designed and good quality tree planting replaces them.

102. In turning to the proposals for new soft landscaping, the Public Realm and Movement Strategy sets a framework for increasing the provision of green infrastructure throughout the town centre. This is desirable for a number of reasons, the document identifies, including offering improvements to the town centre micro-climate, providing cooling and shading, contributing to enhanced biodiversity, and successfully managing surface-water, as well as beautifying the public realm. Whilst trees are an important asset in parts of the town centre, including along School Road and in front of the Town Hall, there is an obvious paucity in the environment of The Square. The strategy seeks to rectify this and to generally increase the green character of the town centre in order that it better correlates with the wider built-up area of Sale which includes some attractive and mature greenspaces.

103. The application submission explains that the development proposal contains significant new elements of landscaped space, which includes both 'green' public realm as well as private/communal amenity areas, and which has been designed to directly complement the architectural solution. A multi-layered approach to landscaping has been incorporated, it is explained, which includes both horizontal and vertical elements and at various tiers and levels. Threshold Square is a key area of new planting within the public realm. The landscape drawings indicate ornamental shrub planting, an area of sociable lawn space, and eight new trees. Similarly, within the enhanced Town Square, eight new trees are proposed, together with an ornamental tree cluster and areas of shrub planting. The retail avenue, connecting the two spaces, would include raingardens and tree planting. The term

'raingarden' is used to describe an area of shrubs and flowers planted in a small depression. It is designed to allow surface-water run-off from surrounding impervious surfaces to be absorbed. Raingardens are thus typically low-lying. In terms of the green buffer to Springfield Road, this would be formed by raingardens within the widened footway and then supplemented by a row of street trees. Tree and shrub planting would also be included to Hereford Street.

104. The proposed development also includes other more innovative types of soft landscaping that would be available for public view. The key feature in this regard is a proposed 'green wall' that would frame the south-eastern corner of the podium and would be seen within the context of Threshold Square. The term 'green wall', also known as a living wall or a vertical garden, refers to a wall that is covered with greenery. Most green walls include a growing medium, such as soil or substrate, and also feature an integrated water delivery system. Green walls are typically found in urban environments as they allow good use of available vertical surface areas. They have also been found to reduce the urban heat effect, to increase biodiversity, to assist with surface-water management, and to remediate poor air quality, as well as being aesthetically pleasing.

105. In addition, three expanses of sedum roof are proposed: atop the cinema building; at a point where residential blocks 1 and 2 converge at level six; and at podium level behind the existing W.H.Smith unit; all of which are flat surfaces. A 'sedum roof' is a type of living green roof that is covered with vegetation and a growing medium, planted over a waterproofing membrane. They often also include additional layers such as a root barrier, and drainage and irrigation systems. Again, a number of benefits have been found to derive from the use of sedum roofs, including absorbing rainwater, providing natural insulation, creating an extra habitat for wildlife, and helping to lower urban air temperatures.

106. Beyond new planting within public realm areas, or that to be viewed more widely, the proposal also involves a scheme of soft landscaping for the benefit of prospective residents. The focus in this respect is within the communal podium garden. The application submission refers to the desire to create a natural and informal environment, and thus the plans indicate a less structured and more spontaneous approach to landscaping in this area. Artificial turf is proposed, interspersed with a bound aggregate material. This would be supplemented by bands of ornamental and shrub planting, raised planters, and clusters and groups of new trees. The plans also illustrate a small private lawned area to the front of the townhouse properties (both at podium level and street level) and some planting outside of those apartments with a podium level terrace.

107. The soft landscaping submission has been reviewed by the Council's Arboriculturist, when having regard to aesthetic considerations as well as maintenance and risk management issues, and also being mindful of the expectations of the public realm strategy in relation to new town centre planting. Whilst the overall extent of new planting, including the different approaches to soft landscaping, was welcomed, some concerns were initially raised regarding matters of detail. This covered some species choices for trees, which were regarded as inappropriate (for example, regarding the rate of growth, the shape of the crown, the overall height reached, the extent of maintenance required, the obscuring of



commercial signage, and the dropping of fruit). The need for appropriate tree and plant species for the podium garden in particular was highlighted, given that these would be exposed to extreme weather conditions throughout a typical day, including shade, sunlight and wind. Further concerns were raised regarding the planting of trees in pots (rather than in the ground where they can receive surface-water runoff and thus require less maintenance to survive), the use of an appropriate system when planting in hard-surfaced areas, the siting of the trees and raingardens outside of the townhouse terrace, and the general approach to landscape maintenance and management (including of the green wall).

108. In response a number of adjustments have been made to the landscaping approach, and some amended landscape drawings have been provided. There has been an adjustment to certain species, or further explanation for selected species, and there has been a shift away from trees in pots to ground-planted trees. The exception with regard to pot planting is at podium level in view of the absence of sufficient ground depth. However, it has been confirmed that large raised planters, not pots, would be used which would accommodate the required soil depths. Beyond the podium, it has been confirmed that a modular tree planting system would be used for tree planting in order to prevent the compaction of tree roots and to allow for the containment of healthy soil beneath hard surfaces. The revised submission includes an adjustment in the positioning of the planting outside of the townhouses to provide greater separation and to prevent these trees, which have important screening and amenity qualities, from coming under pressure for pruning and removal. That the trees to be planted within public areas would be of semi-mature standards and with a girth of between 25 and 35 centimetres has also been confirmed. Moreover, additional information has been supplied regarding the green wall. A lightweight semi-hydroponic modular panel system is proposed, it has been explained, which would hold plants in individual pockets. A preliminary landscape maintenance and management strategy has also been provided which confirms that soft landscaping would be managed and maintained by a management contractor. A specialist contractor would be employed to care for the green wall, and with space provided within the adjacent area of public realm for a mobile elevated work platform to be positioned. When allowing for the modifications, the Council's Arboriculturist is satisfied that the soft landscaping scheme proposed would contribute to the quality of the new town centre environment. The level of planting incorporated would establish a much greener aesthetic to the site, in contrast to the present hard urban environment, and in doing so would support the ambitions of the public realm strategy. Furthermore, the specific planting solution would mature appropriately and would add visual interest throughout the seasons, it has been confirmed. However, this would be dependent on careful and consistent landscape management and maintenance, including for both the public and communal areas as well as the green wall. Thereby, there is a clear need for a condition which would require the submission of a comprehensive landscape management plan in building upon the preliminary document. It is expected that this would include the management responsibilities for all landscaped areas (excluding the small private gardens/terraces but including land within adopted highways which includes the adjusted line of planting outside of the townhouse terrace) and with corresponding maintenance schedules. Furthermore, the management and maintenance measures identified in the management plan should apply indefinitely for the lifetime of the

development. A number of other conditions and recommendations concerning soft landscaping are also suggested.

109. In addition, it is considered that the level of specific green infrastructure that has been incorporated into the proposal is sufficient to mitigate the general effects of the development in the manner envisaged by Core Strategy Policy R3 and SPD1. To reiterate, this is reliant upon officer judgement with the intention of ensuring that the scale of provision is proportionate to the scale of the development and its likely wider effects. That a favourable judgement has been concluded in this case is when bearing in mind the planting of 55 new trees across the site (including within both public and private areas and at a level of maturity accepted by the Council's Arboriculturist), the provision of some 90 square metres of green walling, over 2,000 square metres of sedum roofs, nearly 150 square metres of raingardens, over 500 square metres of shrub planting, and approaching 500 square metres of grassed areas. Of course, SPD1 endorses the use of green walls and green roofs, as an alternative to tree planting, in certain settings. Thus, officers have concluded that there is no requirement for a financial contribution towards the off-site provision of specific green infrastructure to compensate for paucity on site.

#### Hard Landscaping

110. Details regarding hard landscaping works have also been provided, covering public, communal and private spaces. Again, the ambitions of the public realm strategy have been cross-referred to in order to maximise the proposal's ability to deliver its key objectives concerning the use of quality materials within town centre routes and spaces, and provide improved street furniture.

111. The application submission is clear that the intention is to deliver a simple and cohesive approach to the 'hard' elements of the public realm. The proposed surface materials have been selected to create a hardwearing and practical series of spaces, it is explained. Nonetheless, the particular mix and arrangement of materials is intended to offer contrast, interest and animation to the public realm. The dominant surface material proposed comprises small concrete pavers, which would extend over the majority of Threshold Square, Town Square, and the retail avenue. They would also be used along the widened pavements to both Sibson Road and Springfield Road. The pavers could be laid in different patterns (stretcher bond or herringbone) to create further visual interest. This would be supplemented by a linear network of granite detailing, which would be used to demarcate the raingardens and also to create a series of 'feature bands' within threshold Square (and with their use in this location also incorporating etched/polished artwork). Within Town Square, areas of sawn sandstone setts are also proposed, and with granite edging to the periphery of the raingardens.

112. One area that has been subject to refinement has been Hereford Street. The application, upon its submission, proposed the use of coloured tarmac for both the footway and the carriageway. However, it was not felt that this material would deliver the environmental quality that is intended for Hereford Street associated with it becoming a more pedestrian-friendly environment and providing a new town centre pedestrian route. That being the case, the need to employ a durable and robust material for the carriageway, in view of its use by service vehicles, was accepted,

An upgrade to surfacing materials was subsequently secured however, with the applicant offering an extension to the use of concrete pavers for the footway and then the use of a flexible system of concrete setts for the carriageway.

113. Some new street furniture is also proposed, which has been selected for its robustness but also for its visual appeal. A unified style has been chosen which is contemporary in its appearance and which incorporates a mix of timber, metal framework and granite bases. There are a number of different seating options which are intended to be multi-functional pieces, together with coordinating litter bins and cycle hoops. Standard and 'wall-topper' benches are proposed within both public squares, down the retail avenue, and along the pavement to Sibson Road. Cycle hoops for public use are proposed outside of the cinema. The submitted plans also illustrate, indicatively, the provision of mobile tables and chairs within the two squares in supporting the establishment of a café culture within the public spaces.

114. The public realm document also seeks the delivery of effective and imaginative external lighting to extend the town centre's use into the evening hours. In response, the application submission includes an indicative lighting plan. This shows a range of lighting types throughout the development, including suspended cable lighting along the new retail avenue, tall feature columns within Town Square, bollard lighting at residential entrances, spotlights positioned in planting beds, and new street columns to Sibson Road and Springfield Road.

115. In turning to the hard landscaping proposals for the private and communal areas, the hard surface to the podium garden would be composed, in the main, of a resin bound aggregate in a pale colour. This is intended to provide a light and airy feel at this elevated level. However, concrete pavers would again be used for the apartment terraces and towards the entrances to the upper-level townhouses, and with this paving extending into the public areas and edged with a granite strip. Low-level railings would also define the private front gardens/terraces, and also at the periphery of the podium. The plans also illustrate some street furniture within the communal garden, including benches and seats, along with some incidental timber play pieces (with two separate small areas for play indicated). Bollard lighting and spotlights are also proposed.

116. Whilst the maintenance of surfacing and hard landscaping would be the applicant's responsibility in respect of land that would remain within the applicant's control, it should be noted that parts of the site where new surfacing is proposed are within the adopted highway (including Hereford Street, Sibson Road and Springfield Road). In the absence of a financial contribution from the applicant, maintenance would thus fall to the Council. Clearly, the financial implications of this would be greater where a higher quality of material is proposed. Repair work in the future involving the use of lower-grade materials would not be satisfactory and would not be consistent with the desire to achieve a step-change in the town centre's physical environment. However, the issue has been explored with the Council's Highways Manager and a commitment has been given on the Council's part to maintaining the materials to the specifications proposed, at least for as long as the materials are available. However, the implications of this should be noted.

117. When allowing for the revision to Hereford Street, it can be confirmed that officers are satisfied with the proposed treatment of the external public spaces and the specification of all surface materials, street furniture and other site elements (and with independent advice sought from specialist landscape architects). Nevertheless, a condition is recommended to request the provision of full details, including samples of materials.

## Conclusions

118. The NPPF and supporting PPG is clear that landscape design should not be peripheral to a proposed development but rather should be fully integrated to design decisions from the outset. Given the extent of the application site in affecting town centre public space, it has been recognised that a well-designed landscape and the treatment of the space between buildings will be essential to ensuring development success overall. Furthermore, the scope for landscaping to be used in this case to help integrate the development into its surroundings has further been accepted. In this case officers are satisfied that a well-designed landscape strategy, covering both soft and hard elements, has been put forward which, subject to careful execution and maintenance, would positively contribute to the development and the wider town centre. This is in terms of the ability to help integrate the development into the townscape, to add variation to the environment, to promote green character within the site, to provide opportunities for recreation, and to secure other positive benefits, including enhanced biodiversity, to offer shelter and shade, and to provide space for sustainable drainage. Furthermore, the proposed scheme of landscaping responds to the visions contained within the public realm strategy and sets the standard for further improvements across the town centre. As such, the proposal, when having regard to its landscape and green infrastructure offer, is considered compliant with Core Strategy policies L7, L8 and R3.

## IMPACT ON HERITAGE ASSETS

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

120. In determining planning applications, paragraph 192 of the NPPF advises local planning authorities to take account of: *the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; the positive contribution that the conservation of heritage assets can make to sustainable communities including their economic vitality; and the desirability of new development making a positive contribution to local character and distinctiveness.* Further to this, when considering the impact of a proposed development on the significance of a designated heritage asset, paragraph 193

expresses that great weight should be given to the asset's conservation. The subsequent paragraph (194) continues that: *Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.*

121. The protection of the Borough's built heritage features as a strategic objective (SO8) within the Core Strategy. This is supplemented by Policy R1 which seeks to ensure that the Borough's heritage assets are safeguarded for the future, where possible enhanced, and that change is appropriately managed and tested for its impact on the historic environment. In relation to listed buildings, it continues that developers will be required to demonstrate how a proposal would protect, preserve and enhance these assets and their wider settings. It should be noted, however, that Policy R1 does not reflect the NPPF's categories of 'substantial' and 'less than substantial' harm and their corresponding tests (which are applied in due course in relation to this proposal). In summary, and as indicated in referencing paragraph 194 above, these NPPF tests provide an opportunity for an applicant to demonstrate that there would be public benefits arising from a proposal which may outweigh heritage harm. Conversely, the 'protect, preserve and enhance' requirement of Policy R1 infers that no harm should be caused or would be justified. Thus, in this respect, Policy R1 is out-of-date.

122. In addition, any planning decisions relating to listed buildings must also address the statutory considerations of the Planning (Listed Buildings and Conservation Areas) Act 1990. The Act requires decision-makers to pay special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses.

123. As has already been stated, the number of heritage assets within and surrounding Sale town centre is limited. This is considered unusual given the richness of the town's history in many other respects. There are four listed structures within a 300 metre radius of the site. These comprise the Lloyds Bank building and the Sale War Memorial on School Road, Tatton Cinema on the A56 Washway Road, and the Church of St Paul on Springfield Road. All are Grade II listed. Further afield is the Sale and Brooklands Cemetery, which is a Registered Park and Garden (Grade II), and with this containing a Grade II listed chapel building. There are some other non-listed buildings and features within and near to the town centre that are – nonetheless - notable positive contributors to the street scene. This includes Sale Town Hall, the building at Sale Station, the Bulls Head Public House, 70 School Road, and the Bridgewater Canal. These are treated as non-designated heritage assets, although this Council does not presently have an official 'local list'.

124. The importance of respecting the setting of a heritage asset is established by the statutory obligation referred to above, and it is also reflected in the policy objectives of the NPPF and Core Strategy. A Historic England document *The Setting of Heritage Assets: Historic England Good Practice Advice in Planning* (2017) defines setting as: *'the surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance if the asset, may affect the ability to appreciate that significance or may*

*be neutral.*' Setting is also described as being a separate term to curtilage. Whilst curtilage is a legal expression which refers to the extent of a property boundary, setting is chiefly a visual term and the way in which the host structure is experienced.

125. The Council's Heritage Development officer is satisfied that the setting of the majority of the designated and non-designated heritage assets referred to above would be unaffected by the proposed development. This is largely a consequence of the extent of physical separation and the presence of intervening structures. However, consistent with the position regarding key views and noting the proximity of the proposed cinema building in particular, that the proposal would affect the setting of both the Church of St Paul and the Bridgewater Canal has been concluded.

126. The NPPF, at paragraph 190, states that local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a development proposal. The Church of St Paul was built in 1883-1884 by H.R Price. Its nave is rectangular in plan and then with a semi-circular apse. It is of rock-faced stone with ashlar dressings and a slate roof. It is Victorian Gothic in its style and exhibits some fine architectural detailing. It occupies a prominent position on the corner of Sibson Road and Springfield Road. The bell tower, which was added by Bird & Oldham in 1911, is a landmark feature which, as set out within the previous section of this report, is visible from various locations within Sale and the town centre. Most notable views are from Sibson Road, Springfield Road and the Bridgewater Canal. An associated vicarage, which was situated to the north and which was built in 1851, was recently demolished to facilitate developments at Springfield Primary School. The church sits within small, landscaped grounds which includes mature trees.

127. The applicant's submitted heritage assessment, with its assessment of the church's significance, has also been drawn upon. It acknowledges that the church makes an important contribution to the urban landscape by providing variety in built form - and within a landscaped setting - in an otherwise modern, commercial and urban environment.

128. From this then, and in elucidating 'significance' in the manner advised by the NPPF, the Heritage Development officer has advised that the significance of the church derives from a sum of its aesthetic value, its architectural interest, its use of traditional materials, its landmark quality and its prominence in key views. It is also of historical illustrative value in providing a connection to the growth of Sale as a Victorian suburb together with it being of communal value in reflecting its use as a place of worship for residents for over a century, it is stated.

129. Opening in 1761 and originally built to transport coal, the Bridgewater Canal also has significant historical illustrative value for Sale, the Heritage Development officer has advised. Connecting Manchester with Leigh and Runcorn, it is often described as England's first canal since it was the first to be built without using an existing watercourse. Today the canal and its towpath play an important recreational role in the community, and with the route through Sale benefitting from trees and landscaping which provide a natural green character. That there is some aesthetic and functional association between the canal and the church has previously been referred to, which serve to amplify the experience and importance of the church

particularly. Whilst the grounds of the church are limited, they do provide access to the canal, and there is an important view of both heritage assets from the canal bridge over Northenden Road.

130. It is acknowledged that there is no historical functional relationship between the application site and the church (and nor the canal). It is further accepted that the site does not form part of the *immediate* setting of either the church or the canal, despite its proximity. Rather, this immediate setting - for the church - is provided by the grounds of the church with a small car park and areas of landscaping, and with the church itself separating the canal from the application site. However, that setting is distinguishable from curtilage has previously been referred to, and thus it is considered that the application site functions as part of both assets' wider setting. Indeed, the separating distance between the church building and the nearest part of the site is only some 30 metres (effectively comprising the highway of Sibson Road), whilst the canal is at a minimum distance of only 80 metres. While accepting that the application site falls within this wider setting, it is recognised that the site - in view of its current substandard appearance and poor architectural quality – doesn't actively and positively contribute to the setting of either the church or the canal. That being the case, that the application site has some helpful attributes that have served to sustain an appropriate and passive relationship, specifically between the car park and the church, is recognised. This is associated with the car park building possessing a degree of subservience in terms of its height, mass, general inconspicuousness, and the availability of views through the structure. In addition, it is considered that the landscaped area adjacent to the southern elevation of the car park complements the mature tree cover outside of the church on the opposite side of the Sibson Road/Springfield Road junction. Nevertheless, as has repeatedly been made clear, the loss of all existing buildings on site is not objected to in principle, including by the Heritage Development officer (and nor the removal of the landscaping).

131. The extent of visual change that the locality of the church in particular would undergo is demonstrated by the illustrations of Viewpoint 5 from within the TVIA. The image is taken from the corner of Sibson Road and Springfield Road. With the multi-storey car park and adjoining landscaping as the present focus, the cinema and new public square would instead be at the forefront. The cinema would be positioned marginally closer to the church than the present car park building (35 metres rather than 37 metres), and the proposed cinema would be of a greater height (16 metres rather than some 10 metres). The submitted Heritage Statement makes the case for the proposed development serving to improve the setting of the church. This is when having regard to the high quality nature of the scheme, including the new soft landscaping within the adjacent Threshold Square, and the ability to establish a new positive relationship with the church, it is stated. It follows that the Heritage Statement suggests that the development as a whole would have a 'beneficial' (albeit only 'slight') impact upon the significance of the church.

132. However, this conclusion – that a slight beneficial impact on significance would result - is not supported by the Heritage Development officer. Conversely, it is felt that the proposed development, and chiefly the cinema, would result in 'moderate harm' to the setting of both the church and the Bridgewater Canal. The corresponding consultation response refers to concern in relation to the height and

mass of the cinema building, and with the development's proportions emphasised by the horizontal roofline and the lack of relief at the upper levels. The result, it is reported, is a building which would be dominant and overbearing and which would be observed within the townscape setting of the church and the canal. The harm to significance, it is explained, is associated with a new setting being formed which would not equally respect the adjacent heritage assets and with some erosion in the landmark quality of the church.

133. That the cinema posed a particular design challenge and has been subject to extensive design review has already been documented. Whilst the Heritage Development officer's comments record that the steps taken to introduce articulation and a textured elevational finish are welcomed, concerns regarding the inherent form of the building are maintained, and further it is considered that the proposed building would fail to enhance the fine architectural detailing of the church. The scope for further design changes to address these comments has been contemplated. The introduction of red brick to the cinema elevations, upon further assessment, has been dismissed on the basis that it could serve to in fact increase the prominence of the cinema. Despite the application submission being based on the use of grey brick for the cinema, the Heritage Development officer has suggested further material trialling – to be secured by condition – and with a warmer buff brick, to replicate the church's buff stonework, an option to be further explored. Other suggestions of the Heritage Development officer, including the incorporation of a staggered building line to the building's footprint or the introduction of a more varied roofscape, have however been resisted by the applicant's team on the grounds that the architectural integrity of the proposal as a whole would be undermined.

134. As previously advised, the NPPF acknowledges that there can be levels of harm to the significance of a designated heritage asset. The Heritage Development officer has confirmed that the reference to 'moderate harm' to the setting of the church would translate to *less than substantial harm* to significance as referred to by paragraph 196 of the NPPF. This position is supported by officers, contrary to the findings of the submitted Heritage Statement. However, it is important to record that case-law has established that it would be incorrect for the decision-maker to equate *less than substantial harm* with a *less than substantial* objection.

135. Where a development proposal would lead to less than substantial harm to significance, paragraph 196 of the NPPF continues that this harm should be weighed against the public benefits of the proposal. In addition, the Heritage Development officer has similarly classified the harm to the setting of the canal as *less than substantial* to its significance. In the case of a development proposal that would affect non-designated heritage assets, NPPF's paragraph 197 explains that a balanced judgement should be made having regard to the scale of any harm or loss.

136. It should be reiterated, however, that Core Strategy Policy R1 does not explicitly allow for a development proposal to result in any harm to heritage assets. The identification of 'moderate' or 'less than substantial' harm to the setting of the church and the Bridgewater Canal therefore amounts to a development plan policy conflict. That this approach is out-of-date and not consistent with the NPPF has, of course, previously been reported.



137. However, even when relying upon the NPPF approach, paragraph 194 is clear that the harm arising requires a clear and convincing justification, particularly when taking account of the statutory duty of the (Listed Buildings and Conservation Areas) Act 1990. That this development would bring about a number of wider public benefits has already been highlighted within this report, and with further benefits to be drawn out in time. The principal basis for this position is the very positive impact that would arise in terms of the future health and performance of Sale town centre, and with this occurring at a crucial time for the town centre when having regard to wider structural and market changes. The development could also serve as a catalyst for further town centre investment, which would deliver even more profound change. Coupled with this is the contribution that the application scheme would make to addressing the current, substantial housing supply deficit. Furthermore, this housing would be provided in a sustainable, accessible and brownfield location, and 10% of the 202 units would be affordable homes. That the provision of housing in this location may shift the burden of development away from greenfield and Green Belt sites has also been recorded. Further significant benefits can be attributed to the extent of new and improved public realm that would be provided, including the new Threshold Square and an enhanced Town Square, and with further landscape and visual improvements to Hereford Street, Sibson Road and Springfield Road (and with quality materials secured). These, and other interventions, would directly deliver a number of key projects identified in the Public Realm and Movement Strategy for Sale which are intended to deliver a more attractive and connected town centre environment. This would free up sources of public funding that would otherwise need to be utilised for the approved public realm strategy to be realised. The level of design quality that has been secured, which has been robustly assessed and is demonstrated in the detailed façade treatments, the selection of high quality materials, and the approach to hard and soft landscaping, has also weighed in the application's favour. Furthermore, in the order of 192 new full-time jobs would be created within the development, the applicant estimates, and with these openings spanning a range of disciplines and levels. Temporary construction jobs would also be created from what the applicant has stated will be a £67 million cash injection overall.

138. The extent, range and impact of these stated public benefits is such that officers have concluded that, cumulatively, they would demonstrably outweigh the '*less than substantial harm*' to designated and non-designated heritage assets. The effect, therefore, is that paragraphs 196 and 197 of the NPPF have been complied with.

139. The impact of the development on heritage assets is therefore considered to comply with NPPF policy in respect of the historic environment, which in the absence of an up to date development plan policy, is a primary material consideration. However, conflict with Policy R1 is still identified.

140. In the interests of completeness it is commented that consultation with the Greater Manchester Archaeological Advisory Service has been undertaken. However, when having regard to the submitted Heritage Statement, the consultation response confirms that the proposed development would not threaten any known or suspected archaeological heritage.

## HIGHWAYS MATTERS

141. The planning system plays an important role in delivering and promoting sustainable transport, the NPPF is clear. Significant development should be focussed on locations which are or can be made sustainable, paragraph 103 advises, through limiting the need to travel and offering a genuine choice of transport modes. Transport issues should be considered at the outset in relation to development proposals, the NPPF states (paragraph 102). This is in order that the potential impacts of new development on transport networks can be addressed. All developments that will generate significant amounts of movement should be accompanied by a travel plan together with a transport statement/transport assessment, the document advises. Development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or if the residual cumulative impacts on the road network would be severe, paragraph 109 states.

142. In reflecting the NPPF, Core Strategy Policy L4 seeks to direct development to accessible places that benefit from existing transport networks, services and facilities in order to reduce the need to travel. It also supports opportunities to improve the pedestrian environment and cycling network. Planning permission will not be granted for new development that is likely to have a significant adverse impact on the safe and efficient operation of the strategic, primary and local highway unless appropriate transport infrastructure improvements and/or traffic mitigation measures can be secured, the policy states. It has been concluded that the *severe* reference within the NPPF is a more stringent test for residual cumulative impacts on the road network, and thus Policy L4 could be concluded to be out-of-date for the purposes of decision-taking.

143. The highways implications of this development have been very carefully examined, drawing upon the submitted Transport Assessment. The Local Highway Authority (LHA) has been instrumental in advising on the suitability of the development in these terms, and with them heavily engaged at pre-application stage and continuing to scrutinise the details throughout the formal planning process and with various requests for adjustments and the provision of further evidence. Advice has also been sought from Transport for Greater Manchester (TFGM).

144. There are a number of matters to report on under the general category of 'highways'. These are covered in turn below.

### Accessibility

145. The submitted Transport Assessment (TA) refers to guidance prepared by the Institution of Highways and Transportation, entitled *Providing for Journeys on Foot* (2000). Whilst recognising that acceptable walking distances will vary between individuals and circumstances, the document explains that for commuting, school and sightseeing trips, a distance of between 1 and 2 kilometres is typically regarded as the 'acceptable' and 'preferred maximum' walking distance, whilst for town centre amenities a lesser 800 metres is the preferred maximum walking distance.

146. Of course, the application scheme includes the provision of commercial uses which need to be readily accessible to customers, as well as the establishment of a new residential population who would benefit from easy access to a wide range of services and amenities. Accordingly, the TA includes an isochrone diagram which illustrates what would fall within both a 1 and a 2 kilometres walking distance from the site. It includes all town centre facilities, a range of employment locations, doctor and dentist surgeries, children's nurseries, primary and secondary schools, and places of worship. It also encompasses a good spread of residential areas which in turn the commercial elements would serve, with the one kilometre isochrone extending to the eastern side of the Bridgewater Canal and the western side of the A56, and with two kilometres including parts of Ashton-upon-Mersey, Brooklands and Sale Moor. The TA then illustrates a five kilometre distance from the site, which is intended to show what areas and what functions would fall within a reasonable cycle distance. This catchment incorporates all of built up Sale, as well as parts of Timperley, Altrincham and Stretford, and with the Bridgewater Canal towpath, which forms part of the Regional Cycle Network, also covered. Of course, it is significant that the terrain around Sale and into other parts of Trafford is flat and thus is favourable in encouraging pedestrian and cycle movement.

147. Sale town centre, of which the application site forms part, is also well-served by public transport, as referred to by the TA. Sale Metrolink station is positioned approximately 350 metres to the north east of the site, which equates to a five minute walk maximum. The Metrolink line connects Sale with Altrincham to the south and Manchester city centre and the rest of the Metrolink network to the north. Services on the Sale line run in both directions every 6 minutes Monday to Saturday and every 12 minutes on Sundays. A number of bus routes also converge on Sale town centre. There are bus stops directly outside the site on Springfield Road (in both directions). There are further stops on the A56 Washway Road (250 metres to the site's west) and on Northenden Road (270 metres to the site's east). Between them these provide services to a wide variety of locations, including Manchester city centre, the Trafford Centre, Altrincham, Stretford, Wythenshawe and Partington as well as the residential areas of Sale that are further afield. Buses, on average, call at these stops every four minutes during Mondays to Saturdays, according to the TA.

148. Therefore, it is accepted that the application site commands a highly accessible location where new development is encouraged (including by the emerging GMSF) in order that the use of sustainable methods of transport and movement can be exploited and the extent of private motor vehicle use can be minimised. That being the case, both the LHA and TFGM have highlighted the importance of a Travel Plan in further positively influencing travel behaviour to and from the site. The application submission includes an initial Framework Travel Plan, which outlines the applicant's emerging approach to reducing the dependence on cars as a means of travelling to and from the development. The measures it puts forward include: the undertaking of a travel survey to understand the travel needs of the different users of the site; the circulation of travel information packs to all new residents, staff and management that would include information on pedestrian and cycle routes, public transport and car-sharing options; initiatives to encourage sustainable travel by customers including public information boards within the development; and the appointment of a Travel Plan Coordinator to manage the implementation of the measures proposed and to monitor their effectiveness. The Framework Travel Plan is accepted in

principle but it is recommended that a condition is used to further develop the measures outlined leading to the submission of a final Full Travel Plan. The condition would also be used to secure the actual implementation of the Travel Plan as well as a monitoring strategy and to set a timeframe over which it is to be conducted (and with a ten year period regarded as appropriate in this case).

#### The Public Realm and Movement Strategy, and Road Safety Audit

149. One of the key aims of the above strategy is to provide the framework for a rethinking of traffic flow and organisation within and around Sale town centre. This is grounded on a desire to prioritise walking and cycling over vehicular movement, to inspire healthier lifestyles and to achieve a cleaner environment. A number of specific projects are identified which envisage improvements to carriageways and junctions. This includes to the western side of Springfield Road, and to both the northern and southern sides of Sibson Road. In both cases the proposal is based upon the narrowing of the highways and the reallocation of space to pedestrians through the provision of wider footways. These works would be supported by a new roundabout arrangement at the Springfield Road/Tatton Road/Northenden Road junction outside the Town Hall (not included within this application) which it is expected would better encourage the flow of traffic in this location.

150. In general terms, it can be commented that the application proposal reflects the principal objectives of the public realm strategy regarding its approach to providing a more balanced environment and building upon the opportunities for more sustainable transport use. More specifically, and as has already been referred to, the development would directly deliver key projects identified by the strategy which are intended to give preference to pedestrian, over vehicular, movement. The main focus in this regard is along Sibson Road, which the strategy identified is serving to isolate the town centre from the residential area to the south. Two existing traffic islands are proposed for removal, the carriageway is proposed to be narrowed, and extended areas of public space are proposed across the northern edge of Sibson Road and into Springfield Road. Hereford Street is a further area where change is proposed, in reflecting the recommendations of the strategy, with a shift in emphasis towards pedestrian movement.

151. The vision that the public realm strategy embodies has previously been given 'in principle' acceptance by the LHA, and in turn the LHA has noted the contribution that the application proposal would make to the strategy's objectives. However, the LHA has identified that several of the works to existing adopted highways, including those advocated by the public realm strategy, would require separate approval processes. The removal of the islands to Sibson Road and the changes to Hereford Street would need to be subject to a Section 278 Agreement of the Highways Act 1980 to allow works to be carried out within the adopted highway. Moreover, the narrowing of the carriageway to Sibson Road and the full removal of Friars Road would also need to be ratified via the Stopping-Up Order process (under Section 247 of the Town Country Planning Act). The term 'stopping-up' means that once such an order is made, the highway land ceases to be a highway or footpath. It is understood that the applicant has recently made a separate stopping-up order application to the Department for Transport in parallel with this planning application. In line with standard practice, the Council will be contacted as part of this process as

a statutory consultee. The stance that the Council is recommended to adopt in reporting back to the Department for Transport is likely to be subject to a report to be presented to a future Planning and Development Management Committee meeting.

152. As part of this current application process the LHA requested that the applicant commission a Road Safety Audit (RSA) of the proposed works to highways. An RSA is a process for checking the highway safety implications of highway improvements, and it is typically undertaken by a third party. A small number of items were identified by the RSA process as requiring attention, which the LHA agreed with, and with these having been satisfactorily dealt with through the provision of additional vehicular tracking diagrams or with the level of detail that they raise more appropriately addressed through the subsequent Section 278 Agreement process.

153. In summary, that the application proposal would involve the reorganisation of certain routes and the narrowing of carriageways, in line with the wider proposals of the public realm strategy in seeking to improve vehicular flows, has been recognised by the LHA. These changes have now undergone an independent safety examination, but with certain formal procedures still to be followed to enable works to be carried out within the public highway and to allow for the cessation of highway use. The LHA has recommended that a condition/informative is used to refer to the stopping-up order and to request details of the technical highways design.

#### Traffic Impact

154. A key highway consideration for development proposals of this scale is whether the additional traffic that would be generated could be safely and satisfactorily accommodated within the existing highway network. As such, a key part of the submitted TA is an assessment of the impact of the development on the local road system. Pre-application discussions took place with the LHA and the appointed highway consultant regarding the scope and methodology of this aspect of the TA, and with this including agreement regarding the key road junctions to be assessed. These comprise the four junctions of: Cross Street/Ashfield Road/Atkinson Road; Washway Road/Ashton Lane; Washway Road/Sibson Road/Oaklands Drive; and School Road/Tatton Road/Springfield Road, as well as the new vehicular access to the multi-storey car park from Sibson Road. All existing junctions are within approximately 600 metres of the site. In the interests of robustness, the assessment is based on the impact of the development on these junctions during peak traffic periods. These comprise the weekday morning peak of 08:30 to 09:30, and the weekday evening peak of 16:45 to 17:45. Junction capacity assessments of these junctions under present conditions are included within the TA. With the exception of Washway Road/Ashton Lane, all junctions are identified as currently operating within capacity during the morning peak, and with all four – including Washway Road/Ashton Lane – operating within capacity during the evening peak.

155. The TA then predicts the likely traffic generation of the development using the well-founded TRICS (Trip Rate Information Computer System) database. As part of this, however, some account has been taken of the fact that the existing use of the site already has some traffic-generating potential. That being the case, in the interests of robustness, the TA is based upon a low-level of use of the existing multi-storey car park (which is reflective of its present parking utilisation rate) rather than

its full potential. Accordingly, the TA estimates that the proposed development could result in a net uplift in trips of 49 vehicles in the weekday morning peak period and 96 vehicles in the weekday evening peak period. It is explained that this would equate to less than one extra trip per minute in the morning peak and less than two extra trips per minute in the evening peak.

156. These additional trips would then disperse in several directions from the site, as well as arriving at the site from different directions, using the various key routes, the TA explains. Trip distribution patterns within the TA have been estimated using a combination of 2011 census data relating to commuting habits and also an analysis of existing vehicular behaviour. During the morning peak the four affected junctions would experience an uplift in use of between 16 and 34 vehicles over the course of an hour, whilst for the evening peak the uplift would be greater at between 29 and 52 additional vehicles per hour. The junctions of Washway Road/Ashton Lane, and School Road/Tatton Road/Springfield Road would experience the greatest increase in percentage terms. However, in terms of the driver's experience in using all four junctions, the TA states that the changes in flow would be unperceivable; at all four junctions the increase would be less than one vehicle per minute. During the evening peak, all four junctions would continue to operate within capacity, and with the same conclusion for three of the four junctions at the morning peak. Whilst the capacity of Washway Road/Ashton Lane is already breached, the added impact as a result of this development (amounting to one vehicle per minute) would be minimal, it is stated.

157. Both the LHA and TFGM (the Highways Forecasting Analytical Services team specifically) raised some queries regarding certain assumptions and outputs contained within the impact assessment. For the LHA, some analysis of the impacts of the development on Saturdays was requested, in recognising that traffic to the proposed commercial element of the development is likely to be the highest at the weekends. For TFGM further clarification was provided regarding the trip rates applied during the peak periods. However, the Urban Traffic Control team of TFGM raised more extensive concerns in respect of the junction capacity assessments within the TA, including a request for an additional junction – Washway Road/Dane Road – to be modelled and examined. Advice on whether this was a reasonable request was sought from the LHA. To reiterate, those junctions to be assessed had been agreed with the LHA following a detailed scoping exercise, and with it concluded that it was those key town centre junctions in the vicinity of the site, as well as certain A56 junctions leading from the town centre, which should be the focus of assessment. The Washway Road/Dane Road junction, whilst it does suffer from some congestion, forms part of the wider highway network; this is unlikely to be materially impacted upon given the comparative low levels of impact predicted at those junctions in closer proximity to the site before traffic had been able to more widely disperse, the LHA has advised.

158. Notwithstanding the outstanding concerns of TFGM, officers have ultimately been guided by the comments of the LHA as statutory consultee. Significantly, and whilst recognising that there are some well-trafficked highways in the vicinity of the application site and that the A56 in Sale in particular experiences congestion during peak periods, the LHA is satisfied that the extra uplift in traffic directly attributable to this proposed development could be satisfactorily absorbed within the highway

network. The impacts would not be *severe* or *significantly adverse* (to use NPPF and Core Strategy terminology respectively, although noting that the NPPF test is more rigorous) and there is no justification for highway mitigation measures or other transport infrastructure improvements. Therefore, the impacts of the development in traffic generation terms are accepted.

## Car Parking

159. One of the objectives of Core Strategy Policy L4 is to ensure that new developments provide adequate levels of car parking. The policy cross-refers to a supplementary planning document which sets out the Council's maximum standards for parking provision across a broad range of uses (SPD3: Parking Standards and Design, 2012). The use of maximum, rather than minimum, standards is intended to discourage excessive parking provision which could otherwise promote car use, and with any site-specific level arrived at forming part of a package of measures to promote sustainable transport choices.

160. In providing maximum standards, the SPD further distinguishes between different areas of accessibility across the Borough. In general terms, Trafford's town, district and local centres are regarded as more accessible by other means of travel such that lesser levels of maximum parking are usually sought in these locations.

161. In considering the different uses proposed within the development, the SPD identifies the following maximum parking standards:

- For the Class C3 residential aspect (including both apartments and townhouses):
  - 1 space per residential unit with 1 bedroom;
  - 2 spaces per residential unit with 2 or 3 bedrooms;
  - 3 spaces per residential unit with 4 plus bedrooms;
- For the Class A1 non-food retail floorspace:
  - 1 space per 21 square metres of floorspace (gross);
- For the Class D2 cinema:
  - 1 space per 10 seats.

162. In applying these standards to the residential component of the application (when acknowledging the housing mix), a maximum requirement of 337 car parking spaces is identified. In terms of the commercial element, the cinema (824 seats) would generate a maximum requirement for 137 spaces, whilst the retail units would require, as a maximum, 143 spaces. Thereby, the cumulative maximum requirement would be 617 spaces. However, in relation to parking figures associated with the commercial uses, it is important to note that the figures above assume that all proposed floorspace would be new floorspace with no deductions for existing town centre floorspace. Conversely, however, account also needs to be taken of the fact that the proposal would involve the loss of an existing town centre car park, in addition to it generating new car parking demand by virtue of the new uses and greater level of floorspace proposed.

163. The present level of car parking within the site amounts to 264 spaces provided within the existing multi-storey car park. This compares with the proposed level of

provision; 281 spaces within the new multi-level car park accessed via a barrier-controlled entrance from Sibson Road. 141 of these spaces would be reserved for residents of the development (at ground floor and first floor levels) whilst 140 would be available for general public use in operating as a replacement town centre car park (at second floor level). However, the TA explains that the 140 public spaces would be supplemented by a further 56 spaces accommodated within an existing rooftop car park atop The Square. This currently provides 22 spaces for Acre House residents (outwith the application boundary), which would also remain. This additional car park would be accessed via a ramped bridge from second floor level. Thus, the total amount of spaces would be 341, of which 141 would be for private residential use and 200 would be for town centre users.

164. Thus, in general terms, the overall level of public car parking would be 64 spaces less than that currently provided for within the site, whilst the number of residential parking spaces (141) is less than the overall number of residential units (202). The TA explains that the residential parking would be allocated to specific dwellings before going on sale, and that a proportion of units would be marketed as car-free homes. If it were assumed that each unit would be offered a maximum of one space (even for the 3 and 4 bedroomed apartments and townhouses) then 61 of the units would have no parking provision. This number could increase if some of the larger units were sold with two or more spaces. If the SPD maximum parking requirements are applied, and assuming a worst-case scenario, then there would be an overall deficit in spaces of 276.

165. The TA includes the findings of a survey of existing car parks throughout Sale town centre. This was undertaken in order to establish the extent of existing, wider provision and to give an indication of town centre parking demand. The survey was undertaken during 11am to midday and 3pm to 4pm, and repeated on a Wednesday, Thursday and Saturday. It covered the main car parks serving the town centre, including the existing multi-storey within the application site and the Broad Road car park, together with the Tesco, the Sainsbury's, and the Marks and Spencer car parks (with a combined potential capacity of 1,527 spaces). The results indicate that none of the car parks are operating at capacity. The identified cumulative occupancy levels range from 40% (on a Saturday afternoon) to 65% (on a Wednesday afternoon). The existing multi-storey is identified as having one of the lowest occupancy rates, with usage dropping to 16% on a Saturday afternoon.

166. Whether the level of – in the first instance - residential parking proposed is acceptable has been examined by the LHA. The site's accessible town centre location (and where new residential development is increasingly encouraged) has been at the forefront of considerations, although the shortfall relative to SPD standards is also recognised. Additional guidance within the SPD has, however, been drawn upon. This acknowledges that there may be a limited number of circumstances where no dedicated car parking in a new residential development is accepted. Significantly, an identified exception includes town centre schemes (although usually only on small sites - up to five units - that may otherwise not come forward for development, it is stated). Further to this, the SPD allows for some flexibility to be applied in certain scenarios where the level of parking proposed is below maximum standards. However, it is explained that this is only where there would be no adverse impact on on-street parking in the locality. Double-yellow lines



prevent any on-street parking on Sibson Road and Springfield Road. On the residential streets to the south of Sibson Road, including Wickenby Drive, Friars Road and the southern section of Springfield Road, parking restrictions apply (including single-yellow lining and resident-only permit schemes which typically operate Monday to Saturday during the day, ceasing at either 1700 or 1800 hours). The effect is that overspill on-street parking could not occur, at least not within the stated hours. As will be developed below in the context of the acceptability of the extent of commercial parking, discussions with the applicant have encouraged a new proposal in which the applicant would directly finance a modification to the existing system of parking restrictions. The effect would be that on-street parking (other than by permit holders) would be prohibited further into the evenings and also throughout the weekend on these streets. On this basis, the LHA is satisfied that there would be no concentrated areas of overspill parking on surrounding residential streets from residential occupiers of the new development. The LHA is, however, further encouraged by the opportunities afforded by the emerging Travel Plan in promoting sustainable travel as well as the general marketing of the development in advertising an element of car-free living. Overall, the LHA has confirmed that the level of residential car parking proposed is appropriate to the needs of the development, particularly when bearing in mind the level of accessibility that the site affords. However, that this conclusion has been reached is also subject to the imposition of a condition to secure the implementation of a robust and comprehensive Travel Plan. Amongst other matters, this could be used to specifically target residential occupiers in seeking a car-free lifestyle. A further condition is requested to commit the applicant to a Car Park Management Plan, which would set out how the allocation of spaces to certain residents would be managed.

167. In turning to the level of commercial car parking, the TA purports that the proposed cinema and retail uses are intended to operate as an integral part of the town centre rather than new isolated retail and leisure destinations. That there would be a degree of this cross-visitation as town centre users would park in one location for a number of purposes has been accepted by the LHA. However, the TA also suggests that the peak use of the cinema would be unlikely to directly correspond with the peak use of town centre shops. Further evidence to support this claim was requested by the LHA which led to the provision of a Car Parking Accumulation Technical Note. This provides forecasts of car parking demand for the commercial uses within the development for a typical weekday and a Saturday. It confirms that peak parking demand associated with retail uses, restaurant uses and the cinema would not overlap, either during the week or on a Saturday. Furthermore, it indicates that the maximum combined car park demand generated by the commercial element as a whole would be for 49 spaces during the weekday (occurring during the hours of 2000 to 2100), whilst for a Saturday it would be 160 spaces (again with it taking place at 2000 to 2100 hours). Even this peak Saturday accumulation could be accommodated within the 200 public spaces, with 40 spaces typically remaining, it is stated.

168. The LHA has had regard to all available evidence in concluding whether the proposed level of public car parking is acceptable when having regard to site-specific circumstances. This includes the level of accessibility that the site affords (and, again, with the Travel Plan having the ability to maximise sustainable transport use), the scope for linked trips, that there is capacity within existing town centre car parks,

the results of the accumulation survey, and when taking into account established wisdom that the over-provision of parking can encourage unnecessary car use. Equally, however, it is fully understood that the development's provision of residential parking would already be below maximum standards and that the functional parking needs of any development need to be adequately catered for in order to prevent highway safety and residential amenity concerns. On balance, the LHA has concluded that the level of public parking for town centre facilities would also be satisfactory. However, that this conclusion has been reached is again subject to the applicant's commitment to supporting the Council in expanding the timing of parking restrictions on the residential streets to the south of the application site (Wickenby Drive, Friars Road and the southern section of Springfield Road to include Kelsall Road up to the junction with Darley Drive/Goodier Street) to prohibit parking into the evenings and throughout the weekend (up to 2100 hours, seven days a week). Indeed, and as confirmed by the parking accumulation data, the application proposal would deliver new uses that would generate different peak parking demands, including into the early evening and throughout the weekend. The amended parking restrictions would serve to prevent any surplus on-street parking on the nearest available streets which it is recognised could otherwise detrimentally affect the safety and convenience of these residents and other road users. This is considered necessary and reasonable mitigation, which has been accepted by the applicant, and which would be secured via condition and supplemented by a Section 106 Agreement to provide a mechanism for the provision of funds. A figure of £15,000 has been agreed, which would be used to cover the costs of the public consultation exercise and then the physical changes associated with revised signage and possible road markings. With this crucial measure in place, as supplemented by the abilities of the emerging Travel Plan and a Car Park Management Plan, the LHA is satisfied with the level of car parking provision overall.

### Cycle Parking

169. A further objective of Core Strategy Policy L4 is to ensure that access to local cycle networks are improved and that new development incorporates a high standard of facilities for cyclists. That the site is well-located to take advantage of cycling as an alternative to car-use has already been referred to, and the provision of good cycle parking infrastructure is considered particularly important in this case in the context of the level of car parking and the desire to reduce the demand for travel by less sustainable modes.

170. SPD3 also specifies the Council's cycle parking standards for new development. The SPD is clear that (unlike the approach to car parking) these are minimum standards and that a higher level of provision may be encouraged where appropriate. Whilst application of even the minimum standards often provides a level of provision that exceeds the typical current uptake in any one development, the importance of providing the opportunity for cycle parking, in seeking to reverse established trends of car dependency, is recognised. In further departing from the car parking method, the SPD does not make a distinction between areas of better or lesser accessibility. It does, however (in the case of new residential development), allow for cycle parking provision to be either 'allocated' to a specific unit or to be 'communal' and available to more than one unit. The importance of providing secured facilities is also referred to.

171. The application of the SPD's cycle standards in this case suggests a requirement for 332 allocated or 205 communal cycle spaces to serve the residential element. Upon its submission, the application proposed the provision of 158 communal cycle spaces. The spaces would be provided within two secured cycle stores within the residential car park which would accommodate double-stacked cycle racks (one store providing 82 spaces and the other providing 76 spaces). However, this level of provision, which was below minimum standards even for communal spaces, was considered unsatisfactory. It would provide a maximum of only one cycle space per household, and with 44 of the residential units without any provision. Furthermore, it was also considered somewhat contrary to the applicant's wider intentions in marketing the residential development, or parts of it, as car-free. However, an uplift of 44 cycle spaces has since been secured. Each of the 202 residential units would now have access to a secured cycle space, and with this achieved through the provision of a third secured cycle store within the car park. Officers are now satisfied with this level of provision, including in the context of the shortfall in car parking and the ability for it to more adequately facilitate the applicant's concept of some car-free housing.

172. In addition to the private cycle parking for resident use, the proposed development also incorporates 27 public cycle spaces, which would take the form of standard cycle hoops. The submitted plans illustrate cycle parking clusters adjacent to the cinema and along the Sibson Road footway. The LHA is similarly assured by the level of cycle parking proposed throughout the development, particularly when taking account of the extra cycle parking secured.

### Servicing

173. The present servicing arrangement for The Square Shopping Precinct involve Friars Road being used as the inbound access point to the communal service yard, and with vehicles exiting the service yard onto Springfield Road (to the south of the Wilkinsons unit, although with vehicles prohibited from turning right). The proposals involve a significant reworking of the servicing strategy; Friars Road is proposed to be 'stopped up' whilst the route to the south of Wilkinsons would be narrowed and would become pedestrian only. Rather, the majority of service vehicles would enter a remodelled service yard via Hereford Street (with Hereford Street reconfigured to provide a pedestrian-priority type environment and with non-service vehicles not permitted). This service yard would also serve some existing and retained retail units within the Square. The cinema building, however, would be separately serviced via a new service bay to Springfield Road. Refuse collection would also take place in these locations.

174. There are presently no restrictions to servicing activities, and the applicant had repeatedly made it clear that – in general terms – it would be seeking a similarly unhindered approach (including to service times and service vehicles) in the interests of offering flexible arrangements to prospective tenants and operators and to maximise the prospects of occupation. That some concessions have since had to be made by the applicant, with regard to servicing hours in particular, will be explained in due course as part of residential amenity discussions. In terms of relevant highway considerations, the LHA has confirmed it is satisfied that even the

largest of service and refuse vehicles could enter and exit the Hereford Street service yard, and likewise in respect of the use of the Springfield Road service bay (assuming the arrival of one vehicle at any one time). Nonetheless, the LHA has requested the imposition of a condition to request a delivery management strategy. It is intended that this would explain, for example, how the arrival of multiple vehicles (including service and refuse) would be managed, and more broadly would provide the necessary assurance that the service yard and service bay would be managed in a safe and efficient manner. Despite the continued desire for some flexibility in servicing, the imposition of this condition has been accepted by the applicant (in addition to the servicing time restriction).

### Taxi Rank Relocation

175. There is an existing 24 hour taxi rank on Hereford Street. The use of Hereford Street is presently restricted for all vehicles apart from taxis. The rank provides space for 12 Hackney carriages to wait; six vehicles on either side. The location of this rank enables it to serve customers to the adjacent Tesco store, particularly in providing them with transport home once their shopping trip has concluded. It is understood to be a busy and successful rank, which has been established for over 20 years. The LHA acknowledges that the rank has some advantages in highway terms; it is located on a side-street away from well-trafficked highways and with it allowing ease of access onto Sibson Road in both directions.

176. The application submission envisages the closure of this rank. Two new ranks would be provided: a replacement rank 35 metres to the east on the northern side of Sibson Road adjacent to the side elevation of the Tesco store; and a new 'evening only' rank that would operate within the Springfield Road service bay. The Sibson Road rank would provide space for eight vehicles, whilst the Springfield Road rank would allow for six vehicles to wait during the hours of 1800 and midnight. It is intended that the rank at Sibson Road would function in a similar manner to the existing rank in that Tesco shoppers would make up a significant proportion of its custom. The location of the second rank is in recognition that the application proposal is intended to support the development of a diverse and family friendly evening economy for Sale. Associated with this is the potential for more taxi trade, particularly in the location of the cinema and adjacent retail units, and thus the Springfield Road rank is intended to provide this opportunity and to capture a new taxi market. The LHA has confirmed that it is satisfied with the highway implications of the new ranks (which were also covered in the RSA).

177. The proposal to close the Hereford Street rank and relocate it to Sibson Road pre-dates the application submission. The concept first arose as part of the preparation of the Public Realm and Movement Strategy for Sale. One of the principal reasons for commissioning the study was to address pedestrian connectivity issues within the town centre and also to/from surrounding residential areas. Presently Hereford Street operates as a key route in accessing the town centre on-foot from the residential areas to the south. However, and as recognised by the work undertaken as part of the public realm study, it is not presently an inviting or pedestrian-friendly route. Rather, it is perceived as a vehicle-focussed environment, and the lines of taxis contribute to this. The pedestrian footways are narrow and the backdrop is provided by unrelieved built form which is positioned

close to the footways' edge. The opportunity afforded by Hereford Street, in providing improved pedestrian links and establishing a more positive image for the town centre on arrival from the south, was recognised as part of the public realm study. Accordingly, the study envisages Hereford Street becoming a high quality pedestrian environment, with widened footways, more attractive surfacing, and new trees and planting introduced. However, in order to achieve this and to optimise the potential of Hereford Street in facilitating pedestrian movement, the study assumes the closure of the existing taxi rank, but with a replacement suggested on Sibson Road.

178. The application submission, as with other public realm projects advised by the strategy, incorporates the Hereford Street proposals and provides a private sector opportunity to deliver them. Furthermore, officers have secured a further enhancement of the treatment of the Hereford Street footway and carriageway with the extended use of small concrete pavers and the introduction of flexible concrete setts. That being the case, and with this not specifically advised by the public realm strategy, the application proposal seeks the continued use of Hereford Street but by its own vehicles; namely service vehicles accessing The Square service yard as described above. Thus, in vehicular operational terms, Hereford Street would change from a street where only taxis are currently permitted to one where just delivery and refuse vehicles would be authorised. However, in view of the nature of the delivery process, and when bearing in mind the number and type of retail units to be serviced (and with no large foodstore, for instance, which typically would need daily deliveries), the use by service vehicles would be much more occasional and with vehicles passing through rather than being stationary. Thus, it is considered that the applicant's intentions for Hereford Street would still be compatible with the public realm strategy in providing streetscape enhancements and an improved pedestrian route.

179. The proposal to close the existing Hereford Street rank has been met with strong opposition from some taxi drivers who currently use it. Meetings have been held, both prior to the application submission and during the application process, in order to better understand their concerns and to discuss options for still retaining the rank or providing a suitable replacement rank or ranks. The nature of these objections has been stated elsewhere within this report but in essence there is concern that Tesco customers would not be as well provided for and that trade would be adversely affected which in turn could impact upon livelihoods. Despite its proximity to the existing rank, the proposed new rank at Sibson Road is not supported by the taxi drivers since, chiefly, it is not felt that it would be as visible, nor as convenient to access, for Tesco shoppers. The proposal's wider ability to foster new taxi trade and the new opportunity provided by the Springfield Road rank is not regarded as sufficient recompense, including because its success at this stage cannot be confirmed. Whether the existing rank could be retained, and perhaps rationalised (and restricted to one side of Hereford Street, for example) has also been debated. However, this has been resisted by the applicant since it would impede the delivery process and would result in the need for *additional* servicing restrictions to be imposed. Indeed, that the applicant has had to accept restrictions to servicing activities to respond to concerns regarding noise nuisance impacts has been introduced above. The effect of these restrictions would be to concentrate deliveries and refuse collections to day-time hours (typically 0700 to 2300 hours).

Further servicing limitations to enable taxis to continue to use Hereford Street, that would then also apply to the day-time period when taxi custom from Tesco shoppers is at its peak, could serve to further deter potential new occupiers to the retail units and could also frustrate existing tenants who currently benefit from unhindered deliveries.

180. As has already been reported, the Public Realm and Movement Strategy for Sale, which recommends this course of action, has been approved by the Executive at a meeting in September 2018. Thus, there has already been some Council endorsement of all works encompassed by the strategy. Equally, however, it is accepted that the strategy is purely intended as a framework to inform and steer the enhancement of Sale's public realm. It does not provide definitive solutions for the town and it is not intended as a prescriptive handbook that should be followed without the need for further study. Whilst the principles of public and stakeholder engagement were employed in preparing the study, this was not necessarily targeted at the taxi trade, and specific consultation on a level comparable to that which has been carried out for this planning application was not carried out. That being the case, it was always intended that the study would inform the envisaged town centre redevelopment project, as well as any other development opportunities that may arise.

181. Hereford Street, in its present form and function, is a problematic aspect of the town centre. The application proposal offers an opportunity for Hereford Street to realise its potential in inviting more pedestrian use and in providing another more attractive entrance to the town centre from the south (and with infrequent service traffic during day-time hours able to co-exist within this revised function). The importance of taxis to overall town centre health and operation is of course recognised, and particularly in the context of the desire to further develop Sale's early evening economy and the need to transport people safely home. But, the taxi rank would not be lost; it would be replaced, and with a new taxi rank not envisioned by the public realm strategy provided. What is unfortunate, it is accepted, is that the provision of permanent rank spaces would reduce from 12 to 8. However, the overall number of taxi spaces would increase from 12 to 14, and in all likelihood, a strengthening of the town centre and an increase in town centre users may lead to an uplift in overall taxi usage. Discussions regarding other alternative ranks have not been successful. The concerns of the taxi trade are noted and understood, and if a mutually agreeable solution could have been found – particularly one which retained the overall number of permanent spaces – then this would have been preferred. However, it is maintained that wider public benefits would be secured if the Hereford Street rank could be re-sited. This is in relation to the environmental and functional improvements to Hereford Street, which form an important element of the public realm strategy and without which could hold back the overall success of the vision. However, it is also in recognition of the need to offer as much flexibility as possible to potential retail/commercial tenants in relation to servicing options, particularly when having regard to the volatility of the retail market and when noting that night-time servicing has already had to be ruled out. Unoccupied retail units would be an extremely disappointing end result and would significantly thwart the potential of the development in delivering an overhauled town centre.

182. A further consent process under the Council's control – in the form of Traffic Regulation Orders (TROs) - would be necessary to achieve the taxi rank changes in their entirety. Securing the closure of the existing rank would require the revocation of the existing traffic order (i.e. that there should be 'no stopping at any time except Hackney Carriages') and then a requirement for the introduction of new traffic restrictions that would facilitate the use of Hereford Street as an access point for service vehicles only. In turn, new traffic orders would need to be introduced in the location of the proposed Springfield Road and Sibson Road taxi ranks. Whilst it is reasonable to assume that, following the approval of the public realm strategy and any grant of planning permission, the TRO application would also be successful, there can be no absolute guarantee. The re-siting of the Hereford Street taxi rank is a crucial – and not just desirable – component of the development since the continuation of Hereford Street for taxi rank use would mean that the development couldn't then be used simultaneously for service traffic. With this in mind, the LHA is recommending that a condition is imposed which would have the effect of ensuring that all TRO processes would be ratified prior to the commencement of the development (or at least by the point at which the existing service route could no longer be used). This approach is accepted by the applicant although the degree of risk is acknowledged given that the outcome of the TRO process cannot be foreseen.

183. The impacts of the proposal to re-site the Hereford Street taxi rank when having regard to the provisions of the Equality Act 2010 are covered elsewhere within this report.

## Conclusions

184. The highways implications arising from the proposed development have been scrutinised by the LHA and with input from TFGM. The accessibility of the site by sustainable transport modes has been recognised, and so similarly has the scope for the development to deliver highway layout and priority changes as sought by the public realm strategy (and which have now been safety audited). The amount of vehicular traffic that the proposed development would generate has been accepted, and with the impact confined to junctions in proximity to the site and which would not constitute a material uplift in any event. It is acknowledged, however, that some requests of TFGM regarding additional junction modelling have not been fulfilled, although with the LHA providing the necessary assurance. The level of car parking has been agreed, although this is subject to applicant-funded mitigation measures in the form of revised residents parking permits, and then the development and implementation of a robust Travel Plan (together with a Car Park Management Plan). An uplifted level of cycle parking has also been negotiated. Finally, and after considering all the relevant facts, the proposals to relocate the Hereford Street taxi rank, in order to deliver public realm improvements as well as provide the development's delivery strategy, are accepted. That being the case, it is acknowledged that the replacement taxi ranks would not deliver the same level of 24 hour capacity and that there are further TRO processes to be followed before the relocation process is secured. Overall, the proposal is considered to comply with the NPPF and Policy L4 of the Trafford Core Strategy (to the extent that the latter is still up-to-date).

## RESIDENTIAL AMENITY

185. In addition to ensuring that developments are designed to be visually attractive, the NPPF (paragraph 127) also advises that planning decisions should create places that provide a high standard of amenity for existing and future users. Policy L7 of the Core Strategy contains a similar requirements, and with it made clear that new development must not prejudice the amenity of future occupiers of the development and or occupants of adjacent properties by reason of overbearing, overshadowing, overlooking, visual intrusion, noise/disturbance, odour or in any other way. It has already been mentioned that this policy is up-to-date for the purposes of decision-taking.

186. A range of issues have been considered under the broad topic of residential amenity in this case. This is when having regard to the scale and extent of the development, the mix of uses proposed (including both commercial and residential uses), and the existence of established residential properties within and adjoining the site. All issues are considered in turn below, and with the impacts on both existing and prospective residents discussed.

### Overlooking

187. An important consideration in seeking to deliver and maintain good standards of residential amenity is associated with avoiding adverse overlooking. This is ordinarily achieved by ensuring that an appropriate degree of separation exists, particularly between habitable room windows of facing properties, and also when bearing in mind the prospect for private amenity space to be overlooked.

188. PG1 (New Residential Development) provides some helpful guidance regarding the design and layout of developments with the purpose of protecting privacy. Window to window distances of 21 metres between principal elevations (which would contain habitable room windows) of facing properties are encouraged in circumstances where a public highway is crossed. The figure increases to 27 metres across private gardens. However, these measurements relate to two-storey dwellings or flats, and the guidance is clear that the distances should be increased by three metres where three storey dwellings or flats are proposed. This is in recognition of, typically, the increased quantity of fenestration in a taller development and the greater the options for outlook. However, the guidance continues that, in the case of developments of four or more storeys, the figures for three storeys would continue to be applied. For clarification, habitable rooms include kitchens, bedrooms and living rooms, while non-habitable rooms are bathrooms, toilets, landings, utility rooms and garages.

189. The development would provide a line of residential units on the northern side of Sibson Road opposite existing residential properties (namely, three pairs of semi-detached properties and then an end terrace at the northern end of Friars Road). The row of townhouses, which would be positioned close to the footway's edge, would be the closest, and with these comprising lower-level three storey properties, and then higher-level two-storey units atop. However, a distance of over 25 metres would still be achieved in respect of the lower-level townhouse row, and then with this increasing to approaching 28 metres for the higher-level units which would be



further set back within the site. Thus, these distances would exceed the 24 metre guideline sought by PG1, and in fact they are comparable to the present arrangement established by Sibson House. That a greater distance relative to PG1 standards would be provided is considered beneficial particularly when bearing in mind the cumulative five-storey nature of the townhouses and with these units also incorporating a rooftop terrace. The provision of a line of street trees, as part of the proposed soft landscaping scheme, to the front of the townhouses is considered to be of added assistance in helping to further diminish the effects of overlooking (although, to be clear, this planting would not be an appropriate substitute in the event that the separation distance was below the guideline figure).

190. One of the residential apartment buildings (block 1) is proposed to have the same east to west orientation as the townhouse row. However, and in recognising the level of fenestration that this building contains (as a building of up to 12 storeys), this has been pushed back further into the site to provide a separation distance of over 50 metres to the existing Sibson Road properties. Thus, the distance would be more than double that advised by PG1, but which is considered necessary given the quantity of windows incorporated for a building of this height. There is a further consideration, this time associated with the siting of the cinema, especially in the context of this building containing large areas of glazing at ground floor level to serve the integral retail units. Indeed, it is recognised that commercial uses can potentially provide even greater prospects for unacceptable overlooking given their intensity of use. However, again, a distance of over 41 metres would be achieved between the cinema building and existing residential properties further eastwards along Sibson Road. Of course, in the space between the building and the Sibson Road carriageway, a new public square is proposed (Threshold Square) and with the proposed plans illustrating an area for outdoor dining outside the cinema. However, again, a distance of more than the 21 metres (as advised in PG1 for two-storey properties) would be available. Furthermore, that all of these distances encompass the Sibson Road highway, which is likely to have some continued – albeit lesser - severance effect given its continued use for vehicular traffic, is also regarded as significant.

191. The potential for overlooking to/from the residential location of Acre House has also been considered. To reiterate, this was a former office building directly to the site's west that has recently undergone a conversion to residential apartments in utilising new permitted development rights. The effect of this change in legislation is that local planning authorities can exercise less control when considering the acceptability of such proposals since full planning permission is no longer required. The conversion of Acre House has provided 80 residential units within the nine-storey building. Proposed residential apartment block 2 would sit parallel to Acre House on a broad north-south axis. A separation distance from principal elevations of over 30 metres would be provided.

192. However, block 1 would have a different, and closer, relationship with Acre House. Its elongated north-facing elevation would come within 17 metres of the narrower elevation of this existing apartment block (separated by a service yard). The external appearance of Acre House has not materially altered despite the change of use; it remains fundamentally office-like in its character and appearance and with each of its four elevations incorporating uninterrupted glazing. In turn, each

of these elevations contains windows that serve habitable rooms. The separation distance is thus below standard, which could provide conditions for a greater level of overlooking than would normally be accepted, and with this impacting upon both existing and prospective residents (of Acre House and the proposed development).

193. This situation is certainly not ideal, however there are a number of qualifying factors. The guidance contained within PG1 is most frequently and successfully applied in an area that is overridingly residential in character. Furthermore, it is often applied with the aim of protecting *existing* standards of amenity enjoyed by neighbouring properties. The need to uphold the separation distances outlined in the document is thereby considered wholly reasonable in respect of the Sibson Road properties given the nature of these established dwellings on the fringes of a wider suburban area. However, it is considered that a lesser distance could be tolerated in the case of both Acre House residents and prospective occupiers of block 1. In the main, in cases where residential densities are higher (for example, in apartment developments), there is an acceptance that amenity levels covering a number of topic areas (including noise, outlook, and the extent and quality of private amenity space) are usually lower. This effect has been exacerbated in respect of office to residential conversions where very limited control can be exerted in seeking to protect the amenity of existing residents or ensuring that a decent standard of accommodated would be provided for future occupants of the building. In fact, in the face of an increasing number of proposals for taller buildings within the Borough, and in acknowledgement that PG1 is not reflective of more urban, higher-density environments, the need for a new design guide that would be specifically tailored to this context (which would include the setting of new guidelines for residential amenity) has been accepted by officers and is currently being commissioned (the Trafford Design Guide). Finally, and without undermining the importance of ensuring that new developments provide for the amenities of future residents, it is recognised that a prospective occupier can ordinarily chose to accept or decline the level of amenity afforded (which is a different scenario to where an existing standard of amenity which an occupier has already invested in could be prejudiced). In drawing these factors together therefore, and whilst maintaining that the relationship between Acre House and block 1 is not preferred, it is considered that a distance of 17 metres (which is 7 metres below standard if the relationship is considered akin to across a public highway) could be accepted and would be consistent with levels of amenity afforded to these properties over a broader spectrum of issues.

194. That it may be appropriate to accept marginally reduced levels of amenity for future residents of the proposed development, as well as Acre House occupiers (in the interests of securing higher density housing development and an acceptance that town centre living can compromise amenity standards) is repeated elsewhere within this discussion.

195. In considering the prospects of overlooking *within* the proposed development, it is accepted that there are some further locations where there is a shortfall relative to the distances advised by PG1. This includes: between the upper level town houses (facing northwards) and block 1, where the distance is 15 metres; and a corner of the development where blocks 1 and 2 converge and where the distance is down to 9 metres. In terms of this second scenario, it is significant however, that this would only exist over three storeys (levels three, four and five) and with a much improved

relationship between the three blocks then persisting from level 6 upwards. Again, it is maintained that this is not a desirable scenario, and whether the situation could be improved has been considered but with this, in turn, introducing further compromises within the development. With this in mind, and the for reasons previously stated (including that this arrangement would solely affect prospective occupiers who would be endorsing town centre living and would have control over their decision to locate), these lesser levels, which would still provide some overlooking protection, have been accepted.

196. Overall, and with this matter interrogated by officers during pre-application discussions and with some positive adjustments made at that stage, it is considered that the development has been planned to avoid an unacceptable degree of overlooking, certainly in respect of the properties to the south (Sibson House). That some separation distances within the development would be below guidelines typically used in a suburban setting has, however, been set out, and also that such breaches would also be experienced by existing Acre House residents has been outlined.

### Overbearing

197. The need to ensure that the proposed development would not have an adverse overbearing impact is a further, important residential amenity consideration. The term 'overbearing' is used to describe the impact of a building on its surroundings, and particularly a neighbouring property, in terms of its scale, massing and general dominating effect. That this proposal would introduce taller buildings to the application site has been recorded throughout this report, as has the existence of established low-rise residential properties opposite.

198. The previous section regarding 'overlooking' established that the guidance contained in PG1 was helpful in ascertaining impacts in respect of the Sibson Road properties, but of less use in respect of the town centre environment of the application site and Acre House since it was not drafted with high density developments in mind. The same applies, it is considered, in respect of interpreting overbearing impacts. In fact, it is a different adopted guidance document that has been utilised (specifically for Sibson Road) in this instance; SPD4 (A Guide for Designing Housing Extensions and Alterations) which principally relates to householder applications but which provides some helpful transferable guidance. This advises on appropriate separation distances between developments to prevent an unacceptable overbearing impact. These are different to the PG1 privacy distances previously mentioned (which, for clarity's sake, are reinforced by SPD4). Acknowledging the chief purpose of SPD4 in informing householder planning applications, it recommends a distance of 15 metres between the principal elevation of one dwelling and a blank (i.e. no windows) elevation of another (assuming two-storey properties). For each additional storey, an additional three metres may be required, it continues.

199. Therefore, when considering the Sibson Road properties, in rolling forward the SPD4 distances in recognition of respective building heights, the guideline distance of the three-storey townhouses is met (over 25 metres when compared with an advised 18 metres), and likewise with reference to the five-storey townhouses

(approaching 28 metres when compared with 24 metres). The same applies in respect of block 1; for the eleven storey element, there would be a gap of over 50 metres (which compares with a recommended 42 metres), and for the twelve-storey element a distance of more than 60 metres would be provided (which compares with a recommended 45 metres). It should also be noted, in respect of the lower level distances (and for which the SPD4 guidance is most transferable), the SPD assumes that properties would typically have integral roof structures which would further increase building height. However, in this case the townhouses would be flat-roofed structures and with no additional height (other than a balustrade around a roof-top terrace).

200. It is noted that the issue of the development being too overbearing for surrounding occupiers has been frequently cited by objectors (particularly those residing in the Sibson Road area), and in turn whether the development would bring about such harmful effects has been subject to very close scrutiny, including at the pre-application stage. Whilst SPD4 does not necessarily envisage the guidance being used in the case of tall buildings, nonetheless the distances implied are helpful indicators in establishing whether an overbearing impact would arise. Accordingly, it is significant that at the lower levels (where the distances are regularly and effectively applied), the development would exceed the guidelines, and at the upper levels (where the process is less tried and tested given that higher-rise proposals are less frequently assessed) there is even greater latitude in the distances.

201. Such guideline distances (when extended) are not, however, comprehensively available in separating the proposed development from the existing Acre House (although, to repeat, the distances in SPD4 are only guidelines which are most applicable in suburban environments and which transfer most easily to lower-lying developments and householder applications). Indeed, the distance between this existing development's east-facing elevation and the west-facing elevation of proposed block 2 is in the order of 30 metres, whilst 17 metres separates its south-facing elevation from the north-facing elevation of proposed block 1 (and with these distances having to be appreciated in the context of respective building height and the impacts experienced within the lower level units). Furthermore, there are other close relationships in built form within the development itself. Examples of this have previously been cited in the context of overlooking and include the distance between the upper level townhouses and block 1, and then a particularly constrained point within the development which affects levels three, four and five of block 1 and block 2. There is a further tight relationship between the cinema building and block 2 (a distance of 15 metres), but with this only affecting a limited number of apartments at the lower levels in view of the relative low height of the cinema. In all cases, it is evident that the proposal has been designed, as much as possible, to minimise the number of units affected by these close distances.

202. Again, in considering inter-development distances, the fact that these impacts, in the main, would set a new standard of amenity appropriate to higher density, town centre living, rather than undermining an existing standard within an established residential area, is regarded as significant. To reiterate, in recognising that proposals for high-rise developments are becoming more widespread, and that the usefulness of PG1 in assessing high density proposals is limited, it is anticipated that the forthcoming Trafford Design Guide will provide new guidance in assessing an

appropriate level of residential amenity in high density, high rise development which would allow for a new benchmark to be established. The same applies, to some extent, to Acre House in acknowledging its town centre, high density characteristics. For Sibson Road, however, and whilst recognising that the outlook from these properties would vastly change, that officers are satisfied that no unacceptable overbearing impact would arise is reiterated. This is in view of the careful and considered approach to both building siting and building height that the proposal has embodied, which was thoroughly researched at pre-application stage.

#### Loss of Sunlight/Daylight and Overshadowing

203. It is acknowledged that sunlight and daylight are valued elements in a good quality living environment. When considering planning proposals for new built development in proximity to existing residential properties, guidance in SPD4 is clear that care should be taken to safeguard access to sunlight and daylight currently enjoyed by these properties. New residential development should also be designed to ensure that adequate levels of natural light can be achieved, PG 1 advises. With this in mind, the application is accompanied by a specialist study which has sought to establish the extent of any sunlight and daylight loss on surrounding properties, and whether any overshadowing would occur. For the sake of clarity, daylight is defined as the volume of natural light that enters a building to provide satisfactory illumination of internal accommodation between sunrise and sunset. Sunlight refers to direct sunshine, and overshadowing is a consequence of the loss of sunlight.

204. The report at the outset is clear that the assessment has been undertaken in accordance with procedures set out in a Building Research Establishment (BRE) document: *Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice* (2011). The report's focus of analysis is in relation to habitable room windows serving ten residential properties directly opposite the site on Sibson Road along with Acre House (including all south-facing units and some east-facing units). However, it also includes an assessment of the proposed residential units to establish whether a satisfactory level of daylight would be received internally. The report refers to a number of methods that have been used to quantify the potential impacts (as advised by BRE): for daylight, a calculation of the vertical sky component (VSC) which is defined as the ratio of the direct sky illuminance falling on a vertical plane (i.e. window); for sunlight, an assessment of annual probable sunlight hours (APSH), which is a measure of sunlight that a given window may expect over a year period; and then an overshadowing analysis based upon three-dimensional plans. In line with usual practice, existing levels of VSC and APSH are established in order to provide baseline conditions and to enable an appreciation of any reduction.

205. In relation to VSC (which considers daylight), the study looks at both the Sibson Road and Acre House properties. With reference to Sibson Road, all 30 windows across the ten houses are identified as experiencing some reduction in VSC. However, in the majority of cases (for 20 of the 30 windows), the reduction is very slight and the recommended BRE standards for VSC would still be met (that is the VSC would still be greater than 27%). In the case of four further windows, the VSC would dip slightly below BRE criteria (between 26% and 27%), whilst for the remaining six windows (which would affect four properties), there would be a greater

discrepancy relative to guidance levels (between 25% and 26%). The study is clear, however, that the scale of the reduction relative to the existing position, and the extent of the deficit against BRE criteria, is not significant such that there would in fact be no substantial change in conditions.

206. For some of the windows in Acre House, however, the situation would be more significant, according to the VSC assessment. Of the 54 windows assessed, the VSC for 12 windows, whilst reduced, would remain within BRE standards of more than 27%. 4 would drop slightly below standards (between 26% and 27%), whilst the VSC for 38 windows would depart further from accepted criteria. The lowest VSCs are below 10% and concern windows (serving living rooms) within Acre House's south-facing elevation at levels one and two (in close proximity to the proposed residential block 1). VSC figures down to 14% are recorded for east elevation windows (again at the lower storeys and in the location closest to proposed block 2). It should be noted that the VSC starting values for the Acre House units are greater than for the Sibson Road properties which reflects the fact that this development, presently, is an isolated taller building with good levels of glazing and which benefits well from natural sources of light. The study accepts that the effects of the development would be more significant in VSC terms for certain units within Acre House. Occupiers of the affected units are likely to notice the reduction in the amount of daylight. The area of a room previously lit by windows is likely to appear gloomier and electric lighting would be needed more of the time.

207. With reference to the APSH assessment (which considers sunlight), the study is clear that only habitable windows facing within 90 degree of due south of the development have been considered in this analysis; windows in all other aspects (such as the north-facing windows to the Sibson Road properties) would not be affected. Thereby, the focus is on Acre House. The BRE guidance recommends that the APSH received at a given window should be at least 25% of the total available, including at least 5% in winter. The calculations thus distinguish between annual and winter APSH. 21 of the 54 windows are identified as meeting the BRE guidelines for both 25% of annual APSH and 5% of winter APSH (although in the majority of cases the windows would receive less than 80% of the former value and the total reduction is greater than 4%). A further 22 windows would meet only the annual APSH it is stated, whilst 11 windows would fail to comply with both the annual and the winter BRE recommendations. Those windows failing both standards are again concentrated at the lower levels of Acre House's south-facing elevation, and similarly for its east-facing elevation at that part which is closest to proposed block 2. The study acknowledges the deficit. In general terms, according to BRE guidance, in these situations the occupiers of the units are likely to notice the loss of sunlight; the affected room may appear colder and less cheerful and pleasant.

208. The assessment of overshadowing again refers to BRE guidance. It is explained that this gives guidance for ascertaining the effects on areas of amenity space (including gardens) that may be placed in shadow as a consequence of new development. There is no criterion for the overshadowing of buildings, it continues. The guidance advises that no more than two-fifths (40%), and preferably no more than one quarter (25%), of any garden or amenity area should be prevented by buildings from receiving any sun at all on 21 March in order for that space to appear adequately sunlit throughout the year. The assessment is based on a computer-

generated model of the proposed development. It provides a visual representation of the likely shadows cast by the development at the summer solstice (21 June), the winter solstice (21 December), and, critically, the spring/autumn equinox (21 March/21 September). In all cases, the position at 0900, 1200, 1500 and 1800 hours is presented. Due to the sun's path throughout the day, the visualisations demonstrate that overshadowing from the proposed development would mainly occur to areas positioned to the north of the site (consistent with the approach of the APSH sunlight assessment). This would chiefly fall upon town centre uses, but would also encompass Acre House.

209. To reiterate, overshadowing is an assessment of the impact upon outdoor amenity space, and with a concurrent APSH assessment concerned with potential sunlight loss on internal environments. Thus, whilst Acre House would theoretically be impacted upon, these apartment units do not benefit from any outdoor amenity space in any case. Clearly, the properties to the south on Sibson Road do enjoy garden areas, but these would be unaffected in view of their orientation. Thus, the assessment concludes that all surrounding gardens and amenity areas would continue to meet BRE guidance at the critical 21 March period.

210. Finally, the assessment considers whether the proposed development would provide sufficient natural light within its own residential units in the interests of providing for amenity. This comprises an Average Daylight Factor (ADF) calculation and with results for 40 of the 202 units provided (and with the sample covering both townhouses and apartments). ADF describes the ratio of outside illuminance over inside illuminance, expressed as a percentage, it is explained. The higher the ADF, the more natural light would be available, and with relevant British Standards advising that living rooms and dining rooms should have a minimum ADF value of 1.5%, whilst kitchens should achieve a minimum of 2%, and bedrooms can be lower at 1%. The assessment identifies that some townhouses and apartments within the sample would not achieve the recommendations within some rooms. In a small number of cases all rooms within a unit would not meet the relevant guideline. The units concerned are located throughout the development, although with a greater proportion of the lower level apartment units affected. The assessment puts forward a number of recommendations in order to improve the daylight conditions in these rooms, including increasing the reflectance value of the interior surfaces (achieved by providing white-finished walls and ceilings), and installing additional electric lighting.

211. At this stage, and having presented the position regarding overlooking, overbearing impacts, overshadowing and loss of daylight/sunlight, it is considered worthwhile to draw some interim amenity conclusions in relation to the standards offered within the development on these matters and the extent to which levels would be eroded within Acre House in view of combined effects. This is in the context of the commentary on these topics individually reporting shortfalls relative to various guidelines (and with this guidance being of varying levels of applicability, as has been reported). The point has been stressed, however, that this development is being delivered in a town centre environment where different standards of residential amenity, not yet officially recognised by Council guidance, apply. Moreover, paragraph 123 of the NPPF, as part of it urging local planning authorities to achieve appropriate densities, advises that a flexible approach should be taken in applying

policies or guidance (relating specifically to daylight and sunlight) where they would otherwise inhibit making efficient use of a site. Furthermore, for the proposal itself, there would be an opportunity for prospective occupiers to decline the development as a new residence if it was felt that overall amenity levels were not in line with personal expectations. It is recognised, however, that the situation for Acre House residents is somewhat different. Notwithstanding the town centre environment, it is accepted that this is an existing property which carries with it established standards which may have become accepted by its residents. That a reduction in standards of residential amenity – when having regard to matters of overlooking, overbearing impact, overshadowing, and loss of daylight/sunlight – may be experienced in certain units has been identified, and this would be contrary to the requirements of Core Strategy Policy L2. However, in seeking to provide some justification for these impacts, officers reiterate that the recent conversion of Acre House was not subject to usual planning controls. In this scenario, and when further repeating that this is a town centre location, it would seem regrettable to treat Acre House as an environment which could not experience any nearby new development in order to preserve existing amenity standards. This would, of course, serve to prejudice adjacent town centre redevelopment opportunities which may be consistent with planning policy in all other respects.

#### Noise and Disturbance

212. The PPG is clear that noise is a relevant planning consideration which should be taken into account in determining planning applications both for noise-sensitive developments and for new activities that may generate noise. It is accepted that noise can have a significant effect on the environment and on the quality of life enjoyed by individuals and communities.

213. The application is accompanied by a Noise Impact Assessment, which has been reviewed by the Council's Pollution Control Nuisance team. The advice of this team, who are very well practiced in establishing whether noise is a concern as part of their investigation of statutory nuisance complaints, has been heavily called upon, particularly in noting the objections received on this matter. The submitted assessment establishes the existing baseline noise environment within the application site and also at the nearest noise-sensitive receptors (which includes nearby residential properties). It identifies that the present noise climate is dominated by road traffic noise, including distant noise from the M60 motorway as well as noise from traffic on the local roads of Springfield Road and Sibson Road. Additional contributions are provided by pedestrian activity, trams passing, occasional aircraft, and the ringing of church bells (from St Paul's), it is explained. Thus, in effect, the existing noise climate is representative of a typical urban environment.

214. That being the case, it is fully appreciated that the proposal involves the provision of active commercial uses on the application site, together with the introduction of 202 new households. Furthermore, the proposal is fundamentally underlined by a desire to boost levels of town centre activity and to encourage new patterns of movement including at the southern fringes of the town centre. Meanwhile, it is recognised that there are established residential properties that border the town centre, and that the application site – despite its town centre location



– accommodates a number of underutilised uses. Nonetheless, that this is a town centre location is at the forefront of officer considerations when having regard to its noise generating potential. Sites within town centre boundaries, such as this, are where main town centre uses ought to be directed, established planning policy advises. Much of the uses that are necessary to support town centre activity are generators of noise to a greater extent than more passive residential uses. Accordingly, within the layout of the proposal as developed through pre-application discussions, care has been taken to ensure that those site activities that may generate higher levels of noise would be sited away from noise-sensitive developments. This has been successful on a number of issues including, for example, the provision of the service yard away from Sibson Road properties and behind tall built form, and the siting of the retail avenue towards the core of the town centre. It has not been practical with all issues, however, and in this respect the location of Threshold Square is specifically identified. Of course, to reiterate, the rationale for this public square is to provide a new arrival feature at the southern gateway, and thus its location is somewhat fixed.

215. In response, officers, in consultation with the applicant and the Nuisance team, have explored the scope for conditions to be used to minimise the impacts of noise, both in relation to Threshold Square and the development more widely. One important consideration in this respect is the intended use of the retail/commercial units (both along the retail avenue and within the cinema building). Whilst some flexibility is sought in order to maximise the chances of occupation, the applicant has stated that there is no intention to promote the development to Class A4 operators (wine bars and public houses) or Class A5 tenants (hot food takeaways). Instead, only Class A1 (shops), Class A2 (professional and financial services) and Class A3 (restaurants and cafes) would be targeted. This reflects the description of the development and could further be controlled by condition. This has given some comfort to the Nuisance team since these are the town centre uses which typically give rise to residential amenity problems. The potential for a further condition to control the hours of opening of the units and cinema has also been explored (for example, to ensure closure to the public by 2300 hours). However, the applicant has sought to resist such controls on the grounds that, in the event that more extensive opening hours were required, the existence of restrictions could discourage operators from enlisting. Furthermore, officers have been reminded that this is a town centre location and that existing units in the town centre operate without such restraints. The Nuisance team has in fact been accepting of this position in noting that provisions under the licencing regime for those restaurants and cafes with a drinks licence (which are the main uses within the development likely to wish to open beyond 2300 hours) could be used as an alternative means of enforcement in the event of a noise complaint. What has been accepted by the applicant, however, is a condition to control the use of the outdoor seating areas adjacent to the ground floor retail units within Threshold Square. It has been accepted that these would only be available for use between the hours of 0900 and 2100 (seven days a week). This is considered significant in the context of the concerns regarding the use of Threshold Square, and would be further reinforced by the applicant's commitment to developing a comprehensive security and management regime which would establish a management strategy for dealing with any nuisance and anti-social behaviour within Threshold Square and beyond. The need for this management plan, which would be conditioned, has also been raised by the Greater Manchester Police in its

consultation response. Of course, again, such behaviour could also be more appropriately addressed through other statutory controls.

216. It is recognised that the established dwellings in proximity to the application site have remained relatively undisturbed by existing site operations despite its town centre location. Whilst there would be an increase in site activity as the proposed development would rightly function as part of the town centre, officers are satisfied that, with the control measures referred to above, there would be no material effects on the surrounding noise climate that would significantly erode their standards of residential amenity. This is a conclusion that, for existing residential dwellings to the south of the site, is supported by the Nuisance team.

217. One issue, however, where an impasse had been reached was in relation to hours of delivery. As has already been stated, there are no restrictions currently in force in respect of existing servicing at The Square shopping centre. Servicing, deliveries and refuse collections can take place, theoretically, at any time of the day or night, and the applicant was initially seeking to replicate this within the proposed remodelled service yard. However, the possibility of such servicing taking place during unsociable night-time hours and covering an increased number of retail/commercial units was considered fundamentally unacceptable to the Nuisance team. These concerns were associated with the resulting adverse impacts that could be experienced from the apartment units within the development itself, in noting that both proposed residential blocks would look over the service yard from at least one elevation. The same applies in respect of Acre House, and with the Nuisance team's consultation response referring to their receipt - following the recent residential occupation of Acre House - of noise nuisance complaints derived from middle of the night/early hours servicing activities.

218. Despite the site's and the apartments' town centre location, the Nuisance team's position is that it is not acceptable for any household to tolerate uncontrolled commercial deliveries - which could include refuse collections and which are thus inherently noisy activities - and with the potential for early morning servicing of most concern. Restrictions have repeatedly been sought which would limit all servicing to within the hours of 0700 and 2300 hours on Mondays to Saturdays (including Bank Holidays), and within the hours of 0800 and 2300 on Sundays. The applicant's alternative suggestion, that the design recommendations contained within the submitted Noise Impact Assessment (including technical specifications for glazing design, and the use of mechanical ventilation to avoid the need to open windows) would be sufficient in isolation to protect occupiers of the proposed development from the adverse consequences of delivery noise has not been accepted (including on the grounds that this would not cover the existing Acre House).

219. Notwithstanding the general approach of officers that different standards and expectations of residential amenity typically apply in town centre environments (including in respect of the existing Acre House), a distinction has been drawn on this particular matter. This is when noting the strength of the Nuisance team's concerns and appreciating that night-time/early hours noise events can significantly interfere, beyond any acceptable level, with the normal use and enjoyment of a home. Adverse health impacts could also result. However, this position of officers has been taken very cautiously in light of the applicant's stance (as reported in

discussions regarding the taxi rank relocation) that the excessive imposition of restraints regarding servicing and deliveries (as with restrictions regarding opening hours) could serve to put off potential tenants from locating within the new development. That being the case, that the proposed servicing hour restrictions would still offer a significant window of opportunity seven days a week, and that such restrictions would probably be tolerated by the majority of target operators (in noting the absence of a foodstore, for example, where very early morning deliveries would be crucial), have been a further influencing factor in officers supporting the Nuisance team's requests. It follows, after lengthy discussions, that the applicant has been prepared to accept the recommended condition which would, in effect, restrict all servicing activities to within the 'day-time period' (defined in guidance as 0700 to 2300 hours) and with an even later start agreed for Sundays. The implications for this acceptance in relation to the taxi rank relocation have been presented previously.

220. For the avoidance of doubt, it should be stressed that the Nuisance team has been continually satisfied that the new built form that would separate the established dwellings on Sibson Road from the new service yard (provided by the townhouses, car park and an apartment building) would serve to provide sufficient noise attenuation. That being the case, it is clear that occupiers of these houses may also benefit from restrictions to deliveries.

### Construction Impacts

221. It is fully recognised that the process of construction has the potential to generate noise, disturbance and general inconvenience that could be unsettling for surrounding residents, and for town centre uses more broadly. Whilst construction impacts are temporary, and are a necessary part of any development, the impacts can be widespread, including mud, dust, noise, visual impact, damage of services, loss of parking and traffic increase. That the construction process for a development of this scale and magnitude would span months, rather than weeks, is further acknowledged. As is developed in a subsequent discussion regarding air quality, the Council's Pollution Service is recommending that a condition is imposed that would secure the provision and implementation of a Construction Environmental Management Plan. This would seek to minimise and mitigate any adverse environmental effects, and – importantly - could also control the hours when construction could take place (which could be limited to day-time hours only and with these hours further reduced at the weekend).

### Television Reception

222. The NPPF (at paragraph 114) advises local planning authorities to consider the possibility that the construction of new buildings or other large structures could interfere with broadcast and electronic communications services. In response, the application submission includes an assessment of the proposed development's potential effects on the receipt of both digital terrestrial television (Freeview) and digital satellite television services (SKY and Freesat).

223. Similar to other forms of impact assessment, the submitted report explains that the work undertaken comprised an establishment of existing baseline conditions at

eight test point locations, and then a simulated assessment – based upon the scheme drawings - of the likely effects of introducing the proposed development in these locations. It is explained that terrestrial signals are sent horizontally from the relevant transmitter so are more prone to blockages or signal disruption by tall structures, whereas satellite services are received from a satellite orbiting the earth on a 20 to 30 degrees elevation and are thus less susceptible to this type of interference.

224. Transmitters at Winter Hill and Haslingdon (to the north-west and north of the application site) provide terrestrial television services to the area of the application site, it is explained, and with both having decent signal strength. When having regard to the location of these transmitters and the height of the development, the report identifies an area of potential impact ('a shadow zone') to the south-east of the application site where signal interference could be experienced. Whilst this covers St Pauls Church and the Bridgewater Canal, it also extends to encompass some residential properties, including at the southern end of Springfield Road and across the canal at Hope Road, Era Street and Baxter Road. The report then puts forward some potential mitigation measures for the affected properties, which it explains could improve signal strength. This includes remedial aerial work (for example, a change in aerial type to one most suited to the type of interference being received, or the resiting of an aerial to a position where interference is reduced or not present); the use of a remote television aerial; or the installation of an alternative digital satellite system.

225. In turning to the impact of the development on satellite services, and for the reasons previously identified, the report explains that this type of reception is very rarely affected on a large geographical scale, although there can often be localised effects close to a new tall structure. The potential for some non-residential buildings directly to the application site's north to be impacted upon is identified, although the area to the south of the site (where residential development is concentrated) is unlikely to be affected.

226. Therefore, there is some possibility that the proposed development may disrupt television reception, and particularly terrestrial television, which could be a nuisance to viewers. However, there are a number of remedial measures that could be undertaken, which have been identified on the applicant's behalf and which in turn the applicant has given a commitment to. Of course, the precise impacts may not be identified until construction of the development, and therefore it is recommended that a condition is imposed to require further monitoring and investigation, to request details of appropriate mitigation at that stage, and to ensure implementation.

### External Lighting

227. As has already been explained, the application submission is clear that new, quality external lighting will play an important role in creating an improved physical environment in this part of the town centre. It is recognised that artificial lighting within an urban setting can be very beneficial. For example, it can create a feeling of safety and improve security, which can also encourage movement, and it can also provide visual interest in the hours of darkness. It follows that the provision of safe and attractive lighting within the development is supported by the aspirations of the

Sale public realm strategy and it also features in the consultation response of the Greater Manchester Police.

228. However, it is also recognised that some external artificial lighting can have adverse effects, including the potential for light nuisance which can be a further intrusion on residential amenity (as well as wildlife). Therefore, the submitted indicative lighting details have also been reviewed by the Council's Pollution Control Nuisance team. Whilst acknowledging the site's proximity to established residential uses, together with the provision of new residential units within the site, the submitted information has been accepted in principle. However, there still remains a need to ensure that the final lighting selected would not generate excessive, misdirected or obtrusive light which could cause light pollution or light nuisance. Therefore, the consultation response recommends the imposition of a condition to request further details regarding lighting specifications and an accompanying isolux contour diagram which would determine the light distribution characteristics of each light fitting on surrounding residential receptors.

### Sibson House

229. Of course, there are existing residential properties within the application site that would be lost as a consequence of this development. Ostensibly, Sibson House residents would be most impacted upon by the proposed development, and representations have been received from existing residents objecting to the demolition of their home. It is to be expected that this level of disruption would be appropriately compensated for on the part of Trafford Housing Trust (THT), including the provision of alternative accommodation.

230. The impacts of the proposed development on Sibson House residents in the context of the Equality Act 2010 are covered elsewhere within this report.

### Private Amenity Space

231. In the interests of securing decent living standards for prospective occupiers, the amount of outdoor amenity space that has been incorporated into the development has also been examined. Access to private outdoor amenity space is needed for a variety of functional and recreational requirements and it provides important amenity value. This is recognised by a supplementary planning guidance document PG1: New Residential Development (2004). Whether the amount of proposed private outdoor space is adequate will depend on the type and size of the residential unit and the nature of its surroundings, the document advises. Around 80 square metres of garden space will normally be acceptable for a three-bedroom semi-detached house in an area of similar properties, the SPG continues, but smaller houses, such as terraced properties, may be acceptable with somewhat less. For apartments, 18 square metres of space, including balconies and outdoor communal areas, is generally sufficient, the document cites.

232. The scheme provides very small front yard areas to the row of 18 townhouses (at Sibson Road and podium levels) and then with the upper level townhouses also benefiting from a rooftop terrace [the lower-level units have a separate area for bin storage]. The effect is that the lower level houses would receive only 8 square

metres of private space, whilst the upper level houses would enjoy an area of between 60 and 100 square metres. However, all townhouse occupiers would also have access to the communal amenity space at podium level, which itself extends to 1,741 square metres. In turning to the apartments, again, all 184 units would have access to the communal garden. 25 of the apartments also have rooftop terraces or podium-level terraces, which range in size from 12 square metres to 87 square metres (there are no balconies, however). Therefore, the podium garden, when disaggregated would provide, in effect, 8.6 square metres of space per unit. In the case of the townhouses, this would be supplemented by private space but which varies quite markedly in size, and for the apartments this would be complemented by private terraces/roof-top gardens but only in 13.5% of cases.

233. The effect is that the guidance figures contained in PG1 are not met in all cases, although in certain circumstances the suggested amounts are exceeded. With reference to the townhouses (which, to reiterate, would contain between three and four bedrooms and with families the target occupier), the flexibility offered by the SPG is drawn upon. It is accepted that established housing within the site's vicinity does benefit from much larger private garden space to the front and back. However, these properties, namely on Sibson Road, are of a different size, density and character as a consequence of being outwith the town centre. The provision of comparably-sized garden space would not be appropriate for the townhouse units, which command a town centre location and which have been designed at an increased density in recognising the different characteristics of the northern-side of Sibson Road. It follows that the amount of space incorporated is considered consistent with the wider character of the townhouse units, and is in fact reflective of a traditional townhouse property in a more urban, rather than suburban, location. In any case, to reiterate, the accessible podium garden would supplement the amenity space needs of the townhouse occupiers.

234. For the apartments, it is acknowledged that the majority of the units (159 in total) would not have any private space. Balconies are not a feature of the design response that has emerged. However, it is considered that the podium garden as illustrated within the submission, and subject to the securing of its maintenance and management, would adequately compensate for the lack of any private space. To repeat, this area amounts to 1,741 square metres, which is similar in size to the cinema. Overall, officers are satisfied that the development would provide sufficient outdoor amenity space to meet the recreational and functional needs of the occupants at a level proportionate to the type of dwellings proposed and consistent with the character of the wider scheme.

## Conclusion

235. An important function of the planning system is to protect neighbouring land uses from potential harmful effects of new development. The proximity of the application site to sensitive residential uses has been recognised from the outset as the scheme for the site's redevelopment to deliver an improved town centre environment has progressed. The pre-application process provided an initial framework for residential amenity considerations to be studied and, where possible, designed out, and now careful assessment of all amenity impacts has been undertaken as part of the application process. This has included surrounding

residential occupiers, existing residential occupiers that would be displaced, and prospective residential occupiers.

236. Officers are satisfied, when having regard to the range of considerations, that amenity standards for Sibson Road residents would be maintained. When allowing for different levels of amenity that different residential environments afford, and in particular when accepting that town centre living is characterised by different benefits and disbenefits, officers also consider that the proposed development would deliver commensurate standards of amenity for new residents of the development. However, in both cases, this conclusion is subject to a number of important conditions being imposed on any grant of planning permission, including to restrict the hours of servicing within the development. However, when acknowledging Acre House as an established residential environment, officers have concluded that some adverse impacts may arise (although not in respect of noise and disturbance), and the effect is a conflict with Core Strategy Policy L2.

## IMPACT ON LOCAL SERVICES

237. As part of the objective of delivering sustainable and balanced communities, the NPPF advises on the importance for local planning authorities in taking an integrated approach in considering the location of new housing as well as community facilities and services (paragraph 92). New development often creates new demands on local infrastructure, and the NPPF also recognises that it is right that developers are required to mitigate this impact. Core Strategy Policy L2 identifies that all new development should be appropriately located in terms of access to existing community facilities and/or it would deliver complementary improvements to the social infrastructure (including schools and health facilities) to ensure the sustainability of a development.

238. Within Trafford contributions from development towards local infrastructure has historically been collected via Section 106 legal agreements. Core Strategy Policy L8 refers to this system of 'planning obligations' which it is explained is intended to ensure that new development provides for the infrastructure, facilities and amenities that are necessary to support and serve it. However, in the intervening period, this Council has adopted a Community Infrastructure Levy (CIL) for Trafford (in July 2014). As a result of the introduction of CIL, the system of planning obligations has been scaled back. Under Regulation 123 of the Community Infrastructure Regulations 2010 (as amended), this Council has been required to publish a list of infrastructure projects that it intends will be funded in whole or in part by CIL. The purpose of this requirement is to ensure that there is no duplication between what is funded by CIL and what is covered by a planning obligation. In turn, the revised approach towards planning obligations is set out in a supplementary planning document, SPD1: Planning Obligations (2014). Between them, SPD1 and the adopted CIL Charging Schedule explain that CIL is intended to target essential Borough-wide infrastructure that is needed to support the sustainable growth of an area, whilst planning obligations should now generally only cover site-specific infrastructure.

239. Pre-application discussions served to highlight that it is this scheme's impact upon schools (particularly primary schools) and local GP provision that is likely to be

felt most acutely. This is when having regard to the existing demand for these facilities within the Sale area. Accordingly, the applicant had been asked to complete an assessment of the impact of the development, and the provision of 202 new households in particular, on these services, and subsequent consultation has been undertaken with the Council's Education Admissions team as well as the Trafford Clinical Commissioning Group (CCG). Both parties have, however, raised concerns, and regrettably these concerns have not been fully addressed.

240. Essentially, the two main mechanisms that should be available to ensure that the developer meets the cost of funding necessary education and health infrastructure cannot be effectively used in this instance. An initial review of SPD1 and the CIL Charging Schedule indicates some potential in asking the developer to assist with the delivery of both types of infrastructure. However, when the detail of SPD1 is analysed, and when having regard to how CIL is operating in practice, the effect is that there is no sound basis to negotiate planning contributions that would directly support the provision of new/expanded healthcare or primary education facilities in this case.

241. The general picture presented by the CCG in its consultation response (the body responsible for the planning and commissioning of healthcare services for the Borough) is that there are growing pressures in General Practice across Trafford, which is replicated across the UK. This is being driven by an increase in the volume and intensity of work, recruitment problems within the profession, and a lack of investment in surgeries. It is estimated that 346 people would reside within the development, all of whom would wish to register with a local GP practice, it is expected. Whilst the applicant has identified 16 practices within a 2 mile radius of the site, the CCG has advised that the Washway Road Medical Practice (approximately 0.24 miles from the site) is the only practice covering the application site. Within Trafford the allocation of patients to practices is based on catchment areas, it is explained, and with no opportunity for a prospective patient to request an alternative. Whilst data submitted by the applicant suggests that the ratio of patients to GPs at this practice (1,382 to 1) is below the Healthy Urban Design Unit's (HUDU) standard of 1,800 to 1, these figures and their application are disputed by the CCG. On the contrary, it is explained that this is already a busy surgery which is becoming increasingly overloaded as a consequence of other new developments in the area (including a new elderly persons' care-home) and the closure of other local practices. Furthermore, the practice is sited in a built up area on a constrained site and with very little scope for expansion. Despite this, however, the CCG acknowledges that the practice would be open for new patients to register, but this is reflective of a duty to continue to serve the community that the practice has been allocated irrespective of its capacity. As such, the 346 people living in the development (if this figure were assumed, notwithstanding that some residents may already attend this practice if currently residing within its catchment or may remain at other local surgeries, if permitted), would have to be accepted at Washway Road. This would have implications for the functioning of the practice, since the ratio of GPs to patients would further increase. One consequence could be that patients would have to wait longer for appointments, the CCG has advised. Whilst the CCG has expressed concern about this impact on GP services in particular, it has also advised that other primary healthcare functions in Sale are also overstretched, including dentists, optometrists, pharmacists and community nursing teams.



242. In turning to schools, similar commentary regarding facilities being under pressure (specifically at the primary level) has been provided by the Education Admissions team. Whilst there are 18 primary schools throughout Sale, all are operating at, close to or beyond capacity, and with this typically the case at all levels of entry. This is reflective of general population increases as a result of new housing developments across the Sale area (including apartment developments and office to residential conversions) and public recognition that Sale boasts some top performing primary schools and that the overall standard of education on offer is high. In response, over the course of the last five to ten years there has been a programme of school expansion throughout Sale, with schools having to move away from a one form entry system and allow additional pupils each Reception year. Springfield Primary School, which sits adjacent to the site, is one such example where new classrooms and expanded facilities have been provided such that it can now cater for 90 pupils per year group (and, by September 2019, it will have reached its full cohort).

243. The Education Admissions team has predicted that the development, when recognising that families with children are unlikely to reside in the one-bedroomed units, would give a pupil yield of 4 pupils per year group (Reception to Year 6). That generates a total of 28 pupils across all ages. The application site falls within the catchment area of Springfield Primary School, and it affords a central position within this catchment in view of the site's proximity. The Admissions team has commented that, in general terms, this is a school that is already oversubscribed from its catchment area on the basis that there are more children resident in the catchment area than there are places available at the school (even when allowing for its recent expansion). This is corroborated by up-to-date data supplied by the Admissions team which indicates that the only vacancies available are theoretical Year 6 spaces in reflecting the fact that this is the only year group where the uplifted intake has yet to work its way through (but which will be achieved at the start of the next academic year). Children of Reception age within the development would be accommodated at the school on the basis of standard selection criteria (associated, principally, with the proximity to the school on the basis of actual walking distances). However, this could be at the expense of other Reception children who reside in more peripheral parts of the catchment. Children in year groups 1 to 6, however, could not be accommodated based on current data.

244. Analysis of the data more broadly reveals that there is very little leeway in the system to accommodate even limited additional demands. Nonetheless, a small number of schools in Sale do have some vacancies in certain year groups, although these are further afield. It includes the Firs Primary School which is located 1.5 miles to the west of the site on the opposite side of the A56. The data identifies this as having a total of 33 vacancies throughout the school. Other schools with current vacancies (although to a lesser extent) include Wellfield Infant School 1.2 miles to the north, Holy Family Catholic Primary School 2 miles to the east and All Saints Catholic Primary School 1.8 miles to the east (although with the Admissions team advising that priority at the two latter schools would be given on the basis of faith rather than address in any case). However, even in the case of the Firs, there are no spaces at every year group. The Department for Education has issued guidance on what is considered to be reasonable and safe maximum distances for primary age

children to travel to school. It is up to two miles for children in the Early Years and Key Stage 1, and three miles for Key Stage 2 children. When discounting the 4 Reception places that could be provided for at Springfield Primary School, notionally the remaining 24 spaces could presently be catered for at the Firs Primary School and Wellfield Infant School, which are both within the Department for Education's recommended distances. Of course, it is recognised that in practical terms, given the general lack of capacity in the system, the available spaces may not correlate with the age of the pupils seeking a space. It is for this reason that the Admissions team has expressed caution in interpreting the figures in such a simplistic way.

245. What is clear, however, is that the capacity of primary schools in Sale is already overextended, which it would appear is testament to the quality of provision. A tipping point is likely to be reached, with or without this development. Accordingly, officers have been advised by the Admissions team that there is an emerging strategy in place to cater for the uplift in demand in the Sale area. This would draw upon Department of Education funding, and would deliver expansions to existing schools (similar to the last expansion programme) potentially as soon as the 2021/2022 academic year. Whilst the details of the funding arrangement have yet to be confirmed, and no definitive decisions have been made regarding the schools involved, the level of funding is expected to provide the equivalent of two new classes per year group for Sale. Again, the Admissions team has advised that this funding is intended to address existing built up demand (including in the absence of CIL funding) and not to deal with the effects of this proposed development or any other prospective scheme. However, for officers, it serves as a further comfort – in addition to the combined opportunities afforded by Springfield Primary School, The Firs Primary School and Wellfield Infant School – that moving forwards there could be some additional surplus in the overall pool of spaces that could serve the residents of the proposed development as well as those displaced from the Springfield Primary catchment. Given the central location of the application site relative to built up Sale, the majority of Sale's primary schools are likely to be within a safe and reasonable distance for its primary school children.

246. The situation is far from ideal, and the outstanding concerns of both the CCG and the Admissions team are not ignored. That being the case, whilst there is no doubt that both schools and doctors surgeries in the area are operating at their physical limits, there would still appear to be some scope for the needs of the residents of the proposed development to be satisfied, and from a location within a suitable and sustainable distance. However, the impact on surgery waiting times, together with the school displacement effect, is understood.

247. In the context of the present system of developer contributions, officers acknowledge that there have been circumstances where planning conditions have been used, in the absence of CIL or Section 106 funding, which have had the effect of requiring the provision of new social infrastructure alongside new residential developments. However, these arrangements have been used as a last resort in the context of compelling evidence of significant adverse impacts that would otherwise arise. Notwithstanding the position of the CCG and the Admissions team, officers are of the view that there is no such justification for such 'Grampian conditions' to be used in this instance for the reasons set out above (including to formally link the development to the emerging expansion scheme referred to above).

## EQUALITY IMPACT

248. The Equality Act became law in 2010. Its purpose is to legally protect people from discrimination in the workplace and in wider society. The Act introduced the term 'protected characteristics', which refers to groups that are protected under the Act. These characteristics comprise: age, disability, gender reassignment, marriage and civil partnerships, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.

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

1. eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
2. advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
3. foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

250. Recent case law has established that appropriate consideration of equality issues is a requirement for local authorities in the determination of planning applications, and with this requirement directly stemming from the Equality Act 2010.

251. With reference to rulings handed down by the UK High Court (including *R (Buckley) v Bath and North East Somerset Council*, June 2018), it has been held that the grant of planning permission by a local authority involves the 'exercise of a function' in the manner envisaged by Section 149 of the Act. This confirms that the public sector equality duty applies to the planning process.

252. In terms of what constitutes having 'due regard' to the requirements of the Act when exercising these functions, in general terms this means consciously thinking about the above three main aims as part of the process of decision-making. In further developing the 'due regard' concept, again case law has established a number of important principles. This includes that: decision-makers must be made aware of their duty, the duty must be fulfilled both before and during consideration of the matter at hand, the duty must be approached in substance, with rigour and with an open mind, and the duty is continuing (see *The Public Sector Equality Duty and Equality Impact Assessments*, House of Commons Briefing Paper, December 2017).

253. An Equality Impact Assessment (EqIA) is a tool designed to identify and measure impacts and it allows the relevant public authority to consider whether there is appropriate mitigation proposed. EqIAs are carried out primarily by public authorities, although the practice is becoming increasingly widespread. There are no statutory requirements for the content of an EqIA. However, best practice is emerging in which equality impacts are categorised as 'disproportionate' and/or 'differential.' Some effects of a proposal (or a policy, project or scheme) will affect

many users – residents, customers, visitors, employees, for instance – including those with protected characteristics. This does not in itself generate an equalities concern, but it may produce one when any adverse impact on those with protected characteristics is *disproportionate or differential*, as described below:

- Disproportionate: there may be a disproportionate equalities impact where people with a protected characteristic make up a greater proportion of those affected than in the wider population; and
- Differential: there may be a differential equalities impact where people with a protected characteristic are affected differently because of their protected characteristics.

254. The scale and significance of such impacts cannot always be quantified, and it is a common approach within EqlAs to address this through a descriptive analysis of the impacts and by identifying whether such impacts are adverse or perhaps beneficial. In addition, the EqlA process can serve to highlight reasonable mitigation measures that could eliminate or reduce some disproportionate or differential equalities impacts.

255. Notwithstanding the now essential requirement to have regard to the three main aims (as explained above) when planning decisions are taken, in this particular instance it was brought to the attention of officers that there may be specific matters at play which could – including indirectly or unintentionally – serve to discriminate against protected groups. In response, an EqlA was requested from the applicant. This was in order to provide information to the Planning and Development Management Committee so that they would be aware of the impacts on protected groups and any proposed mitigation against those impacts, and would be able to have regard to the three main aims under the Act when determining this application.

256. The submitted EqlA places a responsibility on the applicant to assess the impacts of the proposed development - together with the *wider consequences* of the proposed development - on protected groups. It includes an assessment of the development as a whole, but then with specific focus on the loss of Sibson House as a residential property and also on the relocation of the Hereford Street taxi rank. The review of the submitted EqlA on the Council's part has involved, and continues to involve, consideration of these impacts against the requirements of the public sector equality duty and the three main aims. Targeted wider consultation on the key matters addressed in the EqlA, including with Sibson House residents (and those that legally represent them) and those representing the taxi trade, has also been undertaken.

257. Included within the application site is Sibson House, which would be demolished to make way for the development. Trafford Housing Trust (THT) owns the freehold of the building. It comprises nine residential flats which are either social rented (six of the units) or in leasehold ownership (the remaining three units). The social rented tenants are managed by THT. It is understood that the leasehold units accommodate both resident leaseholders and some rented tenants. In noting the importance of securing the Sibson House site in delivering a comprehensive redevelopment, it is understood that the applicant has engaged with THT throughout the development-design process. More recent communication between the parties

has taken place in order to inform the submitted EqlA, it has been explained. It is understood that the THT Board would make the final decision on whether to hand Sibson House over to the applicant following any issuing of planning permission.

258. The Planning and Development Management Committee should be aware that the EqlA identifies that a proportion of current residents within Sibson House, which to reiterate encompass both tenants and owner occupiers, have some form of disability, which is a protected characteristic. The EqlA acknowledges that there are several potential means by which the displacement of Sibson House residents could differentially impact on groups with protected characteristics: *'It may involve the loss of a tenancy, affect access to services, access to family, or access to employment which they rely upon. The displacement of residents may also cause difficulties or stress during physical relocation.'*

259. The EqlA suggests that these impacts could be reasonably mitigated through the provision of equivalent housing for existing residents and through the careful management of temporary effects during the construction and decantation process. Accordingly, the EqlA sets out the actions that THT has undertaken to date, in the knowledge of the application proposal, in liaising with its tenants and the leasehold owners. This takes the form of explanatory correspondence from THT to the applicant and which is appended to the EqlA. The identified actions, already undertaken, comprise:

- An initial letter and subsequent visit to residents which provided an introduction to the development proposal and to the potential demolition of Sibson House; and
- A second letter and subsequent visit to residents which focussed on residents' rights if the building were to be sold, home-loss and disturbance payments, options surrounding re-housing, and likely timescales.

260. The letter reiterates that a decision on whether to dispose of Sibson House has yet to be formally made by THT, and that if planning permission were to be granted, a Board resolution would then be made. In extracting from the correspondence: *'the welfare of our customers, both leaseholders and tenants, would be the key consideration throughout this process.'* Should the Board resolve to transfer Sibson House to the applicant to enable redevelopment, the correspondence then outlines the future actions that would be taken, and with distinctions made between tenants and leaseholders. For tenants it is explained that each resident would have a nominated advisor from THT to support them with their move. This advisor would assess each individual's particular circumstances, including any protected characteristics, and what specific impacts may be experienced. Integral to this would be an assessment of the individual's housing needs, and then the intention would be to ensure that the resident would be prioritised on both THT's and the Council's housing waiting lists: *'This would ensure that they have the first choice of homes becoming available in their area, which would meet their need.'* It continues that residents would have an opportunity to view potential properties and that homes that were not well-liked could be declined: *'We would always seek to understand why a property has been refused so we can make an improved offer as the process develops.'* Once a resident had accepted an alternative property then they would receive a home-loss payment in the order of £6,100 along with disturbance

payments which would cover additional costs which may be incurred, such as removals or post redirection, it is explained. That the relocation process may take 9 to 12 months to conclude is accepted by THT, it is explained, although with a first stage review taking place after 6 months: *'At all times, our main concern through the process is to support the customer.'*

261. In turning to the leasehold units, the correspondence is clear that these residents would be treated with the same care and consideration as THT tenants since both sets of occupiers are regarded as THT customers. A support advisor would again be allocated, it is explained. That different legislation applies to the leaseholders is made clear, and with further legal distinctions to be recognised when dealing with resident as opposed to non-resident leaseholders. In all cases, a resident's specific needs would be assessed and respected. Leaseholders would also be entitled to home-loss payments, it is stated, and with different amounts payable to resident and non-resident leaseholders: *'The maximum allocation is for resident leaseholders and this is currently 10% of the market value of the property capped at a maximum of £61,000.'*

262. The EqIA also explains that THT already has a decant procedure in place when having to rehouse tenants which would be followed in this case, and with a copy of this also appended. That this procedure has itself been subject to an independent equality impact assessment (in January 2018) is set out. Of course, it is to be recognised that the process of rehousing residents, either on an emergency, temporary or permanent basis, is not an unfamiliar occurrence for THT, and with this often carried out irrespective of any planning proposal. Some of the actions identified in the decant procedure document duplicate the specific measures that it is stated would be followed in the specific case of Sibson House. In summary, the document explains: that a liaison officer is allocated to each tenant to act as a support advisor, an introductory meeting is set up to understand tenant needs in relation to a relocation property; and tenants are supported in finding a suitable relocation property and with support provided throughout the moving process.

263. When having regard to the commitments given by THT associated with the rehousing of existing residents, which are regarded as forms of mitigation, the submitted EqIA records that there would be no adverse impact on existing Sibson House residents in a manner which could be categorised as disproportionate or differential for protected groups.

264. It is significant that the consultation response of the Council's Equalities officer corroborates this view. Whilst the process of relocation would still have to be borne, which could have a series of implications including financial and physical, the Equalities officer is satisfied that the steps identified by THT could help to minimise potential disadvantages suffered by groups with protected characteristics.

265. However, the findings of the EqIA and the conclusions of the Equalities officer have not been accepted by the Sibson House resident who is legally represented, and further representations have been received. The last letter doesn't accept that the EqIA and the Equalities officer's assessment are satisfactory. The letter questions the previous and proposed support that the THT correspondence, forming part of the EqIA, states that it has provided and will continue to provide. The letter of

representation also states that the THT position is silent regarding the wider rights benefitting leasehold owners, and with a satisfactory response on these issues fundamental to any mitigation strategy to be considered by the Planning and Development Management Committee when discharging its statutory duty, it is stated. The letter concludes that it would be inappropriate and unlawful to rely on THT's letter given the difference between its contents and the experience of the client resident.

266. Legal advice received, and further discussions with the Equalities officer, sought feedback from the applicant to the continuing concerns raised, with the intention that THT could provide a further response and further reassurance. Regrettably, a reaction from THT has not been forthcoming to date, although the applicant has replied on THT's behalf. Reference is given to the fact that the policies and procedures of THT have already been assessed against the Equalities Act 2010 and have been found to be acceptable. Furthermore, such procedures would only be enacted in the event that Board approval is received. The experiences to date of THT's initial consultation practices have been prior to the implementation of the formal decant procedures, and it is these procedures that have been subject to EqIA, it is stated. It continues that the capital value of the property would be protected and that the home loss payment would be in addition to that. Whilst maintaining the original conclusions of the EqIA, the response of the applicant nonetheless acknowledges that it is for decision-makers (i.e. the Planning and Development Management Committee) to decide how much consideration to give to both positions.

267. Another area of interest with reference to the potential equalities impact is associated with the re-siting of the Hereford Street taxi rank to Springfield Road (which has been discussed previously within this report). This is when taking account of objections made on the issue as a whole and specifically on the basis that the new location would not be as accessible for those with limited mobility. This is chiefly in the context of the revised rank's distance approximately 10 metres further away from the entrance to the Tesco store. The EqIA had initially recorded that such a distance was not material in the sense that it would not have a differential (or disproportionate) impact on protected groups. In the absence of evidence to support this view, this initial conclusion was not accepted by the Council's Equalities officer. In offering a solution, the applicant was advised to make direct contact with local disability organisations to ascertain whether this 10 metre difference would be significant and would in fact be more keenly felt by groups with protected characteristics. Contact details were provided. Regrettably, whilst contact has been made with three local groups, in all cases no-one has come forward to respond to the applicant's approach. The applicant's position, therefore, is that the absence of any response may be evidence in itself that the change in the location of the taxi rank is of limited effect and interest.

268. It is evident, therefore, on both the matter of Sibson House and of the taxi rank relocation that, despite the efforts of officers, universal across-the-board acceptance by all parties on equalities matters has not been reached. Nonetheless, the applicant upholds its position that no adverse equalities impact, differential or disproportionate, would arise. In the case of Sibson House, this is subject to the mitigation measures identified by THT, and with the Equalities officer satisfied that

these measures would provide personal, practical and financial support for residents (and with it suggested, and accepted, that a condition could be used to ensure that the identified mitigation would be undertaken). On the issue of the taxi rank, that reasonable steps have been made to engage with disability groups over the re-siting is acknowledged, but some discretion on the 10 metre distance may now need to be applied. In this respect, that the development as a whole would provide an improved and more accessible public realm for the town centre is noted, and similarly that the revised positioning of the rank could serve to bring it closer to certain customers when arriving from a different direction has also been taken into account.

269. Overall, it is considered that the EqIA process undertaken in this instance has been suitably robust in seeking to ensure that any disadvantage suffered by people with protected characteristics would be minimised and that the development as a whole would meet the needs of people with protected characteristics. However, the Planning and Development Management Committee is reminded that the issue of whether due regard has been taken of the public sector equality duty and the three main aims is a matter for decision-makers. The EqIA process followed, nonetheless, lays the foundation for a sound assessment to be made.

## CRIME PREVENTION AND SECURITY MEASURES

270. The NPPF is clear that good design encompasses more than just the appearance of a development. Paragraph 127 states that planning policies and decisions should ensure that development proposals create places that are safe, and where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion and resilience. This is supported by Policy L7 of the Trafford Core Strategy which requires applicants to demonstrate that a proposed development would help to create a safe environment and reduce the potential for crime. This is further communicated in a specific supplementary planning guidance document, SPG24 – Crime and Security (2002). In turn these requirements are consistent with this Council's duties under Section 17 of the Crime and Disorder Act 1998.

271. The prevention of crime and the enhancement of community safety have been central considerations in the assessment of this proposal given the development's scale, extent and the mix of uses, and that it affects large areas of publicly accessible town centre space. Accordingly, the submitted Design and Access Statement explains that the Greater Manchester Police (GMP) 'Design for Security Unit' have been engaged throughout the design and development process in order to inform the creation of a secure town centre environment. This process resulted in some design refinements before application submission including the provision of gates to the new walkway between the proposed cinema and the retained Wilkinsons unit (in order that the remaining narrow passageway would not encourage unsocial or disruptive behaviour, it is explained). Consequently, the final application scheme has been reviewed and appraised by the GMP as part of a jointly prepared (with the applicant) Crime Impact Statement (CIS) which forms part of the application submission.

272. The CIS identifies that the incidence of certain crimes within the Sale town centre area is higher than for Trafford as a whole, and this includes domestic



burglaries, criminal damage, and vehicle crime. That the different uses within the development would be exposed to different crime risk factors is also outlined. For the retail and cinema elements, the potential for shoplifting, cash robbery and violence towards staff is referred to, whilst for the residential apartments reference is given to the potential for domestic burglary and theft of/from vehicles. The need for the development to take account of different crime reduction-based planning measures, as well as local circumstances, is therefore evident.

273. However, that the proposal, in principle, would make a positive contribution to the prevention of crime and the fear of crime is set out in the CIS. That this is the case is underpinned by the basic key principle that the development would improve opportunities for natural surveillance, which is regarded as a primary aid in achieving crime reduction. Essentially, people and properties which can be seen, be it from buildings or from passers-by, are usually less vulnerable than those which are out of sight. Furthermore, the exploitation of improved surveillance as a means of preventing crime reduces the reliance on less environmentally-sensitive design features aimed at discouraging criminal activity. At its simplest, the proposal involves the introduction of new life and activity to a presently neglected and underutilised location and generally supports increased footfall and greater interaction throughout the town centre, including into evening hours. The development would provide a new and animated edge to Sibson Road, including a public square, and significant passive surveillance through the residential uses. Existing dark spots and uninviting corners in the site would largely be removed.

274. The development then incorporates other intrinsic crime prevention techniques, the CIS records. This includes large expanses of glazing to the retail units, which would provide further passive surveillance, the use of a regular footprint to these units with no recessed areas, and the installation of a roller shutter to the car park entrance. Further reference is given to the appropriate separation of the commercial and residential uses, which could otherwise compromise security, the use of secured enclosures for refuse storage and cycle storage, the installation of CCTV, and the effective use of lighting to create a feeling of safety. That the residential development would benefit from the proposed onsite concierge at ground floor level is also referred to, together with public access to the service yard being appropriately prohibited. The concept of 'defensible space' (which is intended to engender a feeling of territoriality and provide a strong indication of ownership) has also been effectively applied in the case of townhouses, with their front gardens being defined by fencing and landscaping which would discourage intruders, the CIS states.

275. However, the statement then sets out a number of further design recommendations which would be required in order to achieve full GMP support. This includes the use of graffiti-resistant materials for any expanses of blank walls exposed to public areas, avoiding landscaping/planting which would create hiding places and reduce the effectiveness of CCTV and lighting, the careful positioning and design of short-stay cycle parking within public areas, a scheme to ensure that security and personal safety is not compromised during the construction period, the introduction of a further secured lobby to the residential units, the provision of ram-raid protection to the retail units, and the development of a comprehensive security regime for the management of this part of the town centre. Some additional, more

detailed advice is further set out, including regarding the specifications for doors, windows, glazing, safes, alarms, access control systems, and street furniture.

276. That these are the remaining observations of the GMP has been confirmed as part of a formal consultation process, and the applicant has given full commitment to addressing this feedback. However, it has been acknowledged that these recommendations, on the whole, refer to a level of design detail that is ordinarily addressed through the imposition of conditions. A condition which makes reference to the remaining recommendations of the CIS is therefore recommended, and the GMP is satisfied with this approach. This would include the introduction of a further residential lobby which could be accommodated via a minor adjustment in internal layout.

277. It is noted that some objectors have referred to the potential for the proposal to increase the potential for rowdy/inconsiderate behaviour given the incorporation of some evening and leisure activities within the development. This is not a matter that has been raised as a specific concern by the GMP, and of course it is significant that the proposal, whilst allowing some flexibility in terms of the occupation of the retail units, does not also target Class A4 operators, which would cover wine bars and public houses (i.e. drinking establishments). Rather, the food and beverage offer that is envisaged is confined to Class A3, which encompasses restaurants and cafes. That the public squares and spaces within the development may generally attract nuisance and anti-social behaviour has, however, been acknowledged by the GMP. However, the GMP is satisfied that any such behaviour could be adequately controlled through robust and careful management, and moreover that the development has not been designed to exacerbate the opportunities. To reiterate, the applicant (who would retain ownership) is committed to the development of a comprehensive security and management regime, which would be conditioned.

278. The appraisal of the development by the GMP has not been confined to traditional crime prevention measures. Paragraph 95 of the NPPF outlines that planning policies and decisions, in promoting public safety, should also take into account wider security and defence requirements. As further acknowledged by the accompanying PPG, the UK faces a significant threat from international terrorism. The PPG continues that where there is an identified risk, local planning authorities should work with police and other partners to ensure that an appropriate strategy is in place for higher risk buildings and spaces (including town centres)

279. In acknowledging the characteristics of recent high-profile attacks, and noting that this proposal involves the creation of new public squares and spaces within a wider metropolitan area, the need for a further specialised appraisal by GMP - with the purpose of minimising the development's vulnerability to terrorist attack - was acknowledged. This review was subsequently undertaken by the GMP's specific Counter Terrorism team. Its focus was on enhancing the security of the pedestrianised spaces within the development, especially when having regard to the possibility of a 'vehicle as a weapon' attack. The consultation response refers to the importance of developing a protective ring around these areas to prevent unauthorised vehicular access, although whilst simultaneously not impeding legitimate pedestrian movement, not preventing access by service or emergency vehicles, and not undermining other security and safety principles. The need for

appropriately-placed street furniture or bollards to protect the retail units and cinema from ram-raided style attacks has already been accepted, and with the precise details to be confirmed at condition stage. It is considered that this process could also be used to develop the detail of the requested counter-terrorism measures, and again this course of action has been agreed with the GMP.

280. Overall, and when having regard to the conclusions of the GMP, officers are satisfied that the proposal has been appropriately designed for both the safety of people and the security of property, including when recognising that terrorism is an increasing and legitimate concern. The proposal is therefore considered compliant with Policy L7 and SPG24, and the NPPF.

## WASTE AND REFUSE MANAGEMENT

281. In order to ensure that a new development is both functional and attractive, there is a need to ensure that an appropriate system for both waste storage and waste collection has been incorporated. This is recognised by both Policy L7 of the Core Strategy and PG1: New Residential Development (2004). Clearly, this is a development that would involve a significant intensification in the use of the site and would introduce new residential and commercial uses with different waste requirements.

282. The application is accompanied by a Waste Management Strategy, which has been reviewed by the Council's Waste Management Service. The strategy sets out the applicant's intentions for the management of waste as generated by the development upon its completion and operation. This includes an estimation of the amount of waste likely to be generated for a development of this scale, and also takes account of the Council's expectations regarding the storage and separation of waste and its arrangements for collection. That the development has been designed from the outset with these factors in mind is made clear.

283. It is further explained that the apartments have been laid out to include sufficient space internally to allow for the segregation of household waste according to Council requirements. This waste would then be taken by residents to a dedicated internal bin store located on the ground floor of the two apartment buildings (and with the distances required to be travelled minimised as far as possible). These bin stores, which would be concealed from view and which would be arranged in terms of the waste to be placed inside them, would then be visited by waste collection crews via the development's main service yard (and with access taken from Hereford Street). The lower-level townhouses, it is explained, would have sufficient space within their rear curtilage to accommodate four waste containers, whilst the elevated townhouses would have access to two communal bin stores (surrounded by timber fencing and containing separate waste-stream containers) on approach to the multi-storey car park. On bin collection day, facilities management staff would then tow the containers from all townhouses, on an electric bin tug, to a temporary waste collection point within the service yard to enable its collection.

284. In turning to commercial waste, and in firstly considering the row of retail units, the document explains that sufficient waste storage space would be provided within

the 'back of house' area of each retail unit. Waste would then be transferred by staff to a temporary waste collection point located within the main service yard pending collection by the appointed waste contractor. Again, for the cinema and integral retail units, space for 'back of house' activities has been allocated within the building envelope and then with a temporary waste collection point identified close to the proposed loading bay on Springfield Road (between the cinema and the retained Wilkinsons unit).

285. The strategy also includes tracking diagrams which illustrate that the development has been designed to ensure that the manoeuvres of refuse collection vehicles could be accommodated along Hereford Street and within the service yard, together with the Springfield Road loading bay. This part of the document has also been reviewed and accepted by the LHA.

286. Therefore, it has been demonstrated that the development has been designed to ensure that household and commercial waste generated could be stored, handled and collected safely and efficiently, and in a way that would not be visually intrusive. That this conclusion has been reached is supported by the consultation response of the Council's Waste Management Service. For the townhouses there is some reliance on the use of a management company in transferring waste to the service yard. However, this is not an unusual arrangement in modern, higher-density developments, and it is envisaged that it would be covered within a wider service charge. A condition is recommended to ensure compliance with the submitted Waste Management Strategy. With this in place, the development is considered further compliant with Policy L7 and PG1.

## IMPACT UPON WIND CONDITIONS

287. That tall buildings can have an impact upon localised wind conditions is an accepted phenomenon. Given that the proposal would introduce a development of up to 15 storeys on a site which presently accommodates low to mid-rise development, and given that tall buildings are generally not an established feature in Sale, the need to quantify wind impact as part of the proposal's assessment was highlighted. Accordingly, the application submission includes a Wind Microclimate Report.

288. The report explains that 'wind environment' is defined as the wind flow experienced by people and the subsequent influence it has on their other activities. It is thus concerned primarily with wind characteristics at pedestrian level, it is continued. From this context, the report explains that the impacts of the proposed development on the wind environment have been assessed, and with a focus on 'pedestrian comfort' and 'pedestrian safety' in line with best practice guidelines (and with the industry standard 'Lawson Criteria' applied). The assessment has focused on key sensitive receptors within the development, it is explained, which comprise pedestrian circulation routes, building entrances and public squares (including the podium garden, which would be accessible only to residents of the development). The existing wind environment allowing for present site conditions at these locations has been established, and with it concluded that the site is presently suitable for pedestrian activities and is within recommended criteria for both comfort and safety. However, that parts of the site already experience windier conditions, for example

towards Springfield Road, is referred to (as a consequence of exposure to westerly winds).

289. In simulating wind conditions with the proposed development in situ (in utilising CFD (computational fluid dynamics) techniques, the results of the comfort assessment indicate that all pedestrian areas at ground level would continue to be suitable for the intended uses. Despite the additional massing creating some wind acceleration in certain areas of the site, pedestrian areas would in fact experience some sheltering from the buildings, and thus the wind environment would remain within Lawson Criteria comfort thresholds, the report describes. However, at podium level there could be some increased windiness, particularly towards its southern and eastern perimeter, since wind speed increases with height, it is explained. Mitigation in the form of additional planting in this location is thus recommended.

290. In turning to pedestrian safety, the report explains that the results of the assessment indicate that the majority of the site would remain within acceptable thresholds for safety. Whilst an area of the proposal's service yard could exceed recommended safety levels in certain strong wind events, as a location that is not accessible to the general public then there is no requirement for mitigation, the report identifies. However, again, at podium level the report identifies that there are some localised areas that exceed criteria for safety. Similarly, mitigation in the form of additional landscaping is advised.

291. The report has been reviewed by specialist wind consultants appointed by the Council in view of the atypical nature of the issues raised. When allowing for some dialogue between the parties and further justification and adjustments provided, the consultants have confirmed acceptance with the methodologies employed as well as the overall findings and recommendations. In summary, the consultants are satisfied that no significant changes to the wind environment would arise as a consequence of the proposal. Mitigation planting (to supplement that already proposed at podium level) would be sufficient to bring the development as a whole, including the podium area, to within accepted thresholds for both pedestrian safety and pedestrian comfort, and with it further advised that operatives within the service yard are made aware of the potential for high wind conditions and with this developed as part of a wider service management plan. A condition is recommended to secure all wind mitigation measures, and with the Council's Arboriculturist satisfied with the implications of additional planting at podium level.

## AIR QUALITY

292. The NPPF promotes healthy communities and recognises that the planning system can play an important role in this. As part of this, it is made clear that development should, where possible, help to improve local environmental conditions, including air quality. It continues (in paragraph 181) that planning policies and decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas (AQMAs), and the cumulative impacts from individual sites in local areas. Within the Trafford Core Strategy, Policy L5 similarly seeks to ensure that new development would not give rise to significant adverse impacts on resident health, including from air pollution. In particular, development proposals

within AQMAs will be expected to be designed to mitigate the impacts of poor air quality. Policy L5 is regarded as generally consistent with the NPPF on the matter of air quality, although that it does not refer to the provision of low emission vehicle charging points that are specifically encouraged by the NPPF is noted.

293. The location of AQMAs has been declared by the Greater Manchester Combined Authority when having regard to exceedances of annual mean nitrogen dioxide (NO<sub>2</sub>) across Greater Manchester. Within the Trafford Borough, the Greater Manchester AQMA is focussed on the M60 motorway, the majority of the route of the A56, and then particular localised hotspots. The application site is within 120 metres of the A56 AQMA.

294. The application submission includes an Air Quality Assessment (AQA), and this has been reviewed by the Air Quality team within the Council's Pollution Control Service. The consultation response confirms that the AQA has followed best practice principles in seeking to determine the specific air quality impact as arising from this development. When having regard to the proximity of the AQMA, the AQA establishes existing baseline conditions in the area and with data taken from nearby monitoring stations. The AQA identifies that the results from all stations (at locations along the A56) were below the set objective for the identified pollutant (which is NO<sub>2</sub>). Whilst the most recent data-set is 2015, the Council's Air Quality team has advised that there has been evidence of an improvement in conditions such that 2018 data is likely to be even lower.

295. The AQA acknowledges that the development, during the demolition and construction phase, would generate emissions in the form of dust and particulate matter. Upon its operation, however, vehicular traffic is identified as the dominant emission source. It continues that the principal traffic-derived pollutants are likely to be NO<sub>2</sub> and PM<sub>10</sub> (particulate matter 10 micrometres or less in diameter). In a manner consistent with the Transport Assessment, the AQA models all roads within the vicinity of the application site which are likely to experience changes in traffic flows. It then seeks to predict the significance of these activities and whether they are likely to result in an increase in air pollution levels (particularly when having regard to the existence of 'sensitive receptors' in the locality, including existing residential properties as well as proposed residential properties within the development, together with Springfield Primary School). The maximum predicted increase in the annual average exposure to NO<sub>2</sub> at any existing receptor, due to changes in traffic movements associated with the development, is at Springfield Primary School. However, the uplift (at 0.11 µg/m<sup>3</sup>) is categorised as 'imperceptible' and the impact on the receptor as 'negligible.'

296. In turning to PM<sub>10</sub>, similarly, the maximum predicted increase in the annual average exposure to this pollutant is identified in the location of the receptor of Springfield Primary School. However, again, an uplift of only 0.03 µg/m<sup>3</sup> is defined as falling within the 'imperceptible' category and with it having a 'negligible' impact on the receptor. The impact on all other receptors, for both NO<sub>2</sub> and PM<sub>10</sub>, is also classified as 'negligible'.

297. Given the quantitative nature of the assessment and the verification of the air quality dispersion model, the consultation response from the Air Quality team

records that the confidence of the assessment is deemed to be 'high'. Accordingly, the response confirms that the development, upon its operation, would not give rise to significant emissions to the detriment of local air quality and public health, and with no requirement for any mitigation. However, the need for the implementation of appropriate mitigation measures at the demolition/construction phase in order to control and minimise the effects of these impacts is highlighted. This would take the form of a Construction Environmental Management Plan, which could be conditioned the consultation response states. The AQA expresses the applicant's commitment to developing and implementing such a plan and with a number of initial dust mitigation techniques put forward, including the erection of solid screens or barriers around dusty activities, the enclosure of specific operations where there is a high potential for dust production, the removal of materials that have a potential to produce dust as soon as possible, the use of suitable dust suppression techniques such as water sprays, and the undertaking of daily on-site and off-site inspections. With this condition in place, together with a requirement for low emission vehicle charging infrastructure to be installed (to be conditioned), it is considered that the proposal is acceptable with regard to the impact on air quality, and thus compliant with Policy L5 and the NPPF.

## CONTAMINATED LAND

298. NPPF encourages local planning authorities to give substantial weight to the value of using suitable brownfield land within settlements for houses and other identified needs. However, as part of the objective of ensuring that new development would not give rise to significant adverse impacts on health, reference is also given to the need to ensure that a site is suitable for its proposed use when taking account of ground conditions and any risks arising from contamination. Within the Trafford Core Strategy, Policy L5 is the relevant policy which serves to ensure that a site and its intended use is appropriate and safe. Policy L5, and its coverage of pollution matters, is considered compliant with the NPPF (and therefore up-to-date).

299. Given the site's brownfield condition, a Site Investigation Desk-top Study was submitted with the application in order to characterise the site in terms of any potential contamination. Based on historical land uses and current operational uses, the study categorises the overall risk from land contamination as 'low' and below the level of possibility of harm. It follows that the study records it as being unlikely that the site would be classified as contaminated land under Part 2a of the Environmental Protection Act 1990.

300. This study has been reviewed by the Contaminated Land team within the Pollution Control Service. Its conclusions are accepted although with a requirement for further investigation in the event that any evidence of contamination is uncovered (and subsequent remediation). Policy L5, when having regard to the site's underground conditions, is therefore complied with.

## FLOOD RISK

301. The NPPF sets strict tests in order to protect people and property from flooding, which all local planning authorities are expected to follow. In summary these tests

are designed to ensure that if there are better sites in terms of flood risk, or if a proposed development cannot be made safe from the risks of flooding, then it should not be permitted. A similar approach is embodied in Core Strategy Policy L5 (and thus this aspect of Policy L5 is also up-to-date for the purpose of decision-taking).

302. The application is accompanied by a Flood Risk Assessment (FRA). This explains that the site is wholly located within Flood Zone 1. It is thus categorised as having the lowest probability of river or sea flooding (a less than 1 in 1,000 (0.1%) annual probability). In flood risk terms, therefore, the site is regarded as 'sequentially preferable' (and superior to sites in Flood Zones 2 and 3). Moreover, the uses proposed within the application (including residential and commercial uses, as well as car parking) are considered entirely compatible with its flood risk status. This has been confirmed in consultation responses from the Lead Local Flood Authority (LLFA) as well as the Environment Agency (EA).

303. Notwithstanding this, the site is located within a Critical Drainage Area, as defined by the Council's Strategic Flood Risk Assessment (SFRA). The designation of Critical Drainage Areas is in recognition that certain locations are particularly sensitive to an increase in the rate or volume of surface water runoff. Accordingly, the submitted FRA also deals with this issue, together with an accompanying document which provides an initial surface water drainage strategy for the scheme, with the aim of demonstrating that the development would not exacerbate existing conditions. Both the FRA and the drainage strategy explain the intention for the new development to be served by a new surface water drainage network which would include landscaped rain gardens, green roofs and underground attenuation. These measures, it is explained, would be designed to provide an overall reduction in peak discharge flow rates from the site. Finished site levels would also be engineered to prevent the accumulation of standing water, it is continued. Again, these emerging details have been reviewed by the LLFA and with acceptance given in principle. The proposal is therefore considered acceptable when having regard to all local flood risk issues, and therefore in compliance with Policy L5. Conditions are recommended, however, to ensure the drainage strategy is further developed and implemented.

304. As an aside, the separate consultation response of United Utilities (the water authority) is referred to at this point. These comments, which similarly support the incorporation of a suitable surface water drainage scheme, note that a public sewer crosses the site, and that the building over it would not be permitted. The matter has been raised with the applicant and they are satisfied that the issue is capable of being addressed.

## ECOLOGICAL IMPACT

305. The NPPF is clear that the planning system should contribute to conserving and enhancing the natural environment, including minimising impacts on, and providing net gains for, biodiversity. The accompanying PPG advises that planning decisions have the potential to affect biodiversity interests outside, as well as inside, officially designated areas of importance for biodiversity. Local planning authorities are also advised to consider the opportunities that individual development proposals may provide to enhance biodiversity. At the development plan level, Core Strategy Policy R2 similarly seeks to ensure that new development would not have an unacceptable



impact on the Borough's ecological assets, and that it should seek to provide net gains. Policy R2 is regarded as consistent with the NPPF; it is thereby is up-to-date for the purpose of decision-taking.

306. The application submission includes an Extended Phase 1 Habitat Survey. When having regard to the site's conditions, in that it largely comprises buildings and hardstandings although with some amenity grassland and scattered trees, the Survey identifies that the site's ecological value is relatively limited. There are no internationally or nationally protected designations within a 1 kilometre radius of the site. There is, however, a locally protected site – the Bridgewater Canal Site of Biological Importance (SBI) – is within 80 metres. However, this separation distance, and when considering the particular characteristics for which this SBI is recognised, the Survey concludes that the development would have a negligible effect on the SBI. It is the development's effect on specific habitats within the application site, which could support protected species, that is subject to most analysis. This includes the buildings to be demolished and the existing trees to be lost, and with these having the potential to support roosting bats and foraging and nesting habitat for breeding birds during the nesting season (March to September). It follows that the Survey presents the findings of a preliminary on-site bat survey and a further presence/absence survey of Sibson House in particular. However, no evidence of bat roosts was recorded throughout the site and no bats were observed emerging/entering Sibson House.

307. The submitted information has been reviewed by the Greater Manchester Ecology Unit (GMEU) and the overall conclusions of the Extended Phase 1 Habitat Survey are accepted. It follows that GMEU is satisfied that the development would not have a material impact on the SBI or on protected species. However, this is subject to further precautions being taken during the demolition/construction process, which would be secured by conditions. These would have the effect of ensuring that parts of the roof structure of Sibson House would be removed by hand with the potential presence of bats borne in mind, and to restrict demolition and vegetation clearance to outside of the breeding bird season unless the site had first been inspected by a qualified ecologist.

308. Noting the advice of the NPPF, the consultation response also records that the development provides an opportunity to enhance levels of biodiversity and to contribute to wildlife and habitat connectivity in the wider area. The landscape strategy for the development has previously been set out. It includes sedum roofs, a green wall, the podium garden, and structured planting within Threshold Square and a revitalised Town Square (and with tree and shrub species of local provenance identified). Whilst also contributing to the aesthetics of the development, it is considered that the quality approach to landscaping would, naturally, also improve the ecological conditions of the site. However, the use of a further condition, to require the provision of on-site practical features (for example, bat bricks, bat boxes and bird boxes), would provide an additional level of enhancement to further ensure that a net improvement in biodiversity would result. The proposal is therefore considered compliant with Policy R2.

## SPATIAL GREEN INFRASTRUCTURE

309. The expectation – as set out in Core Strategy Policy R3 and SPD1 – that new development should contribute on an appropriate scale to the provision of specific green infrastructure (chiefly tree planting) has already been set out in the context of a review of the acceptability of the submitted soft landscaping scheme. However, Policy R3 and SPD1 also references ‘spatial green infrastructure’ which larger scale development proposals are also expected to contribute to. SPD1 explains that the term ‘spatial green infrastructure’ refers to open and natural greenspace which is utilised and enjoyed by residents. It could include a local park with children’s play equipment or more semi-natural greenspace.

310. In this case it has been accepted that the proposal’s requirements for spatial green infrastructure would most appropriately be met via a financial contribution towards off-site provision (notwithstanding that some small timber play pieces are proposed within the communal garden). In consultation with the Council’s Greenspace Strategy officer, a figure has been arrived at which allows for two separate monetary contributions: to general open space (£55,684) and to children and young people’s equipment (£92,161). This would be secured via a Section 106 legal agreement and with the intention of it being used to provide for enhancements to existing provision within the local area (which could include Kelsall Street Park and Worthington Park).

## CONSTRUCTION PHASING

311. The application submission explains that the development proposed in this application would be brought forward on a phased basis to ensure the retention of access to the remaining parts of The Square and to enable the continuation of trading. Four separate phases of development have been suggested, which have been supported by construction diagrams which also provide for the movements of construction and service traffic. In broad terms the four phases comprise: the demolition of existing buildings; the construction of the buildings within development zone 1; the construction of new pedestrian routes; and the construction of buildings within development zone 2. In principle this approach is accepted but it is recommended that a condition is imposed to require the provision of a detailed phasing schedule.

## OTHER PLANNING CONSIDERATIONS

312. Issues raised in the letters of representation, as summarised at the beginning of this report, have been covered within the preceding sections under relevant topic headings. Any remaining issues raised which have not been specifically identified have nonetheless been duly examined but are not considered determinative.

## OTHER SCHEME BENEFITS

313. The applicant has submitted a statement which outlines the additional benefits that the proposed development would deliver. These can be summarised as:

- A £67 million investment in the town centre;

- The creation of approximately 192 new full-time jobs once the development is operational;
- These opportunities would span a range of job types, including entry-level positions in the retail, leisure, and food and drink sectors which would target young people from the local area, as well as more senior and management openings;
- Further jobs created during the construction process, including for ground workers, construction disciplines and construction management;
- Indirect jobs created, including through the logistics sector in serving an improved town centre;
- In addition to the traditional film screenings, the cinema would also provide opportunities for kids clubs, OAP specials and other local interest groups;
- The household expenditure arising from the proposed new housing would be in the order of £3.2 million per annum, of portion of which could be spent in Sale town centre or at other local businesses;
- The new retail and leisure floorspace would lead to total annual business rates revenue of £0.4 million per annum of which a portion would be available for local retention;
- The proposed new housing would lead to additional New Homes Bonus payments (approximately £1.5 million) and Council Tax receipts (approximately £0.26 million per annum);
- The removal of the management and maintenance costs of the existing Council-owned grassed area to the front of the multi-storey car park;
- The utilisation of sustainable building techniques;
- The reduction in the need to travel to more distant facilities/locations for retail and leisure activities; and
- A reduced carbon footprint by creating a sustainable town centre with excellent public transport links.

## **DEVELOPER CONTRIBUTIONS**

314. The proposed cinema and the townhouses are subject to the Community Infrastructure Levy (CIL). The site is located in a 'moderate' CIL zone for residential development, and thus this aspect of the proposal will be liable to a CIL charge rate of £40 per square metres.

315. Other financial contributions, to be secured via a Section 106 legal agreement, include:

- £15,000 for a revised parking permit scheme; and
- £147,845 for spatial green infrastructure (composed of £55,684 to general open space and £92,161 to children and young people's play equipment).

316. It is intended that this legal agreement would also secure the on-site provision of affordable housing (at a rate of 10%, providing 20 units, in the form of shared ownership accommodation) as a further planning obligation. An overage clause should also be used.

317. In addition, given the importance attached to the design quality of the scheme in officers reaching their conclusion to support the proposed development, it is considered appropriate to ensure that the design intent of the applicant's architect is fully delivered as envisaged in the built scheme. The NPPF supports this approach in Paragraph 130 where it states that local planning authorities should seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme. In such circumstances it is now considered good practice to retain the original scheme architect as 'design certifier' to oversee the development as it is built out. It is therefore recommended that a clause is included within the legal agreement to secure the continuing involvement of Simpson Haugh architects, or alternatively to seek a commuted sum to cover the professional fees required to enable the local planning authority to secure the involvement of an architectural practice of their choice in the role of design certifier. The applicant has previously indicated their acceptance to such an approach.

318. Finally, a condition is recommended to require the provision of a detailed signage strategy for the commercial units and cinema, and it is suggested that the legal agreement is used to ensure that tenants' proposals for signage in the case of those advertisements which would ordinarily benefit from deemed consent under the Advertisement Regulations are developed in accordance with this strategy.

### **CONCLUSION/PLANNING BALANCE**

319. The application site is located within the heart of Sale town centre. It incorporates part of The Square shopping precinct and additional land and buildings to its south. The town centre is a generally well-used destination, and with residents of Sale, Sale Moor, Ashton-upon-Mersey and Brooklands looking to the town centre to help meet their retail and other needs. However, the centre is dominated by convenience goods (food) provision, and the comparison goods (non-food) offer is focussed towards the more budget-end of the market. A modern, family-friendly food and beverage offer is also lacking. Furthermore, environmental quality within the town centre is generally compromised, with a somewhat uninspiring public realm and limited opportunities for shoppers and visitors to linger. As part of these conclusions, it has been recognised that the existing layout and offer of The Square in particular fails to maximise the potential of the centre and does not provide a level and quality of retail (and other floorspace) to enable it to fulfil its role as the anchor destination for Sale town centre as a whole. The commercial stock is dated and the physical environment is in need of renewal. This is at a time when lower-order town centres are under threat from the continued success of more regional, larger shopping centres (such as Manchester city centre and the Trafford Centre) as well as from the substantial growth in internet shopping.

320. The application proposal, which has been worked up over a protracted period, is intended to provide the key opportunity to enable Sale town centre to reposition itself within this competitive market. The development involves the comprehensive redevelopment of the site and the provision of new main town centre uses, comprising a six-screen cinema (Use Class D2) and nine flexible retail units designed and organised to meet modern retailer/operator requirements (Use Classes A1, A2 and A3).

321. In returning to the fundamental decision-taking framework identified at the beginning of this report, S38(6) of the Planning and Compensation Act 1991 states that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF at paragraphs 2 and 47 reinforces this requirement and at paragraph 12 states that the presumption in favour of sustainable development does not change the statutory status of the development plan as a starting point for decision making, and that where a planning application conflicts with an **up to date** (emphasis added) development plan, permission should not normally be granted.

322. This report has identified that the proposals do not comply with aspects of the statutory development plan in the following ways:

- The affordable housing offered does not reflect the mix that Core Strategy Policy L2 seeks in terms of a 50/50 split between shared ownership (intermediate) and social (affordable rent);
- The requirement to protect, preserve and enhance heritage assets and their wider settings, as set out in Core Strategy Policy R1, has not been demonstrated; and
- The standard of residential amenity experienced by occupiers of the existing Acre House property adjacent to the site may reduce, contrary to Core Strategy Policy L7.

323. The Council's Core Strategy was adopted in January 2012, prior to the publication of the 2012 NPPF, but drafted to be in compliance with it. It remains broadly compliant with much of the policy in the 2018 NPPF, particularly where that policy is not substantially changed from the 2012 version. It is acknowledged that for example, policies controlling the supply of housing are out of date, not least because of the Borough's lack of a five year housing land supply, but other policies relevant to this application, for example those relating to design and town centres, remain up to date and can be given full weight in the consideration of this application. Whether a development plan policy is considered to be up to date or out of date has been identified for each of the policies in the relevant section of the report. As part of this it has been established that some of the policies which are out-of-date should be categorised as 'most important' for determining this application.

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

325. Paragraph 11 d) of the NPPF indicates that, where there are no relevant development plan policies or the policies which are most important for determining the application are out of date, planning permission should be granted unless:

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

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

326. The footnote to paragraph 11 d) i explains that the policies of the NPPF referred to include those which relate to heritage assets. In this respect, it is of some significance that this application generates a conflict with Policy R1 - as has been identified above - and moreover that it would lead to 'less than substantial harm' to heritage assets (a specific NPPF test) has also been identified. However, the heritage policies of the NPPF, unlike Policy R1, allow for some flexibility to be applied in respect of the weight to be attached to the possible impacts of a development in the overall determination process. In turn, the NPPF places a requirement on decision-makers to consider the trade-offs between heritage harm and public benefits, and to generally make the process of weighing up the relevant factors more explicit. Indeed, paragraph 196 of the NPPF states that: *where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use*'. In reaching a decision to approve an application, a local planning authority would have to be convinced that the level of harm identified was demonstrably outweighed by any public benefits of a proposal which could not otherwise be achieved. The subsequent paragraph 197, which relates to circumstances where an impact on a non-designated heritage asset has been identified, also requires a balanced judgement to be applied when having regard to the scale of any harm.

327. In respect of an assessment under paragraph d)(i), great weight is to be given to the impact of the development on heritage asset's conservation, as the statutory duties in the Planning (Listed Buildings and Conservation Areas) Act 1990 are engaged. The Council's Heritage Development Officer considers that the proposed development, and chiefly the cinema, would result in 'moderate harm' to the setting of both St Paul's Church and the Bridgewater Canal. This is largely because of the height and mass of the cinema building, which would be dominant and overbearing and which would be observed within the townscape setting of the church and the canal. The harm to significance would result from a new setting being formed which would not equally respect the adjacent heritage assets and with some erosion in the landmark quality of the church. The assessment of the proposals made by the Council's Heritage Development Officer has concluded that 'less than substantial harm' would arise.

328. Nevertheless, as has been identified within this report, it is evident to officers that wider public benefits would in fact accrue from this development. The principal basis for this position is the very positive impact that would arise in terms of the future health and performance of Sale town centre, and with this occurring at a crucial time for the town centre when having regard to wider structural and market changes. It is intended that the cinema would provide a major new asset for the town centre which would be complemented by new eating and dining experiences, including family restaurants, and a more variable retail composition. This diversification in uses is important in seeking to ensure that the town centre would remain a vital destination at all times of the day. In this regard, it is significant that the application proposal also involves the introduction of residential uses to the

application site (in the form of 18 townhouses and 184 apartments). Establishing town centres as more prominent locations for new housing development is emerging as a planning policy strategy as part of an acceptance that town centres should 'look beyond retail' if they are to survive. In addition, the application scheme would deliver significant public realm improvements, including the creation of a new Threshold Square which would provide a new community focal point and entrance to the town centre from the south. Further to this, Town Square would be rejuvenated such that shoppers would be encouraged to spend time in the area rather than simply moving through the space. Environmental and functional improvements to Hereford Street, Springfield Road and Sibson Road are also proposed. These, and other interventions, would directly deliver a number of key projects identified in the Public Realm and Movement Strategy for Sale which are intended to deliver a more attractive and connected town centre environment. This would free up sources of public funding that would otherwise need to be utilised for the approved public realm strategy to be realised. The development could also serve as a catalyst for further town centre investment, which would deliver even more profound change.

329. Another key advantage of the application proposal is the extent of its residential offer. To reiterate, it would deliver 202 residential units on a brownfield site in a central and sustainable brownfield location. The amount of housing that Trafford needs to provide is now greatly enhanced relative to the previous requirement within the Core Strategy; an annual requirement of at least 1,319 new homes. That being the case, this Council cannot presently demonstrate a five-year rolling supply of deliverable housing sites even when taking account the earlier target of a minimum of 587 homes per year. Moreover, in supporting the regeneration of town centres, the NPPF and the emerging GMSF serve to promote the application site as a location for new housing, and at high densities, in order to maximise the number of people living in an accessible place. This approach also ensures that the burden of housing growth would not be excessively weighted towards Green Belt and greenfield sites. Furthermore, as part of the residential component, an affordable package has been negotiated, and a 10% affordable contribution (to be provided on site in the form of shared ownership (intermediate) units) has since been offered.

330. Great weight has also been attached to the design quality of the scheme, to the extent that without the level of quality proposed, it is unlikely that officer support for the scheme would have been forthcoming. From the outset of design discussions, it was recognised that the application proposal provided an opportunity to significantly improve the character and quality of the town centre. Whilst the need to use the land efficiently and to optimise density, in order to produce a workable scheme, has been accepted, the scheme is nevertheless considerably greater in both height and mass than existing developments in the town centre. The applicant's and the architects' approach has acknowledged this and great care and attention to detail has been paid in the architectural approach. This is demonstrated in the extent of surface modelling to each elevation, the provision of articulation and depth to each façade, and the careful choice of quality materials throughout the development (including for hard landscaping and surfacing within the new public realm). It is further carried through in the scheme of soft landscaping which would include the provision of a green wall and the planting of 55 new trees. Furthermore, a commitment to follow through with this level of design quality has been given by the applicant, in order to

forestall any attempt to reduce the degree of architectural sophistication, which would be secured via a legal agreement.

331. In the order of 192 new full-time jobs would be created within the development, the applicant estimates, and with these openings spanning a range of disciplines and levels. Temporary construction jobs would also be created from what the applicant has stated will be a £67 million cash injection overall.

332. The extent, range and impact of these stated public benefits is such that officers have concluded that, cumulatively, they would demonstrably outweigh the 'less than substantial harm' to designated and non-designated heritage assets. The effect, therefore, is that paragraphs 196 and 197 of the NPPF have been complied with. Furthermore, the fact that the proposals comply with NPPF policy on heritage matters represents the material consideration necessary to outweigh the non-compliance of the proposals in respect of Policy R1 (which in any case is out of date).

333. Having carried out this analysis, there is no 'clear reason for refusing the development proposed' when considering the application against paragraph 11d)(i) of the NPPF. Paragraph 11(d)(ii) of the NPPF – the tilted balance – is therefore engaged, i.e. planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

334. That the proposal is in conflict with other policies of the development plan has also been identified, namely Policy L2 when having regard to the type of affordable housing offered, and Policy L7 in respect of the impact on residential amenity of existing adjoining occupiers (at Acre House). In addition, that the development does not fully meet all guideline criteria, including local supplementary documents and national guidance, intended to deliver decent standards of residential amenity within new developments has also been concluded.

335. That Policy L2 is out-of-date for a series of different reasons has been explained, including in respect of it not reflecting the NPPF's new and broadened definition of affordable housing. Conversely, Policy L7 - in establishing expectations regarding the design of development (and encompassing residential amenity) - has been recorded as being up-to-date. That being the case, that the residential amenity considerations that underpin Policy L7 (in drawing upon supplementary guidance in PG1 and SPD4) were not drafted with high density, town centre developments in mind has also been reported, and with a new design guide which will focus on tall buildings due to be prepared. That Policy L2 is not consistent with the NPPF regarding the type of affordable housing to be sought, and that the NPPF encourages local planning authorities to adopt a flexible approach in interpreting policies and guidance (relating to daylight and sunlight specifically) in considering applications that seek to make an efficient use of land are regarded as material considerations which, it is considered, justify departing from the development plan in this instance. For the avoidance of doubt, it is made clear that this justification is specific to the application; it is maintained that the requirement in the Core Strategy to provide affordable housing at an appropriate percentage split should still be given significant weight, although it is evident that, going forward, a new up-to-date



development plan policy which sets out a revised approach to the type of affordable housing to be secured across Trafford will be devised. Equally, the requirement to uphold existing standards of residential amenity enjoyed by surrounding occupiers is considered fundamental to officers' assessment of a development proposal. However, that there is a particular site-specific reason in this instance which warrants a different approach, when acknowledging the circumstances surrounding the occupation of Acre House, has been set out.

336. In addition to the development plan policy conflicts that have been identified, and shortfalls in respect of established guidance, it is also recognised that there remain some outstanding concerns from consultees. This includes from the Housing Strategy officer in respect of the housing mix and the imbalance towards smaller residential units, and concerns from the CCG and the Education Admissions team regarding the impact on local services. The Heritage Development officer's conclusions regarding moderate harm arising to heritage assets have already been reported. Furthermore, there are wider unresolved objections from members of the public, including in respect of the taxi rank relocation and the loss of Sibson House. The implications of introducing taller buildings to the site, when having regard to the impacts upon the townscape and on residential amenity, have also consistently featured in letters of representations (and with the full list of objections, as well as public expressions of support, reported previously). Other detriments include the loss in social rented accommodation provided within the site (notwithstanding the overall uplift in affordable homes).

337. Paragraph 38 of the NPPF urges local planning authorities to approach decisions on planning applications in a positive and creative way. Proactive working with applicants is encouraged in order to secure developments that will improve the economic, social and environmental conditions of an area, and '*decision-makers at every level should seek to approve applications for sustainable development where possible.*' The significant benefits of this proposed development have been identified, as have some harms. However, officers have spent considerable time to make sure that these significant benefits would be optimised as much as they can be, while any harms have been minimised as far as possible (including through the use of conditions). The paramount benefits of this scheme relate to the opportunities afforded to improve the health, performance and environment of Sale town centre, together with the wider benefits arising from the proposed residential component.

338. Therefore, in returning to paragraph 11(d)(ii) of the NPPF, it has been concluded, when taken as a whole, that any adverse impacts arising from the scheme would not significantly and demonstrably outweigh the benefits. It is therefore recommended that planning permission is granted.

## **RECOMMENDATION**

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

- (i) To complete a suitable legal agreement under S106 of the Town and Country Planning Act 1990 (as amended) to secure:

- The provision of 20 no shared ownership apartments on site (as well as allowing for a review mechanism to capture any enhanced profit to support additional affordable housing in the Borough);
- A financial contribution of £15,000 for revisions to residents' parking permits;
- A financial contribution of £147,845 for spatial green infrastructure (composed of £55,684 to general open space and £92,161 to children and young people's play equipment);
- The retention of Simpson Haugh architects in the role of design certifier throughout the construction period, or alternatively to secure a commuted sum to cover the professional fees required to enable the local planning authority to secure the involvement of an architectural practice of their choice in the role of design certifier; and
- The provision of a scheme for ensuring that all tenant signage proposals that fall to be considered under either Part 2 (Deemed Consent) or Schedule 1 of The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 are in accordance with the approved signage strategy.

(ii) To carry out minor drafting amendments to any planning condition.

(iii) To have discretion to determine the application appropriately in the circumstances where a S106 agreement has not been completed within three months of the resolution to grant planning permission.

(iv) That upon satisfactory completion of the above legal agreement that planning permission be GRANTED subject to the following conditions (unless amended by (ii) above):

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

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

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

Main plans:

Site Location Plan – ref. 10068-Z1-A-B5D8-G000-XP-XX-001, A00

Red Line Planning Boundary (Existing Ground Floor Plan) – ref. 10068-Z1-A-B5D8-G100-XP-XX-001, A00

Red Line Planning Boundary (Existing Roof Plan) – ref. 10068-Z1-A-B5D8-G100-XP-XX-002, A00

Demolition Plan (Ground) – ref. 10068-Z1-A-B5D8-G110-XP-XX-001, A00

Demolition Plan (Upper) – ref. 10068-Z1-A-B5D8-G110-XP-XX-002, A00

Proposed Site Plan (Ground Floor) – ref. 10068-Z1-A-B5D8-G100-MP-XX-001, A01

Proposed Site Plan (Roof Plan) – ref. 10068-Z1-A-B5D8-G100-MP-XX-002, A01

Proposed Ground Floor Plan – ref. 10068-Z1-A-B5D8-G200-P-00-001, A01

Proposed Level 01 Plan – ref. 10068-Z1-A-B5D8-G200-P-01-001, A01

Proposed Level 02 Plan – ref. 10068-Z1-A-B5D8-G200-P-02-001, A01

Proposed Level 03 Plan – ref. 10068-Z1-A-B5D8-G200-P-03-001, A02

Proposed Level 04 Plan – ref. 10068-Z1-A-B5D8-G200-P-04-001, A01

Proposed Level 05 Plan – ref. 10068-Z1-A-B5D8-G200-P-05-001, A02

Proposed Level 06 Plan – ref. 10068-Z1-A-B5D8-G200-P-06-001, A01

Proposed Level 07-09 Plan – ref. 10068-Z1-A-B5D8-G200-P-07-001, A01

Proposed Level 10 Plan – ref. 10068-Z1-A-B5D8-G200-P-10-001, A01

Proposed Level 11 Plan – ref. 10068-Z1-A-B5D8-G200-P-11-001, A02

Proposed Level 12 Plan – ref. 10068-Z1-A-B5D8-G200-P-12-001, A01

Proposed Level 13 Plan – ref. 10068-Z1-A-B5D8-G200-P-13-001, A01

Proposed Level 14 Plan – ref. 10068-Z1-A-B5D8-G200-P-14-001, A02

Proposed Roof Level Plan – ref. 10068-Z1-A-B5D8-G200-P-RF-001, A01

Proposed GA Section AA – ref. 10068-Z1-A-B5D8-G200-S-AA-001, A00

Proposed GA Section BB – ref. 10068-Z1-A-B5D8-G200-S-BB-001, A00

Proposed North Elevation 1 - Town Square – ref. 10068-Z1-A-B5D8-G200-E-N-001, A00

Proposed North Elevation 2 - Service Yard / Cinema – ref. 10068-Z1-A-B5D8-G200-E-N-002, A00

Proposed North Elevation 3 - Podium Townhouses – ref. 10068-Z1-A-B5D8-G200-E-N-003, A01

Proposed South Elevation - Sibson Road – ref. 10068-Z1-A-B5D8-G200-E-S-001, A00

Proposed South Elevation - Block 1 Podium – ref. 10068-Z1-A-B5D8-G200-E-S-002, A00

Proposed South Elevation - Service Road – ref. 10068-Z1-A-B5D8-G200-E-S-003, A00

Proposed East Elevation 1 - Springfield Road – ref. 10068-Z1-A-B5D8-G200-E-E-001, A01

Proposed East Elevation 2 - New Avenue – ref. 10068-Z1-A-B5D8-G200-E-E-002, A01

Proposed East Elevation 3 - Block 1 gable end – ref. 10068-Z1-A-B5D8-G200-E-E-003, A00

Proposed West Elevation 1 - Dom House Boundary – ref. 10068-Z1-A-B5D8-G200-E-W-001, A00

Proposed West Elevation 2 - Through Rear Garden – ref. 10068-Z1-A-B5D8-G200-E-W-002, A00

Proposed West Elevation 3 - New Avenue – ref. 10068-Z1-A-B5D8-G200-E-W-003, A00

Detailed Elevation Type 1 - Upper blocks typical south facing façade – ref. 10068-Z1-A-B5D8-G251-D-TY-001, A00

Detailed Elevation Type 2 - Upper blocks south facing façade levels 03+10 – ref. 10068-Z1-A-B5D8-G251-D-TY-002, A00

Detailed Elevation Type 3 - Upper blocks typical north facing façade – ref. 10068-Z1-A-B5D8-G251-D-TY-003, A00

Detailed Elevation Type 4 - Upper blocks levels 11 + 14 – ref. 10068-Z1-A-B5D8-G251-D-TY-004, A00

Detailed Elevation Type 5 - Gable end elevations – ref. 10068-Z1-A-B5D8-G251-D-TY-005, A00

Detailed Elevation Type 6 - Town Square Elevation – ref. 10068-Z1-A-B5D8-G251-D-TY-006, A00

Detailed Elevation Type 7 – Townhouses – ref. 10068-Z1-A-B5D8-G251-D-TY-007, A00

Detailed Elevation Type 8 - Car park – ref. 10068-Z1-A-B5D8-G251-D-TY-008, A01

Detailed Elevation Type 9 – Cinema – ref. 10068-Z1-A-B5D8-G251-D-TY-009, A00

Detailed Elevation Type 10 - Wilko Façade – ref. 10068-Z1-A-B5D8-G251-D-TY-010, A00

Landscape plans:

Phase 1: Layout Plan and Highway Works – ref. 1705-EXA-XX-GF-DR-L-100, H

Threshold Square: General Arrangement - ref. 1705-EXA-XX-GF-DR-L-101, K

Central Square: General Arrangement - ref. 1705-EXA-XX-GF-DR-L-102, I

Level 3 Podium: General Arrangement – ref. 1705-EXA-XX-03-DR-L-103, J

Hereford Street: General Arrangement - ref. 1705-EXA-XX-ZZ-DR-L-105, E

Hereford Street: Visual - ref. 1705-EXA-XX-ZZ-MR-L-106, A

Construction Detail – Raingarden - ref. 1705-EXA-XX-GF-DR-L-301, A

Ground Floor Planting Sheet 1 - ref. 1705-EXA-XX-GF-DR-L-501, A

Ground Floor Planting Sheet 2 - ref. 1705-EXA-XX-GF-DR-L-502, B

Ground Floor Planting Sheet 3 - ref. 1705-EXA-XX-GF-DR-L-503, B

Podium Planting Plan – ref. 1705-EXA-XX-03-DR-L-504, B

Illustrative Section 1 – ref. 1705-EXA-XX-XX-DR-L-600, B

Illustrative Section 2 - ref. 1705-EXA-XX-XX-DR-L-601, A

Illustrative Section 3 - ref. 1705-EXA-XX-XX-DR-L-602, A

Sketch Visual 1 – ref. 1705-EXA-XX-XX-SK-L-900, A

Sketch Visual 2 - ref. 1705-EXA-XX-XX-SK-L-901

Sketch Visual 3 - ref. 1705-EXA-XX-XX-SK-L-902

Sketch Visual 4 - ref. 1705-EXA-XX-XX-SK-L-903, A

Sketch Visual 5 - ref. 1705-EXA-XX-XX-SK-L-904

Phase 1 Indicative Lighting Plan – ref. 1705 – EXA-XX-XX-DR-L-108

Highway plans:

Phase 1 Springfield Road option – P003, C

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

3. Notwithstanding any description of materials in the application, no above-ground construction works shall take place in relation to any phase of the development, as identified through condition 24, unless and until samples and full specifications of materials to be used externally on all buildings hereby approved within that phase have been submitted to and approved in writing by the local planning authority. The specifications shall include the type, colour and texture of the materials. The samples shall include constructed panels of all proposed brickwork illustrating the type of joint, the type of bonding and the colour of the mortar to be used, and with these panels available on site for

inspection. Development shall be carried out in accordance with the approved details.

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

4. No above-ground construction works shall take place unless and until a detailed façade schedule for all buildings has first been submitted to and approved in writing by the local planning authority. The schedule shall be provided in tabulated form with cross referencing to submitted drawings, include the provision of further additional drawings and the building of sample panels on site as necessary and shall include:
  - (i) All brickwork detailing, including recessed brickwork panels and decorative brickwork
  - (ii) All fenestration details and recesses
  - (iii) Any necessary extract and ventilation flues for all commercial and residential properties that may be visible on the external façade of the buildings
  - (iv) The means of dealing with rainwater and any necessary rainwater goods that may be visible on the external façade of the buildings
  - (v) Trim and coping details to the top of all buildings
  - (vi) A methodology for the means by which the appointed Design Certifier will check the first introduction of each design detail to the building as it is being built out.

Development shall proceed in accordance with the approved detailed façade schedule, and as approved on site by the Design Certifier.

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

5. No above ground construction works on the townhouses shall take place unless and until a scheme for the provision of utility meter boxes to serve these units has first been submitted to and approved in writing by the local planning authority. Development shall proceed in accordance with the approved scheme.

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

6. No above-ground construction works shall take place unless and until a detailed scheme for all mechanical and electrical systems (M&E) have first been submitted to and approved in writing by the local planning authority. The scheme shall ensure that:
  - (i) All apartments are provided with appropriate heating and ventilation systems

- (ii) There are no individual extraction vents or flues to apartments visible on the exterior façade of the buildings
  - (iii) All plant and lift overruns are included within the building facade and are not located on or protrude above the roof parapets of the buildings
- Development shall proceed in accordance with the approved scheme.

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

7. Prior to the occupation of any of the commercial and retail units, including the cinema, and notwithstanding the signage strategy included within the submitted Design and Access Statement, a more detailed signage strategy for the development, including all commercial and retail units and the cinema, shall be submitted to and approved in writing by the local planning authority. Development shall proceed in accordance with the approved details.

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

8. Notwithstanding any description of materials in the application, no above-ground construction works shall take place until samples and full specifications of all hard landscape works to be used throughout the development hereby approved have been submitted to and approved in writing by the local planning authority. The details shall include: materials for vehicle and pedestrian routes; all other hard surfacing materials; means of enclosure/boundary treatments; all street furniture and planting beds; play equipment and an implementation programme. Development shall be carried out in accordance with the approved details.

Reason: In order to ensure a satisfactory appearance in the interests of visual amenity, and also to ensure appropriate highway treatment, having regard to Policy L4 and Policy L7 of the Trafford Core Strategy and the National Planning Policy Framework.

9. Notwithstanding the details shown on the approved plans, no above-ground construction works shall take place until full details of all soft landscaping and Green Infrastructure treatment to be provided throughout the development have been submitted to and approved in writing by the local planning authority. The details shall include: the formation of any banks, terraces or other earthworks; planting plans; written specifications (including cultivation and other operations associated with plant and grass establishments); schedules of plants (noting species, plant sizes and proposed numbers/densities (which shall be based on the provision of at least 55 new trees throughout the development)); existing trees to be retained; a planting implementation programme; details of a load-bearing system to support those new trees planted within and adjacent to hard surfaces; details of the

dimensions of planters at podium level; and shall show how account has been taken of any underground services. The submitted details and the level of detail required shall cover all aspects of soft landscaping, including the green wall, sedum roofs and rainwater gardens. The soft landscaping works shall be carried out in accordance with the approved implementation programme.

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

10. Any trees or shrubs planted in accordance with the approved landscaping works are removed, die, become diseased or seriously damaged then replacement trees or shrubs shall be planted in the next planting season with others of similar size and species.

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

11. With reference to the submitted preliminary Landscape Maintenance and Management Strategy (prepared by Exterior Architecture and dated 18th October 2018), a detailed landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscaped areas (other than small, privately owned, domestic gardens) and including the green wall, shall be submitted to and approved in writing by the local planning authority before first occupation of the development (which shall include both the residential and commercial components, whichever is the sooner). The landscape management plan shall be implemented as approved and shall remain in force throughout the lifetime of the development.

Reason: To ensure that landscaping at the site is satisfactorily managed and maintained including in the longer term, having regard to the requirements of Policy L7, Policy R2 and Policy R3 of the Trafford Core Strategy and the National Planning Policy Framework.

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

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

fencing is required prior to development taking place on site as any works undertaken beforehand, including preliminary works, could damage the trees.

13. No development shall take place, other than works of demolition, unless and until a sustainable surface water drainage scheme based on the hierarchy of drainage options in National Planning Practice Guidance, has been submitted to and approved in writing by the local planning authority.

The scheme shall include:

1. An assessment of site conditions and the hierarchy of drainage options shall include an assessment of (in the following order of priority):

- (i) the potential for discharge to ground (infiltration);
- (ii) the potential for discharge to a surface water body;
- (iii) the potential for discharge to a surface water sewer, highway drain, or another drainage system; and only then
- (iv) an attenuated discharge to a combined sewer.

A maintenance and management plan for the drainage system, which shall include arrangements for its adoption by a public body or statutory undertaker, or any other arrangements to secure the operation of the scheme throughout its lifetime.

Reason: Such details need to be incorporated into the design of the development to prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site in accordance with the Guidance Document to the Manchester City, Salford City and Trafford Councils Level 2 Hybrid Strategic Flood Risk Assessment, Policy L5, Policy L7 and Policy SL1 of the Trafford Core Strategy and the National Planning Policy Framework. The details are required prior to development taking place on site given the need to design and incorporate satisfactory drainage at the outset.

14. Upon completion of the surface water drainage scheme, and prior to the occupation of any of the residential units hereby approved, a Drainage Verification Report shall be submitted to and approved in writing by the local planning authority. The verification report shall confirm that the approved surface water drainage scheme has been implemented in full and shall include: -

- Photographic evidence of construction as per design drawings
- As built construction drawings if different from design construction drawings

Thereafter the surface water drainage scheme shall be managed and maintained in accordance with the approved details for the lifetime of the development.

Reason: Such details need to be incorporated into the design of the development to prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site in accordance with the Guidance Document to the Manchester City, Salford City and Trafford Councils Level 2 Hybrid Strategic Flood Risk Assessment, Policy L5, Policy L7 and Policy SL1 of the Trafford Core Strategy and the National Planning Policy Framework.



15. 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.

16. The demolition of Sibson House shall commence with the removal by hand of the building's roof tiles, ridge tiles, wooden soffits, fascias, and bargeboards having regard to the possible presence of bats (notwithstanding the findings of the Extended Phase 1 Habitat Survey (prepared by BDP and dated June 2018)).

Reason: To provide adequate safeguards for the protection of any protected species existing on the site, having regard to Policy R2 of the Trafford Core Strategy and the National Planning Policy Framework.

17. Prior to any above-ground construction works taking place within each phase of the development, as identified through condition 24, a scheme for the provision of the following features within that phase shall be submitted to and approved in writing by the local planning authority: bat bricks/tubes, bat boxes, and bird boxes. The approved details shall be installed prior to the occupation of that phase and shall be retained thereafter.

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

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

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

19. The development hereby approved shall be constructed in accordance with the recommendations contained within sections 4 and 5 of the submitted Crime Impact Statement dated 28/03/2018, reference 2017/0996/CIS/01. Prior to the development being brought into use (which shall include both the residential and commercial components, whichever is the sooner), a verification report shall be submitted to and approved in writing by the local planning authority which shall confirm that the above recommendations of the Crime Impact Statement have been implemented in full. Thereafter, the

development shall be maintained in accordance with the approved details for the lifetime of the development.

Reason: 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.

20. Prior to the development being brought into use (which shall include both the residential and commercial components, whichever is the sooner), a detailed security management plan for the operation of the development shall be submitted to and approved in writing by the local planning authority. The submitted information shall include details of any on-site management/security patrols, measures to remove litter and graffiti, measures to deal with vandalism, a scheme for the inspection of communal security features, the maintenance of soft landscaping, and a detailed strategy for the management of areas of public open space to discourage nuisance and anti-social behaviour. The submitted security management plan shall cover a ten year period following the development's first occupation and shall provide a strategy for continued site security beyond that ten year period. The security management plan shall be implemented as approved.

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

21. Prior to the development being brought into use (which shall include both the residential and commercial components, whichever is the sooner), a scheme for the provision of counter-terrorism measures, including hostile vehicle mitigation, within the development shall be submitted to and approved in writing by the local planning authority. The approved details shall be installed prior to the development being brought into use (which shall include both the residential and commercial components, whichever is the sooner) and shall be retained thereafter.

Reason: 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.

22. The development hereby approved shall be operated in accordance with the submitted Waste Management Strategy (prepared by WYG and dated June 2018).

Reason: In the interests of highway safety and residential amenity and to ensure that satisfactory arrangements are in place for the disposal of refuse (including recyclables), having regard to Policy L4 and Policy L7 of the Trafford Core Strategy and the National Planning Policy Framework.

23. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to and approved in writing by the local planning authority. The approved Statement shall be

adhered to throughout the demolition/construction period. The Statement shall provide for:

- i. the parking of vehicles of site operatives and visitors
- ii. loading and unloading of plant and materials including times of access/egress
- iii. storage of plant and materials used in constructing the development
- iv. the erection and maintenance of security hoardings including decorative displays and information for members of the public, including contact details
- v. wheel washing facilities, including measures for keeping the highway clean
- vi. measures to control the emission of dust and dirt during demolition and construction
- vii. a scheme for recycling/disposing of waste resulting from demolition and construction works
- viii. proposed hours of demolition and construction activity
- ix. measures to prevent disturbance to adjacent dwellings from noise and vibration, including any piling activity
- x. procedures for dealing with any complaints

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

24. No development shall take place, including any works of demolition, until a detailed demolition and construction phasing programme for the development hereby approved has been submitted to and approved in writing by the local planning authority. The approved details shall be adhered to throughout the demolition/construction period.

Reason: To ensure that appropriate details are agreed before works start on site and to minimise disturbance and nuisance to town centre traders and other town centre users, to occupiers of nearby properties, and to users of the highway, having regard to Policy W2, Policy L4 and Policy L7 of the Trafford Core Strategy and the National Planning Policy Framework. The details are required prior to development taking place on site as an inappropriate approach to phasing, including for demolition, could have adverse impacts on residential amenity, highway safety, and town centre trading from the outset.

25. No above-ground construction works shall take place until a scheme for the provision of electric vehicle charging infrastructure (including charging points and dedicated parking bays) within the development has been submitted to and approved in writing by the local planning authority. The submitted details shall include a timetable for the implementation of the infrastructure. The development shall be implemented in accordance with the approved details and timetable, and the infrastructure shall be retained thereafter.

Reason: In the interests of environmental protection, having regard to Policy L5 of the Trafford Core Strategy and the National Planning Policy Framework.

26. No above-ground construction works shall take place until a scheme detailing all external lighting equipment to be installed within the development has been submitted to and approved in writing by the local planning authority. The scheme shall include details of the hours of operation, the location, size and design of luminaries and fittings, the type/output of light sources with lux levels (together with isolux drawings to demonstrate the levels of illumination within the site and the amount of overspill of lighting beyond the site boundaries), and the location, design and colour of associated equipment. All lighting associated with the development shall be designed and installed to comply with the requirements of the ILE Guidance Notes for the Reduction of Obtrusive Light GN01:2011 for Environmental Zone E3, Suburban Medium District Brightness. The details shall be implemented and operated as approved.

Reason: In order to minimise the impacts upon residential amenities and pollution of the night sky, to ensure a satisfactory appearance in the interests of visual amenity, to create a safe night time environment, and to prevent unnecessary disturbance to wildlife, having regard to Policy L5, Policy L7 and Policy R2 of the Trafford Core Strategy and the National Planning Policy Framework.

27. The development hereby approved shall be constructed in accordance with the design recommendations contained within the submitted Environmental Noise Assessment (prepared by BDP and dated June 2018). Prior to the occupation of any of the residential units hereby approved, a verification report shall be submitted to and approved in writing by the local planning authority which shall confirm that the recommendations of the Environmental Noise Assessment have been implemented in full. Therefore, the development shall be maintained in accordance with the approved details for the lifetime of the development.

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

28. The retail units hereby approved shall be used as Class A1 (shops), Class A2 (professional and financial services) and Class A3 (restaurants and cafes) and for no other purpose, including any other purpose in Class A of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.

Reason: In the interests of residential amenity and to ensure that the local planning authority can apply an appropriate level of control over the future use of the units, having regard to Policy L7 of the Trafford Core Strategy and the National Planning Policy Framework.

29. No servicing, deliveries or refuse collections to the development hereby approved shall be made after 2300 hours or before 0700 hours Mondays to Saturdays (including Bank Holidays), and after 2300 hours or before 0800 hours on Sundays.

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

30. The outdoor seating and dining areas serving the nine retail units hereby approved, including serving the cinema building (as illustrated on plan ref. 10068-Z1-A-B5D8-G200-P-00-001, A01), shall not be used after 2100 hours or before 0900 hours Mondays to Sundays (including Bank Holidays).

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

31. Prior to the closure of the existing service access from Friars Road, the works to Hereford Street (as illustrated on approved plan ref. 1705-EXA-XX-ZZ-DR-L-105, E) shall be completed in full and made available for use for access to the service yard.

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

32. Prior to the use of Hereford Street commencing as a service route, the new taxi ranks on Sibson Road and Springfield Road (as illustrated on approved plan refs. 1705-EXA-XX-GF-DR-L-100, H and P003, C) shall be provided and made available for use.

Reason: To ensure that replacement taxi ranks are provided, having regard to Policy L4 and Policy L7 of the Trafford Core Strategy and the National Planning Policy Framework.

33. No above-ground construction works shall take place unless and until full details of all highway works as shown on plan ref. 1705-EXA-XX-GF-DR-L-100, H have been submitted to and approved in writing by the local planning authority. The submitted details shall include a timetable for the implementation of the works. The development shall be implemented in accordance with the approved details and timetable.

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

34. Prior to the development being brought into use (which shall include both the residential and commercial components, whichever is the sooner), a full Travel Plan, which shall include measurable targets for reducing car travel, shall be submitted to and approved in writing by the local planning authority. On or before the first occupation of the development (which shall include both

the residential and commercial components, whichever is the sooner), the Travel Plan shall be implemented and thereafter shall continue to be implemented throughout a period of ten years commencing on the date of this first occupation.

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

35. Prior to the development being brought into use (which shall include both the residential and commercial components, whichever is the sooner), an Operational Delivery Management Plan, which shall demonstrate that the approved service yard and service bay can be satisfactorily managed and that deliveries and refuse vehicles can be safely accommodated, shall be submitted to and approved in writing by the local planning authority. The submitted plan shall include a strategy for the appropriate management of multiple deliveries at any one time should that occur. The servicing provision shall be provided before the development is first brought into use and deliveries shall thereafter take place in accordance with the approved plan.

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

36. Prior to the development being brought into use (which shall include both the residential and commercial components, whichever is the sooner), a Car Park Provision and Management Plan shall be submitted to and approved in writing by the local planning authority. The submitted plan shall set out a process for the allocation of car parking spaces to residents of the development and shall confirm how the residential and commercial parking spaces within the new multi-storey car park shall be segregated. The submitted plan shall also set out a process for the allocation and retention of 56 car parking spaces within the existing roof top car park for general public use. The car parking spaces shall be provided in accordance with the approved plans before any of the development is brought into use and the management of the car parking spaces shall thereafter take place in accordance with the approved plan.

Reason: To ensure that an adequate level of car parking is provided and to ensure that car parking is appropriately allocated and managed, having regard to Policy L4 of the Trafford Core Strategy and the National Planning Policy Framework.

37. The development hereby approved shall not be occupied unless and until full details of secure cycle and motorcycle parking has first been submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented before the development is brought into use and shall be retained at all times thereafter.

Reason: To ensure that satisfactory cycle and motorcycle parking provision is made in the interests of promoting sustainable development, having regard to

Policies L4 and L7 of the Trafford Core Strategy, the Council's adopted Supplementary Planning Document 3: Parking Standards and Design, and the National Planning Policy Framework.

- 38.a) No above-ground development shall take place on any phase of the development until the potential impact area in which television reception is likely to be adversely affected by the development hereby approved, during its construction and operational phases is identified, and details are provided to the local planning authority of when in the construction process an impact on television reception might occur;
- b) The existing television signal reception within the potential impact area identified in (a) above shall be measured before above ground works on the relevant phase first takes place, and details provided to the local planning authority of the results obtained.
- c) The construction and operational impacts of the development of the relevant phases on television signal reception shall be assessed within the potential impact area identified in (a) prior to any above ground development within the relevant phase first taking place. Such assessment shall identify measures to maintain at least the pre-existing level and quality of signal reception identified by the measurements undertaken in accordance with (b) above, and such measures shall be submitted to and approved in writing by the local planning authority prior to any above ground development within the relevant phase first taking place. The approved measures shall be implemented within a timescale that shall have first been agreed in writing with the Local Planning Authority and retained and maintained thereafter.

Reason: In the interest of residential amenity and in accordance with Policy L7 of the Trafford Core Strategy.

39. Prior to the commencement of any above-ground construction works, details of wind mitigation measures to be incorporated within the development shall be submitted to and approved in writing by the local planning authority. The submitted details, which shall include additional planting at podium level and a management plan for the use of the service yard in high wind conditions, shall demonstrate that the appropriate Lawson Safety Method and Lawson Comfort Method criteria can then be achieved throughout the development. The approved mitigation measures shall be brought into use before first occupation of the development (which shall include both the residential and commercial components, whichever is the sooner) and shall be retained thereafter.

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

40. The development process shall be undertaken in accordance with the mitigation measures for existing Sibson House residents as identified in section 5 of the submitted Equality Impact Assessment (dated January 2019 and prepared by Barton Willmore).

Reason: When allowing for appropriate consideration of equality issues and the need to encourage healthy, inclusive and safe communities, having regard to Strategic Objective SO2 and Policy L7 of the Trafford Core Strategy and the National Planning Policy Framework.

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

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

The development shall thereafter be carried out in full accordance with the approved remediation strategy before the first occupation of the development hereby approved (which shall include both the residential and commercial components, whichever is the sooner).

Reason: To prevent pollution of the water environment and to ensure the safe development of the site, having regard to Policy L5 and Policy L7 of the Trafford Core Strategy and the National Planning Policy Framework.

42. The development hereby permitted shall not be occupied (including both the commercial and residential components, whichever is the sooner) until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation has been submitted to and approved in writing by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan, where required (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for



contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

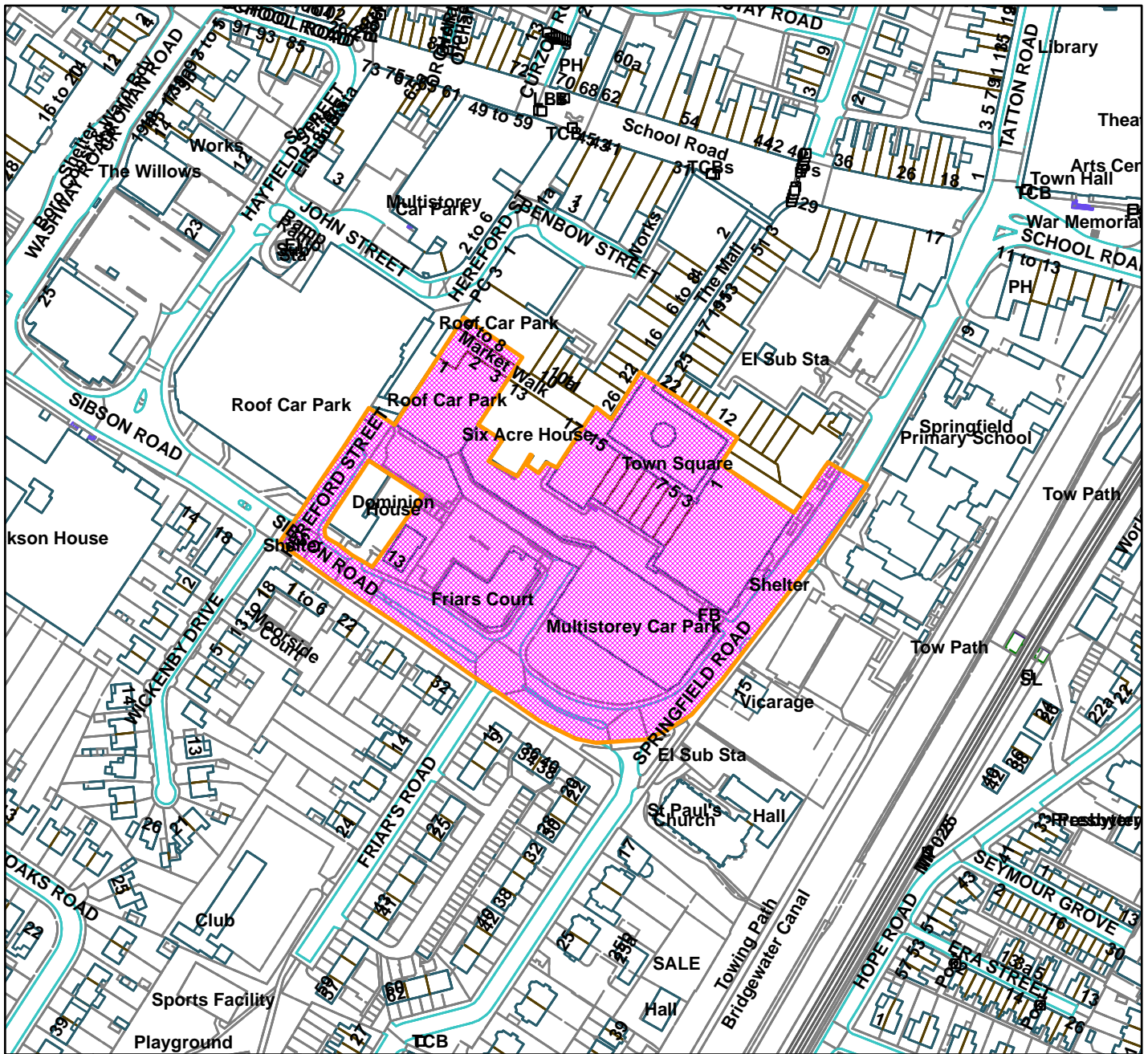
Reason: To prevent pollution of the water environment and to ensure the safe development of the site, having regard to Policy L5 and Policy L7 of the Trafford Core Strategy and the National Planning Policy Framework.

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BB



The Square Shopping Centre Development Site, Town Square, Sale (site hatched on plan)



Scale: 1:2,500

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|--------------|---------------------------|
| Organisation | Trafford Council          |
| Department   | Planning Service          |
| Comments     | Committee date 14/03/2019 |
| Date         | 04/03/2019                |
| MSA Number   | 100023172 (2012)          |

**Demolition of existing dwelling and garage to allow for erection of 2no. detached dwellings and other amendments including new vehicle entrances and new front boundary.**

Pinehurst, 8 Hawley Drive, Hale Barns, WA15 0DP.

**APPLICANT:** Mr and Mrs Tarne.

**AGENT:** Mr Trevor Gallop, Belmont Homes (GR) Limited.

**RECOMMENDATION: GRANT**

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**This application is reported to the Planning and Development Management Committee as the application has received six objections contrary to the officer recommendation, and in addition it has been called in for consideration by the Planning Committee by Councillor Dylan Butt.**

**SITE**

The application site comprises of a two storey detached dwelling set to the south of Hawley Drive, a residential cul-de-sac. The building appears to have been constructed at some point in the mid-20<sup>th</sup> Century and includes a front facing two storey gable element with Mock Tudor styling. The wider plot comprises of raised beds and hard standing to the front, a detached flat roofed double garage to the side (east) and a garden to the rear. Boundaries are marked by low rise brick walls to the front and wood panel fencing to the remainder. The site is heavily vegetated with dense banks of mature trees and vegetation along each boundary. The plot is bound by residential properties to all sides.

The rear of the plot backs onto properties set within South Hale Conservation Area, and in addition the non-adjacent property to the north-west at the head of Hawley Avenue (Hawley Lodge), is also located within this Conservation Area. The properties to the rear of the site and Hawley Lodge are noted as 'positive contributors' within the South Hale Conservation Area Appraisal SPD. However the density of the mature screening vegetation, including several evergreen trees along the site's rear and side boundaries, together with dense tree cover along Hawley Lodge's side boundaries, severely limits the inter-visibility between the application site and these neighbouring plots.

The site is also subject to TPO 110.

**PROPOSAL**

The applicant proposes to demolish the current dwelling and erect two detached five bedroom dwellings with attached side garages.

Each dwelling would have dual-pitch/hipped roofs, front facing gables and bay windows and an attached single space side garage, the latter with mono-pitch/hipped roofs.

Plot 1 would occupy the western end of the site with Plot 2 to the east. Their internal layouts would comprise of a reception hall, study, drawing room, open plan kitchen-diner-lounge, study, WC utility room and garage at ground floor; three en-suite bedrooms (the master bedroom having a separate dressing room) at first floor and two further bedrooms, a bathroom and store room at loft level. Each dwelling would have four roof lights.

Each dwelling would have a white render coating, white painted stone coping/plinths/cills, blue slate roof tiles, timber windows/doors and conservation area type roof lights.

The current site would be divided between the two new plots with separate vehicle entrances opened onto Hawley Drive. The front of each plot would comprise of an area of hard standing with hard/soft landscaping to all sides.

### **Value Added**

Following LPA advice the applicant has amended their proposal though a general redesign include the following changes:

1. Both properties reduced in width;
2. Both properties reduced in length;
3. Repositioned each property within the plot;
4. Replaced originally proposed double garage with single garage;
5. Amendments to the proposed landscaping and vehicle entrances.

### **DEVELOPMENT PLAN**

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

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

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

L1 - Land for New Houses;

L2 - Meeting Housing Needs;  
L4 - Sustainable Transport and Accessibility;  
L5 – Climate Change;  
L7 - Design;  
L8 - Planning Obligations;  
R1 – Historic Environment;  
R2 - Natural Environment.

## **OTHER LOCAL POLICY DOCUMENTS**

Revised SPD1 - Planning Obligations;  
SPD3- Parking Standards & Design;  
SPD5.21 – South Hale Conservation Area Appraisal;  
SPD5.21a – South Hale Conservation Area Management Plan;  
PG1 - New Residential Development.

## **PROPOSALS MAP NOTATION**

Critical Drainage Area.

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

None.

## **GREATER MANCHESTER SPATIAL FRAMEWORK**

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

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

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

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

DCLG published the National Planning Practice Guidance on 6 March 2014, which replaced a number of practice guidance documents. The NPPG will be referred to as appropriate in the report.

## **RELEVANT PLANNING HISTORY**

85316/HHA/15: Erection of part single storey, part two storey side extension and detached double garage following demolition of existing garage. Approved 6 July 2015.

78339/RENEWAL/2012: Application for renewal of planning permission to replace extant planning permission ref H/70925. Creation of part single, part two storey side extension and detached double garage following demolition of existing garage. Approved 10 May 2012.

H/70925: Erection of part single storey, part two storey side extension and detached double garage following demolition of existing garage. Approved 25 March 2009.

H/69896: Erection of part single storey, part two storey side extension incorporating double garage following demolition of existing garage. Refused 4 September 2008.

H/OUT/56189: Demolition of existing garage and erection of a detached two storey dwelling with force court parking. Erection of a replacement garage for Pinehurst (8 Hawley Drive). Refused 11 June 2003.

## **APPLICANT'S SUBMISSION**

The applicant has submitted Design and Access and Heritage statements in support of their proposal.

## **CONSULTATIONS**

**Local Highways Authority** – No objection.

**Conservation Officer** – No objection.

**Lead Local Flood Authority** – No objection.

**United Utilities** – No objection subject to conditions.

**Greater Manchester Ecology Unit** - No objection subject to conditions.

**Pollution and Licensing (Contaminated Land)** - No objection.

**Pollution and Licensing (Nuisance)** – No objection subject to condition.

**Arborist** – No objection subject to condition.

**Housing Strategy and Growth** – No objection.

## **REPRESENTATIONS**

Councillor Butt has submitted a 'call in' request with reference to the following:

- The submitted tree report does not correctly reflect the fact that the area was within the South Hale Conservation Area partly due to the maturity of the surrounding tree-scale and gardens;
- The submitted heritage statement is incorrect in claiming that the proposal would help secure higher social and environmental standards;
- The proposal would not make a positive contribution towards local character and distinctiveness;
- The proposal would result in an overbearing visual impact on the local area;
- The proposal would result in an unacceptable parking/traffic impact on Hawley Drive.

Multiple letters of objection have been received from six neighbouring addresses which raise the following issues:

- The proposal would result in an overdevelopment of the plot which would adversely impact the character of the local area. This could be contrary to paragraph 122 of the NPPF;
- Paragraph 70 of the NPPF states that LPAs should resist inappropriate development of residential gardens;
- The NPPF glossary section specifically excludes residential gardens from the definition of previously developed land and therefore the proposal should 'not benefit from the presumptions in the NPPF that notation brings';
- Permitting sub-division would set a dangerous precedent which could permanently undermine the character of the local area;
- The LPA previously refused planning permission when the site was then located within the South Hale Conservation Area for the demolition of the detached garage and the erection of a two storey dwelling, in part due to its impact on views into the Conservation Area and the creation of unacceptably reduced plot sizes not in keeping with the character of the local area;
- The proposal would adversely impact views out of the adjacent Conservation Area;
- The new dwellings would be positioned too close to the rear boundary;
- The additional dwelling would result in an unacceptable traffic flow and parking impact on Hawley Drive;
- The proposed on-site parking would be unacceptable;
- Construction vehicles would damage the road and footpath surfaces;
- The proposed white render would be out of keeping with surrounding properties with the opposite white rendered property screened from view. The proposed render could discolour over time;
- The proposal would require the removal of numerous mature trees. This would be contrary to the requirements of paragraph 122 of the NPPF which highlights the importance of maintaining an area's prevailing character and setting;
- Construction works would result in an unacceptable amenity impact on neighbouring residents;
- The proposal fails to confirm what would happen to the street light and telegraph pole to the front of the property;
- The applicant should instead replace the current dwelling with a single property;
- The plans do not include the internal floor area for each property.

One of the objectors has requested that planning permission should be subject to planning conditions to control the parking of construction vehicles on Hawley Drive.

## **OBSERVATIONS**

### **PRINCIPLE OF DEVELOPMENT**

#### **Demolition of Current Building**

1. The current building is not considered to be of any particular architectural or historical merit and its loss to facilitate the development is not considered to be sufficient grounds to refuse planning permission.

#### **Use of Land**

2. Paragraph 11 d) of the NPPF indicates that where there are no relevant development plan policies or the policies which are most important for determining the application are out of date planning permission should be granted unless:
  - i. The application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
  - ii. Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
3. Policies controlling the supply of housing and heritage are considered to be 'most important' for determining this application when considering the application against NPPF Paragraph 11. The Council does not, at present, have a five year supply of immediately available housing land and thus development plan policies relating to the supply of housing are 'out of date' in NPPF terms.
4. Policy R1 of the Core Strategy, relating to the historic environment, does not reflect case law or the tests of 'substantial' and 'less than substantial harm' in the NPPF. Thus, in respect of the determination of planning applications, Core Strategy Policy R1 is out of date. Although Policy R1 of the Core Strategy can be given limited weight, no less weight is to be given to the impact of the development on heritage assets as the statutory duties in the Planning (Listed Buildings and Conservation Areas) Act 1990 are still engaged. Heritage policy in the NPPF can be given significant weight and is the appropriate means of determining the acceptability of the development in heritage terms. It is concluded elsewhere in this report that there are no protective policies in the NPPF which provide a clear reason for the refusing the development proposed. Paragraph 11(d)(ii) of the NPPF is therefore engaged.
5. The application proposes the demolition of the existing building and the erection of two larger detached dwellings in its place. The site is currently occupied by a single dwelling and is located in a residential area. Policy L1 of the Trafford Core Strategy seeks to release sufficient land to accommodate 12,210 new dwellings (net of clearance) over the plan period up to 2026. Regular monitoring has



revealed that the rate of building is failing to meet the housing land target as expressed in Table L1 of the Core Strategy. Therefore, there exists a significant need to not only meet the level of housing land supply identified within Policy L1 of the Core Strategy, but also to make up for a recent shortfall in housing completions.

6. Whilst it is noted that part of the site is currently occupied by a dwelling house and detached garage, both of which would be demolished to facilitate the proposal, with a large part of the Plot 2 dwelling to be built over the current dwelling's footprint, and part of the Plot 1 dwellings to be built over the current detached garage's footprint, nevertheless much of the new development would be built over the current front, side and back garden areas. As such part of the site which would accommodate the proposal is considered to be greenfield land, as identified by the NPPF.
7. The proposal would therefore need to be considered in light of Core Strategy Policies L1.7-L1.8, specifically Policy L1.7 which sets an indicative target of 80% of new housing provision within the Borough to be built upon brownfield land. In order to achieve this target, the Council details within the Core Strategy that it will release previously developed land and sustainable urban area greenfield land in order of priority. The part of the proposal which would be built within the current buildings' footprint would be on brownfield land. Moving on to the part of the proposal which would be built on greenfield land it is noted that the first priority of Core Strategy Policy L1.7, which details the release of land within regional centres and inner areas for new development of housing, does not apply in this case due to the location of the site. Therefore the application must be considered against the second and third points of Policy L1.7.
8. In this instance it is noted that the application site is located within an established residential area and is considered to be within a sustainable location sited relatively close to public transport links, local schools and other community facilities. It is therefore considered that the proposal will specifically make a positive contribution towards Strategic Objective SO1 in terms of meeting housing needs and promoting high quality housing in sustainable locations of a size, density and tenure to meet the needs of the community.
9. The proposal would acceptably comply with the requirements of Core Strategy Policy L2 through its making a contribution towards meeting housing needs within the Borough through the provision of an additional dwelling net of clearance (L2.1); through the development being located on a sufficiently sized plot, appropriately located to access existing community facilities, not harmful to local area character or amenity, and more generally in accordance with Core Strategy Policy L7 as outlined in the design section below (L2.2); and the properties could be used for family housing (L2.4/L2.6). The proposal also would likely result in a small economic benefit during its construction phase. It is noted that the proposed site is not identified within Trafford's SHLAA (Strategic Housing Land Availability Assessment).
10. Paragraph 11 of the NPPF indicates that plans and decisions should be considered in the context of the 'presumption in favour of sustainable

development'. Relevant policies for the supply of housing should not be considered up-to-date if the LPA cannot demonstrate a five year supply of deliverable housing sites. The absence of a continuing supply of housing land has significant consequences in terms of the Council's ability to contribute towards the Government's aim of boosting significantly the supply of housing.

11. Due to the facts outlined above, notwithstanding the fact that part of the site is classified as greenfield land, the proposal nevertheless satisfies the tests of Core Strategy Policy L1.7 and the relevant policies within the NPPF. The application site is situated within a sustainable location and the development would also make a positive contribution to the Council's housing land targets, as set out within Core Strategy Policy L1, and would also increase the provision of family homes within the area, in accordance with Core Strategy Policy L2.

### **DESIGN INCLUDING IMPACT ON THE SETTING OF THE ADJACENT SOUTH HALE CONSERVATION AREA**

12. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires LPAs to pay special attention to the desirability of preserving or enhancing the character or appearance of Conservation Areas when determining planning applications.
13. The importance of preserving the historic environment is reflected in the National Planning Policy Framework (NPPF) and supporting Guidance (NPPG).
14. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation, and the more important the asset, the greater the weight should be. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance (NPPF paragraph 193). Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification (NPPF paragraph 194).
15. Where a development would lead to 'less than substantial harm' to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use (NPPF paragraph 196).
16. Policy R1 states that all new development must take account of surrounding building styles, landscapes and historic distinctiveness. Developers must demonstrate how the development will complement and enhance the existing features of historic significance including their wider settings, in particular in relation to Conservation Areas, listed buildings and other identified heritage assets.
17. Paragraph 124 of the NPPF states: *The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better*

*places in which to live and work and helps make development acceptable to communities.*

18. Policy L7 of the Trafford Core Strategy states: *In relation to matters of design, development must: be appropriate in its context; make best use of opportunities to improve the character and quality of an area; enhance the street scene or character of the area by appropriately addressing scale, density, height, massing, layout, elevation treatment, materials, hard and soft landscaping works, boundary treatment; and, make appropriate provision for open space, where appropriate, in accordance with Policy R5 of this Plan.*
19. The special character of South Hale Conservation Area is summarised in the Conservation Area Appraisal SPD (3.1.1):
- *There are many fine individual residences built in the area, in a variety of architectural styles and from a variety of periods including Victorian, Edwardian and modern. Some of these houses are the work of renowned architects such as Edgar Wood and Henry Goldsmith.*
  - *The housing comprises a combination of semi-detached and detached properties. The materials include red and brown brick, some are partially or fully rendered using traditional materials, this is common with the arts and crafts houses. There is a high level of architectural integrity and detail.*
  - *Houses are set in gardens, which are characterised by a variety of mature trees and shrubs. The low proportion of the gardens given over to hard standing and the space around the properties give South Hale its characteristic of spaciousness.*
  - *The area is characterized by tree lined streets (many with grass verges) and some areas of on-street planting.*
  - *The area provides a habitat for wildlife and is characterised by the sound of birdsong. Many of the streets are lined with trees and gardens contain many mature trees of diverse species and shrubs.*
20. The proposed dwellings would be bound by dwellings of varied design albeit all of the properties in the immediate vicinity being detached houses on relatively spacious and well screened plots, apart from No. 6 Hawley Drive to the west which is on a relatively small plot.
21. As noted above the properties to the rear of the site and Hawley Lodge to the north-west at the head of Hawley Drive are set within the adjacent South Hale Conservation Area and are noted as 'positive contributors' in the Conservation Area Appraisal SPD. The LPA does not consider the proposal would have a harmful impact on the setting of the adjacent Conservation Area or indeed the noted 'positive contributors' due to the retained substantial partly evergreen screening vegetation on both sides of the common boundary to the rear and the dense screening vegetation along the side boundary of Hawley Drive which would in practice severely limit inter-visibility between the site and these plots to the rear and the north-west.
22. The proposal would furthermore not undermine a key view into or out of the adjacent Conservation Area.

23. It is noted that the Heritage Consultee has not objected to the development.
24. Whilst it is accepted that H/OUT/56189 was refused on the grounds of harm to the character and appearance of the Conservation Area, this decision was made when the site was itself within the South Hale Conservation Area. This is no longer the case which represents a material change in planning circumstances.
25. In making this assessment, great weight has been given to the need to preserve the character and appearance of the designated heritage asset.

#### Siting and Footprint

26. The proposed dwellings would be located within the centre of each new plot. They would not undermine a building line at this point and they would not result in an overdevelopment of the site. They would be acceptably set in from each side boundary. It is not considered that the proposal would result in an unacceptable overdevelopment and subdivision of the plot. It is considered that the proposed plot sizes would not be out of keeping with surrounding plots including the adjacent plot to the east (No. 6), as well as numerous plots to the south along Hawley Lane, the Coppice and Elmsway, where the existing development has a similar density and grain of development.

#### Bulk, Scale, Massing and Height

27. The heights of the proposed dwellings would be acceptable with reference to the surrounding properties. In all the proposed dwellings would have an acceptable visual impact in terms of their bulk, scale, massing and height with reference to the size of the plot and the surrounding context.

#### External Appearance/Materials

28. It is considered that the proposal dwellings would have an acceptable design in terms of their external features, detailing and proportions. The proposed front hard standings, garden areas and front boundary treatments are considered to be acceptable with reference to the surrounding context.
29. The proposed external materials of white render coating, white painted stone coping/plinths/cills, blue slate roof tiles, timber windows/doors and conservation area roof lights are considered to be acceptable with reference to the proposed development and its context. It is noted that the facing property has a white render coating. Planning permission would be subject to a condition requiring the applicant to submit full material and boundary treatment details for approval prior to the commencement of above ground development.
30. The proposal would not cause harm to the significance of The South Hale Conservation Area. Although it would not strictly 'enhance' the Conservation Area, Policy R1 is out of date and can be given limited weight in this respect. In NPPF terms there is no clear reason for refusing the development proposed.

31. The development would be acceptably designed with reference to Core Strategy Policy L7, the South Hale Conservation SPDs, PG1 New Residential Development and the NPPF.

## **IMPACT ON RESIDENTIAL AMENITY**

32. Policy L7 of the Core Strategy states: *In matters of amenity protection, development must be compatible with the surrounding area and not prejudice the amenity of the future occupiers and/or occupants of adjacent properties by reason of overbearing, overshadowing, visual intrusion, noise and/or disturbance, odour or in any other way.*

33. The New Residential Development SPG requires new residential developments to result in acceptable privacy, overshadowing and overbearing impacts on neighbouring properties, in addition to the provision of acceptable amenity standards for the future occupants of the proposed development.

### Privacy and Overlooking

34. The proposed dwellings would introduce front and rear facing ground and first floor habitable room windows, with those to the front facing the front elevation habitable room windows of the facing property (No. 3 Hawley Drive) at a minimum distance of 32.5m, whilst those to the rear would not directly face neighbouring habitable room windows or outlooks. The proposed ground floor habitable room windows would be acceptably screened by vegetation and boundary treatments.
35. The proposed property at Plot 1 would introduce rear facing first floor habitable room windows which would be 10m from the common boundary to the rear. This would be acceptable considering the proposed retained vegetation which would provide a degree of privacy screening throughout the year. Plot 2 would introduce similar rear facing first floor habitable room windows which would be 12.8m from this boundary.
36. Both properties would introduce ground and first floor side facing non-habitable or non-principal habitable room windows. Planning permission would be subject to a condition requiring those at first floor level to be obscurely glazed.

### Overbearing/Overshadowing

37. Plot 2 would introduce a two storey element which would project 9.2m beyond the rear elevation of the adjacent property to the west (No. 6 Hawley Drive), with this element set in from the common boundary by 7.95m, which would be acceptable, having regard to the guidelines for rear extensions in the SPD4 householder guidelines which, although not applying directly to new residential development, are considered to provide a useful guide in terms of acceptable impact on neighbouring properties.
38. Plot 2 would also introduce a single storey element which would project 8.4m beyond the rear elevation of the adjacent property to the west, with this element

set in from the common boundary by 4.48m, which would be acceptable, having regard to the SPD4 guidelines.

39. It is considered necessary to remove both properties' domestic permitted development rights relating to rear extensions and rear dormers to ensure the new houses would have an acceptable privacy and amenity impact on neighbouring properties.
40. The development would not detrimentally harm the residential amenity of the neighbouring and surrounding residential properties with reference to Core Strategy policy L7, PG1 New Residential Development and the NPPF.

## **HIGHWAYS, PARKING AND SERVICING**

41. Core Strategy Policy L4 states: *[The Council will prioritise] the location of development within the most sustainable areas accessible by a choice of modes of transport. Maximum levels of car parking for broad classes of development will be used as a part of a package of measures to promote sustainable transport choices.*
42. Core Strategy Policy L7 states: *In relation to matters of functionality, development must incorporate vehicular access and egress which is satisfactorily located and laid out having regard to the need for highway safety; and provide sufficient off-street car and cycle parking, manoeuvring and operational space.*
43. The Parking SPD's objectives include ensuring that planning applications include an appropriate level of parking; to guide developers regarding the design and layout of car parking areas; to ensure that parking facilities cater for all users and to promote sustainable developments. The Council's parking standards indicate that the provision of 3 off road car parking spaces is appropriate for five bedroom dwellings in this location, albeit these are maximum standards.
44. The new dwellings would each have a minimum of three off-street parking spaces including a single garage space. It is noted that the LHA has confirmed no objection to the proposal in terms of its highways, parking and servicing impacts. The LHA has also confirmed no objection to the required dropped crossings.
45. Bins would be stored to the side of each dwelling and therefore out of public view.
46. The development would have an acceptable highway, parking and servicing impact with reference to Core Strategy policies L4 and L7, the Parking Standards and Design SPD, the New Residential Development SPG and the NPPF.

## **TREES AND ECOLOGY**

47. The proposal would result in the demolition of the current dwelling and detached garage in addition to the removal of several trees and extensive landscaping works.

48. The arborist has confirmed that the removal of the TPO protected pine trees to the front and side of the property would be acceptable especially considering the fact that the LPA had previously agreed to the removal of two of these trees as per planning permission reference H/70925. Several trees would be removed from the remainder of the site which the arborist has also not objected to, with additional planting proposed. Planning permission would be subject to a landscaping condition which would require the planting of three additional trees net of clearance.
49. The submitted bat survey indicates that the buildings on site are being used as a bat roost. Since bats have been found on this site then under the terms of the Habitats Directive and the Conservation of Habitats and Species Regulations 2010 (as amended), which enacts the Directive into the UK, a licence may be required from Natural England to derogate the terms of this legislation before any work can commence that may disturb bats. Before a licence can be granted three tests must be satisfied. These are:
- i) That the development is “in the interest of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequence of primary importance for the environment”;
  - ii) That there is “no satisfactory alternative”;
  - iii) That the derogation is “not detrimental to the maintenance of the populations of the species concerned at a favourable conservation status in their natural range”.
50. In considering planning applications that may affect European Protected Species, Local Planning Authorities are bound by Regulation 9(1) and 9(5) of the Conservation of Habitats and Species Regulations 2010 to have regard to the Habitats Directive when exercising their function. Government Circular 05/06 gives guidance to local authorities on how these issues should be considered. All three tests must be satisfied before planning permission is granted on a site. During the licence application process Natural England will ask the local planning authority for evidence that the above three tests were properly considered during the determination of the planning application.
51. The mitigation proposed for bats as outlined in the Biora Outline Bat Mitigation Strategy dated 28 July 2018 is in the view of the Ecology Unit acceptable and therefore accepted by the LPA as appropriate and providing this advice is implemented there will be no impact on the nature conservation status of local bat populations. The implementation of the proposed mitigation measures should therefore be made a condition of any permission that may be granted to the scheme. With regards to point 1 the application proposes a development that is considered to not result in an unacceptable impact on the character and appearance of the local area including the adjacent Conservation Area compared to the existing dwelling. It will create employment opportunities and increase housing numbers within the locality. With regards to point 2 the applicant wishes to replace the existing dated dwelling with two high quality dwellings; even to

renovate and remodel this property and bring it to modern living standards and increase living accommodation would require works to the roof and other elements of the building which would impact bats on site. Considering point 3 it is noted that the proposal would not result in an unacceptable impact on the local bat population as outlined in the submitted bat reports. The GMEU consultee has confirmed no objection subject to a bat protection condition.

52. The GMEU consultee has also requested that planning permission is subject to conditions to ensure the development results in an acceptable impact on nesting birds and to increase on-site biodiversity.

53. Although there would be some loss of trees, there is scope for replacement planting and it is considered the development would not result in unacceptable harm to the natural environment with reference to Core Strategy policy R2, PG1 New Residential Development and the NPPF.

### **DEVELOPER CONTRIBUTIONS**

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

55. In accordance with Policy L8 of the Trafford Core Strategy and revised SPD1: Planning Obligations (2014) it is necessary to provide an element of specific green infrastructure in the form of three additional trees per property. In order to secure this, a landscaping condition will be attached to make specific reference to the need to provide six additional trees net of clearance on site as part of the landscaping proposals. No affordable housing provision is required as the development falls below the thresholds set within the Core Strategy and the NPPF.

### **OTHER MATTERS**

56. In response to the neighbour objection that building works would result in an unacceptable amenity impact the applicant's contractors are expected to act in a professional and considerate manner. Planning permission would in any event be subject to a condition requiring the submission of a Construction Method Statement to address such issues.

57. Planning permission would include an informative notifying the applicant of their need to apply to the Council for the repositioning of the lamppost to the front of the property.

### **CONCLUSION**

58. The scheme complies with the development plan, the starting point for decision making, which would indicate in itself that planning permission should be granted. However, the development plan policies which are 'most important' for



determining this application, those relating to housing land supply and heritage, are out of date. Paragraph 11(d) of the NPPF is therefore engaged and should be taken into account as an important material consideration.

59. There is no 'clear reason for refusing the development proposed' when considering the application against Paragraph 11(d)(i) of the NPPF. The proposal would not cause harm to the significance of The South Hale Conservation Area. Although it would not strictly 'enhance' the Conservation Area, Policy R1 is out of date and can be given limited weight in this respect. In NPPF terms there is no clear reason for refusing the development proposed. Paragraph 11(d)(ii) of the NPPF is therefore engaged.
60. All other detailed matters have been assessed, including visual amenity and design, highway safety and residential amenity. These have been found to be acceptable, with, where appropriate, specific mitigation secured by planning condition. All relevant planning issues have been considered and representations and consultation responses taken into account in concluding that the proposals comprise an appropriate form of development for the site. The adverse impacts of the proposal are significantly and demonstrably outweighed by the benefits.
61. The proposal is therefore considered to be appropriate in principle as well as being acceptable with reference to its design and its impact on the above noted heritage assets, in addition to its impacts on residential amenity, privacy, the local highways network, parking and servicing. It is therefore considered to be acceptable with reference to Core Strategy Policies L1, L2, L4, L5, L7, L8, R1 and R2, the South Hale Conservation Area SPDs, the Planning Obligation SPD, the Parking Standards and Design SPD, the New Residential Development SPG, the Crime and Security SPG and the NPPF.

## **RECOMMENDATION**

**GRANT** subject to the following conditions:

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

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

2. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers [1152] 01D, 02D, 03D, 04D, 05D and 06D, received 21 February 2019.

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

3. Notwithstanding any description of materials in the application no above ground construction works shall take place until samples of materials to be used externally on the building have been submitted to and approved in writing by the

Local Planning Authority. Such details shall include the type, colour and texture of the materials. Development shall be carried out in accordance with the approved details.

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

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

(b) The landscaping works shall be carried out in accordance with the approved scheme for timing/phasing of implementation or within the next planting season following final occupation of the development hereby permitted, whichever is the sooner.

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

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

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification):
  - (i) No rear extensions shall be carried out to the dwellings;
  - (ii) No dormer windows shall be added to the dwellings;Other than those expressly authorised by this permission, unless planning permission for such development has been granted by the Local Planning Authority.

Reason: To protect the residential and visual amenities of the area, in accordance with Policy L7 of the Trafford Core Strategy.

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any equivalent Order following the amendment, re-enactment or revocation thereof) upon first installation the windows in the buildings' first floor side facing gable elevations shall be fitted

with, to a height of no less than 1.7m above finished floor level, non-opening lights and textured glass which obscuration level is no less than Level 3 of the Pilkington Glass scale (or equivalent) and retained as such thereafter.

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

7. No development or works of site preparation shall take place until all trees that are to be retained within or adjacent to the site have been enclosed with temporary protective fencing in accordance with BS:5837:2012 'Trees in relation to design, demolition and construction. Recommendations' with reference to the approved tree report drafted by MPTREES dated February 2019. The fencing shall be retained throughout the period of construction and no activity prohibited by BS:5837:2012 shall take place within such protective fencing during the construction period.

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

8. No development shall take place, including any works of demolition and site preparation until a Construction and Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall address, but not be limited to the following matters:
  - a. Suitable hours of construction and demolition activity;
  - b. The parking of vehicles of site operatives and visitors (all within the site);
  - c. Loading and unloading of plant and materials (all within the site), times of access/egress;
  - d. Storage of plant and materials used in constructing the development;
  - e. The erection and maintenance of security hoardings;
  - f. Wheel washing facilities;
  - g. Measures to control the emission of dust and dirt during construction and procedures to be adopted in response to complaints of fugitive dust emissions;
  - h. A scheme for recycling/disposing of waste resulting from demolition and construction works (prohibiting fires on site);
  - i. Measures to prevent disturbance to adjacent dwellings from noise and vibration, including any piling activity;
  - j. Information on how asbestos material is to be identified and treated or disposed of in a manner that would not cause undue risk to adjacent receptors;
  - k. Information to be made available for members of the public.

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

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

preliminary works, could result in adverse residential amenity and highway impacts.

9. No demolition shall take place unless the Local Planning Authority has been provided with and approved either:
  - a) A licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 (as amended) authorising the specified activity/development to go ahead; or
  - b) A statement in writing from the relevant licensing body to the effect that it does not consider that the specified activity/development will require a licence.

Reason: In order to prevent any habitat disturbance to bats having regard to Policy R2 of the Trafford Core Strategy and the National Planning Policy Framework. These details must be provided to the LPA for their written approval prior to demolition taking place to ensure the demolition works do not result in an unacceptable impact on bats on site.

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

Reason: In order to prevent any habitat disturbance to nesting birds having regard to Policy R2 of the Trafford Core Strategy and the National Planning Policy Framework. The ecological survey is required prior to development taking place on site as any works undertaken beforehand, including preliminary works, could unacceptably impact potential nesting birds on site.

11. A scheme for the Biodiversity Enhancement Measures shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to first occupation of the development (or in accordance with a phasing plan which shall first be agreed in writing with the local planning authority) and shall be retained thereafter.

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

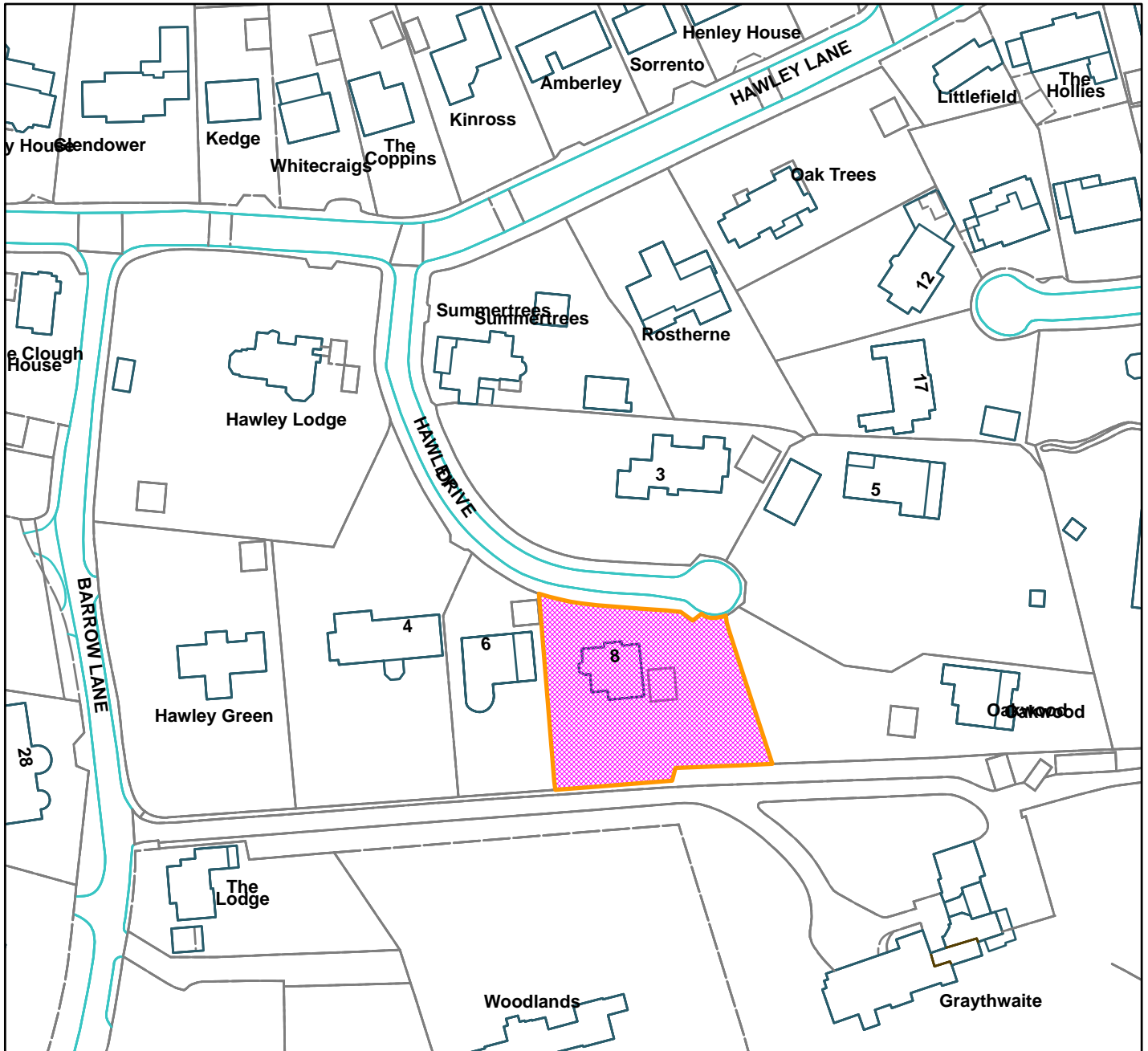
12. The site shall be drained via separate systems for the disposal of foul and surface water.

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

TP



Pinehurst, 8 Hawley Drive, Hale Barns (site hatched on plan)



Scale: 1:1,250

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|--------------|---------------------------|
| Organisation | Trafford Council          |
| Department   | Planning Service          |
| Comments     | Committee date 14/03/2019 |
| Date         | 04/03/2019                |
| MSA Number   | 100023172 (2012)          |

**WARD:** Sale Moor

**95578/FUL/18**

**DEPARTURE: No**

**Erection of 2no. three storey detached dwellings and 1 pair of two storey semi-detached dwellings, with associated car parking and landscaping.**

Land Encompassing 26A Marsland Road, Sale, M33 3HQ

**APPLICANT:** Mrs Burton

**AGENT:** BlueChip Architecture Ltd

**RECOMMENDATION: REFUSE**

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**This application is reported to the Planning and Development Management Committee as the Council has an interest in the site.**

### **SITE**

The application relates to an area of land that currently comprises of the front, side and rear garden of No.26A Marsland Road and measures 0.25ha in area. The site is situated on the north-western side of Marsland Road, where access into the site is located. A predominantly residential area lies to the south, south-west and north-west of the site. The boundary of Sale Moor District Centre lies to the east and north-east of the site.

A Council owned public car park and Warrener Street bound the site to the north, properties on Trinity Avenue bound the site to the north-west and residential houses on Chinley Close bound the site to the south-west. Residential properties are also situated opposite the site on the southern side of Marsland Road. A Kingdom Hall of Jehovah's Witnesses bounds the site to the south and south-east.

The front of the site is predominantly informal hard standing, forming the driveway of No.26A. The rear of the site is currently an overgrown garden area of No.26A, occupied by a number of fruit trees.

The application site is unallocated within the Council's UDP Proposals Map.

### **PROPOSAL**

The application seeks full planning permission for the erection of 2 x three storey detached dwellinghouses (plots 1 and 2), sat in tandem to the northern boundary of the site. These properties would measure 6.5m wide, 11.4m in length, 5.6m to the eaves and 9.2m to the ridge. Each property would comprise of four bedrooms and have windows on the front, side and rear elevations.

A pair of two storey semi-detached dwellinghouses (plots 3 and 4), with accommodation in the roof space, is also proposed adjacent to the north-western rear boundary of the site. These properties would each measure 6.4m wide, 11.4m in length, 5.6m to the eaves and 9.1m to the ridge. Each property would comprise of three bedrooms and have windows on the front, side and rear elevations.

The proposed development would be accessed from the existing vehicular access off Marsland Road, which would also continue to serve the existing property at 26A Marsland Road.

Fencing is proposed around No.26A to form a new and reduced curtilage to the property. This would in effect create a longer access from the existing Marsland Road entrance, providing access to the four additional proposed dwellings. Car parking would be provided to the front of 26A Marsland Road and to the side/front of plot 1, with open car parking proposed to the rear of the site.

The proposed development would also include the removal of a number of mature trees and fruits trees within the site. Limited landscaping is proposed around the site outside of the private gardens to the proposed properties.

#### Value Added

The applicant has submitted amended plans to widen the access to the site from Marsland Road in order to allow simultaneous access and egress. Amended plans have also been submitted to overcome concerns regarding the design and appearance of the proposed pair of semi-detached houses and to provide a planting buffer along the rear boundary between the semi-detached houses and No.11 Trinity Avenue.

### **DEVELOPMENT PLAN**

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

- The **Trafford Core Strategy**, adopted 25th January 2012; The Trafford Core Strategy is the first of Trafford's Local Development Framework (LDF) development plan documents to be adopted by the Council; it partially supersedes the Revised Trafford Unitary Development Plan (UDP), see Appendix 5 of the Core Strategy.

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

L1 – Land for New Homes

L2 – Meeting Housing Needs

The status of these policies in light of the NPPF 2019 is discussed further in the report.

L4 – Sustainable Transport and Accessibility

L5 – Climate Change



L7 – Design  
L8 – Planning Obligations  
R2 – Natural Environment

For the purpose of the determination of this planning application, the above policies are considered 'up to date' in NPPF Paragraph 11 terms.

### **GREATER MANCHESTER SPATIAL FRAMEWORK**

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

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

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

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

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

### **RELEVANT PLANNING HISTORY**

#### Application site

91716/FUL/17 - Residential development of 6 dwellinghouses (2 detached, 2 pairs of semi-detached) in the grounds of 26A Marsland Road. Remodelling of the existing property to include: part single/part three storey rear extension, front extension, raising of the ridge height to accommodate a loft conversion with front and rear dormers and other external alterations including rendering of the property – Withdrawn 06.09.2017.

#### Application site and adjoining land including Warrener Street Car Park

The applications detailed below included the land which forms the current application site and also adjoining land including Warrener Street Car Park.

87339/FUL/15 - Mixed-use development comprising the erection of a retail foodstore with maximum of 1140sq.m sales area (Use Class A1) and two semi-detached residential properties (Use Class C3) together with associated vehicular access, car parking, servicing area and hard and soft landscaping. Vehicular access to foodstore from Northenden Road. Demolition of existing IMO Car Wash structures and 26a Marsland Road – Approved with conditions 22.07.2016

H/OUT/49969 - Demolition of 26A Marsland Road and garden store and erection of supermarket (1150 sq metres gross floorspace) with associated car parking (access via Warrener Street and servicing (access via car wash site) – Approved with conditions 02.11.2000.

H/OUT/48801 - Demolition of 26A Marsland Road and garden store and erection of supermarket (1,150 sq metres gross floorspace) with associated car parking, servicing and landscaping; erection of new garden store – Refused 10.07.2000, Dismissed on Appeal 29.06.2001.

### **APPLICANT'S SUBMISSION**

The applicant has submitted an Arboricultural Impact Assessment and an Arboricultural Method Statement in support of the application. The information provided within these documents is discussed where relevant within this report.

### **CONSULTATIONS**

**LHA** – No objections, comments are discussed in full in the Observations section below.

**Pollution & Housing: Nuisance** – No objections.

**Pollution & Housing: Contaminated Land** – No objections.

**Trees** – No objections, pleased that the developer would be mitigating for the tree loss through a replanting scheme. Full comments are discussed in the Observations section below.

**LLFA** – The site is located within a Critical Drainage Area, conditions relating to foul water and surface water are recommended.

**United Utilities** – No objections, recommend a condition relating to foul and surface water.

### **REPRESENTATIONS**

10 letters of objection have been received from 11 neighbouring properties, located on Marsland Road, Chinley Close and Trinity Avenue, prior to the submission of amended plans. The concerns raised are summarised below: -

- Loss of amenity to surrounding properties. The properties proposed behind No.'s 22-26 Chinley Close are so close to the boundaries of these houses that there will be a loss of privacy and light.
- The ground floor of 11 Trinity Avenue is raised above the level of the site and looks directly into the site and so the development will result in a loss of privacy. A previous application (87339/FUL/15) provided a 2m gap between the rear gardens of the proposed houses and boundaries of No.'s 11 and 12 Trinity Avenue, allowing for the maintenance of the boundary hedge. This application does not provide this.
- The proposal will result in an unacceptable level of disturbance for people living around the site.
- The driveway runs very close to their property and the pull into the driveway runs parallel to their back door and kitchen and so anticipate noise and pollution from vehicles waiting here to let others past, as well as infringing their privacy.
- Loss of trees next to their boundary would lead to the rear of their property being exposed and visible to the proposed three storey houses.
- The space for the proposed houses is too small.
- The design of the houses is not in keeping with surrounding late Victorian / early Edwardian properties and will be clearly visible from Trinity Avenue.
- The proposed three storey houses will be higher than the surrounding properties and out of keeping with the area.
- The site will be overdeveloped.
- Impact on wildlife on the well-established orchard within the site. There are a number of mature trees that give shelters to birds and a leafy look to the Sale Moor village.
- The loss of green space with its trees has the potential to adversely affect levels of pollution in the surrounding area.
- Trees and hedges absorb traffic noise, their loss will result in increased noise levels in the local environment.
- The vehicular access from Marsland Road will add to existing heavy slow moving traffic on this section of the road.
- The proposed entrance off Marsland Road is narrow and will result in an increase in vehicular movements on and off the site, increasing congestion at an existing busy road junction with traffic waiting to enter the one-way system.
- There is no manoeuvrability for large trucks to access the site containing heavy duty deliveries as there is not enough swing between the two properties either side. Access should be obtained via the existing car park next to the site, which is never full and would be safer.
- Pedestrians, mainly school children, use the pavements and the current access is hazardous. The view of drivers and pedestrians is often obscured by parked vehicles. The proposal raises safety concerns.
- Visitors to the site would seek to park elsewhere, adding to existing parking problems in the area.
- The proposal does not provide affordable housing.

An objection has also been received from Councillor Freeman, on the basis that the proposal represents over development of the plot and there are clear access and egress issues which the plans do not adequately address.

Following the submission of amended plans, 4 letters of objection have been received from 3 properties on Trinity Avenue (all of which also objected to the original plans). The concerns raised to the amended plans, which are additional to those provided previously (and detailed above) are summarised below: -

- The three storey houses will be higher than the surrounding properties and out of keeping with the area.
- The site will be overdeveloped.
- Three storey houses close to the boundaries of Trinity Avenue and Chinley Close will adversely affect residents with loss of light and privacy.
- 11 Trinity Avenue has a number of windows that will look directly on to the site and back to the property, including dining/siting room and a first floor bedroom window.
- Established trees on the site provide some reduction in noise and pollution and should be retained.
- Access to the site is still inadequate and potentially dangerous. The entrance is on to a busy road, which has an increasing number of parked cars, close to a bend and is directly opposite a pedestrian island on Marsland Road.

Councillor Freeman has also objected to the amended plans, stating that the proposal represents overdevelopment of the site and questions how the plans fit with the previously approved Planning Paper [development brief] for the way forward for the development of this plot and the adjacent Warrener Street car park. He also continues to be concerned about highways issues associated with the development and considered that the height of the proposed dwellings is out of keeping with other houses in the immediate area.

## **OBSERVATIONS**

### PRINCIPLE OF PROPOSAL

1. Section 38(6) of the Planning and Compensation Act 1991 states that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF at Paragraphs 2 and 47 reinforces this requirement and at Paragraph 12 states that the presumption in favour of sustainable development does not change the statutory status of the development plan as a starting point for decision making, and that where a planning application conflicts with an **up to date** (emphasis added) development plan, permission should not normally be granted.
2. The Council's Core Strategy was adopted in January 2012, prior to the publication of the 2012 NPPF, but drafted to be in compliance with it. It remains broadly compliant with much of the policy in the 2018 NPPF, particularly where

that policy is not substantially changed from the 2012 version. It is acknowledged that policies controlling the supply of housing are out of date, not least because of the Borough's lack of a five year housing land supply. Whether a Core Strategy policy is considered to be up to date or out of date is identified in each of the relevant sections of this report and appropriate weight given to it.

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

New residential development:

4. Paragraph 11 d) of the NPPF indicates that where there are no relevant development plan policies or the policies which are most important for determining the application are out of date planning permission should be granted unless:
  - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
  - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
5. Policies controlling the supply of housing are considered to be 'most important' for determining this application when considering the application against NPPF Paragraph 11. The Council does not, at present, have a five year supply of immediately available housing land and thus these development plan policies are 'out of date' in NPPF terms. Paragraph 11(d)(ii) of the NPPF is therefore engaged.
6. The NPPF places great emphasis on the need to plan for and deliver new housing throughout the UK. Local planning authorities are required to support the Government's objective of significantly boosting the supply of homes. With reference to Paragraph 59 of the NPPF, this means ensuring that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed, and that land with permission is developed without unnecessary delay.
7. Paragraph 68 of the NPPF states that small and medium sized sites can make an important contribution to meeting the housing requirement of an area, and are often built-out relatively quickly. To promote the development of a good mix of sites it indicates at bullet point c) that local planning authorities should support the development of windfall sites through their policies and decisions – giving great weight to the benefits of using suitable sites within existing settlements for homes.

8. Policy L1 of the Core Strategy sets out the required scale of housing provision for Trafford over the plan period (from 2012 to 2026). The need to plan for a minimum of 12,210 new dwellings (net the scheme's contribution to housing supply and delivery weighs positively in its favour. of clearance) is referred to, which equates to at least 587 homes per year. It is significant that this Council has not been able to demonstrate that it has a rolling five year supply of deliverable land for housing against this requirement. Latest housing land monitoring indicates a supply, against this requirement, of some three years. Furthermore, with the publication of the revised NPPF this housing requirement has recently been superseded. Paragraph 73 of the NPPF states that housing requirement figures cannot be relied upon if they are over five years old. As a statutory development plan that was adopted in 2012 and with no formal review having been undertaken, the Core Strategy's housing supply targets have thus been overtaken by the Government's own indicative figures of local housing need (based upon a different formula), which were published in September 2017. The effect is that Policy L1 is regarded as out-of-date for the purposes of decision-taking. Thus, the revised annual housing requirement for the Borough is presently 1,319 new homes, which is an uplift of 732 new homes per year; more than double. This would provide an overall requirement of in the order of 26,500 over the period from 2017 to 2037.
9. Therefore, there exists a significant need to not only meet the level of housing land supply identified within Policy L1 of the Core Strategy, but also to make up for a recent shortfall in housing completions.
10. The application proposal would deliver 4 new residential units. Policy L2 of the Core Strategy is clear that all new residential proposals will be assessed for the contribution that would be made to meeting the Borough's housing needs. This proposal would amount to 0.3% of the new Government-directed annual requirement of 1,319 new homes (if it were assumed that annual requirements had continually been met such that no ongoing deficit had to be recovered). This is a very limited contribution, although officers still consider that significant weight should be afforded in the determination of this planning application to the scheme's contribution to addressing the identified housing shortfall, and meeting the Government's objective of securing a better balance between housing demand and supply.
11. The proposed development would take place on land that is currently the garden of No.26A Marsland Road and as such is considered to be greenfield land, as identified by the NPPF. The proposal therefore needs to be considered in light of Policies L1.7 – L1.8 of the Trafford Core Strategy. Specifically, Policy L1.7 which sets an indicative target of 80% of new housing provision within the borough, to be built upon brownfield land. In order to achieve this target, the Council details within the Core Strategy that it will release previously developed land and sustainable urban area green-field land in order of priority. The first priority which

details the release of land within regional centres and inner areas for new development of housing does not apply within this case, due to the location of the site. Therefore the application will need to be considered against the second and third points of Policy L1.7.

12. In this instance it is considered that the application site is located within an established residential area and is considered to be within a sustainable location, sited close to public transport links and local schools and other community facilities, including the services and facilities found within the adjoining Sale Moor District Centre. It is therefore considered that the proposal will specifically make a positive contribution towards Strategic Objective SO1 in terms of meeting housing needs and promoting high quality housing in sustainable locations of a size, density and tenure to meet the needs of the community.
13. Policy L1.10 also states that *“Where development proposals would involve the use of domestic gardens, due regard will need to be paid to local character, environment, amenity and conservation considerations.”* The garden of application site is unusually large for this area of Sale and therefore the subdivision of the site into smaller plots is considered acceptable in principle. Matters of amenity and the impact of the proposed development on the character of the surrounding area is considered in more detail later in this report.
14. In terms of Policy L2 the application is for family housing and therefore is compliant with L2.4. It is noted that the proposed site is not identified within Trafford’s SHLAA (Strategic Housing Land Availability Assessment).

#### Conclusion on housing

15. The emphasis placed on local planning authorities by the Government to facilitate the delivery of new homes is clear. The Council was already behind its Core Strategy target demonstrating a five year supply of deliverable housing land. However in recent months with the publication of new NPPF, the annual housing requirement has risen more than two-fold as Government-prepared figures have had to be accepted, and in going forward a similarly elevated figure is expected as part of the GMSF.
16. This application would provide 4 new homes and as such would make a limited contribution to the present, uplifted annual requirement. Whilst these new homes would not be provided on brownfield land, the site is currently under used and is in an accessible district centre location, and as such would align with the policy objectives of the NPPF and emerging GMSF. In optimising the potential of the site to support new housing growth, the development could divert pressure from more sensitive Green Belt and greenfield land.
17. Officers have been mindful of the policy aim to achieve mixed, balanced and sustainable communities. The proposal is therefore regarded as being fully

reflective of the Government's NPPF objective regarding increasing the supply of housing, as further underlined by the GMSF, as well as reflecting Core Strategy aims regarding the scale, distribution and nature of new housing to meet the needs of Trafford (including as set out in Strategic Objective SO1 and Policy L1 and Policy L2). It is therefore concluded that although the scheme's contribution to housing supply is very limited, this still weighs positively in its favour.

## DESIGN, LAYOUT AND VISUAL IMPACT

18. Paragraph 124 of the NPPF states that *"The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities"*. Paragraph 130 states that *"Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions"*.
19. Core Strategy Policy L7 requires that, in relation to matters of design, development must be: appropriate in its context; make best use of opportunities to improve the character and quality of an area; enhance the street scene or character of the area by appropriately addressing scale, density, height, massing, layout, elevation treatment, materials, hard and soft landscaping works, boundary treatment; and make appropriate provision for open space, where appropriate, in accordance with Policy R5.
20. Policy L7 of the Core Strategy is considered to be compliant with the NPPF and therefore up to date as it comprises the local expression of the NPPF's emphasis on good design and, together with associated SPDs, the Borough's design code. It can therefore be given full weight in the decision making process. For the purposes of the determination of this planning application, Policy R5 of the Core Strategy is also considered to be 'up to date' in NPPF paragraph 11 terms.
21. Paragraph 2.4 of the Council's Planning Guidelines for New Residential Development (PG1) states:  
  
*"Whilst the Council acknowledges that the development of smaller urban sites within small scale housing or flat developments makes a valuable contribution towards the supply of new housing in the Borough, the way in which the new buildings relate to the existing will be of paramount importance. This type of development will not be accepted at the expense of the amenity of the surrounding properties or the character of the surrounding area. The resulting plot sizes and frontages should, therefore, be sympathetic to the character of the area as well as being satisfactorily related to each other and the street scene."*
22. The proposed development would be set back from Marsland Road, accessed by a driveway 43m in length and enclosed by the existing terraced properties on



Marsland Road and the Jehovah's Witness Kingdom Hall building. Views of the proposed three storey detached dwellinghouses would be achieved from the adjoining Warrener Street public car park and from the western side of the Marsland Road one-way system, across the car park. Views of the proposed development would also be visible from Warrener Street and Trinity Avenue.

23. The proposed dwellinghouses would predominantly comprise of an external finish of brick work with large glazed windows, including full height glazing of the gable features on the front elevations and glazed bi-folding doors at ground floor to the rear. Render is proposed to the single storey projecting elements on the rear elevations. The overall design provides a contemporary appearance, whilst also respecting the more traditional character of the surrounding area, including the provision of vertical emphasis on the front elevations. The design of the proposed dwellinghouses, in so far as their external appearance, is therefore considered acceptable and to not adversely impact on the character of the surrounding area.

24. Paragraph 117 of the NPPF states that planning decisions:

*“should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.”*

25. Paragraph 14.2 of the Council's Planning Guidelines for New Residential Development (PG1) states:

*“Good design of external space is as essential to the success of a scheme as that of internal space...The satisfactory integration of buildings with the space around them is an essential contribution to urban design. The proportion of planted areas to buildings and hard surfacing will often be an important consideration.”*

26. The proposed development would result in a large amount of hard standing within the site, through the provision of a widened access road leading from Marsland Road to the pair of semi-detached houses to the far western end of the site and through the provision of external car parking. In order to provide private screened rear gardens to Plots 1 and 2 as well as the newly formed rear garden to No.26A, the proposed layout would also result in long expanses of high fences or brick walls. In a large number of places there is no landscaping proposed to soften the appearance of these boundary treatments, and there is insufficient space for planting given the required width of the access. This would lead to significant parts of the site appearing hard, unrelieved and with an unattractive sense of enclosure.

27. The dwellinghouses of Plots 1 and 2 would have a 'standalone' appearance that would not relate to surrounding properties or buildings. These properties would

be large three storey detached houses, however, only between 1m and 1.5m would lie between the side elevations of these dwellings and the side boundaries to the access road and the adjacent car park. A distance of only 1m would also lie between the side elevation of No.26A and the new side boundary of this property and the proposed access road. It is therefore considered that the proposed layout would form a cramped and contrived arrangement, with little opportunities for high quality landscaping outside of the private garden spaces of the proposed dwellings.

28. Paragraph 122 of the NPPF states that;

*“Planning policies and decisions should support development that makes efficient use of land, taking into account... the importance of securing well-designed, attractive and healthy places.”*

29. It is considered that the proposed development would comprise of a poor layout and relationship internally within the site. The proposed two detached properties (plots 1 and 2) in particular would form a contrived layout, resulting from the retention of 26A Marsland Road and their linear formation, sitting close up to the north-eastern boundary of the site with Warrener Street car park. As well as forming a poor internal site layout, the proposed detached properties would also not relate well to the commercial properties to the northern side of the car park and the Jehovah's Witness Kingdom Hall building to the south-east of the site.

30. Officers support the principle of redeveloping the site for increased residential development, but consider that the current layout fails to deliver the optimum scheme for the site or demonstrate high quality design. The individual architecture of the dwellings has been found to be acceptable, however high quality design goes beyond the elevations and scale of individual properties and must also encompass the layout and setting of developments. Officers consider that alternative layouts could deliver the same or greater quantum of development, whilst also providing for a high quality place.

31. Due to the layout of the proposed scheme the access road dominates and dissects the site, restricting opportunities to create high quality landscaping and public realm. Paragraph 127 of the NPPF states that; *Planning policies and decision should ensure that developments: are visually attractive as a result of good architecture, layout and appropriate and effective landscaping.* This demonstrates the objective aim of securing high quality places, which in this case should consist of more than just well-designed properties.

32. It is therefore considered that the proposed development would not make the best use of the land and would therefore be out of character with the surrounding area. The proposal is therefore contrary to Policy L7 and the guidance set out in the NPPF.

## RESIDENTIAL AMENITY

33. Core Strategy Policy L7 requires that, in relation to matters of design, development must be: appropriate in its context; make best use of opportunities to improve the character and quality of an area; enhance the street scene or character of the area by appropriately addressing scale, density, height, massing, layout, elevation treatment, materials, hard and soft landscaping works, boundary treatment; and make appropriate provision for open space, where appropriate, in accordance with Policy R5.
34. Policy L7 of the Core Strategy is considered to be compliant with the NPPF and therefore up to date as it comprises the local expression of the NPPF's emphasis on good design and, together with associated SPDs, the Borough's design code. It can therefore be given full weight in the decision making process. For the purposes of the determination of this planning application, Policy R5 of the Core Strategy is also considered to be 'up to date' in NPPF paragraph 11 terms.

### Impact of Plots 1 and 2 on Neighbouring Residential Sites

35. The application proposes the erection of two detached three storey dwellinghouses (Plots 1 and 2), lying parallel to the northern boundary, adjacent to the Warrener Street public car park. The side and part of the front elevation of Plot 2 would be visible from the rear of 28 and 30 Marsland Road. The separation distances between Plot 1 and these neighbouring properties are in excess of the privacy distances set out in the Council's Planning Guidelines for New Residential Development (PG1).
36. The rear elevation of Plot 2 would be visible from 10 Warrener Street. A minimum distance of approximately 22.5m would lie between the rear elevation of Plot 3 at three storey level and the front elevation of No.10. It is recognised that whilst this distance is less than that normally recommended in PG1 between second storey habitable room windows and neighbouring properties, Plot 2 and No.10 are off-set from each other and the distance is partly across a vehicular highway. Planting is proposed along the northern boundary of the site between Plot 2 and the common boundary with No.10, which would help to soften the appearance of the proposed development. It is therefore considered that the proposal would not have an overbearing impact or result in a loss of privacy to the residents of 10 Warrener Street.
37. Two storey residential properties on Chinley Close bound the site to the south-west. The side elevation of Plot 2 would also be visible from neighbouring properties on Chinley Close, with No's 10-16 having the clearest views. The separation distances between Plot 2 and these neighbouring properties are in excess of the privacy distances set out in PG1.

## Impact of Plots 3 and 4 on Neighbouring Residential Sites

38. The application proposes the erection of a pair of two and a half storey semi-detached houses to the rear of the site. The rear elevations of No.'s 20 – 26 Chinley Close would look towards the side elevation of Plot 3. A minimum distance of 15m would lie between the rear elevations of these neighbouring houses and the side elevation of Plot 3. A vertical window feature is proposed on the side elevation of the dwelling, which would serve as a secondary kitchen window and a bathroom window. It is considered that these windows could reasonably be conditioned to be fixed shut and obscure glazed. It is also noted that the relationship of this property to the neighbouring houses on Chinley Close is similar to that which was approved under the extant planning permission 87339/FUL/15 and found to be acceptable.
39. No.11 Trinity Avenue bounds the site to the rear. This residential dwelling is two storeys in height and features habitable room windows in the side elevation. At ground floor level the property has a dining room/ secondary lounge window together with a separate hallway window. At first floor level it has a sole window to a bedroom within the property (currently used as the master bedroom). At present these windows overlook the existing garden of 26a Marsland Road, with a distance of over 65m between the facing elevations of the properties.
40. The proposed semi-detached dwellinghouses to the rear of the site would only have windows at ground and first floor level on the rear elevation. At their closest, the rear elevations of the proposed dwellings would be positioned 15m from the side elevation of 11 Trinity Avenue. The Council's Planning Guidelines for New Residential Development (PG1) recommends separation distances of 21m across public highways and 27m across private gardens where there are major facing windows.
41. It is an unusual relationship to have a house with sole habitable room windows to a side elevation when it has its principal elevations and main garden areas to the front and rear of the property. While it is acknowledged there would be an impact to the outlook of these windows at 11 Trinity Avenue, it is also acknowledged that there would be no detrimental impact to the windows in the principal elevations of No. 11. Furthermore there is an existing level of overlooking as a result of oblique views from the rear windows at 10 Warrener Street and to some extent properties in Chinley Close. The applicant has amended the position of these houses to move them as far as possible from the rear boundary with No. 11 and introduced a landscape buffer to ameliorate any impact. The guidelines contained within PG1 recommend a separation distance of 15m between a blank gable and a main elevation. In normal circumstances the proposal would comply and in this case it is considered reasonable measures have been taken, including the provision of a landscape buffer, to protect the residential amenity of the occupants of 11 Trinity Avenue. The proposal is considered to be in accordance with the aims of CS Policy L7. This was also concluded in the assessment of the

extant planning permission 87339/FUL/15, which proposed a pair of semi-detached properties in a position similar to that which is currently proposed, which is a material consideration in the assessment of this current proposal.

42. The proposed semi-detached houses would also be situated adjacent to the common boundary with 10 Warrener Street. The proposed dwellinghouse of Plot 4 would project 2.6m beyond the front elevation of No.10 and a minimum distance of 4.4m would lie between the side elevation of No.10 and the side elevation of Plot 4. There are no principle habitable room windows on the side elevation of No.10. A vertical window feature is proposed on the side elevation of the dwelling, which would serve as a secondary kitchen window and a bathroom window. It is considered that these windows could reasonable be conditioned to be fixed shut and obscure glazed. It is also noted that the relationship of this property to No.10 is similar to that which was approved under the extant planning permission 87339/FUL/15.

#### Internal Site Relationships / Amenity of Future Occupiers

43. The rear elevations of Plots 1 and 2 would face each other, with a separation distance of 22.4m at three storey and 11.2m would lie to their common rear boundaries. This relationship is considered acceptable, providing an acceptable level of amenity for future occupants. However, a distance of only 18.2m would lie between the front elevations of Plot 2 and 4, both of which have primary habitable room windows at second storey level. As discussed above, the Council's Planning Guidelines for New Residential Development (PG1) recommends separation distances of 21m across public highways and 27m across private gardens where there are major facing windows at second storey level. The Guidelines advise that these distances are increased by 3m at second storey level. Whilst this is an inter-site relationship and would be across a proposed car parking area, it is considered that this shortfall in separation distance where habitable room window at second storey would lie, would provide a poor level of amenity for future occupants of the development, giving rise to a potential loss of privacy.
44. The front elevation of Plot 1 would face towards the rear elevation of the Jehovah's Witness Kingdom Hall building. Whilst the Kingdom Hall building is single storey, it has a relatively high pitched roof. A minimum distance of only 9.6m would lie between the main habitable room windows on the front elevation of Plot 1 and the rear elevation of the Kingdom Hall building. This distance would reduce to 6.2m to the common boundary with the Kingdom Hall. It is considered that this relationship would provide future occupiers of Plot 1 with a sense of enclosure and poor outlook. Additionally, when coupled with the relationship to the car park to the north and access road to the south it is considered that the proposal fails to demonstrate high quality design and an acceptable environment for future occupiers of plot 1.

45. The application would result in a new curtilage for 26A Marsland Road. Due to the positioning of the proposed dwellings in relation to No.26A, the separation distances between this property and the proposed four new dwellinghouses are compliant with PG1.
46. The application proposes an access road leading from Marsland Road through the site to the front of Plots 3 and 4. Due to the proposed linear layout of Plots 1 and 2 and the existing position of No.26A, this access road would run along the full side boundaries of Plots 1, 2 and No.26A. Parking would also be situated immediately to the front of Plot 1 and No.26A and also adjacent to the rear boundary of No.26A. Along with the close proximity of the adjacent car park, it is considered that this layout would provide a poor level of amenity for future occupants of the site, in particular from undue noise and disturbance from vehicle movements and car doors being opened and closed.

#### Conclusion on Residential Amenity

47. It is considered that the proposed dwellinghouses would not have an overbearing impact or result in an undue loss of light or privacy to neighbouring properties surrounding the site and also 26A Marsland Road. It is however considered that the proposed development, in particular the relationship of Plots 2 and 4 and the cramped siting of Plot 1 would provide a poor level of amenity for future occupants of the development. The resulting curtilage of No.26A and the close proximity of the access road to the side elevations of Plots 1, 2 and 26A Marsland Road, also have the potential to cause undue noise and disturbance to the future occupants and the residents of No.26A. As such, the proposed development would fail to comply with Policy L7 of the Trafford Core Strategy, Trafford Council's adopted Supplementary Planning Guidance, PG1: New Residential Development, and the National Planning Policy Framework.

#### ACCESS, HIGHWAYS AND PARKING

48. Policy L7 states that in relation to matters of functionality, development must:
- Incorporate vehicular access and egress which is satisfactorily located and laid out having regard to the need for highway safety;
  - Provide sufficient off-street car and cycle parking, manoeuvring and operation space;
49. The proposed development would be accessed from Marsland Road, utilising the existing access to 26A Marsland Road. Following concerns raised by the LHA, the applicant has amended the proposal to include incorporating part of the land which is currently within the curtilage of the Jehovah's Witness Kingdom Hall, in order to widen the access point, allowing simultaneous access and egress.

50. SPD3: Parking Standards and Design for Trafford states that for three bedroom dwellings that two car parking spaces should be provided, and for four bedroom dwellings that three car parking spaces are should be provided. The application proposes the provision of sufficient car to comply with these standards.
51. The Local Highway Authority has been consulted and raise no objection, although did comment that the refuse collection point indicated on the plans is beyond the 10m from the public highway and therefore this would need to be relocated. Officers consider that had the scheme otherwise been acceptable this element could be addressed through condition.

## TREES

52. The application site currently contains a number of mature trees and fruit trees, which would be removed as part of the proposed development. None of the trees within the site are protected by a Tree Preservation Order. The applicant has submitted an Arboricultural Impact Assessment and an Arboricultural Method Statement in support of the application. These documents have been considered by the Council's Arboricultural Officer, who raises no objections to the proposed development, noting that the developer proposes replacement planting as part of the development.

## DEVELOPER CONTRIBUTIONS

53. This proposal is subject to the Community Infrastructure Levy (CIL) and is located in the 'moderate zone' for residential development, consequently private market houses will be liable to a CIL charge rate of £40 per square metre, in line with Trafford's CIL charging schedule and revised SPD1: Planning Obligations (2014).
54. The development would be required to incorporate specific green infrastructure (tree planting and landscaping) on site, in accordance with the requirements of Policy L8 of the Trafford Core Strategy and revised Supplementary Planning Document (SPD) 1: Planning Obligations (July 2014). This would be in addition to any compensatory planting.

## PLANNING BALANCE AND CONCLUSION

55. Policies controlling the supply of housing are considered to be 'most important' for determining this application when considering the application against NPPF Paragraph 11. The Council does not, at present, have a five year supply of immediately available housing land and thus these development plan policies are 'out of date' in NPPF terms. Paragraph 11(d) of the NPPF is therefore engaged. Although the site is classified as greenfield land the proposal would provide four family dwellinghouses in a sustainable location. Although this would only make a

very limited contribution to the housing needs within the borough, it is still afforded great weight given the current shortfall in supply.

56. However, the delivery of housing numbers should not be at the expense of the quality of buildings and places. The NPPF and Core Strategy are clear in their emphasis of high quality design, with the NPPF being explicit in paragraph 124 that; *The creation of high quality buildings and places is fundamental to what the planning and development process should achieve.* As detailed within the report, whilst officers hold no objection to the architectural design of the individually proposed properties, the relationship achieved between these properties by virtue of the site layout and resulting environment for future occupiers is considered to be unacceptable.
57. The proposal would result in a contrived layout, resulting in large areas of hard standing and long sections of enclosed boundary treatment. The proposal would also result in a cramped form of development, with limited space around Plots 1 and 2 and the new curtilage of 26A Marsland Road. The proposed development would therefore have a detrimental impact on the visual appearance and character of the surrounding area.
58. Due to the contrived layout of the proposed development, the proposal would also provide a poor level of amenity for future occupants of the development, in particular the relationship between Plots 2 and 4, which provide a poor level of privacy and also the close proximity of the access road to the side elevations and rear gardens of Plots 1, 2 and 26A Marsland Road, which could result in undue noise and disturbance.
59. At both national and local level there is a strong planning policy support for new housing development, especially on under used land in sustainable locations. However, the need for new housing must be balanced about against the policy objective to deliver high quality design. Given the nature of the application site officers consider that the layout should seek to provide a relationship between the properties, not just in their architecture, but also through landscape and public realm.
60. The development is in clear conflict with Policy L7 of the Core Strategy, being poorly laid out, leading to unattractive environment and poor level of amenity. It is considered that the proposal would not be an efficient use of land as a less contrived and better thought through layout could potentially deliver greater yield from the site. It is therefore concluded that notwithstanding the contribution the proposal would make to housing supply, given the limited number of units proposed this contribution would not outweigh the adverse impact of the scheme design. As such the proposal would conflict with up to date policies in the development plan and when assessed against Paragraph 11(d) of the NPPF the adverse impacts of the development would significantly and demonstrably outweigh the benefits. As such the application is recommended for refusal.



## **RECOMMENDATION: REFUSE**

Reasons:

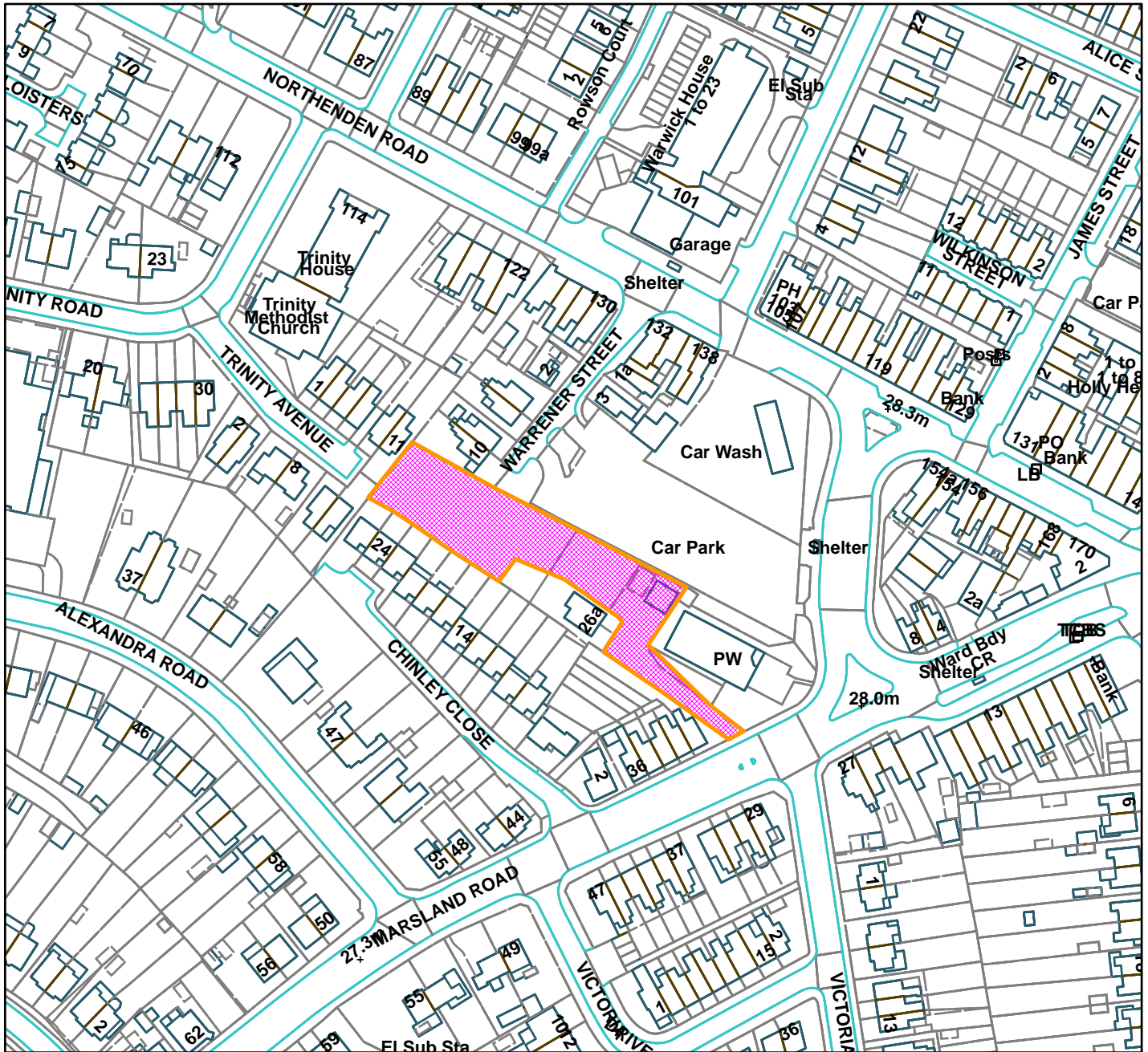
1. The proposed development, by reason of its layout, design and relationship to the site boundaries, would result in a contrived arrangement and form a cramped development that would fail to demonstrate high quality design; not make the best use of the land and have a detrimental impact on the visual appearance and character of the surrounding area. As such, the proposed development would fail to comply with Policy L7 of the Trafford Core Strategy, Trafford Council's adopted Supplementary Planning Guidance, PG1: New Residential Development, and the National Planning Policy Framework.
2. The proposed development by reason of its scale, siting and design would result in a poor level of amenity that future occupants of the development and the occupants of No.26A could reasonable expect to enjoy due to the potential for inter-looking between Plots 2 and 4 and the close proximity of the access road to the side elevations of Plots 1, 2 and 26A Marsland Road, which would result in undue noise and disturbance. As such, the proposed development would fail to comply with Policy L7 of the Trafford Core Strategy, Trafford Council's adopted Supplementary Planning Guidance, PG1: New Residential Development, and the National Planning Policy Framework.

VW

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Land encompassing 26A Marsland Road, Sale (site hatched on plan)



Scale: 1:1,750

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|              |                           |
|--------------|---------------------------|
| Organisation | Trafford Council          |
| Department   | Planning Service          |
| Comments     | Committee date 14/03/2019 |
| Date         | 04/03/2019                |
| MSA Number   | 100023172 (2012)          |

**Change of use from B1 (office) to A4 (bar).**

11A Goose Green, Altrincham, WA14 1DW

**APPLICANT:** Mr Wilde

**AGENT:**

**RECOMMENDATION: GRANT**

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

**SITE**

The application relates to 11a Goose Green, which occupies the first floor of Nos. 11-13 Goose Green, Altrincham. The building was formerly a row of terraced residential properties, which were converted in the 1990s. Associated with the proposal, a Wine Bar and Restaurant, named House, occupies the ground floor of the premises – Nos. 11-13 Goose Green.

The building is not listed but it is located within Goose Green Conservation Area. The buildings within the conservation area generally contain a mixture of shops, restaurants, cafes and beauticians. The properties are predominantly Georgian and Victorian converted terraced dwellings exhibiting a domestic and vernacular character. The buildings are constructed from brick, over two or three storeys; with timber framed sash or casement windows, timber doors and door surrounds and blue slate roofs.

**PROPOSAL**

Planning permission is sought for the change of use of the premises from office space (B1 Use Class) to an extension of the ground floor Wine Bar and Restaurant (A4 Use Class) as well as internal alterations to the mezzanine level.

The applicant provided additional information with regard to the intended use: which would also include a collection of pinball machines, arcade machines and pool tables with events including a pop-up Cinema. Food would be served upstairs from a new open kitchen on the first floor.

The first floor would be mainly accessed from the existing front door access of the ground floor premises. The access from Back Grafton Street is proposed to be used as a fire escape with the possibility of it being used during the day and to access the private function room.

The proposed hours would follow the current opening times of the restaurant: Sunday - Wednesday 12:00-00:00, and Thursday - Saturday 12:00-02:00.

## **DEVELOPMENT PLAN**

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

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

## **PRINCIPAL RELEVANT CORE STRATEGY POLICIES**

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

## **PRINCIPAL RELEVANT ABNP POLICIES**

POLICY 'S' – Main (Primary) Shopping and Mixed Use with Ground Floor Active Frontages  
POLICY 'OF' – Office Uses

## **SUPPLEMENTARY PLANNING DOCUMENTS**

SPD 5.2 Goose Green Conservation Area Appraisal  
SPD5.2a Goose Green Conservation Area Management Plan

## **PROPOSALS MAP NOTATION**

Goose Green Conservation Area  
Altrincham Town Centre  
Main Office Development Areas  
Altrincham BID

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

ENV21 – Conservation Areas

## **GREATER MANCHESTER SPATIAL FRAMEWORK**

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

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

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

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

DCLG published the National Planning Practice Guidance on 6 March 2014 and it is regularly updated, most recently on 20 February 2019. The NPPG will be referred to as appropriate in the report.

## **RELEVANT PLANNING HISTORY**

A number of historic planning applications are related to this address; however the most relevant are as follows:

### 12 Goose Green:

**H45505** - Change of use of ground floor from shop (class a1) to German coffee house (class a3) - Approved 30.04.1998

**H17684** - Demolition of chimney stack and alterations including three new roof lights, two new windows and a French window and removal of rear door. Prior Approval Not Required - 17.03.1983

9-13 Goose Green:

**H30756** - Conservation area consent for the demolition of outbuildings in association with conversion and extension of existing dwellings to form retail shops with offices over – approved 31.01.1990

**H30755** - Change of use of existing dwellings to retail shops with offices over including the erection of rear extensions, the erection of a bridge link over back Grafton St & partial use of the roofspace. (see file) – approved 31.01.1990

**H23410** - Change of use of dwellinghouses to retail use on the ground floor & office use on first floor. Removal of front gardens & their replacement with new surfacing & landscaping. Provision of new servicing facilities. – approved 03.07.1986

The Tannery, 24 Back Grafton Street

**85007/FUL/15** - Erection of part 3 storey part 4 storey building to provide 13 no. apartments. Approved - 23.07.2015

Of particular note is condition 7 in relation to sound mitigation:

*Notwithstanding the details submitted and prior to occupation of the development, noise mitigation and insulation measures shall have been installed within the development in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. The measures shall achieve the sound insulation performance specifications set out in the Environmental Noise Assessment submitted with the application, prepared by BDP Acoustics dated January 2015. The approved measures shall be retained thereafter.*

*Reason: To protect the amenities of future occupiers of the approved dwellings in accordance with Policy L7 of the Trafford Core Strategy*

**APPLICANT'S SUBMISSION**

- Heritage Statement
- Crime Impact Statement
- Rebuttal Statement (RE: refuse)

**CONSULTATIONS**

**Altrincham Town Centre Business Neighbourhood Forum** – No comments to make

**Pollution and Housing Team (Nuisance)** – No objection, subject to a number of conditions in relation to an acoustic assessment, noise management plan, hours of opening, use of Back Grafton Street access and ventilation and extraction systems.

## **REPRESENTATIONS**

The application was advertised by way of neighbour notification, a press advert and a notice displayed near to the site. A total of 6 objections were received in relation to this application, in addition to 2 no. letters received in relation to lack of publicity. The main concerns raised are in relation to the potential increase of ongoing health & safety issues and anti-social behaviour, as well as a lack of communication from the applicants and planning process.

With regard to the health and safety issues and anti-social behaviour concerns, the representations made reference to the existing issues that are particularly acute at the weekend. These issues are numerous but include: debris left outside the apartments, broken glass, takeaway boxes, half-drunk bottles, overflowing bins, urination, vandalism/ damage to cars, late night noise and shouting, and fighting. The representations consider that this proposal would exacerbate the existing issue.

In relation to concerns with regard to lack of communication on this application, a representor commented that this was done to reduce the chances of planning/licensing objections and that the proposed changes are unsuitable for the area. It is noted that publicity for this application by the LPA went beyond that required by The Town and Country Planning (Development Management Procedure) (England) Order 2015, and included neighbour notification letters, a press advert and a notice displayed near the site.

The applicant provided a rebuttal statement with regard to comments in relation to the badly kept refuse. The applicant advised that the House (Wine Bar and Restaurant) is part of the 'Goose Green Federation' refuse system. The House, Tiki bar, Green Room & the Drop all share a bin alley that is locked and well maintained. A photograph of this bin alley was provided.

## **OBSERVATIONS**

### **PRINCIPLE OF THE DEVELOPMENT**

1. The proposal seeks the change of use of the existing office space (B1 Use Class) at first floor level to a drinking establishment (A4 Use Class). The proposal would not involve external works, however the internal changes would allow for access via the ground floor of No. 11-13 Goose Green (without the need for using the existing No. 11a Goose Green entrance) as well as an extension and alteration to the layout of the mezzanine level, involving a new re-located staircase.
2. S38(6) of the Planning and Compensation Act 1991 states that planning applications should be determined in accordance with the development plan

unless material considerations indicate otherwise. The NPPF at Paragraphs 2 and 47 reinforces this requirement and at Paragraph 12 states that the presumption in favour of sustainable development does not change the statutory status of the development plan as a starting point for decision making, and that where a planning application conflicts with an up to date development plan, permission should not normally be granted.

3. The Council's Core Strategy was adopted in January 2012, prior to the publication of the 2012 NPPF, but drafted to be in compliance with it. It remains broadly compliant with much of the policy in the 2018 NPPF, particularly where that policy is not substantially changed from the 2012 version. Whether a Core Strategy policy is considered to be up to date or out of date is identified in each of the relevant sections of this report and appropriate weight given to it.
4. The NPPF is a material consideration in planning decisions, and as the Government's expression of planning policy and how this should be applied, should be given significant weight in the decision making process.
5. Paragraph 11 d) of the NPPF indicates that where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date, planning permission should be granted unless:
  - (i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
  - (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
6. Policies relating to town centres (specifically Policy W2 of the Core Strategy, and Policy S of the ABNP) are considered to be 'most important' for determining this application when considering the application against NPPF Paragraph 11 as they control the principle of the development. Policy W2 of the Core Strategy is considered to be compliant with the NPPF in supporting the growth of town centres and the role they play in local communities and is therefore up to date. Similarly, Policy S of the ABNP also reflects the town centre first approach, and is also considered to be up to date. Full weight can be given to these policies in the decision making process.
7. The principle of whether an A4 use is appropriate in this location is focussed on whether the use is in accordance with Policy W2 of the Trafford Core Strategy in that it would support the continued development of Altrincham Town centre as a commercial, retail, and leisure hub and enhance the vitality and viability of the town centre through diversity particularly in terms of community and cultural



facilities, accessibility and environmental quality. . Altrincham as the main town centre in the Borough is the principal focus for high quality comparison shopping supported by a range of retail, service, leisure, tourism, office and other town centre-type uses including residential.

8. The use of this property as a drinking establishment/bar (A4 Use Class) is an identified town centre use and is considered appropriate for Altrincham Town Centre. A variety of uses and a mix of bars and restaurants can be found in Goose Green and the proposed use would not be incompatible with the business character of the area nor with the character of the Goose Green Conservation Area. The proposal will contribute to the variety of uses on offer in terms of the town centre night time economy.
9. Additionally, the application site is located within the adopted Altrincham Town Centre Neighbourhood Business Plan (ANBP) Area. The application site is located within character area – Leisure and Supermarkets Area - and allocated as 'Mixed Use with Ground Floor Active Frontage'.
10. Policy S2 of the Altrincham Town Centre NBP advises: *...Proposals for town centre uses in these frontages will be supported provided that an active ground floor frontage is maintained. The allocation embraces all town centre uses including services, retail, leisure, commercial, office, tourism, cultural and community.*
11. The proposal would not alter the ground floor frontage and as such is considered acceptable in this regard.
12. Furthermore the proposed development is in line with a number of objectives set out within ANBP – such as the following:
  - Fully reflect and support (a) the approved Conservation Area boundaries, Appraisals and Management Plans and associated policies, seeking to protect and enhance the town's heritage assets and (b) the Public Realm and Infrastructure Concept Proposals agreed by Altrincham Forward and the Council but seek to influence the phasing and the detailed design of each phase of these works to reflect the views expressed during the public consultations.
  - Build on the success achieved by the new market operator, supporting the development and expansion of the Charter Market and adjoining public space as a major destination to attract a wider clientele including families and young people and so increase footfall and spend levels across the Town Centre.
  - Promote the town centre as a social centre, a family friendly place with attractive green spaces and town squares and a wide variety of service outlets including leisure related outlets attracting events, festivals and cultural activities providing entertainment for all ages (including the younger generation and children) both during the day and in the evening, all in a

safe, high quality environment.

- As the principal town centre of the Borough, Altrincham will continue to be a key focus for economic growth including offices, high quality comparison retail (supported by a range of other retail, service, and leisure and tourism activities) and other town centre uses including residential.

13. Given the above, the principle of changing the use from B1 (office) to A4 (drinking establishment/bar) is considered acceptable and in accordance with Policy W2 of the Core Strategy.

## **IMPACT ON DESIGNATED HERITAGE ASSETS**

14. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires Local Planning Authorities to pay, "*special attention in the exercise of planning functions to the desirability of preserving or enhancing the character or appearance of a conservation area*" in the determination of planning applications.
15. The NPPF states that in determining applications, local planning authorities should take account of: the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. In terms of their significance, Nos. 11-13 Goose Green were built between 1876 and 1897 and are considered to be in good condition and to positively contribute towards the conservation area.
16. Policy R1 of the Core Strategy states that: All new development must take account of surrounding building styles, landscapes and historic distinctiveness. Developers must demonstrate how the development will complement and enhance the existing features of historic significance including their wider settings, in particular in relation to conservation areas, listed buildings and other identified heritage assets. However, Policy R1 does not reflect case law or the tests of 'substantial' and 'less than substantial harm' in the NPPF, and is therefore considered to be out of date for the purposes of decision making.
17. It is considered that the proposed development, given the proposal is for the change of use and the proposal does not involve any external works, would have a neutral impact upon the application building and the contribution this makes to the Goose Green Conservation Area. The proposals would not result in harm to significance of the Goose Green Conservation Area and are considered to preserve its character and appearance.
18. In arriving at this decision, considerable importance and weight has been given to

the desirability of preserving the character and appearance of the Goose Green Conservation Area. Although it would not strictly 'enhance' the Conservation Area, Policy R1 is out of date and can be given limited weight in this respect. In NPPF terms, there is no clear reason for refusing the development proposed.

## **RESIDENTIAL AMENITY**

19. In relation to matters of amenity protection, Policy L7 of the Trafford Core Strategy states that development must: be compatible with the surrounding area; and not prejudice the amenity of the future occupiers of the development and/or occupants of adjacent properties by reason of overbearing, overshadowing, overlooking, visual intrusion, noise and/or disturbance, odour or in any other way. Policy L7 of the Core Strategy is considered to be compliant with the NPPF and therefore up to date as it comprises the local expression of the NPPF's emphasis on good design and, together with associated SPDs, the Borough's design code, in addition to ensuring new development has due regard to protecting amenity. Full weight can therefore be given to L7 in the determination of the application.
20. Policy L5.13 of the Trafford Core Strategy states: Development that has potential to cause adverse pollution (of air, light, water, ground), noise or vibration will not be permitted unless it can be demonstrated that adequate mitigation measures can be put in place. In this respect Policy L5 is considered to be up to date in that it reflects the NPPF which advises that planning decisions should create places that provide a high standard of amenity for existing and future users. Full weight can therefore be given to L5.13 in the determination of the application.
21. Policy S3 of the ANBP states - In taking decisions on proposed town centre developments where there is the potential for conflict between uses (e.g. noise and disturbance; smell and fumes), careful account will be taken of all existing uses in the vicinity of the proposal in coming to a decision. Where the proposal would either be potentially adversely affected by any nearby existing uses, or would potentially have an adverse impact on any nearby existing uses, the extent of that potential adverse impact will be a material consideration in coming to a decision on the proposal.
22. The premises are located within Altrincham Town Centre. The closest residential properties include 13 no. apartments located within The Tannery, 24 Back Grafton Street, which is sited north of the application site. In addition a number of properties are located on Grafton Street, and 16 no. apartments are located within Olivier House, approx. 21m east of the application site.
23. The application does not seek any external works and therefore occupiers of neighbouring properties would not be affected by reason of overbearing, overshadowing, overlooking or visual intrusion. The main considerations are in relation to potential noise and disturbance and odour issues.

24. The Pollution and Licensing Team were consulted as part of this planning application. The Environmental Health Officer (EHO) reviewed the proposal and also carried out a site visit on the 25<sup>th</sup> January. The EHO advised that a number of noise sensitive receptors, located within The Tannery, could be impacted by the proposed change of use. The EHO also notes that the Pollution and Licensing Team are currently investigating noise complaints from two separate noise sensitive properties relating to noise from premises in Goose Green.
25. It is noted that the residential properties are located in a town centre area containing a number of bars and restaurants where there is generally evening and late night activity. However, the occupants of the noise sensitive residential premises may be affected by noise associated with the proposed activities at 11A Goose Green throughout the day and the evening/night. This includes noise associated with the activities at the premises, noise from the proposed plant and equipment at the premises as well as noise from people leaving and entering the premises. The EHO noted a number of weak areas such as glazing within the roof. Although in close proximity it is considered that the potential noise and disturbance can be satisfactorily controlled through the use of conditions, which the applicant has agreed to.
26. A condition which limits the hours of use of the Back Grafton Street door access/egress to the premises, except in the case of an emergency, is recommended given its proximity to neighbouring residential properties. In addition, an acoustic assessment, and noise management plan would control the noise management of this proposed development. Furthermore, conditions in relation to fixed plant and machinery associated with the proposed development and ventilation / extraction systems are recommended with any permission in order to protect sensitive premises.
27. The proposed development would utilise the existing refuse system. A condition restricting the tipping of glass or deliveries to between the hours of 09:00 and 21:00 Monday to Saturday and not at all on Sundays and Bank Holidays, is recommended with any permission in order to protect the noise sensitive receptors. Furthermore an informative in relation to noise from construction/ refurbishment is recommended with any permission.
28. As such the proposal, subject to conditions, would not prejudice the amenity of the occupiers of adjacent properties and would be in accordance with Policy L7 of the Trafford Core Strategy and Policy S3 of the ANBP..

## **OTHER MATTERS**

29. Numerous images of over spilling waste bins were provided with the representations. It is noted that a number of the pictures illustrate items that appear to be domestic items and thus unlikely to be associated with commercial premises. Furthermore the applicant provided supplementary details with regards

to their private waste stores/ bin alleys. It is therefore considered that the proposal is acceptable in this respect. With regards to concerns raised regarding anti-social behaviour, it is considered that the proposal would not intensify the existing A4 uses within Goose Green to a degree that is likely to result in significant additional issues in this respect.

## **DEVELOPER CONTRIBUTIONS**

30. No planning obligations are required.

## **PLANNING BALANCE AND CONCLUSION**

31. S38(6) of the Planning and Compensation Act 1991 states that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise. Development Plan policies that are considered to be most important for the determination of the application are considered to be up to date. The use of this property as a drinking establishment/bar (A4 Use Class) is an identified town centre use and is considered appropriate for Altrincham town centre and in accordance with Policy W2 of the Core Strategy and Policy S3 of the ANBP. It is considered the proposed development would not result in harm to the significance of the Goose Green Conservation Area, and that the development would preserve the appearance, character and form of the application property and therefore its contribution to the wider Conservation Area. Although the proposals would not strictly 'enhance' the heritage asset, it would be unreasonable to suggest that they should have to do so where there are no external alterations proposed. The development complies with NPPF policy on heritage which is an important material consideration.

32. All relevant planning issues have been considered and representations and consultation responses taken into account in concluding that the proposals comprise an appropriate form of development for the site. The concern raised in representations about health and safety issues, anti-social behaviour and refuse, and the impact of the development on adjacent residential properties is acknowledged and has been carefully considered. The proposed change of use, subject to conditions, is not considered to have an adverse impact on neighbour amenity with regard to noise, disturbance or odour and is therefore compliant with, Policies L5 and L7 of the Trafford Core Strategy, and the relevant paragraphs of the NPPF.

## **RECOMMENDATION: GRANT subject to the following conditions**

### 1. Time limit

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

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

2. Approved plan

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

Proposed Ground Floor Plans Plot 11-13 (17.11.18)

Proposed Floor Plans Plot 11a (17.11.18)

Proposed Elevations Plot 11a (16.11.18) (Sheets 1-3)

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

3. Acoustic assessment

The use hereby permitted shall not take place unless and until an acoustic assessment relating to the impact of the proposed development on neighbouring noise sensitive premises which details the levels of internal noise likely to be generated from the proposed use of the site has first been submitted to and approved in writing by the Local Planning Authority. This assessment shall identify and determine appropriate noise mitigation measures (such as soundproofing, hours of operation, noise associated with plant and equipment, noise associated with servicing of and deliveries to the site, noise associated with any entertainment activities proposed) required to protect the amenity of adjacent noise sensitive properties. Upon completion of any necessary noise mitigation measures identified in the assessment a verification report confirming the measures have been implemented in full shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that appropriate details are approved prior to the development being brought into use and to minimise disturbance and nuisance to occupiers of nearby properties in the interest of amenity having regard to Policy L7 of the Trafford Core Strategy and the National Planning Policy Framework.

4. Noise Management Plan

The use hereby permitted shall not take place unless and until a noise management plan for the use of the premises has been submitted to and approved in writing by the Local Planning Authority. The management plan shall include details of access to and egress from the premises. The noise management plan shall be implemented at all times that these areas are in use.

Reason: To minimise disturbance and nuisance to occupiers of nearby properties in the interest of amenity having regard to Policy L7 of the Trafford Core Strategy and the National Planning Policy Framework. The information is required prior to the development being brought into use because the potential for harm to residents' amenity will be present as soon as the use is open to the public.

5. Ventilation/ extraction system

Notwithstanding the details shown on the approved plans, the use hereby permitted shall not take place unless and until a scheme showing details of the means of extraction and filtration of cooking odours including details of the finish of any external flue(s), manufacturer's operating instructions and a programme of equipment servicing/maintenance has been submitted to and approved in writing by the Local Planning Authority and has been implemented in accordance with the approved details. The approved scheme shall remain operational thereafter.

Reason: In order to ensure the efficient dispersal of cooking odours from the premises in the interests of the amenity of neighbouring occupiers and to ensure that any ventilation flues/ducting can be accommodated without detriment to character and appearance of the host building and the surrounding area having regard to Policies L5 and L7 of the Trafford Core Strategy and the National Planning Policy Framework.

6. Hours of opening

The premises shall only be open for trade or business between the hours of: Sunday - Wednesday 12:00-00:00, and Thursday - Saturday 12:00-02:00 and not at any time outside these hours.

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

7. Doors and windows to be closed

No amplified or other music shall be permitted to any external part of the site and when amplified music is played in the premises all doors and windows of the premises shall be closed, except for access.

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

8. Tipping of glass and delivery restrictions

Tipping of glass, servicing and deliveries to or from the premises shall not take place outside the hours of 10:00 and 16:00 on Sundays or Bank holidays and shall not take place outside the hours of 09:00 and 21:00 Monday to Saturday.

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

9. Door – Back Grafton Street – restrictions

The access door to 11a Goose Green via Back Grafton Street shall only be used for access/egress to the premises between the hours of 12:00 and 20:00, except in the case of an emergency.

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

10. Fixed plant/ machinery

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

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

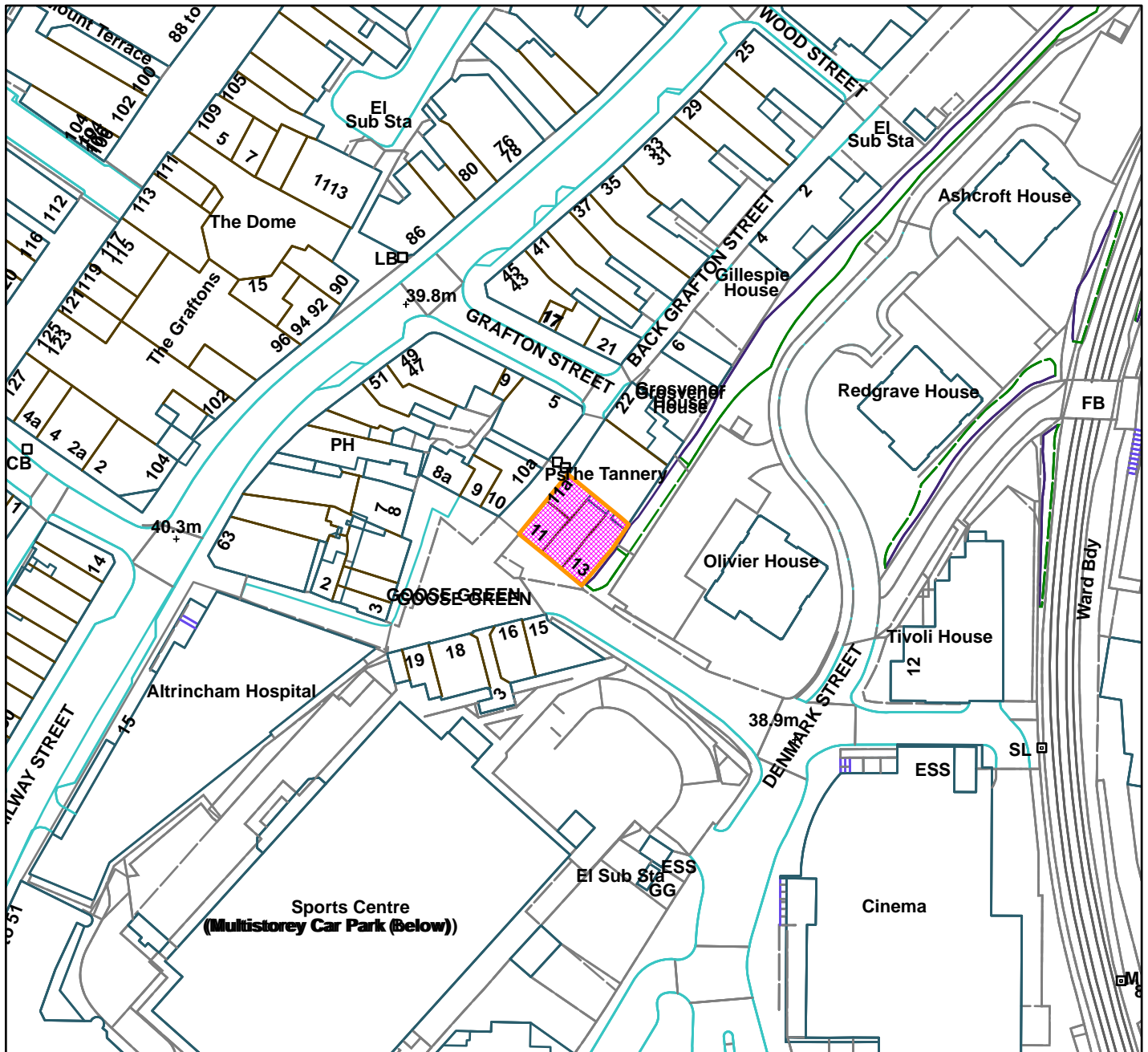
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11A Goose Green, Altrincham (site hatched on plan)



Scale: 1:1,250

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|              |                           |
|--------------|---------------------------|
| Organisation | Trafford Council          |
| Department   | Planning Service          |
| Comments     | Committee date 14/03/2019 |
| Date         | 04/03/2019                |
| MSA Number   | 100023172 (2012)          |

**Change of use from (C3) dwelling house to (C2) residential institution for the care of up to six persons. Erection of part single/part two storey side and part single/part two storey rear extensions with a covered terrace area. External alterations to include a new dropped kerb and new vehicular access to the site along with removal of the chimneys.**

42 Fownhope Avenue, Sale, M33 4RH.

**APPLICANT:** Ms Emma Morris, Stockdales.

**AGENT:** Miss Jana Kefurtova, Pozzoni Architecture Ltd.

### **RECOMMENDATION: GRANT**

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**This application is reported to the Planning and Development Management Committee as the application has received six objections contrary to the officer recommendation, and in addition it has been called in for consideration by the Planning Committee by Councillor John Holden.**

### **SITE**

The application site comprises of a currently vacant detached dwelling house fronting Fownhope Avenue to the south-east. The property includes two front facing gable elevations, an integral single garage and an attached car port. The front of the property comprises of a garden and hard standing, with two single storey rear extensions and a garden to the rear. Boundaries are marked by a low rise brick wall topped by metal railings to the front, with wood panel fencing to the remainder, much of the latter screened by dense banks of vegetation and several mature trees. The plot is bound by similar dwellings to all sides.

The front of the property includes a grassed area between the front boundary wall and the footpath.

### **PROPOSAL**

The applicant proposes to change the property's use from a dwelling house to a 24 hour residential institution for the care of up to six people with learning disabilities. The work would also entail the following building works:

- Demolition of the side (north-east – including the car port) and rear of the house and erection of part two storey/part single storey extensions to the side and rear;
- Removal of the double chimney breasts in the building's opposite (south-west) gable elevation;
- Erection of a glass roof covered terrace to the rear;
- Installation of two new parking spaces part occupying the grassed area to the front of the property;
- Installation of hard and soft landscaping;
- Installation of new low rise wall to front boundary;

- Installation of separate bicycle and bin stores.

The converted/extended building would have six bedrooms with a lift installed to facilitate wheelchair access. It would accommodate a hallway, lounge, kitchen-diner, two bedrooms, bathroom, utility room, office and WC at ground floor, and four additional bedrooms, a bathroom and storage at first floor.

The proposed single storey element would have a mono-pitch/hipped roof with three roof lights in its side roof slope and two further roof lights in its rear facing roof slope.

The residential institution will operate 24 hours each day with four members of staff on site apart from 10pm to up to 9am when this would drop to two members of staff.

### **Value Added**

Following a request from planning officers the applicant has amended their proposal through adding a mono-pitch/hipped roof above the single storey side/rear extension, reduced the number of car parking spaces and additional hard standing to the front of the property and repositioned the proposed bin store.

### **DEVELOPMENT PLAN**

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

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

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

L2 - Meeting Housing Needs;  
 L4 - Sustainable Transport and Accessibility;  
 L5 – Climate Change;  
 L7 - Design;  
 L8 - Planning Obligations;  
 R2 - Natural Environment.

### **OTHER LOCAL POLICY DOCUMENTS**

Revised SPD1 - Planning Obligations;

SPD3 - Parking Standards & Design;  
SPD4 – A Guide for Designing House Extensions and Alterations;  
PG1 - New Residential Development.

## **PROPOSALS MAP NOTATION**

Critical Drainage Area.

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

None.

## **GREATER MANCHESTER SPATIAL FRAMEWORK**

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

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

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

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

DCLG published the National Planning Practice Guidance on 6 March 2014, which replaced a number of practice guidance documents. The NPPG will be referred to as appropriate in the report.

## **RELEVANT PLANNING HISTORY**

None.

## **APPLICANT'S SUBMISSION**

The applicant has submitted a Design and Access statement in support of their proposal.

## **CONSULTATIONS – need amending**

**Local Highways Authority** – No objection subject to condition.

**Lead Local Flood Authority** – No objection.

**United Utilities** – No comment received.

**Greater Manchester Ecology Unit** - No objection subject to conditions.

**Pollution and Licensing (Contaminated Land)** - No objection.

**Pollution and Licensing (Nuisance)** – No objection.

**Arborist** – No objection subject to condition.

## **REPRESENTATIONS**

Councillor Holden has submitted a ‘call in’ request due to his concern that the proposal would result in an unacceptable visual and amenity impact.

Letters of objection have been received from 27 neighbouring addresses which raise the following issues:

- The extensions would result in an unacceptable overbearing/overshadowing impact on neighbouring properties;
- The proposed use unacceptably impact local roads in terms of traffic flow, servicing and on-street parking, this area currently suffering from parking issues;
- The proposed use would be unacceptable at this quiet residential area;
- The proposed extensions would result in an overdevelopment of the plot which would be out of character with the local area;
- The proposal would result in an unacceptable privacy impact on neighbouring occupants;
- The proposal would result in the loss of the attractive grass verge to the front of the property;
- Houses in this area are subject to restrictive covenants ensuring they are retained as private residences and there might be a restrictive covenant in force to protect the front boundary wall;
- The applicant is simply concerned to make money;
- The development would unacceptably undermine the tranquillity of the local area including at night time;
- Building works would result in an unacceptable amenity impact;
- The LPA advised through the pre-application submission that the proposal would result in an overdevelopment of the plot and recommended four parking spaces, however five are proposed;
- The scheme would not include sufficient on-site parking;
- The proposal would result in an unacceptable ecology impact;
- The applicant has failed to engage with local residents prior to submission of the planning application;
- Insufficient neighbour consultation has been carried out with the Council obviously trying to approve the proposal ‘through the back door’;
- Insufficient evidence has been provided about the proposed occupants;
- The final decision should not be made until all local residents are consulted;
- Allowing this scheme would set a precedent for similar proposals elsewhere within the Borough;
- The proposal would be contrary to the Council’s Core Strategy policies;

- Similar schemes have been refused by the Planning Inspectorate;
- The amended plans include a bin store at the front boundary which would result in an unacceptable visual and amenity impact;
- A concern as to how the proposed bins will be emptied;
- The amended plans are inconsistent with reference to how they present the gable wall for the adjacent property to the south-west;
- The bat report is incorrect;
- Insufficient cycle storage has been provided.

Seven letters of support have been received which note the following:

- The new property would be well maintained;
- Consideration will be given to neighbours at all times;
- The proposal would not result in an unacceptable amenity impact on local residents;
- The proposal would help vulnerable Trafford residents.

## **OBSERVATIONS**

### **PRINCIPLE OF DEVELOPMENT**

#### **Change of Use**

1. Paragraph 11 d) of the NPPF indicates that where there are no relevant development plan policies or the policies which are most important for determining the application are out of date planning permission should be granted unless:
  - i. The application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
  - ii. Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
2. Policy L7 is considered to be 'most important' for determining this application when considering the application against NPPF Paragraph 11. Policy L7 of the Core Strategy is considered to be compliant with the NPPF and therefore up to date and can be given full weight in the decision making process.
3. The site is located within a largely residential area and is undesignated within the Council's Unitary Development Plan. The proposed change from the building's current residential use to a residential care facility is considered to be acceptable in principle provided it results in an acceptable design, amenity, parking/highways and tree impact as discussed further below.
4. Planning permission would be subject to a condition limiting the use of the property to that proposed as a care home for people with learning disabilities and for no other use within Use Class C2 of the Use Classes Order.

## DESIGN AND IMPACT ON THE STREET SCENE

5. Paragraph 124 of the NPPF states: *The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.*
6. Policy L7 of the Trafford Core Strategy states: *In relation to matters of design, development must: be appropriate in its context; make best use of opportunities to improve the character and quality of an area; enhance the street scene or character of the area by appropriately addressing scale, density, height, massing, layout, elevation treatment, materials, hard and soft landscaping works, boundary treatment; and, make appropriate provision for open space, where appropriate, in accordance with Policy R5 of this Plan.*
7. The property is bound by dwellings which were constructed during the interwar years. These mainly comprise of detached and semi-detached two storey properties although it is noted that there are several bungalows to the south-east on the opposite side of Fownhope Avenue and also to the south on Tiverton Drive.

### Siting and Footprint

8. The development would not impact the current building line with the side extensions being set a minimum of 2.6m from the north-east boundary and no closer the south-west boundary than the current building. It would not result in an overdevelopment of the plot.

### Bulk, Scale, Massing and Height

9. The proposed single storey and two storey extensions would be acceptably scaled with reference to the original property and the surrounding context with these additions being acceptably subservient to the main property. It is considered that the extended property would not be out of character with those on either side in terms of its height and width.

### External Appearance

10. The proposed side and rear extensions and changes to the remainder of the plot are considered to be acceptably designed with reference to the proposed roof design, window specifications, external materials, terrace element, bin stores and amended hard and soft landscaping. Whilst it is accepted that the proposal would result in an increased amount of hard standing and the installation of a bin store to the front of the property this is not considered to result in an unacceptable visual impact with a large amount of the current grassed area and the boundary walls to the front of the property retained, and the detail of the proposed bin store subject to a planning condition. Planning permission would also be subject to conditions that the applicant must submit full hard and soft landscaping details and details of external materials prior to the commencement of above ground works.

11. The development would be acceptably designed with reference to Core Strategy Policy L7 and the NPPF.

## **IMPACT ON RESIDENTIAL AMENITY**

12. Policy L7 of the Core Strategy states: *In matters of amenity protection, development must be compatible with the surrounding area and not prejudice the amenity of the future occupiers and/or occupants of adjacent properties by reason of overbearing, overshadowing, visual intrusion, noise and/or disturbance, odour or in any other way.*
13. Although the proposed change of use of this property would mean it was no longer a dwelling and therefore SPD4 would not strictly apply; this guidance remains a useful tool for assessing the impact of extensions to the property on the amenity of neighbouring properties.

### Privacy and Overlooking

14. SPD4 for House Extensions and Alterations states the following regarding privacy distances: *Extensions which would result in the windows of a habitable room (e.g. living room or bedroom) being sited less than 10.5m from the site boundary overlooking a neighbouring private garden area are not likely to be considered acceptable, unless there is adequate screening such as significant mature evergreen planting or intervening buildings. Window to window distances of 21m between principal elevations (habitable room windows in properties that are directly facing each other) will normally be acceptable as long as account is taken of the fact that the facing properties may need, in fairness to be extended also. Where ground floor extensions result in separation distances that are less than the distances specified in these guidelines these are only likely to be acceptable where fencing, planting or other screening can mitigate the impact on the privacy of neighbouring properties. Any change in ground floor level between properties, or in a property, can affect the separation distance required to mitigate potential overlooking.*
15. The proposed development would introduce front and rear facing ground and first floor habitable room windows. Those in the principal elevation would have the same privacy impact as the windows currently in place. The proposed ground floor rear facing habitable room windows/outlooks would be screened by the retained wood panel fence along the rear boundary. The proposed rear facing first floor habitable room windows would be 10.3m from the rear boundary, with much of the latter screened through retained mature trees, which would be acceptable.
16. The development would entail the installation of side facing ground and first floor windows. Planning permission would be subject to a condition that these must be obscurely glazed to protect neighbouring privacy.
17. It is therefore considered that, subject to conditions, the proposal would not result in any unacceptable overlooking or loss of privacy to neighbouring properties.



## Overbearing/Overshadowing

18. SPD4 for House Extensions and Alterations states the following: *Normally, a single storey rear extension close to the boundary should not project more than 3m from the rear elevation of semi-detached and terraced properties and 4m for detached properties. If the extension is set away from the boundary by more than 15cm, this projection can be increased by an amount equal to the extra distance from the side boundary (e.g, if an extension is 1m from the side boundary, the projection may be increased to 4m for a semi-detached or terraced extension). For two storey rear extensions, normally extensions should not normally project more than 1.5m close to a shared boundary. If the extension is set away from the boundary by more than 15cm, this projection can be increased by an amount equal to the extra distance from the side boundary (e.g, if an extension is 1m from the side boundary, the projection may be increased to 2.5m).*
19. The proposed single storey element would project 4.4m beyond the rear elevation of the adjacent dwelling to the north-east (No. 40 Fownhope Avenue) with this element set in 2.7m from the common boundary. It would also project 2.3m beyond the adjacent dwelling to the south-west (No. 44 Fownhope Avenue) and set in 1.2m from the common boundary.
20. The proposed rear terrace area would project 6.1m beyond the rear of the adjacent dwelling to the north-east, with this element set in 3.23m from the common boundary.
21. The proposed two storey rear element would not project beyond the rear elevation of the adjacent property to the south-west. This element would project 2m beyond the rear elevation of the adjacent property to the north-east and would be set in 4m from the common boundary.
22. The proposed single storey and two storey side elements at the building's north-east gable elevation would be directly faced by ground floor windows in the gable elevation of No. 40 Fownhope Avenue at a distance of 3.4m and 4.7m respectively, however these neighbouring windows currently face the similar single storey and two storey elements which would be removed, both of the impacted windows are secondary outlooks, one of these being obscurely glazed. The proposed two storey side element would also be directly faced by first floor windows in the gable elevation of No. 40 Fownhope Avenue, at a distance of 4.7m; however the proposal's impact on these neighbouring windows would be similar to those of the current property.
23. It is therefore considered that the proposal would comply with the guidelines in SPD4 and there would be no unacceptable overbearing or overshadowing impact on neighbouring properties.

## Noise / Disturbance

24. The proposal would result in the change of use of the current dwelling house to a residential institution providing assisted living accommodation for six residents

with 24 hour staff support ranging from two to four depending on the time of day. The care home would provide whole life living accommodation for people with learning difficulties, many of whom would use wheelchairs. The site would be accessed by the occupants, staff members, relatives and other support specialists such as medics. These comings and goings and vehicle movements would necessarily lead to an increased level of activity over and above that which would normally be associated with a dwelling house. However, it is nevertheless noted that the Nuisance consultee has confirmed no objection to the proposal. The LPA does not consider that the level of activity associated with the proposed use would be so significant that it would result in an unacceptable noise/nuisance impact on surrounding residential properties.

25. The proposed bin store would be of a type commonly found at such a facility and it is not considered that this would result in an unacceptable amenity impact through noise or odours on neighbouring occupants.
26. The development would not have an unacceptable detrimental impact on the residential amenity of the neighbouring and surrounding residential properties and would comply with Core Strategy policy L7 and the NPPF in this respect.

## **HIGHWAYS, PARKING AND SERVICING**

27. Core Strategy Policy L4 states: *[The Council will prioritise] the location of development within the most sustainable areas accessible by a choice of modes of transport. Maximum levels of car parking for broad classes of development will be used as a part of a package of measures to promote sustainable transport choices.*
28. Core Strategy Policy L7 states: *In relation to matters of functionality, development must incorporate vehicular access and egress which is satisfactorily located and laid out having regard to the need for highway safety; and provide sufficient off-street car and cycle parking, manoeuvring and operational space.*
29. The Parking SPD's objectives include ensuring that planning applications include an appropriate level of parking; to guide developers regarding the design and layout of car parking areas; to ensure that parking facilities cater for all users and to promote sustainable developments. The Council's maximum parking standard is the provision of one off-road car parking space for each five beds of C2 residential accommodation proposed.
30. The converted property would have two off-street parking spaces which is considered to be acceptable for the proposed development in this instance. It is noted that the LHA has confirmed no objection to the proposal in terms of its highways, parking and servicing impacts subject to a planning condition requiring full details of the proposed cycle parking provision. Whilst it is accepted that the proposed use would generate additional car and other visits through members of staff, residents and relatives it is noted that the proposal complies with the requirements of the Council's Parking SPD through its provision of two off-street parking spaces.

31. The application site is in a sustainable location close to multiple bus routes running along Washway Road (the A56) and Brooklands Metrolink station to the east.
32. Whilst it is noted that a number of residents raised objections with reference to the proposal's parking and highways impacts, the LHA consultee has confirmed no objection to the proposal.
33. The LHA consultee has provided the following addendum comments specifically addressing the objectors' concerns regarding the proposals highways and parking impacts:
- *The development at 42 Fownhope Avenue can be accessed via either Fownhope Road or Fownhope Avenue with which both are accessed off Washway (A56).*
  - *Fownhope Road forms a cross-roads junction onto Washway Road at the junction with Raglan Road. Restricted visibility exists at this junction and at busy times access is difficult especially as Washway Road is a 4 lane carriageway, (2) lanes in both directions. Equally the Fownhope Avenue has restricted visibility although this junction does not form part of a cross-roads junction. Both junctions have protective road markings to keep the junctions free from parked vehicles.*
  - *The width of the carriageways leading to the site are of sufficient width for two vehicles to pass with Fownhope Avenue being approx. 7.8m, Fownhope Road approx. 7.3m with the section of Fownhope Avenue being approx. 4.7m across the site frontage.*
  - *In terms of the proposed two parking spaces these meet Trafford Councils car parking standards laid down in SPD3 and given that these are maximum standards the LHA are unable to recommend refusal on that basis. Equally though the LHA accept that additional parking is likely to be required and whilst its not ideal we are satisfied that the section of Fownhope Avenue across the front of the site can accommodate on street parking without causing an adverse Highway Safety issue.*
  - *In terms of pedestrian connectivity this is well served adjacent to the carriageways indicated above from Washway Road. The site is also well served by public transport.*
  - *In terms of servicing the site as explained above the LHA see no reason to object to such a proposal as the highway network is of sufficient width not to cause a severe impact on Highway Safety. In terms of capacity the LHA accept that during both the morning and evening peaks the junctions on to Washway Road indicated above will have some capacity issues but the level of traffic from this development will not materially change the capacity, (In terms of queues), and therefore will not cause a severe impact at the junction, hence the LHA would raise no objection.*
34. The development would have an acceptable highway, parking and servicing impact with reference to Core Strategy policies L4 and L7, the Parking Standards and Design SPD and the NPPF.

## **TREES AND ECOLOGY**

35. The proposal would result in works to the existing roof space and the removal of vegetation including several trees. The proposal would result in the removal of several trees and the retention of others. The submitted bat report has confirmed that the building is low risk for nesting bats. It is noted that both the arborist and GMEU consultees have accepted the submitted tree and ecology documents and have confirmed no objection subject to standard tree/ecology planning conditions. Planning permission would also be subject to a landscaping condition.
36. The development would not result in harm to the natural environment with reference to Core Strategy policy R2 and the NPPF.

## **DEVELOPER CONTRIBUTIONS**

37. This proposal is subject to the Community Infrastructure Levy (CIL) as an Institutional Facility, and will be liable to a CIL charge rate of £0 per square metre, in line with Trafford's CIL charging schedule and revised SPD1: Planning Obligations (2014).
38. In accordance with Policy L8 of the Trafford Core Strategy and revised SPD1: Planning Obligations (2014) it is necessary to provide an element of specific green infrastructure in the form of one tree per 30sqm GIA. The proposed care home would have a GIA of 257sqm which would amount to 8 additional trees net of clearance. Considering the relatively constrained plot it is considered reasonable to require 3 additional trees which would be secured through the proposed landscaping condition.

## **OTHER MATTERS**

39. Addressing the further neighbour comments as noted above and which have not been addressed in the Observation section above, comments are as follows.
40. The effect of in force restrictive covenants is not a valid planning consideration.
41. Development will always cause a degree of temporary disruption to neighbouring occupants and this is not considered to be a sufficient reason to refuse planning permission.
42. The neighbour objection that the submitted plans are inconsistent with reference to the presentation of the gable element of No. 44 Fownhope Avenue is incorrect.
43. The LPA has complied with the requirements of the Development Management Procedure Order with reference to the level of neighbour consultation.
44. It is considered that sufficient information has been provided about the proposed occupants for officers to come to a reasoned recommendation.

## **CONCLUSION**

45. The proposed change from the building's current residential use to a residential care facility is considered to be acceptable in principle. All other detailed matters have been assessed, including highway safety and residential amenity. These have been found to be acceptable, with, where appropriate, specific mitigation secured by planning condition. All relevant planning issues have been considered and representations and consultation responses taken into account in concluding that the proposals comprise an appropriate form of development for the site.
46. The proposed development is considered to be acceptable including with reference to its design, amenity, highways/servicing and trees/ecology impacts. The proposal is therefore considered to be in accordance with Core Strategy Policies L2, L4, L5, L7, L8 and R2 and therefore complies with the development plan, the Planning Obligations SPD, the Parking Standards & Design SPD and the NPPF.

## **RECOMMENDATION**

**GRANT** subject to the following conditions:

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

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

2. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987, (as amended) and the Town and Country Planning (General Permitted Development) (England) Order 2015 or any equivalent Order following the amendment, revocation and re-enactment thereof, the premises shall only be used as a care home for people with learning disabilities and for no other purposes within Class C2 of the above Order or otherwise.

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

3. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers [P4984\_SK] 020 Rev B, received 21 February 2019, and 003 Rev P, 004 Rev N, 011 Rev G, 012 Rev G, 013 Rev G and 019 Rev E, all received 1 March 2019.

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

4. Notwithstanding any description of materials in the application no above ground construction works shall take place until samples of materials to be used externally on the building have been submitted to and approved in writing by the Local Planning Authority. Such details shall include the type, colour and texture of

the materials. Development shall be carried out in accordance with the approved details.

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

5. (a) Notwithstanding the details shown on the approved plans, the development hereby permitted shall not be occupied until full details of both hard and soft landscaping works have been submitted to and approved in writing by the Local Planning Authority. The details shall include the location of 3 additional trees net of any clearance together with the formation of any banks, terraces or other earthworks, hard surfaced areas and materials, planting plans, specifications and schedules (including planting size, species and numbers/densities), existing plants/trees to be retained and a scheme for the timing/phasing of implementation works.

(b) The landscaping works shall be carried out in accordance with the approved scheme for timing/phasing of implementation or within the next planting season following final occupation of the development hereby permitted, whichever is the sooner.

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

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

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any equivalent Order following the amendment, re-enactment or revocation thereof) upon first installation the windows in the buildings ground and first floor side facing gable elevations shall be fitted with, to a height of no less than 1.7m above finished floor level, non-opening lights and textured glass which obscuration level is no less than Level 3 of the Pilkington Glass scale (or equivalent) and retained as such thereafter.

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

7. No development including any works of demolition shall take place unless a Reasonable Avoidance Statement relating to the protection of bats on site has been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: In order to prevent any habitat disturbance to bats having regard to Policy R2 of the Trafford Core Strategy and the National Planning Policy Framework. The Reasonable Avoidance Statement is required prior to development taking place on site as any works undertaken beforehand, including preliminary works, could unacceptably impact potential bats on site.

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

Reason: In order to prevent any habitat disturbance to nesting birds having regard to Policy R2 of the Trafford Core Strategy and the National Planning Policy Framework. The detailed bird nest survey is required prior to development taking place on site as any works undertaken beforehand, including preliminary works, could unacceptably impact potential nesting birds on site.

9. No above ground works shall take place until full details of the site's proposed cycle and bin stores have been submitted to and approved in writing by the Local Planning Authority. The cycle and bin stores shall be installed in accordance with the approved scheme prior to the first occupation of the building.

Reason: In the interests of visual amenity and residential amenity and in order to encourage sustainable modes of transport, having regard to Policies L4 and L7 of the Trafford Core Strategy.

10. No development or works of site preparation shall take place until all trees that are to be retained within or adjacent to the site have been enclosed with temporary protective fencing in accordance with BS:5837:2012 'Trees in relation to design, demolition and construction' with reference to the approved tree protection plan reference P4984\_SK019 Rev E, received 1 March 2019. The fencing shall be retained throughout the period of construction and no activity prohibited by BS:5837:2012 shall take place within such protective fencing during the construction period.

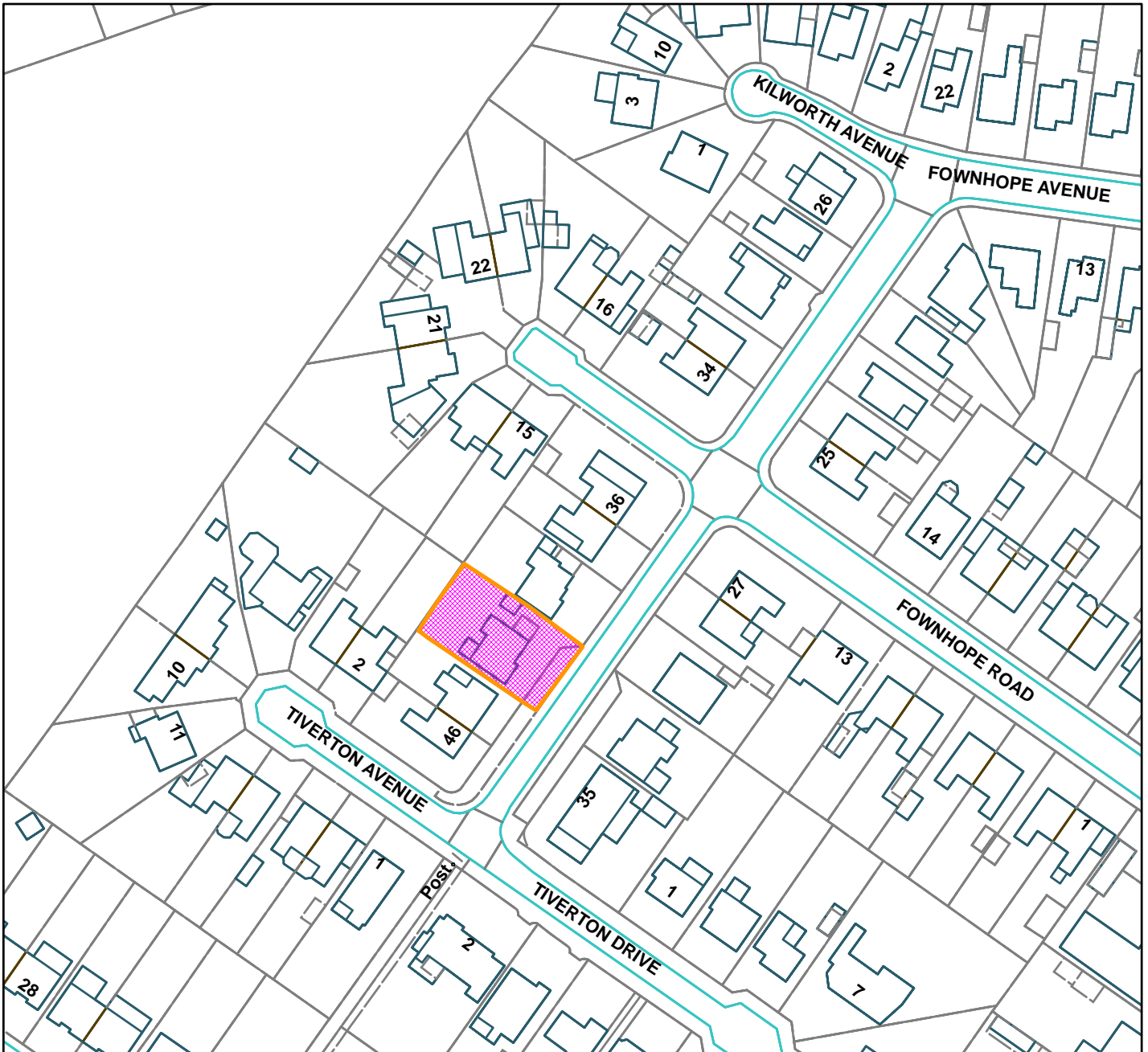
Reason: In order to protect the existing trees on the site in the interests of the amenities of the area having regard to Policies L7, R2 and R3 of the Trafford Core Strategy and the National Planning Policy Framework. The fencing is required prior to development taking place on site as any works undertaken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

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TP



42 Fownhope Avenue, Sale (site hatched on plan)



Scale: 1:1,250

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|--------------|---------------------------|
| Organisation | Trafford Council          |
| Department   | Planning Service          |
| Comments     | Committee date 14/03/2019 |
| Date         | 04/03/2019                |
| MSA Number   | 100023172 (2012)          |