

**WARD:** Gorse Hill

**99829/FUL/20**

**DEPARTURE: No**

**Erection of a 9-storey hotel (use class C1) comprising 197 bedrooms, formation of a new vehicular access onto Barton Road; associated parking and servicing areas; landscaping; provision of a detached sub-station and associated development thereto.**

Land At Circle Court, Barton Road, Stretford, M32 9QJ

**APPLICANT:** Create Developments Ltd

**AGENT:** Icen Projects Limited

**RECOMMENDATION: GRANT**

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**This application is reported to the Planning and Development Management Committee as more than six objections have been received contrary to the officer recommendation.**

### **SITE**

The application site (circa. 0.65ha) relates to an area of hardstanding immediately to the north side of Circle Court, a high rise apartment block managed by Trafford Housing Trust (16 storeys in height) and which has been used as an overflow parking area associated with Circle Court. The application site is at a marginally lower level than Barton Road to the east side of the site. The slip road to the M60 (Junction 9) is located to the west side of the site, the motorway and slip road are at a higher level to the application site. To the north side of the site is Lostock Circle which is the main gyratory roundabout of Junction 9 linking to Barton Road, Lostock Road and Parkway.

Vehicular access to the Circle Court apartment block and the application site currently is from Moss Vale Crescent to the south side of the site. Existing car-park provision for Circle Court is located along the western boundary, part of which is included within the red edge of the application site and includes a flat roof five car garage block.

To the east side of the site on the opposite side of Barton Road is a petrol station and a terrace of commercial premises collectively referred to as The Circle. To the south side of the site is Moss Vale Crescent which is predominantly residential. The M60 motorway is located to the west side of the site beyond which is residential development within Urmston. A pedestrian pathway extends under the motorway close to the vehicular access to the site leading to Canterbury Road in Urmston.

The Trafford Centre is located to the north-west of the site beyond Lostock Circle and Barton Clough Primary school is located to north-east of the site. A new SEN school

has recently been approved within the grounds of Barton Clough School.

The site is unallocated within the Revised UDP Proposals Map, although the Circle Court apartment block is part designated as a neighbourhood shopping centre. The site is located within a Flood Zone 1 area (lowest risk of flooding); a Critical Drainage Area within Trafford Council's SFRA and is also within an Air Quality Management Area. Longford Brook Culvert extends under the application site in addition to a high pressure oil line. There are no identified designated or non-designated heritage assets in the vicinity of the development site.

## **PROPOSAL**

The application proposes the erection of a 9 storey hotel building with 197 bedrooms (use Class C1). The building would be located towards the northern-eastern extremity of the application site and would measure approximately 33.5m at the highest point.

The building would incorporate a rectangular footprint and form which would be replicated across all nine floors. The ground floor area would include the main reception hub/welcome zone area with restaurant and communal areas including toilets; seating areas, dining areas and meeting pods. The back of house area is also located at ground floor level and includes housekeeping/laundry; offices; staff changing room and break room; food preparation area, luggage storage and plant room. The main entrance will be on the west side of the building with a secondary entrance on the east elevation (Barton Road side).

A fitness suite is located at first floor level with bedrooms suites provided across level 1 – Level 8, two guest lifts and stair cores are provided for guests across all 9 floors. Roof plant including the lift shaft housing will be located behind a parapet screen incorporated into the building design.

A new vehicular access would be formed from Barton Road along the eastern site boundary. A new car-park area will be located along the southern and western side of the hotel building providing 127 car park spaces (including 9 disabled spaces), six of the car parking spaces will also be allocated as electric vehicle charging points. A drop off and pick up area will be located immediately in front of the main entrance lobby. A dedicated area for deliveries including a HGV turning area is provided to the north west side of the site. 20 cycle spaces and 8 motor cycle spaces will be provided and a substation and generator structure will be located adjacent to the building and the new site entrance. It is suggested that the development will result in 40 full time jobs.

The applicant has submitted amended plans during the course of the application to facilitate a number of amendments and which have been subject to a re-consultation process with neighbours and consultees, the changes are summarised as follows:-

- Reducing the width of stairwell 03 from ground floor up to the eighth floor and increasing the size of the adjacent bedroom over each floor from 1<sup>st</sup> floor to the eighth floor.
- 1no. door on north elevation removed on the ground floor to 'work room', replaced with glazing and now forms enlarged break room for staff.
- Plant room on ground floor reconfigured to include a separate switch room and provision of double doors on east elevation.
- Canopy extended over refuse area located to the north-east corner of the building.
- A Linen store located on west elevation behind external screening wall which has also been realigned to accommodate the new store.
- Clerestory windows (high level windows) on north elevation made opaque.
- Projecting brickwork to match upper floors and minor brick reveal amendments
- The motorcycle parking spaces have been realigned but still in the same location towards the southern boundary of the site.
- One car parking space relocated from the south-east corner of the site to the south-west side of the site.

The floorspace of the proposed new development is stated as 7047sq.m.

## **DEVELOPMENT PLAN**

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

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

## **PRINCIPAL RELEVANT CORE STRATEGY POLICIES**

W1 – Economy

W2 – Town Centres and Retail

L3 – Regeneration and Reducing Inequalities

L4 – Sustainable Transport and Accessibility

L5 – Climate Change

L7 – Design

L8 – Planning Obligations

R2 – Natural Environment

R3 – Green Infrastructure

R6 – Culture and Tourism

## **PROPOSALS MAP NOTATION**

None

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

S11 – Development outside Established Centres.

## **SUPPLEMENTARY PLANNING GUIDANCE/DOCUMENTS**

SPG1 New Residential Development (2004)

Revised SPD1: Planning Obligations (2014)

SPD3: Parking Standards and Design (2012)

## **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, and a further period of consultation on the revised draft ended on 18 March 2019. A Draft Plan will be published for consultation in autumn 2020 before it is submitted to the Secretary of State for independent examination. 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 DCLG published the National Planning Policy Framework (NPPF) in 19 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 was updated on 1<sup>st</sup> October 2019. The NPPG will be referred to as appropriate in the report.

## **NATIONAL DESIGN GUIDE**

This document was published by the Government in October 2019 to illustrate how well designed places can be achieved in practice. It forms part of the Government's collection of planning practice guidance.

## **RELEVANT PLANNING HISTORY**

100525/FUL/20 – Formation of new car park, bin storage area, landscaping and associated works thereto – Application recommended for approval.

90557/FUL/17 - Erection of residential development on land adjacent to Circle Court tower block, comprising of 40 no. flats within 2no. five-storey apartment blocks. Formation of a new vehicular access from Barton Road and a highway through the site, demolition of existing garage block. Includes car parking, landscaping and boundary treatments to site – Approved 10<sup>th</sup> November 2017

88668/FUL/16 – Erection of residential development on land surrounding Circle Court, comprising of 17no. dwellinghouses and 23 no. flats within a part four, part five storey apartment block situated at the northern end of the site. Formation of a new vehicular access from Barton Road and a highway through the site. Car parking landscaping and boundary treatments provided throughout – Application withdrawn 14<sup>th</sup> October 2016.

84481/FUL/14 – External alterations to existing tower block to include new cladding, installation of new windows and the erection of enclosed entrance pod to ground floor – Approved 13<sup>th</sup> April 2015

79116/FULL/2012 – Land of Circle Court – Use of site for contractors compound for a period of 24 months and provision of new vehicular access – Approved 16<sup>th</sup> November 2012.

## **APPLICANT'S SUBMISSION**

The applicant has submitted the following information in support of the application which will be referred to as necessary within this report:-

- Planning Statement
- Crime Impact Statement
- Design & Access Statement (incl. Waste Management Strategy)
- Drainage Statement & Preliminary Drainage Strategy
- Flood Risk Assessment
- Lighting Assessment
- Local Economic Benefits & Employment Plan
- Noise Assessment
- Phase I & II Site Investigation Reports
- Statement of Community Involvement
- Townscape Visual Impact Appraisal
- Wind Microclimate Desktop Review
- Town Centre Statement
- Transport Assessment and Travel Plan
- Air Quality Assessment
- Arboricultural Survey

- Response from the applicant received on the 18/2/2020 with regards to the Intu representation dated 12/02/2020
- Supporting letter (Iceni Planning consultants on behalf of the applicant) dated 02/04/2020
- Create Development Hampton by Hilton Trafford Supporting Statement/Brochure received 07/04/2020
- Supporting letter from Create Developments dated 09/04/2020
- Supporting Letter (Iceni Planning consultants on behalf of the applicant) dated 27/04/2020
- Accessibility Appraisal (SCP Transport Consultants) received 27/04/2020
- Updated Accessibility Appraisal (SCP Transport Consultants) received 06/07/2020
- Highways Technical Note (SCP Transport Consultants) received 07/07/2020
- Response received 27/08/2020 addressing representation received from Peel L&P on the 25.08.2020

## **CONSULTATIONS**

**Local Highway Authority (LHA)** – no in principle objections and recommend condition for submission of a Full Travel Plan to address concerns over parking shortfall, other highway conditions recommended. Further comments are discussed in detail in the Observations section of this report.

**Trafford Council Pollution & Housing (Air Quality)** – No objections, subject to inclusion of a Construction Method Statement condition. Further comments are discussed in detail in the Observations section of this report.

**Trafford Council Pollution & Housing (Nuisance)** – No objections, subject to inclusion of appropriate conditions with regards glazing & ventilation; servicing/deliveries hours of operation; kitchen extract details; external lighting and a construction method statement. Further comments are discussed in detail in the Observations section of this report.

**Trafford Council Pollution & Housing (Contaminated Land)** – No objections, subject to a conditions requiring submission of a remediation strategy and associated verification report. Further comments are discussed in detail in the Observations section of this report.

**Trafford Council (Strategic Planning)** – No objections, further comments are discussed in detail in the Observations section of this report

**Trafford Council (Strategic Growth)** – No comments received at time of report preparation

**Trafford Council (Waste Management)** – No comments to make regarding the proposed development.

**Trafford Council Heritage Development Officer** – No objections, further comments are discussed in detail in the observations section of this report.

**Lead Local Flood Authority (LLFA)** – No objections subject to drainage condition, further comments are discussed in detail in the Observations section of this report.

**GM Ecology Unit (GMEU)** – No objections, further comments are discussed in detail in the Observations section of this report.

**GM Police (Design For Security)** – No objections, recommend a condition to secure physical security specifications within the CIS

**GM Fire Authority** – No objections, recommend informatives relating to internal site access roads and sprinkler systems.

**GM Archaeological Advisory Service (GMAAS)** – No objections

**Highways England** – No objections

**Cadent Gas** – No comments received at time of report preparation

**Transport for Greater Manchester (TfGM)** – No objections, further comments are discussed in detail in the Observations section of this report.

**Electricity North West** – No objections .

**United Utilities** – No objections, recommend conditions relating to surface water drainage and separate drainage systems for foul and surface water. Further comments are discussed in detail in the Observations section of this report.

**National Air Traffic Services (NATS)** – No objections

**Environment Agency** – No objections, further comments are discussed in detail in the Observations section of this report.

**Manchester Airport Group (Aerodrome Safeguarding)** – No objections, recommend an informative be included relating to cranes.

**Manchester Airport Group (Operator)** – No comments received at time of report preparation

**City Airport** – No comments received at time of report preparation

**Health & Safety Executive** – No objections

**Trafford Power Station** - No comments received at time of report preparation

## **REPRESENTATIONS**

Neighbours have been reconsulted twice on additional information and amended plans received subsequent to the initial consultation on the application proposals.

### First and second consultation responses

**Neighbours:-** Letters of objection have been received from nineteen individual addresses, citing the following concerns:-

#### Impact on Residential Amenity

- There will be an increase in noise in a residential area, during construction and after (Circle Court only has single glazing)
- The site suffers from vermin (rats)
- Residents endure a high level of pollution due to the motorway
- Views of residents at Circle Court impacted
- Air pollution will result from the construction, how will Circle Court residents be protected.
- Privacy problems with looking out over private properties in the Barton Road and Lostock/Canterbury Roads.
- Some residents will be denied light as a result of the hotels height
- 24 hour access to the hotel will disturb residents at Circle Court

#### Design

- The surrounding area will not be enhanced by the erection of a taller building and additional car-parking.
- Such a tall building will be considerably visible throughout residential areas and predominantly two storey domestic scale surrounding.
- It is suggested that the hotel should be scaled down to 5 stories in height.

#### Highways and Parking Issues

- The development will remove parking provision from Circle Court apartments. Residents from Circle Court currently park along Moss Vale Crescent.
- The application proposal will result in an increase in the amount of visitors, cars and supply vehicles to the area, the site cannot accommodate this increase.
- Increase in traffic on surrounding streets and the motorway and particularly to the Trafford Centre and Trafford Park.
- The hotel should be located in Trafford Park nearer leisure activities and the tram system.

- Lostock Circle is a very congested area in addition to the M60 motorway, the proposal should be delayed until the new school is functioning to better understand traffic and parking activity from the school
- Construction traffic should not share the access/driveway into Circle Court
- Frequent tailbacks on roads serving junction 9 of the M60 including Barton Road and such tailbacks will pass the proposed entrance to the site.
- Impact of the McDonalds that has had plans passed this will impact this area
- J10 of the M60 congestion with the Aldi and drive through Starbucks
- The site is not easily accessible by bus or train and people would use the Holiday Inn at the Trafford Centre, people will use taxis to access this site.
- Trafford Council are showing disregard in relation to the impact of the congestion will have on the public and environment and the issue should be put to a public inquiry.
- There is inadequate access
- If the size of the hotel is reduced then this would reduce parking pressures.
- Infrastructure (roads) should be in place before these type of projects are approved by Trafford
- Residents of Circle Court use the parking spaces around the shopping parade for parking including in the bus stop and on double yellows, the development will not help this situation.
- Tankers exiting the garage can wait for extended periods trying to get onto Barton Road.

### Other Matters

- The site should be developed for social housing
- Residents of Circle Court do not have gardens and will be denied access to green space.
- A recent fire at Circle Court could have ended in tragedy.
- The application will result in hotel car parking on the green space beside Moss Vale Crescent (Officer Note: This is not correct no parking for the hotel is located outside of the application red edge)
- A new school will be built on green space on land behind Audley Avenue; this proposal will result in the loss of further green space used by residents at Circle Court
- There are currently four mid-range hotels (3x Premier Inn and 1 x Holiday Inn) operating in close proximity to Trafford Park and the Trafford Centre, they are reasonably priced and rarely fully booked. Another hotel is unnecessary.
- The existing Circle Court building is an eyesore and was built by Stretford Council, Urmston local authority and residents strongly objected and it was still built and is still a sore subject in Urmston.
- Such a tall building could affect terrestrial radio and terrestrial television signals
- Trafford Housing Trust tried to get housing on the site but they weren't getting the profits, it is believed the cost of fitting out the housing to filter air pollution means it is cheaper to sell to a hotel development.

- The site should be bought by Trafford Council and create a small nature plot and should be used to counter the pollution and not add to it.
- Crime will increase as opportunists see parked cars as an easy target
- The area is already overbuilt and the site is too small
- It is acknowledged that the scheme will make good use of derelict land and boost the economy and jobs but it needs to be reduced in size.

A letter of objection has been received from Lostock Community Partnership, citing the following concerns:-

- This is the only area of green space in the vicinity of the high rise flats, residents will be looking onto a car park instead of green space.
- Noise & disturbance of visitors parking and associated activity particularly to residents of Circle Court and Moss Vale Crescent.
- Loss of this green space and the area for the new school will mean there is no green space for residents of Circle Court or Moss Vale Crescent.

### Third Consultation

The resident of 204 Lostock Road wishes to reiterate their previous concerns as submitted with regards the application namely that the building is too tall for this area; will affect privacy and terrestrial radio and TV signals and will add to traffic congestion.

Representations have also been received from Intu Trafford Centre and also from Peel Land & Property (L&P) during the course of the application. All the issues raised in the representations have been taken into account in detail in consideration of the proposed development and the following is simply a summary of the key points arising and dates when representations were received.

#### Intu Trafford Centre

Intu have submitted five individual representations objecting to the proposed development, these representations have been submitted by Barton Wilmore Planning Consultants on behalf of Intu unless otherwise indicated:-

#### **Representation dated 12<sup>th</sup> February 2020**

In considering the applicants Sequential Approach Intu suggest that the application fails the sequential approach to site selection having regard to Paragraph 90 of the NPPF and should be refused.

It is stated by Intu that given the market location of the proposed hotel (i.e. The Trafford Centre and immediately surrounding areas/uses) that siting the hotel within the area it seeks to serve rather than adjacent to it and which would be in a location that is more accessible to modes of transport other than the private car would offer a much more sustainable location.

Intu advise that the wording of Core Strategy Policy SL4 (Trafford Centre Rectangle TCR) that sites within the TCR should be given priority over sites such as the application site that lie outside the TCR boundary. Intu identify that as the applicant's consideration of the TCR as part of the areas assessed under their sequential assessment and as agreed by the Council as an area to consider, is a sensible approach given the role and function of the proposed hotel and the highly accessible nature of the TCR location. On this basis any sites considered suitable and available within this area should be considered to offer sequentially preferable locations to that of the application site.

Intu consider the applicants assessment of available sites in the TCR cannot be considered as robust and fails to identify two potential development sites within the Trafford Centre site owned and operated by Intu. These sites have been actively marked by Intu for hotel development and a marketing brochure has been provided indicating the location of the two sites within the car park area of the Trafford Centre. It is considered by Intu their two sites are sequentially preferable to the application site.

Intu also object to the proposal with regards the lack of car parking provision and the unsustainable nature of the site. They do not agree with the applicants suggestion that the ample sustainable modes of transport surrounding the site justifies the shortfall in parking provision and a car park accumulation survey should be undertaken. Intu have stated that the poor condition of the existing pedestrian and cycle facilities around the site will deter guests using those as a means of transport and as guests also have luggage they are unlikely to walk or cycle to the site. Intu state that other than two bus stops outside the site no other means of public transport is located within a reasonable walking distance to the site. They have also highlighted that the TRICS based trip rates within the Transport Assessment should include weekend trip generation for hotels not only week days. Intu also suggest that in order to provide a robust assessment of the traffic generation that committed developments at Land at Neary Way (Food retail store) and a number of recent drive-thru restaurants bordering the Trafford Centre Rectangle should be considered.

### **Representation dated 5<sup>th</sup> March 2020**

Following a response from the applicant to the Intu representation dated 12<sup>th</sup> February 2020, Intu provided further comments.

Intu have suggested that the applicant continues to misapply the guidance set out in the NPPF in relation to the sequential approach; that they have failed to include the Trafford Centre Policy Area within their sequential assessment and have also not responded on the sustainability and technical transportation points previously raised by Intu.

## **Representation dated 9<sup>th</sup> April 2020**

Intu have raised concerns to the application being listed on the agenda for the 17<sup>th</sup> April Planning and Development Management Committee stating that they have not had sufficient time to consider additional information submitted by the applicant in relation to the Intu sites at the Trafford Centre. Intu maintain that the applicant continues to misapply the guidance on the NPPF and that the officers report to committee is also flawed as it reaches the same conclusion as the applicant and mirrors the applicants arguments. Intu reiterate that their two sites are available in the short term and suitable despite the applicants consideration of the sites and also how reported in the officers report. As such the Council should seek an independent assessment of the applicants interpretation of the sequential test.

Intu refer to the GMAL rating referred to by the applicant and also within the officers report as being flawed as they fail to acknowledge that parts of the Trafford Centre are GMAL7 compared to the application site rating of GMAL6. In addition the applicant and the officers report fails to state that the GMAL rating was published in February 2020 a month before the opening of the new Metrolink extension to the Trafford Centre. Intu suggests that the new Metrolink extension to the Trafford Centre elevates it above the application site by enhancing its accessibility.

## **Representation dated 15<sup>th</sup> April 2020**

As a result of COVID-19 outbreak the April 17<sup>th</sup> 2020 Planning and Development Committee was undertaken via a video conference with the decision on planning applications taken by the Head of Planning and Development (in consultation with the Chair, Vice Chair and Opposition Spokesperson). Any person who had made previous representations was contacted and advised they could make a further written representation of no more than 1500 words, with the first received to be considered in full and read out at committee, this was in lieu of interested parties being able to speak at committee.

Intu's additional statement submitted by Barton Wilmore was not the first to be received by the Council. Intu stated that it was important that third parties are not prejudiced by the new arrangements. They reiterated that that they believe the application and its justification is fundamentally flawed and they had been given insufficient time to consider the applicants response to their objection. The process adopted by the Council to only read out and consider in detail the first additional statement received was stated by Intu as not being satisfactory and calls into question the fairness of the decision making process.

A separate e-mail from Intu's Head of Planning was also received on the 15<sup>th</sup> April 2020 advising that they would be reviewing all options following the committees decision around this application as they consider the interpretation of policy and the associated justification is completely inadequate.

[N.B. The application was not considered at the meeting on the 17 April 2020 – which was in fact not a meeting of the Planning Committee, but between the Chairman, Vice Chairman and Opposition Spokesperson and the Head of Planning and Development, to discuss applications to be determined under emergency ‘enhanced delegation’ powers, since rescinded – and the application was deferred prior to any consideration in order for further information to be sought to address the objections raised].

### **Representation dated 7<sup>th</sup> May 2020**

A letter was received from DAC Beachcroft Law firm on behalf of Intu.

The letter requests that the Council commission an independent consultants review of the application documentation and the town centre statement in particular and address the points made by Intu and other objectors. There should be an opportunity for all stakeholders to review this report and make further representations.

The letter states that the application fails to properly recognise and address Policy SL4 and that the allocation provides for a four star hotel within the Trafford Centre Rectangle which has not been fulfilled as the Holiday Express Inn identified by the applicants is not a four star hotel. The letter supports the previous objections made by Barton Wilmore on behalf of Intu that the sequential test under paragraphs 86 and 87 of the NPPF have been incorrectly applied. With regards accessibility it is suggested that the Intu sites offer a sequentially preferable location in relation to accessibility and connection.

### **Peel Land & Property**

Peel Land & Property have submitted two individual representations objecting to the proposed development as follows:-

### **Representation dated 5<sup>th</sup> March 2020**

Peel L & P have also objected to the proposal with regards the sequential site selection procedure. Peel L&P have highlighted a number of sites within the Trafford Centre Rectangle which they say should have been considered as part of the applicants sequential assessment. These include Trafford Waters which has an outline approval for a hotel with up to 300 bedrooms; a site adjacent to the Container Terminal on Barton Dock Road the relocation of the Eventcity provides an opportunity for a new hotel to be located at the western end of the Trafford Centre Rectangle Area.

It is suggested by Peel L & P that unlike the sites it has identified within the Trafford Rectangle, the application site has relatively limited accessibility modes other than the private car.

Peel L&P have stated that the site has relatively limited accessibility by modes other than the private car and they highlight the LHA’s observations that walking and cycling accessibility to the site is not sufficient justification for the proposed parking shortfall.

## **Representation dated 8<sup>th</sup> April 2020**

Following the receipt of the applicant's letter (received 02/04/2020) addressing the suggested sites within the Trafford Centre Rectangle, Peel L&P provided further comments. In relation to the Trafford Waters site it is suggested that as the site benefits from outline approval and the proposed application site does not have any permission for a hotel, Trafford waters is a more 'available' site than Circle Court. No justification is provided by the applicant why the site is not suitable. With regards the relocation of Event City a new opportunity for a hotel is provided at the western end of the Trafford Centre Rectangle, not the Event City site as assessed by the applicant. The Containerbase site is dismissed by the applicant as not suitable due to its size and that it is no more accessible than the Circle Court site. The location of the Holiday Inn Express opposite provides a clear precedent being delivered as part of a larger site. The applicant has not discounted other sites on accessibility as they have done with the Containerbase site, it would follow that the applicant accepts these sites are in more accessible locations.

## **Representation Dated 25<sup>th</sup> August 2020**

Following the reconsultation with neighbours and consultees on the additional information (Nexus Report; Updated Accessibility Report; Highways Note and amended plans) a further representation has been received from Peel L&P.

Peel wish to reiterate the comments that they have previously made with regards accessibility and the sequential test. In addition they note that the Nexus report indicates that the sites they have put forward are not suitable or available to accommodate the application proposal. However, the report does not offer any justification to support this conclusion. As set out previously, Peel consider there are a number of sites within the Trafford Centre Rectangle which are both suitable and available and in more sustainable locations than the application site.

## **OBSERVATIONS**

### Decision Making

1. S.38(6) of the Planning and Compensation Act 1991 requires applications to be determined in accordance with the development plan unless material considerations indicate otherwise. That remains the starting point for decision making. The NPPF is an important material consideration.
2. The Council's Core Strategy was adopted in January 2012, prior to the publication of the 2012 NPPF, but drafted to be in compliance with it. It remains broadly compliant with much of the policy in the February 2019 NPPF, particularly where that policy is not substantially changed from the 2012 version.

3. The NPPF is a material consideration in planning decisions, and as the Government's expression of planning policy and how this should be applied, should be given significant weight in the decision making process.
4. Although some aspects of relevant development plan policy are out of date, in relation to this particular application, when considering the overall basket of 'most important' policies the development plan is considered to be up to date for decision making purposes. The tilted balance in Paragraph 11 of the NPPF is not engaged and the application should be determined in accordance with the development plan unless material considerations indicate otherwise.

## **PRINCIPLE OF DEVELOPMENT**

### Town Centre Use

5. Policy W2.12 states 'there is a presumption against the development of retail, leisure and other town-centre type uses except where it can be demonstrated that they satisfy the tests outlined in current government guidance'. A hotel is considered to be a main town centre use, as defined in the NPPF. The application site is not located within a designated centre.
6. Paragraph 86 of the NPPF, states that a sequential test is required for main town centre uses that are not in an existing centre and which are not in accordance with an up-to-date Local Plan. It goes on to state 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 (or expected to become available within a reasonable period) should out of centre sites be considered.'
7. Paragraph 87 of the NPPF advises that when considering edge of centre and out of centre proposals, preference should be given to accessible sites which are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale, so that opportunities to utilise suitable town centre or edge of centre sites are fully explored. For all main town centre uses other than retail purposes, NPPF defines edge of centre as a location within 300 metres of a town centre boundary. It further notes that in determining whether a site falls within the definition of edge of centre, account should be taken of local circumstances.
8. UDP Policy S11 relates to development outside established centres and remains saved in the absence of an adopted Trafford Local Allocations Development Plan Document.
9. 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 for the purposes of decision making. This states that outside the established retail centres, there will be a presumption against the

development of retail, leisure and other town centre type uses except where it can be demonstrated that they satisfy the tests outlined in current Government Guidance.

10. Policy W2, paragraph 19.11 sets out the Boroughs hierarchy of centres as follows:-

- Main Town Centre – Altrincham;
- Other Town Centres – Sale, Stretford and Urmston;
- District Centres – Hale, Sale Moor and Timperley; and
- Local Centres, including Partington.

11. The Trafford Centre Rectangle is not a town centre location for the purposes of the NPPF definition or Core Strategy Policy W.2. The Trafford Centre Rectangle is a strategic location (Policy SL4) which aims to bring forward a major mixed use development providing a new residential neighbourhood, together with commercial, leisure and community facilities and improvements to public transport infrastructure.

12. The Council have commissioned Nexus Planning Consultants to carry out an independent assessment with regards the application of the sequential test for the purposes of this application proposal. The following sections of the report will review the applicants submitted sequential test and the report carried out on behalf of the Council by Nexus concluding with an analysis of the application in respect of the development plan and the NPPF.

#### The Applicants Town Centre Statement & Accessibility Report

13. A sequential test (Town Centre Statement) has been submitted by the applicant in support of this application. The applicant has considered sites in the nearest town centres to the site which includes both Stretford and Urmston. The applicant also considered available sites in out of centre shopping areas which include the Trafford Centre Rectangle; Trafford Retail Park and White City Retail Park. The applicant identifies that as these sites are out of centre as defined by the NPPF and are therefore not afforded any policy protection. They make reference to Policy W2 of the Core Strategy which states that any proposals to expand these out of centre developments should be justified against the tests set out in national guidance. The applicant states that they have included these sites within the assessment as a robust approach ensuring there are no sequentially preferable sites in existing out of centre locations.

14. The application site measures approximately 0.65ha in area and the applicant has considered any existing units, buildings or sites between 0.5ha – 0.75ha in size to demonstrate flexibility. The applicant has also considered Altrincham town centre and Sale town centre as well as around Old Trafford. These sites were ruled out due to distance from the site; existence of hotel operators and suburban commuter areas with no core business users.

15. The applicant considered a total of 12 sites within and on the edge of Stretford Town Centre but have ruled these out as potential sites due mainly to not being available or suitable to accommodate the proposed development. Within Urmston town centre and edge of centre no available sites within the size category specified were identified. The applicant has also considered three sites within Urmston Town Centre. These sites had been ruled out for a variety reasons including specified retail/office/residential uses identified by the LPA as appropriate for these sites redevelopment and also that existing commercial operators currently occupy the site.
16. Intu as part of their representations have provided details of two sites within existing car parks at the Trafford Centre that are being marketed for hotel development. Intu suggest that their two sites by virtue of being located within the Trafford Centre Rectangle should be given priority over sites, such as the application site, that lie beyond the TCR designation. Peel L&P have identified three sites which they consider are more sequentially preferable within the Trafford Centre Rectangle. These include, Trafford Waters an outline application (85282/OUT/15) for a comprehensive redevelopment of land at Manchester Ship Canal and Trafford Boulevard, to include 3000 dwellings; office; commercial; care home and primary school and hotels (stated as up to an overall total of 300 bedrooms), Land at Containerbase Barton Dock Road and Land at Event City Barton Dock Road.
17. With regards the two proposed Intu sites located within the car park area of the Trafford Centre the applicant has assessed both sites. The applicant notes that both sites are out of centre and therefore any proposal for hotel development would require a sequential assessment and there is no requirement for the applicant to assess the suitability or viability of these sites given their out of centre status within the retail hierarchy. The applicant also states that no hotel development has been pursued by Intu themselves; there has been little interest following Intu's marketing campaign; design implications with any hotel having to likely match the facades of the Trafford Centre building (including active frontages); the height of a hotel potentially eight stories not considered appropriate in this location (a small hotel would therefore impact viability and not meet the requirements of the proposed operator for the application site). The applicant also states that the parking arrangements would not be suitable as they require dedicated parking which would not be possible at either of the two sites. There would be other technical and policy matters to overcome and it is concluded by the applicant that neither of the two sites is considered available, suitable or viable.
18. With regards the three sites suggested by Peel L & P the applicant has assessed all three sites.
19. With regards Trafford Waters, an outline application (85282/OUT/15) has been approved for a comprehensive redevelopment of land at Manchester Ship Canal and Trafford Boulevard, to include 3000 dwellings; office; commercial; care home and primary school and hotels (stated as up to an overall total of 300 bedrooms). The

applicant notes that whilst the site may provide an opportunity in the future it is not 'available' to meet the immediate requirement of the hotel which will be met at the application site. Applications for reserved matters have yet to be submitted and not all pre-commencement conditions have been discharged. As the proposal is large scale redevelopment (rather than an individual hotel proposal), there will be significant preparation, enabling, remediation and infrastructure works that need to be completed before any floorspace can be delivered. Any hotel delivered at this location would not be 'available' within a reasonable period of time having regard to the immediate operator need. The applicant has stated that the Trafford Waters scheme is neither available nor suitable to accommodate the proposed development.

20. Land at Containerbase Barton Dock Road is a site which extends up to Parkway is not being actively marketed or promoted for a hotel and therefore is not considered to be available and it is questioned if suitable or viable as no scheme has come forward by the landowner. In addition the site is not suitable or viable as it measures approximately 4ha over six times larger than the application site. It is too large to accommodate the proposed development, even when applying a significant degree of flexibility. In relation to the sites accessibility, whilst the Metrolink now extends to Barton Dock Road and the Trafford Centre, this does not provide a direct connection to Urmston and Stretford Town Centres (the two centres assessed as part of the sequential assessment). The applicant states that the former Containerbase site is not sequentially preferable to the application site. The applicant concludes that it is in an 'out-of-centre' location; the Trafford Centre Rectangle policy requirement for a hotel has already been met; it is not more accessible than the application site; and it is not available, suitable or viable to accommodate the proposed development.
21. Land at Event City Barton Dock Road is still an active use as a conference, gala dinner and exhibition centre so not currently available to accommodate the proposed development. Planning permission was granted recently for the use of the site as a 'Wellbeing resort' which does not make provision for a hotel. Planning permission was granted in February 2020 for the change of use of the existing Soccer Dome facility to a D1 use to accommodate the relocated Event City. It is clear therefore that this site (former Soccer Dome facility) is not being pursued for hotel development.
22. The applicant has also provided an Accessibility Report in support of their proposed development which considers the accessibility of the application site; in addition it reviews the accessibility of the five additional sites identified by objectors Intu and Peel, with particular focus on accessibility to Stretford and Urmston Town Centres, in comparison with the application site. The Accessibility Report also looks at the accessibility of the application site as well as the other five sites identified by Intu/Peel, with regards Stretford and Urmston Town Centres. The application site along with the other out of centre sites have been assessed against the following Key accessibility indicators; walk distances of 2km; cycle distance of 5km; standard

of pedestrian routes and facilities in immediate vicinity of the site; standard of cycle routes and connectivity to Urmston Town Centre and Stretford town Centre, based on TfGM's cycle routes/maps; and public transport connectivity to Urmston and Stretford Town Centre and journey times. The report also considers TfGMs Greater Manchester Accessibility Levels (GMAL). The final formula calculates the GM Accessibility Index (GMAI Level 1-8, with 8 being the most accessible level).

23. The conclusions of the Accessibility Report with regards the application site are that it benefits from good levels of accessibility and opportunities to access the site by foot, bicycle and public transport specifically by bus. With regards Stretford and Urmston Town Centre the accessibility report concludes that the site application benefits from higher levels of accessibility to these two centres when compared to the other sites identified by Intu and Peel.

### Nexus Report

24. The Council instructed Nexus Planning (the Council's retained retail consultants) to undertake a full independent review of the application of the sequential test in respect of the planning application.
25. The Nexus report considers the relevant sections of the NPPF with regards assessment of proposals for main town centre development. In addition the report references guidance on the application of the sequential approach contained within the Town Centres and Retail Planning Practice Guidance published on the 22<sup>nd</sup> July 2019. The report covers relevant development plan policies with direct relevance to the sequential test, these being UDP Policy S11 and Core Strategy Policy W2.
26. Specific reference is made to the how the application of the test has been applied by the Secretary of State and the Courts (Tesco Ltd v Dundee City Council; Rushden Lakes 'call in' decision and Aldergate v Mansfield DC & Anor) and in particular how the matter of 'flexibility' has been applied and to review how alternative sites which are out of centre have been assessed in applying the test. Nexus highlight that this is of particular relevance given that interested parties have requested that consideration be given to alternative sites that are rather distant from defined centres in Trafford. A summary of relevant case law and appeal decisions (Newport Appeal Decision) is also provided with regards considering out of centre sequential alternative sites and it is within that context that Nexus consider the application of the sequential test.
27. Nexus have considered that close proximity to the M60 motorway is a critical factor in meeting the needs of the market that the hotel would serve. They note that the applicant's submitted catchment area is defined as approximately 4kms to the east and west and 2km to the north and south. This includes areas relatively distant from the M60 which is unlikely to be attractive to an operator seeking to cater for car bourne business. Therefore it is considered any sequential alternative site would need to be in close proximity to a nearby motorway junction and also the Trafford

Centre, proposed Therme resort and to Old Trafford (Football and Cricket stadium). Nexus have therefore stated that the area of search is appropriately limited to sites that are within a catchment area based on a 3 minute off-peak drive time (Junctions 7, 8, 9 and 10 of the M60). Nexus have provided an isochrones plan (Appendix 1: Nexus Planning Defined Area of Search of the Nexus Report dated August 2020) which factors in their revised search area and includes four defined centres which are Barton Road Local Centre, Davyhulme Circle Local Centre, Sale Town Centre and Stretford Town Centre. With regards Urmston Town Centre Nexus have discounted it from their assessment as they consider sites within Urmston town centre could not appropriately support a hotel which caters for customers using the M60 motorway.

28. With regards Barton Road and Davyhulme Circle local centres, Nexus have not identified any sites in centre, edge of centre or well-connected sites which are of sufficient scale to merit consideration of sites that would offer opportunity to be considered for the proposed development. Nexus have referenced the derelict Trafford Park Hotel which has had recent a recent proposal to bring it back into a hotel use. It is noted that the site is located within the Village Business Park and Centre, it is a grade II listed building which is unlikely to be able to accommodate a similar scale of development and is also relatively distant from the M60 motorway. The site is located outside the area of search and therefore can also be easily discounted as a potential sequential alternative site.
29. Two sites are identified within the Sale area which are worthy of consideration. The former magistrates building on Washway Road and the Crossford Bridge playing fields. The former magistrates building is an edge of centre site and it is understood has been acquired by Trafford Council in 2018 and is being brought forward for residential development. It is therefore considered that the site is not available to accommodate the application proposal. The Crossford Bridge playing fields are out of centre and are subject to comprehensive redevelopment plans for sports stadium use and therefore not available for the proposed use. The site is also within Green Belt, a floodplain and wildlife corridor which would make the proposed development unsuitable in planning policy terms.
30. The Nexus report proceeds to undertake an analysis of eleven sites located within Stretford Town Centre. The conclusion reached by Nexus was that *“we believe that the majority of these sites offer no realistic potential whatsoever as they are generally: too small; subject to restrictive constraints; unavailable; or, are the subject of alternative proposals.....we have also given consideration as to whether there are any other sites within, at the edge of, or well connected to Stretford town centre and can confirm that we are unaware of any such sites that require attention.”*
31. Nexus have also considered the alternative sites put forward by Peel L&P (namely Trafford Waters; the former Containerbase terminal site on Barton Dock Road and the site for the relocation of the Event City exhibition venue at Trafford Way. It is noted by Nexus that these sites are evidently out of centre, and they reference Peel

L&P's letter of 5 March 2020 which states that *'Each of these sites are suitable and available and could accommodate the application proposals in more sustainable locations than the application site. These sites are closer to the applicant's target customer base (i.e. within Trafford City) and have better connections to nearby centres due to proximity to the Trafford Centre and Metrolink interchange.'*

32. In addition Nexus have considered the two sites on the western Trafford Centre car park submitted by Barton Wilmore on behalf of Intu. Noting the comments from Barton Wilmore that the applicant's approach to the sequential test is flawed and that sites within the Trafford Centre Rectangle (as identified by CS policy SL4) are available to accommodate a hotel of similar scale. Nexus reference the letter dated the 12<sup>th</sup> February 2020 from Barton Wilmore which states that *'...clear from the wording of Policy SL4 that sites within the Trafford Centre Rectangle should be given priority over sites (such as the application site) that lie beyond the designation. This is relevant in terms of the proper consideration and application of the sequential approach and in light of the market the proposed hotel is seeking to serve'*. Nexus also reference a subsequent letter from Barton Wilmore dated the 5<sup>th</sup> March 2020 which states that *'...a site within the Trafford Triangle must offer a sequentially preferable location to the application site by nature of the fact that the Core Strategy identifies Trafford Triangle as a strategic location for major change which includes the provision of a hotel.'*
33. With regards the afore mentioned statements from Peel L&P and Intu with respect to the Trafford Centre Rectangle Nexus have stated they have comprehensively reviewed Policy SL4 and *'cannot see any part of it that acts to circumnavigate the sequential test or confers elevated sequential status to the Trafford Centre (which comprises, in its entirety, an out of centre location). Indeed, to do so would potentially run contrary to national planning policy which makes no reference to allocated sites (whether in, edge or out of centre) having preferential status in applying the sequential test.'* Nexus suggest that they do not consider the policy to be of direct consequence to the application of the sequential test. Further to this it is their view that their consideration of the policy in this manner is consistent with the definition of a 'Town Centre' at Annex 2 of the NPPF which indicates that *'Unless they are identified as centres in the development plan, existing out of centre developments, comprising or including main town centre uses, do not constitute town centres.'*
34. Nexus have stated that the critical consideration in reviewing the merits of the out of centre sites referred to by Peel L&P and Intu is whether, in accordance with paragraph 87, any one should be afforded preference on the basis that it is an accessible site which is well connected to the town centre and, if so, whether it performs better in this regard than the application site. Further to this Nexus also advise that *'in considering the test it is not enough just for a site to be accessible or sustainable, the strength of the connection to the town centre is at the heart of the judgement that is to be made, this is clear from the Newport Judgment'*. If alternative sites are found not to offer any sequential advantage over the application

site then it can be dismissed from consideration. The decision maker is not required to make judgements in respect of availability and suitability of any alternative site which fail to fulfil the requirements of paragraph 87 of the NPPF in respect of sequential superiority.

35. Nexus have reviewed all the supporting information from Peel L&P and Intu with regards the five alternative sites and they have also referred to the applicants Accessibility Report and note that it is particularly focused on Stretford and Urmston Town Centres, rather than Manchester City Centre. Nexus have noted that the objectors' submissions refer to the relationship between the Trafford Centre Rectangle and Manchester City Centre and particular reference to the Metrolink link. Nexus have therefore had consideration to the relationship of the sites to Manchester City Centre although it is somewhat distant from the application site and far outside the defined area of search. Having regard to this, Nexus also make clear that in their opinion all of the sites are relatively distant from town centres in the context of the sequential test which seeks to direct development within town centres or, failing that, within 300 metres of a town centre.
36. Nexus highlight that the sites within and adjacent to the Trafford Centre Rectangle are superior in respect of their access to Manchester City Centre by tram with more frequent bus services from the Trafford Centre. These sites within the Trafford Centre Rectangle however are considered to perform less well in respect of their connectivity to centres on foot, by bicycle and by car. The application site benefits from a speedier bus service to Stretford and Urmston centres. As such the objectors' sites are not considered to offer a clear advantage in respect of their overall connectivity to the centres of Urmston, Stretford and Manchester. In practice, all of the sites are considered distant from defined centres and, whilst individuals are able to access Stretford, Urmston and Manchester centres through various modes of transport, none of the sites can reasonably be considered 'well connected' for the purpose of the sequential test. Further to this Nexus consider that the Council is not compelled to choose one over the others for the purpose of the test.
37. Nexus have considered all the identified sites within the area of search within or at the edge of centre or potentially well connected in respect of their relationship to a defined centre and it is concluded that none of these sites are both available and suitable to accommodate the proposed development. As such, Nexus consider that the proposal accords with the requirements of the test as detailed by NPPF paragraphs 86 and 87.

#### Conclusion on Town Centre Use

38. Advice within the NPPF and the NPPG with regards town centre uses, is clear in promoting town centre locations first. In the absence of town centre locations, then town centre uses should be directed to edge of centre sites, and in the absence of such sites then to out of centre locations with preference for accessible sites which

are well connected to the town centre. Proposals for town centre uses which are not in an existing centre and not in accordance with an up-to-date development plan are subject to a sequential test as detailed at Paragraphs 86 and 87 of the NPPF. Out-of-centre development, such as the application proposal, is governed by Part W2.12 of Core Strategy Policy W2, which states that outside town centres '*...there will be a presumption against the development of retail, leisure and other town centre type uses, except where it can be demonstrated that they satisfy the tests outlined in current government guidance*'.

39. Officers have considered the applicants Town Centre Statement and supporting statements which details the sites considered as part of their sequential assessment. The two main town centres considered by the applicant relate to Stretford and Urmston. In addition the applicant also considers the out of centre shopping areas of Trafford Centre Rectangle, Trafford Retail Park; and White City Retail Park.
40. Sites within Stretford Town Centre have been dismissed due mainly to not being available or suitable to accommodate the proposed development. No suitable sites within or on the edge of Urmston town centre were identified that could accommodate the size of the proposed development, three sites at Victoria Parade; Urmston Market and Land at Station Road have been dismissed as they are currently occupied. The applicant also considered out of centre sites at Trafford Centre Rectangle; Trafford Retail Park and White City Retail Park. No suitable sites had been identified that were sufficient in size for the applicants proposal.
41. The above sites within Stretford Town Centre area had also been assessed by the Nexus Planning consultant on behalf of the Council who concluded that none of these sites are available or suitable to accommodate the proposed development. Nexus did not consider sites within Urmston Town Centre as they consider it could not appropriately cater for a hotel which caters substantially for customers using the M60 motorway. It is therefore concluded that there are not suitable or available sites within any of town centre or edge of centre location, following the logic of paragraph 87 out of centre locations can then be considered.
42. Having regard to advice within the NPPG (Paragraph:011 ref:ID2b-011-20190722) the applicant is required to demonstrate flexibility with regards consideration of more centrally located sites and reasons for locating on edge of centre or out of centre with preference given to accessible sites well connected to the town centre; and is there scope for flexibility in the format and or/scale of the proposal.
43. The applicant has included a catchment area of 2km radius to consider alternative sites. With regards the proposal the applicant has considered key criteria when considering a suitable location and catchment area for a nine storey hotel building with 100+ parking spaces and includes consideration of the urban built form, access to major road networks; distance of nearest centres' shopping and leisure facilities natural barriers and presence of existing budget oriented hotels in the locality. The

application site comprises a site area of approximately 0.65ha and the applicant has sought to consider any buildings, sites between 0.5ha to 0.75ha. The applicant's assessment of the town centre sites is considered to have shown flexibility when considering alternative sites in terms size, format, car parking provision, the scope for disaggregation and the scale of the proposed building.

44. Paragraph 12 of the NPPG advises that the use of the sequential test should recognise that certain town centre uses have particular market and locational requirements which mean that that they may only be accommodated in specific locations. Paragraph 13 identifies the Governments 'town centre first' policy but recognises that new development on town centre locations can be more expensive and complicated than building elsewhere and that planning authorities need to be realistic and flexible in applying the test.
45. Given the lack of town centre or edge of centre locations, the applicant has had consideration to the requirements of paragraph 87 of the NPPF with regards the preference to be given to out of centre sites which are accessible and well connected to the town centre, Policy W2.12 of the Core Strategy reiterates this guidance as it relies on current Government Guidance with regards town centre uses being proposed out of centre.
46. In order to address the point of accessibility and connectivity, having regard to NPPF paragraph 87, the applicants accessibility report concludes that with regards Stretford and Urmston Town Centre the application site benefits from higher levels of accessibility to these two centres when compared to the other sites identified by Intu and Peel.
47. The Council accept the general conclusions of the accessibility report, but would acknowledge that the Trafford Centre Rectangle sites do have greater access to the Metrolink with onward connections to Manchester City Centre. The application site is considered to have the lowest travel time to Urmston and Stretford Town Centres when compared to the Trafford Centre Rectangle sites with regards walk and cycle time and bus journeys, although the Trafford Centre benefits from a wider range of bus services. As identified within the Nexus report none of the Trafford Centre Rectangle sites as well as the application site are particularly well connected to centres for the purpose of the sequential test. Nonetheless, the application site does not function worse overall than the alternative sites with regards accessibility to the identified centres of Stretford and Urmston. As such these alternative sites at Trafford Centre Rectangle are not considered to offer sequentially preferable locations for the proposed hotel over the application site.
48. In addition with regards the alternative sites advanced by Intu and Peel, it is a consideration that the Trafford Centre Rectangle (Core Strategy Policy SL4) does not constitute a sequentially preferable location for a main town centre use. Paragraph 86 of the NPPF is clear that the sequential test should be applied in the following order; town centre, edge of centre and then out-of-centre (only if no

suitable sites are available elsewhere). There is no priority given to allocated sites and this is a view also reached by Nexus following their review.

49. As detailed above, Core Strategy Policy W2, in dealing with out of centre proposals, also defers to government advice within the NPPF. Concluding on these alternative sites suggested by Intu and Peel the sites are out-of-centre, not sequentially preferable, of no better status in NPPF terms, and the requirement for a hotel under Policy SL4 has in any event already been met. Representations from Intu suggest that as the Holiday Inn express is a 3\* hotel that the requirements of SL4 have not therefore been met as it refers to the provision of a 4\* (minimum) hotel.
50. On this latter point, even if a hotel had not been delivered as part of the Policy SL4 requirement, the site wouldn't be a 'sequentially preferable location' in NPPF terms, although there may be material considerations under the development plan to apply (if the absence of a hotel could prejudice the delivery of the strategic location, for example). Having considered this last point, the Council are satisfied that the Policy requirement under SL4 has been met with the provision of the Holiday Inn Express on Barton Dock Road which forms an important element of the Trafford Centre Rectangle strategic location and although further hotel development may be possible in the SL4 allocation, when considered on its merits, and if no sequentially preferable sites are available, it is not required by development plan policy.
51. The Council have considered the applicants sequential assessment with regards the alternative sites considered and are satisfied with the conclusions reached. In reaching this conclusion the Council have also had regard to the assessment undertaken by Nexus Planning who reached a similar conclusion. On the basis that it has been demonstrated that there are no sequentially preferable sites (either within or closer to established retail centres) that could accommodate the proposed hotel it is considered that the proposal is compliant with Core Strategy Policy W2, UDP Policy S11 insofar as they relate to the sequential test and the requirements of the NPPF.

## **DESIGN, SCALE & LAYOUT**

52. 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.*
53. 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 in para 131 to state 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, so long as they fit in with the overall form and layout of their surroundings.

54. The National Design Guide was published by the Government in October 2019 and sets out how well-designed buildings and places rely on a number of key components and the manner in which they are put together. These include layout, form, scale, appearance, landscape, materials and detailing.
55. This states at para 120 that '*Well-designed homes and buildings are functional, accessible and sustainable*' and goes on to state at para 122 that '*Successful buildings also provide attractive, stimulating and positive places for all, whether for activity, interaction, retreat, or simply passing by.*'
56. Policy L7 of the Trafford Core Strategy reflects the importance of design quality to the Borough's built environment and states: *In relation to matters of design, development must: be appropriate in its context; make best use of opportunities to improve the character and quality of an area; enhance the street scene or character of the area by appropriately addressing scale, density, height, massing, layout, elevation treatment, materials, hard and soft landscaping works, boundary treatment; and, make appropriate provision for open space, where appropriate, in accordance with Policy R5 of this Plan.*
57. Policy L7 'Design' is considered to be compliant with the NPPF and therefore up to date for the purposes of determining this application as it comprises the local expression of the NPPF's emphasis on good design and, together with associated SPDs, the Borough's design code.
58. The proposed building is located towards the north-eastern side of the application site. Vehicular access will be taken from a new access point immediately to the south side of the building with car parking located to the south and west side of the site. The building has been positioned near to the north-east boundary due to the existing culvert and a major pipe line which extends across the site and which therefore limits and dictates the location of the building. Whilst it would be advantageous to have the building located more centrally within the site, the physical restrictions as indicated severely limit the location of the building. The applicant has sought to design the building in order that the ground floor footprint extends nearest to the site boundary whilst the central tower core is set in from the ground floor plate particularly on the north and eastern sides nearest Barton Road.
59. The layout of the site will include a substation and generator structure located to the south side of the building and close to the vehicular access. This structure would be visible from the streetscene (measuring approximately 3m in height). However the constraints within the site have limited the location for the sub-station which must be easily accessible for operational purposes. The applicant has suggested appropriate external materials and surrounding landscaping to help mitigate its visual impact. It is considered that further detail can be secured through the inclusion of an appropriate condition seeking final details of the sub-station structure. A linen

storage area is located along the west side elevation and an enclosed refuse area towards the north-east corner of the building.

60. As indicated the building will measure approximately 33.5m to the highest point which is the parapet wall around a section of the roof perimeter. The footprint of the building follows an irregular rectangular configuration measuring approximately 22.5m x 55.5m and narrows in its width as it extends from 1<sup>st</sup> floor to 8<sup>th</sup> floor measuring approximately 16.5m in width. Due to the difference in site levels (i.e. Barton Road at marginally higher level than part of the application site ground level) it is proposed to increase ground level within parts of the site by up to approximately 0.8m this relates mainly to the new access road into the site and areas of the new car park layout. The new building is shown as being on a finished ground level raised by between 0.3m – 0.4m from the existing ground level. These changes to site levels are necessary to make the site functional and provide a level access into the site.
61. The building will retain a distance of approximately 2.3m to the Barton Road boundary from the ground floor part of the building at the nearest point (towards the south side of the new building). Towards the north-east side of the building a distance of approximately 3.7m – 12m is retained from ground floor level to the Barton Road boundary given the configuration of the site and building footprint. As indicated the first to eighth floor central tower is set in from the ground floor footprint and this central core would retain between approximately 7m – 8m to the boundary.
62. The ground floor area comprises large expanses of glazing to create active frontages this includes part of the Barton Road elevation on the east side. The building form follows a conventional rectangular block. The building height is relatively consistent with the exception of the parapet wall which has a section which extends marginally higher than the main building parapet level; this higher parapet is constructed from aluminium insulated panels between brick panels to form a roof plant screen. The applicant has sought to incorporate marginal recesses on each side elevation to further differentiate the higher section of building.
63. The building also incorporates recessed vertical glazed elements along with aluminium panels in a bronze finish. This is further articulated by the brick frame design with a variety of brick bonds and recesses and follows a grid pattern across the building with regimented window layout reflecting the internal layout of the hotel rooms. The applicant has introduced additional glazing on the south elevation and sections of glazing and panels to the north elevation to provide further interest and articulation particularly as both these elevations will be highly prominent within the streetscene.
64. Proposed materials include dark and light grey facing brick to help draw out the detail of the elevations along with aluminium panels and spandrel window panels. At ground floor level the applicant is proposing to use artificial green walls as a means of screening external storage areas.

65. The area surrounding the site is generally two storey suburban residential development, particularly to the east and south of the site. The exceptions to this are the Circle Court tower block extending to some 16 stories in height, along with the raised M60 motorway. The motorway is a significant characteristic of the area and is detrimental to the quality of the townscape; in particular it acts as a barrier between Urmston to the west side of the site and Stretford and was completed in the late 1970s.
66. Circle Court tower block was developed circa.1968 and forms a landmark building in this location.
67. Further to the north is the Trafford Centre and Trafford Park where larger commercial and industrial development is prevalent. To the north east of the site is the Barton Clough Primary School and Lostock Park an urban parkland which acts as a green buffer between the residential areas and industrial development to the north
68. Due to the scale and height of the proposed building at nine stories in height it will be visible from all surrounding streets and certain viewpoints in the wider area as demonstrated in the TVIA submitted as part of the development proposals.
69. The TVIA identifies the application site to be of low sensitivity with regards its existing impact on townscape sensitivity, the trees around the periphery of the site contribute to greening the urban environment. The proposed development is considered to result in a moderate townscape effect on the development site. The high quality design of the new building is considered to result in a beneficial impact on the existing site and its impact on the wider townscape is considered to be neutral to beneficial as no identified areas of quality or value in townscape terms will be affected.
70. The TVIA undertook an assessment of near and mid-distance views of the development site (12 viewpoints in total) which are considered to be representative of the range of views that one would experience of the proposed development. These include M60 J9; Barton Road junction with Moss Vale Road; Moss Vale Road; Audley Avenue; Canterbury Road; Lostock Road; Westminster Road; Lostock Park; Audley avenue; Barton Road; Trafford Centre Car Park and Kingsway Park This assessment also considered the impact of the development on the skyline. The TVIA found that there was no visual receptors considered to be of a medium or high sensitivity (this includes Conservation Areas or waterfront walkways) or where the view includes features of noted cultural or historic importance. The TVIA found that the quality of views was poor to ordinary influenced by the poor quality public realm, the M60 motorway and existing features in the surrounding urban landscape.
71. The existing tower block at Circle Court as indicated is considered to have a negative impact on the character of the area. The tower block does break the

skyline from some of the viewpoints which has the resultant effect of reducing the effects of the proposed building on the skyline. It is suggested in the TVIA that the new building would have a moderate effect to visual receptors close to the site. Views from beyond the immediate context are considered to be slight to negligible with the overall impact on the skyline assessed as low which is partly due to the impact of the significantly higher Circle court tower block.

72. The proposed hotel building has a defined rectangular footprint, with the existing Circle Court having a staggered square layout. Circle Court measures approximately 45m in height which is approximately 11.5m higher than the proposed building. The new building will have a greater horizontal form to that of the existing Circle Court building. The TVIA has concluded that the proposed hotel would be proportionate to the scale of the existing Circle Court tower and would make a positive contribution to its setting and that there would not be any significant change to the existing skyline.
73. Good quality design is an integral part of sustainable development. The NPPF and PPG including the National Design Guide recognise that design quality matters and that the planning process should be used to drive up standards across all forms of development.
74. It is accepted that the proposed development at a maximum height of 9 storeys plus would be a significant building in the streetscene. The location of the application site however, beside the motorway which is at an elevated level from the application site, mitigates the impact of the building within the general streetscene with the further consideration of the size and scale of Circle Court tower block which overwhelmingly dominates the landscape in this location.
75. The plans and supporting visuals prepared for the application demonstrate that the building will fit into its context and has an acceptable appearance in both short and long term views from the surrounding area. It is considered that attempts to break up the scale and mass of the building through articulation, verticality and quality of materials have resulted in an appropriately designed scheme. The design approach and contemporary materials proposed within the development are considered to result in well composed elevations which appear appropriate within the context of the site without harm to visual amenity. The proposal is therefore considered to be in accordance with Policy L7 of the Core Strategy and the NPPF.

## **RESIDENTIAL AMENITY**

76. Para 127 of the NPPF advises that planning decisions should create places that provide a high standard of amenity for existing and future users.
77. Policy L7.3 of the Trafford Core Strategy states that development must not prejudice the amenity of future occupants of the development and/or occupants of adjacent properties by reason of overbearing, overshadowing, overlooking, visual intrusion, noise and/or disturbance, odour or in any other way. As previously stated, L7 is

considered to be up to date for decision making purposes and full weight can be attached to it.

78. Although the application does not relate to new Residential Development it is considered that the Council's New Residential Development Planning Guidelines document (PG1) is of some relevance in considering the distances necessary to maintain good standards of residential amenity although it carries only limited weight in relation to the current scheme for a hotel building. The guidance document does not include specific guidelines for tall buildings but it does state that for development of four or more storeys where there would be major facing windows, flats should retain a minimum distance of 24m across public highways and 30m across private gardens.
79. The nearest residential properties with regards the new development is the Circle Court tower block. A distance of approximately 55.5m is retained from the north facing elevation of Circle Court to the south facing elevation of the new building. The northern elevation of Circle Court has two clear glazed windows either side of a central stairwell window over each level of accommodation (15 levels above ground floor)
80. The new building is located in a north-easterly direction from Circle Court and therefore it is not located immediately adjacent to the north elevation of the existing circle court building. This siting of the new building on site in addition to the significant intervening distance of approximately 55.5m is considered sufficient to prevent any overbearing or loss of light to the residents within Circle Court. It is also relevant to note that the extant residential development permission (90557/FUL/17) included one of the two approved residential blocks located closer to the Circle Court building (retaining a distance of approximately 12m – 29m between both buildings given the irregular footprint of the approved residential block) than the proposed new hotel building, this is a legitimate fallback position which should be given weight. The residential block was also positioned adjacent to the north elevation of Circle Court and therefore more directly located with regards the windows on the north elevation of Circle Court, albeit the new residential block was five stories in height.
81. In terms of overlooking the south-east facing elevation of the hotel will have three windows across each floor from first floor to eighth floor. The central window serves a communal landing area and the window either side serves a stairwell core serving either side of the central corridor serving the bedrooms. Whilst the new building will be positioned in a marginally angled configuration relevant to the site boundary; residents at Circle Court would be able to view the west side elevation of the hotel. However it is not considered to result in any undue overlooking given the distance retained between both buildings and the angled positioned of the hotel windows which would be positioned in south-west direction towards the M60. It is therefore considered that given the intervening angled distance of approximately 55.5m between both buildings and the communal stairwell/landing windows positioned on

the south-east elevation facing the Circle Court that no undue overlooking or loss of privacy would result with regards the occupants of Circle Court.

82. Residential properties are also located nearby to the south-east of the site above commercial premises at The Circle; Audley Avenue behind the petrol station on Barton Road and on the opposite side of the M60 on Lostock Road/Canterbury Road. However the proposed development is not considered to result in any adverse impact with regards overlooking or loss of light, given the separation distances. A distance of approximately 80m would be retained from the new building to The Circle; approximately 95m to the nearest property on Audley Avenue (No.96) with the petrol station located in the intervening distance and approximately 140m retained at the nearest point to Lostock Road with the elevated M60 in the intervening distance.

### Noise & Air Quality

83. The application is supported by a Noise Impact Assessment (NIA) that assesses the potential impact of noise sources within the vicinity of the site upon the proposed development and in addition, it considers the potential noise impacts of the operation of a hotel on surrounding residential amenity, in accordance with national planning guidelines, relevant British Standards and other guidance documents relevant to the assessment of noise impacts.
84. The required level of sound insulation and mitigation measures has been dictated by the incident traffic noise levels, particularly from the adjacent M60 motorway. A scheme of minimum glazing configurations has been presented within the NIA and in addition, the areas of the building where alternative means of ventilation will be required (where the sound insulation scheme relies on windows being closed at all times) have been identified. The Councils Pollution & Housing section have considered the proposed development with respect to noise and having regard for the information detailed within the NIA, and recommend a condition be attached to any decision that requires the submission of details of glazing and ventilation strategy that demonstrates compliance with the recommendations contained within the NIA. Noise from a likely suite of fixed plant associated with the hotel has been determined as having no adverse impact onto adjacent existing residential receptors. The potential for adverse impact to guests of the proposed Hotel due to activities from the adjacent Petrol Filling Station has been found to be unlikely.
85. There is a potential for undue disturbance to affect the adjacent residential occupiers, in addition to the guests of the proposed hotel, should servicing and deliveries occur during more noise-sensitive hours. It is therefore considered appropriate to condition the hours of servicing/deliveries at the hotel at appropriate times during the week and weekends to ensure no adverse impact on nearby residents.

86. The applicant has also submitted an Air Quality Assessment (AQA) in support of the proposed development. The AQA has been considered by the Councils Pollution & Housing section. The assessment confirms the hotel use and the absence of staff accommodation as part of the building means that the building itself will not be relevant in relation to annual exposure levels of nitrogen dioxide. The AQA advises that the levels of nitrogen dioxide across the site will be below hourly objective levels. The Councils Pollution & Housing Section have confirmed that the additional traffic generated as part of this development creates only a negligible impact on local air quality at nearby sensitive receptors. A condition is recommended for details of the extract cooking system as part of the kitchen/restaurant element of the development to be submitted for approval in the event of planning approval being granted. A Construction Environmental Management Plan condition is also recommended, which would include details of how any construction related dust is mitigated to ensure no impact on air quality for nearby residents.

87. The Pollution and Housing section have considered the proposed development with regards noise and air quality considerations and have raised no objections subject to the inclusion of a number of conditions. These would include a condition to ensure an acceptable noise and vibration insulation scheme is incorporated into the design of the development to ensure an acceptable noise climate within habitable rooms having regards to the appropriate British Standard guidance. Construction related noise is to be dealt with through an appropriate Construction Environmental Management Plan condition along with measures to control dust emissions on local air quality.

88. In conclusion, the proposal is considered not to result in a level of harm to the living conditions of occupiers of neighbouring properties as to warrant a refusal of planning permission. It is considered therefore to be compliant with Core Strategy Policy L7 and the NPPF.

#### External Lighting

89. The applicant has submitted an external lighting plan that has been considered by the Councils Pollution & Housing section, who have no objections but recommend a condition that prior to development commencing a scheme demonstrating that the exterior lighting into nearby habitable windows (within or outwith the site) is within acceptable margins.

#### Wind Microclimate

90. A wind microclimate assessment (desktop review) has been submitted as part of the proposed development. The report assesses the effect of the proposed development on the local microclimate throughout the year against guidance for pedestrian comfort and safety. The most widely accepted criteria in the UK is the Lawson Comfort Criteria, which is also referenced in the British Research Establishment (BRE) in wind speed guidelines. This is a well-established

benchmark assessment that is used to assess the suitability of wind conditions in the urban environment based on a number of threshold values of wind speed and frequency defined against a range of pedestrian activities.

91. A number of design features have already been incorporated to help reduce microclimate risks:

- Avoidance of passageway, funnels or street canyons;
- Draught lobby entrances to reduce pressure and effect of wind between internal and external environments;
- Canopy detailing to limit the effect of the downwash on the surrounding pedestrian areas.

92. The report highlights potential higher risk zones in relation to:-

- Main Entrance position – this is located on the centre of the building towards prevailing winds. Additional canopy detail over the entrance itself could be included as an addition to the canopy currently proposed.
- Orientation – The buildings south west façade is exposed to prevailing winds. The impact of the wind footprint created by the deflected prevailing wind is likely to cause some gusts around the sides of the building along with some areas of turbulence at ground level.

93. The report identifies that the development is likely to cause a building related wind microclimate impact; however the introduction of some mitigation methods are considered to minimise the impact on pedestrian comfort. This includes the entrance canopies which mitigate against downwash and wake (flows around the building) and also appropriately located planters or other landscaping can mitigate. All areas within the vicinity of the and in the site itself which includes building entrances, public realm and footpaths are considered to generally fall within the Lawson Comfort Criteria. The report concludes that the building layout and form is considered acceptable and in line with guidelines and site constraints.

94. In conclusion the proposal is considered not to result in material harm to the living conditions of occupiers of neighbouring properties, appropriate conditions can be imposed with relation to noise, odours, air quality and wind microclimate impacts and it is considered therefore to be compliant with Core Strategy Policy and the NPPF.

## **HIGHWAYS IMPACTS, PARKING AND SERVICING**

95. Core Strategy Policy L4 states: That the Council will promote 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, reduce the land-take of development, enable schemes to fit into central urban sites, promote linked trips and access to development for those without use of a car and to tackle congestion. The setting of maximum parking standards as set out in Policy

L4.14 to L4.16 are considered to be broadly consistent with NPPF paragraphs 105-106 in that the policies take account of most of the criteria set out in paragraph 105. Core Strategy Policy L4.14 sets maximum parking standards but, as required by NPPF paragraph 106, sets out a justification for doing so, that is that they are necessary for managing the local road network, or for optimising the density of development in city centre and town centres and other locations that are well served by public transport. It is considered therefore that this part of policy L4 and the parking standards are up to date. .

96. Policy L7.5 states that in relation to accessibility development must: be fully accessible and useable by all sections of the community; provide good connections with the site and to adjoining areas; where relevant ensure that streets and public spaces are designed to provide safe and attractive environments for walkers and cyclists; and provide safe, convenient links to public transport and community facilities.
97. The aim of the policies to deliver sustainable transport is considered to be consistent with the NPPF.
98. Paragraph 103 of the NPPF states 'The planning system should actively manage patterns of growth in support of these objectives. Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions, and improve air quality and public health.'
99. Paragraph 105 of the NPPF relates to the setting of local parking standards for residential and non-residential development, policies should take into account: the accessibility of the development' the type, mix and use of the development; the availability of and opportunities for public transport; local car ownership levels; and the need to ensure an adequate provision of spaces for charging plug-in and ultra-low emission vehicles.
100. Paragraph 106 of the NPPF states that maximum parking standards for residential and non-residential development should only be set where there is a clear and compelling justification that they are necessary for managing the local road network, or for optimising the density of development in city and town centres and other locations that are well served by public transport (in accordance with chapter 11 of this framework). In town centres local authorities should seek to improve the quality of parking so that it is convenient, safe and secure, alongside measures to promote accessibility for pedestrians and cyclists.
101. Paragraph 109 of the NPPF states that 'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe'.

102. Policy L4.7 states that 'The Council will not grant planning permission for new development that is likely to have a significant adverse impact on the safe and efficient operation of the Strategic Road Network, and the Primary and Local Highway Authority Network unless and until appropriate transport infrastructure improvements and/or traffic mitigation measures and the programme for the implementation are secured.'
103. Policy L4.14 to L4.16 sets out the requirement to comply with the adopted maximum car and cycle parking standards as set out in Appendix 3 to the Core Strategy and within adopted SPD3.
104. 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.
105. The applicant has provided a Highway Note addressing representations received from consultees and representations and includes information relating to, the proposed access arrangements and visibility splays; the need for a stage 1/2 Road Safety Audit; committed traffic flows; TRICS analysis and car parking provision; and Highway Impact.

#### Access Arrangements

106. Information contained within the Planning Statement states the access arrangements for the proposal would replicate that as approved under planning permission 90557/FUL/17. The approved access was located diagonally opposite the petrol stations northern entrance onto Barton Road (The petrol station has an exit point onto Audley Avenue). The vehicular access to the development will be provided from Barton Road through the introduction of a new priority controlled access. The Planning Statement also states it is proposed to provide 2m wide footways on both sides of the proposed to access, to tie-in with the existing footways along Barton Road. This is considered to be acceptable.
107. The updated Highway Note (HN) details that the location of the access and visibility splays are consistent with a previous approval. (planning permission 90557/FUL/17).
108. The LHA have considered the new proposed access in the scenario whereby no extant planning permission is in place. The LHA have commented that the proposed 2.4m x 43m visibility splays have not been taken to the nearside kerb, as is required by the LHA, with offsets from the nearside kerb being 1m for the leading direction visibility splay, and an excessive 2.7m for the non-leading direction visibility splay. With regards to the non-leading direction splay, where it is not possible for a vehicle to cross the centre line (i.e. physical measures are in place to prevent this from happening) the LHA would, in principle, accept the visibility splay taken to the centre line.

109. The HN also includes a section detailing an independent Stage 1/2 Road Safety Audit which has not identified any issues in relation to the levels of visibility from the site access.
110. The Local Highway Authority as noted above would not generally accept the visibility splay as shown on the submitted drawings. However notwithstanding their observation on the visibility splay, they have advised that given the extant planning approval which includes a new vehicular access point onto Barton Road in the same location as current proposed along with the site constraints particularly the major pipe line, that the proposed access is considered acceptable. The Local Highway Authority have discussed the visibility to the site with the applicants highways consultant who have also stated that whilst the existing map style direction sign on Barton Road is within the visibility envelope, the posts do not impact achievable visibility splays for the access.
111. The status of the extant permission is a material consideration as there is a realistic prospect of implementation of the previous scheme. The applicant for the previous residential scheme Trafford Housing Trust have confirmed that in the absence of the proposed hotel development scheme coming forward they would look to progress implement the extant permission, subject to availability of funding and the external operating environment. The LHA have advised that visibility splays could be improved at the access but acknowledge the extant planning approval which details a vehicular access in the same location. It is considered weight should be afforded this fall back position with regards the previously approved access particularly given the likelihood of its implementation should the hotel development not proceed. On this basis it is considered the vehicular access is acceptable.

### Traffic Flows

112. Traffic modelling has forecast the Lostock Circle junction would operate over capacity in 2026 with or without the development. Whilst it is predicted by the modelling undertaken that the proposed development would have an impact to traffic flows and junction capacity, a severe impact has not been identified. Barton Road has been shown to operate within capacity for both scenarios. TfGM had raised a concern over the modelling of the junction, however the LHA does not believe that the proposed development as currently presented would have significant impact to existing traffic flows. The LHA have also advised that the extant planning permission for residential development at the application site (90557/FUL/17) would likely have more of an impact to traffic flows at the junction during peak hours. The applicants Transport Assessment has included a number of large developments in the locality with regards traffic flows generated and include Trafford Waters; BMW Williams Motor dealership on Barton Dock Road; Therme and the Barton Square Extension.
113. The Highways Note includes a number of additional nearby developments that have been granted planning permission in recent time and which it is suggested by the

objectors, should have been included in the applicants Transport Assessment with regards capacity assessment. These included Land at Neary Way Trafford Retail Park, proposed retail units; Barton Dock Road proposed drive-thru café/restaurant; Mercury Way proposed drive-thru café/restaurant and Bridgewater Circle Roundabout proposed drive-thru café/restaurant. None of these sites had been indicated by the LHA,, TfGM or Highways England to be included as part of a scoping exercise for capacity assessments.

114. It is suggested by the applicants transport consultant that the drive-thru restaurants do not generate significant numbers of new trips and which is acknowledged in the Transport Statements submitted with the applications which estimate that the majority of trips will be either pass by or linked trips associated with other uses in the area (i.e. trips which are already on the local road network). In addition it is noted none of these applications included detailed capacity assessments of Junction 9 of the M60, indicating that none of these developments would have a material impact on the operation of the junction. The Bridgewater Circle development is in use as a petrol station, the submitted Transport Statement for that development concludes that there would be a significant net reduction in the number of trips generated. The applicant has rerun the capacity assessments to include the Trafford Retail Park development. The Highways Note indicates that the additional traffic generated by the proposed development will not have a material impact on the operation of the junction and that the committed development flows as suggested by the third parties do not change the overall conclusions of the original Transport Assessment. The LHA have raised no objections to the applicants conclusion on these additional sites.
115. Highways England have been consulted on the proposed development and have raised no objections.

#### Servicing Arrangements

116. It is proposed to provide a refuse storage area on the northern side of the hotel, to include an allocated loading area, and it is intended that the waste collection operator would access the site to undertake an internal pick-up. Swept path analysis has been provided for a 12.0m long rigid delivery vehicle and a Vulture 2225 refuse vehicle with a Mercedes-Benz Econic 6x2 chassis. The overall length of the vehicle is 11.13 metres. At this stage it is unclear if the operator will use Trafford Council waste collection service or a private contractor. The Councils waste management section have been consulted on the application and have advised they have no comments to make regarding the proposed development.

#### TRICS Analysis

117. The application submission detailed the selection criteria from the TRICS database in relation to Hotels to include: multi modal surveys used only; sites within Britain excluding London; sites located in a 'suburban area', 'edge of town' or 'neighbourhood centre'; selection by number of bedrooms; sites with between 90

and 400 units selected; and weekday surveys only. The results of this in relation to vehicles was AM peak (08.00 to 09.00) 41 arrivals and 53 departures and PM peak (17.00 to 18.00) was 39 arrivals and 31 departures. Following representations received during the course of the application, it was observed that the submitted Transport assessment did not include TRICS data for weekend rates. The LHA also requested that the TRICS search be expanded to include developments with higher number of bedrooms and weekend data.

118. With regards TRICS data for hotels with greater numbers of bedrooms there are no sites in a similar location with a greater number of bedrooms identified within the TRICS database. The applicants transport consultant states within the Highway Note that with any hotel the key factor that determines the number of trips generated is the number of bedrooms. As a sensitivity test therefore, the sites with the lower number of bedrooms (developments with less than 125 bedrooms) have been removed from the original TRICS assessment. This showed for AM peak (08.00 to 09.00) 43 arrivals and 55 departures and PM peak (17.00 to 18.00) was 37 arrivals and 36 departures, which the transport consultant concludes does not result in a material change to trip rates to those of the original assessment (as detailed in the preceding paragraph).
119. The applicants Highway Note states that in order to address the issue of weekend Traffic flows and specifically the difference between the weekday and Saturday traffic flows at Junction 9 of the M60, traffic flow data has been obtained from Highways England. Based on data from October 2019 (Pre-COVID lockdown) the average peak hour for a typical weekday AM is between 08.00am to 09.00am and for PM is 17.00pm to 18.00pm. A Saturday peak hour is 13.15 to 14.15pm. The results indicated that in the weekday AM period the peak hour traffic flow was 3348; the PM traffic flow was 2589 and the Saturday peak was 3092. The Highways Note concludes that given the trip rates and background flows are higher on the weekday AM peak than a Saturday, this represents the worst case period for assessing the impact of the development traffic (for which has already been covered in the Transport Assessment) and on that basis the weekend assessments are not required.

### Car Parking

120. The car parking standards as detailed within SPD3 state that for this location C1 (hotel) use one car parking space per bedroom, including staff parking provision, is required. It is proposed to employ 40 full-time members of staff for a 197 bedroom hotel; therefore the proposal would generate a requirement for 197 car parking spaces. The development proposes 127 on site car parking spaces this includes 112 standard car parking spaces; six electric vehicle charging point spaces and nine disabled parking spaces in addition there is one light goods vehicle space included in the proposals. The LHA have raised concerns regarding the proposed shortfall in parking and in particular any impact this may have with regards parking on-street in the surrounding area. In addition the LHA have raised a concern about the existing

pedestrian and cycle accessibility of the area and the likelihood that guests will be less willing to walk to the hotel with a suitcase.

121. Following these concerns the applicant provided an updated Framework Travel Plan. The objective of the Travel Plan is to achieve the minimum number of additional single occupancy car traffic movements to and from the development and to address the access needs of the site users (staff and guests) by supporting walking, cycling and public transport. Achieving a high rate of staff using public transport and cycling and walking particularly for local residents employed at the hotel will reduce demand for parking spaces on site for staff. The LHA have considered the Travel Plan and have highlighted a number of areas that will require addressing. These include the requirement for the Travel Plan to be monitored for ten years by a Travel Plan co-ordinator. The Travel Plan needs to differentiate between guests who may not be staying overnight and needs to include for a higher return rate for the staff travel surveys than the 30% indicated. Other comments include robust measures to be included by the Travel Plan co-ordinator to ensure employee surveys are completed and returned and suggestions for using online/app survey options and the provision of an employee intranet. The LHA have advised that the revised Framework Travel Plan does not address the shortfall in parking provision and they have therefore recommended a Full Travel Plan condition which would be submitted for review and approval by the LHA within 6 months from the first date of operation of the hotel and to include a comprehensive package of measures to promote sustainable transport and realistic and quantifiable targets to reduce car travel.
122. Notwithstanding the inclusion of the Travel Plan condition the LHA raises concerns within regards to the lack of car parking in this location and the potential for parking on local streets and the impact this will have on the local highway network. Whilst officers consider this is not ideal, parking standards within SPD3 are maximum standards and the inclusion of a robust package of measures within the Travel Plan will seek to promote sustainable modes of transport and the use of public transport.. As such it is considered that there is no overriding harm to the local highway network or highway safety which would warrant a reason for refusal.
123. TfGM have considered the proposed development and have recommended that the existing Pelican crossing at the Circle Court shops be upgraded to a Puffin crossing along with footway improvements in this location to improve pedestrian accessibility of the proposed development site and the surrounding area. Pelican and Puffin crossings are essentially the same type of crossing except that a Puffin crossing has its sequences controlled by sensors mounted on the lights rather than being controlled by a timer. Puffin crossings detect pedestrians in the waiting area and also whilst they cross the road. The LHA have supported the suggested works which would be funded by the applicant. It is proposed to include an appropriate 'Grampian' style planning condition to ensure these works are undertaken and completed before the development is operational.

124. The existing Circle Court tower block has approximately 60 car parking spaces and five garages. The proposed development of the hotel would result in the loss of approximately 21 of the car parking spaces which serve Circle Court. However to compensate for the loss of these spaces Trafford Housing Trust have submitted a planning application (Ref:100525/FUL/20) to provide residents parking to the south side of the Circle Court tower block. The application is recommended for approval and is due to be determined under delegated powers. To ensure these works are undertaken and completed before the development is operational it is suggested that an appropriate condition is attached to any grant of planning permission to secure the parking provision for the Circle Court residents
125. The accessible parking standards shown in SPD3 Appendix A are minimum requirements (refer to Policy L4 & Appendix 3 of the Trafford Core Strategy). Where it is proposed to provide below 200 car parking spaces, the minimum number of disabled parking spaces required is three bays or 6% of total capacity, whichever is the greater. Based on the proposal to provide 112 car parking spaces, the LHA have advised 9 accessible car parking bays would be required, which the applicant has provided.

#### Cycle & Motor Cycle Parking

126. The minimum cycle parking standards as detailed within SPD3 state one cycle parking space per ten guest rooms is required. It is intended to provide 20 cycle parking spaces in two separate locations by way of Sheffield cycle stands, the minimum cycle standards and the level of cycle parking is acceptable to the LHA. The applicant has advised that the cycle parking would be covered spaces and monitored by CCTV. The LHA have requested that an appropriate planning condition is attached requiring details of cycle parking and storage arrangements. Staff showers and lockers are provided as part of the development proposals a measure which will encourage staff to cycle to work.
127. SPD3 states one motorcycle parking space is required per 25 guest rooms, equating to a provision of seven spaces. The proposal details eight motorcycle parking spaces within the wider car-park layout.

#### Sustainability

128. The application site is considered to be in a sustainable location, it is within Greater Manchester Accessibility Level (GMAL) 6, (most accessible level is 8) close to bus routes on Barton Road (bus stops outside the site) and Lostock Road and approximately 0.9km from Humphrey Park railway station on the main Manchester to Liverpool line and a similar distance to the new Metrolink Station at Barton Dock Road.
129. Proposed improvements to pedestrian crossing (upgrading from a Pelican crossing to Puffin crossing) and footpaths at The Circle will improve pedestrian connectivity to

the site. It is acknowledged that the parking provision on site is below the standards as detailed within SPD:3 however it is considered that the inclusion of a package of measures with a Full Travel Plan to reduce reliance on car journeys and more use of public transport and alternative modes of transport such as cycling will help alleviate any parking on residential streets. Proposals have been submitted to provide replacement Circle Court residents parking spaces to those lost as part of the development and also additional car parking for the residents of Circle Court.

130. The development is considered not to result in any unacceptable impact on highway safety and that the cumulative impacts on the road network would not be severe. The development is therefore considered to comply with the requirements of Core Strategy Policies L4 and L7 and advice within the NPPF.

## **TREES & ECOLOGY**

131. Policy R2 of the Core Strategy identifies that the protection and enhancement of the environment is a key element of the Council sustainable strategy for the Borough. Developers will be required to demonstrate how their proposals protect and enhance the landscape character, biodiversity, geodiversity and conservation value of its natural urban and countryside assets. Paragraph 175 of the NPPF states that *“if significant harm to biodiversity resulting from a development cannot be avoided...adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused”*.
132. The applicant has submitted an Arboricultural Report that details tree coverage within the application site. A total of ten trees have been identified on site, the initial proposals included the removal of all trees from site. However following discussions with the Councils tree officer it is now proposed to retain a mature Willow Tree located to the northern boundary of the site and the applicant has provided a tree protection plan indicating its retention. The Councils tree officer has no objection to the removal of the trees within the development site and has asked that a comprehensive landscaping condition is attached to any planning approval to ensure appropriate and realistic tree planting proposals along with other soft and hard landscaping works.
133. Prior to the planning application being submitted the applicant sought advice from the GMEU with regards to the level of ecology assessment required for the site. GMEU confirmed that given the hard surfaced nature of the site and limited ecology considerations. As part of the current application consultation process, GMEU have recommended an informative with regards status of nesting birds with regards tree removal and a robust landscaping to secure new tree planting having regard to biodiversity net gain. GMEU have also stated that there could be a negative impact on the water quality if surface and/or foul water is discharged directly into it.
134. It is therefore considered that subject to bio-diversity enhancements secured through conditions requiring native tree and shrub planting, it is considered that the scheme

would represent an improvement in the biodiversity of the site and consequently the application is considered compliant with Policy R2 of the NPPF.

## **FLOOD RISK, DRAINAGE & CONTAMINATION**

135. Policy L5 of the Trafford Core Strategy states that *“the Council will seek to control development in areas at risk of flooding, having regard to the vulnerability of the proposed use and the level of risk in the specific location”*. At the national level, NPPF paragraph 155 has similar aims, seeking to ensure that development in high risk areas of flooding is safe without increasing flood risk elsewhere.
136. The site is located within a Flood Zone 1 area (lowest risk of flooding) and is also within a Critical Drainage Area within Trafford Council’s SFRA. United Utilities have also confirmed that a number of public sewers cross this site and they may not allow permit building above them. United Utilities would require an access strip width of six metres, three metres either side of the centre line of the sewers. A culverted watercourse (Longford Brook/Croft Bank Brook) is located to the north of the site. United Utilities had also recommended a condition in relation to Surface Water scheme based on the hierarchy of drainage options.
137. The LLFA have however recommended an appropriate condition for a scheme to be submitted to improve the existing surface water drainage system, this follows receipt of an updated drainage strategy from the applicant which detailed the possibility of using non-infiltration permeable paving within the car parking bays and that areas of above ground safe storage (for exceedance flooding) are to be located within the car park areas, away from the proposed building.
138. The Environment Agency have considered the proposal and have no objections subject to inclusion of an oil separator before any water is discharged to the watercourse.
139. The applicant has submitted Phase II Geo-Environmental Site Investigation report which has been considered by the Councils Pollution & Housing section. The report confirms the presence of asbestos at the site which would have to be dealt with by a remediation strategy to ensure no impact on controlled waters or ground issues. The Pollution & Housing section have recommended an appropriate remediation strategy condition and an associated condition requiring the submission of a verification report demonstrating completion of works set out in the approved remediation strategy.
140. It is therefore considered that in relation to floor risk, drainage and contamination the development is acceptable and compliant with Core Strategy Policy L5 and the NPPF.

## **CRIME & SECURITY**

141. Core Strategy policy L7.4 relates to matters of design and security and states that development must be designed in a way that reduces opportunities for crime and that does not have an adverse impact on public safety.
142. GMP Design for Security have stated that they accept the proposed scheme is acceptable in principle but suggest three areas that they recommend are reconsidered. These include definition and enclosure of the site; the Barton Road elevation and Access Controls.
143. With regards enclosure of the site, initial plans submitted to GMP included a pathway link through to the Circle Court tower block site which GMP advised provides legitimacy for offenders to be present. The footpath link has now been removed and it is proposed to have a hedge or similar soft landscaping separating both sites. With regards access controls, this relates mainly to controlling access through the hotel particularly members of the public using the restaurant/bar area being able to access guest rooms. The advice with regards the Barton Road elevation is to improve monitoring of activity from that access and the external seating areas. Other comments include consideration of location of external structures such as bins, storage containers so that they cannot be used as climbing aids. Cycle parking should be inside the building for long stay parking and short stay should be well overlooked by staff.
144. GMP have also recommended a condition to reflect the physical security specifications set out within Chapter four of the CIS. The proposal therefore complies with Policy L7 of the Core Strategy in this regard.

## **EQUALITY ASSESSMENT**

145. Policy L7.5 of the Core Strategy requires that development should be fully accessible and usable by all sections of the community and Paragraph 127 of the NPPF reinforces this requirement by requiring planning decisions to ensure that developments create places that are safe, inclusive and accessible.
146. Under the provisions of the Equality Act 2010, specifically Section 149 Public Sector Equality Duty (PSED), all public bodies are required in exercising their functions to eliminate discrimination, advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and foster good relations. Having due regard for advancing equality involves: removing or minimising disadvantages suffered by people due to their protected characteristics; taking steps to meet the needs of people from protected groups where these are different from the needs of other people; and encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low. The relevant protected characteristics of the PSED include age; disability; gender reassignment; pregnancy and maternity; race; religion or

belief; sex and sexual orientation. The PSED applies to Local Planning Authorities in exercising their decision making duties with regards planning applications

147. The proposed development will include 9 disabled car parking bays, which is two more than the provision required for the level of car parking provided (6% of 112 spaces) as detailed. The disabled access parking bays are located close to the main entrance of the hotel.
148. In addition the guest accommodation details an accessible guest room (including for wheelchair users) on each floor from (1<sup>st</sup> floor – 8<sup>th</sup> Floor). The accessible rooms are located beside the lift lobby over each floor. The main entrance lobby will have a level threshold and all internal circulation doors will have an effective clear width of 850mm ensuring they are usable by disable guests and staff members.
149. It is considered therefore on balance that the development will provide satisfactory provision for protected groups in accordance with Policy L7.5 and the NPPF.

### **DEVELOPER CONTRIBUTIONS**

150. This proposal is subject to the Community Infrastructure Levy (CIL) and comes under the category of 'hotel' development, consequently the development will be liable to a CIL charge rate of £10 per square metre in line with Trafford's CIL charging schedule and revised SPD1: Planning Obligations (2014).
151. The proposal development requires the upgrade of the pedestrian crossing at The Circle and improvements to the footpaths. It is proposed to include a Grampian condition to ensure the highway works are undertaken and completed before the development is occupied. The applicant would be required to enter a Section 278 (of the Highway Act) with the Local Highway Authority to secure these works.
152. In accordance with Policy L8 of the Trafford Core Strategy and revised SPD1: Planning Obligations (2014) it is necessary to provide an element of specific green infrastructure. In order to secure this, a landscaping condition will be attached to make specific reference to the need to provide tree, hedge and shrub planting and green roof areas where possible.

### **PLANNING BALANCE AND CONCLUSION**

153. 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.
154. 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.
155. 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 2019 NPPF, particularly where that policy is not

substantially changed from the 2012 version. It is acknowledged that in some cases elements of the development plan are out of date. When considering the 'most important' policies relevant to this application the development plan is considered to be up to date for decision making purposes and the application should be determined in accordance with the development plan unless material considerations indicate otherwise.

156. The site is located 'out of centre' and the applicant has undertaken the necessary sequential assessment as required by the NPPF paragraph 86, Core Strategy Policy W2.12 reflects this national policy aim. The conclusion reached is that there are no sequentially preferable sites within centre(s) suitable for the applicant's requirements (neither in Stretford Town Centre or Urmston Town Centre). The applicant has also considered other 'edge of centres' and 'out of centre' site none of which have been found to be any more accessible and well connected to the town centres than that of the application site for the purposes of the sequential test as detailed at paragraph 87 of the NPPF. It is considered that the principle of a hotel use in this location is acceptable and there is no sequential preferable location for this development even taking into account the appropriate degree of flexibility required in relation to format and scale.

The proposal is considered to bring forward a number of other benefits. The site is located within a sustainable location and can be accessed by car, public transport, pedestrians and cyclists. Economic benefits from the development include job creation and further investment in this part of the Borough, close to the Strategic Location of the Trafford Centre Rectangle. The development would result in a well-designed building which would contribute to the quality of the built environment and that the site is capable of accommodating a building of the scale and massing proposed.

157. Various reports have been submitted which demonstrate that when considered against the current situation the impacts on residential amenity would be acceptable.

158. The highways impacts of the development have been assessed and subject to various conditions including the provision/upgrade of the existing pedestrian crossing at The Circle, is considered to be acceptable.

159. Subject to appropriate conditions the development is also considered to have an acceptable impact on a number of other matters considered in the foregoing report including ecology, contamination and drainage.

160. The proposed development would provide a high quality hotel development, in a location close to a number of popular visitor attractions in the Borough. It is considered that the impacts of the development, subject to appropriate mitigation through conditions would be acceptable. The proposed development would be in compliance with the development plan and relevant policy in the NPPF. It is

therefore concluded that the application should be approved subject to appropriate conditions.

### **RECOMMENDATION:**

#### **GRANT with 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:-

- Drawing No: 11159-AEW-XX-XX-DR-A-0501 Rev.P3 – Proposed Location Plan
- Drawing No: 11159-AEW-XX-XX-DR-A-0503 Rev.P8 - Proposed Site Plan
- Drawing No: 11159-AEW-XX-00-DR-A-0510 Rev.P5 – Proposed Ground Floor Plan
- Drawing No: 11159-AEW-XX-01-DR-A-0511 Rev.P4 – Proposed First Floor Plan
- Drawing No: 11159-AEW-XX-ZZ-DR-A-0512 Rev P3 – Proposed Second to Seventh Floor
- Drawing No: 11159-AEW-XX-08-DR-A-0513 Rev.P3 - Proposed Eighth Floor Plan
- Drawing No: 11159-AEW-XX-RF-DR-A-0514 Rev.P3 - Proposed Roof Level Plan
- Drawing No: 11159-AEW-XX-XX-DR-A-0520 Rev.P4 – Proposed North Facing Elevation
- Drawing No: 11159-AEW-XX-XX-DR-A-0521 Rev.P4 – Proposed East Facing Elevation (Barton Road)
- Drawing No: 11159-AEW-XX-XX-DR-A-0522 Rev.P4 – Proposed South Facing Elevation (Barton Road)
- Drawing No: 11159-AEW-XX-XX-DR-A-0523 Rev.P4 – Proposed West Facing Elevation (M60)
- Drawing No: 11159-AEW-XX-XX-DR-A-0524 Rev.P2 – Proposed External Substation and Generator Elevations
- Drawing No: 11159-AEW-XX-XX-DR-A-0530 Rev.P1 – Proposed Section AA
- Drawing No: 11159-AEW-XX-XX-DR-A-0531 Rev.P1 – Proposed Section BB
- Drawing No: 11159-AEW-XX-XX-DR-A-0532 Rev P4 – Proposed Section CC
- Drawing No: 11159-AEW-XX-XX-DR-A-0533 Rev.P1 – Proposed Section DD
- Drawing No: 11159-AEW-XX-XX-DR-A-0534 Rev.P2 – Existing and Proposed Site Sections
- Drawing No: 19916-XX-GF-DR-E-67-701 – Electrical Services External Lighting
- Drawing No: 11159-AJP-ZZ-00-DR-C-0900 Rev.P03 – Preliminary Drainage Strategy

- Drawing No: ARB/4068/Y/200 Rev.B – Arboricultural Layout
- Drawing No: TPP/4068/Y/300 Rev.A – Tree Protection & Retention

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 and full specifications of all materials to be used externally on all part of the building hereby approved 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, with these panels available on site for inspection, and retained for the duration of the build. Development shall be carried out in accordance with the approved details.

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

4. No above-ground construction works shall take place unless and until a detailed façade schedule for all elevations of the building has first been submitted to and approved in writing by the Local Planning Authority. The schedule shall be provided in tabulated form with cross referencing to submitted drawings, include the provision of further additional drawings and the building of sample panels on site as necessary and shall include:
  - (i) All brickwork detailing
  - (ii) All fenestration details and recesses
  - (iii) The means of dealing with rainwater and any necessary rainwater goods that may be visible on the external façade of the building
  - (iv) Trim and coping details to the top of all buildings

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

5. No development or works of site preparation shall take place until all trees that are to be retained within or adjacent to the site (as indicated on Drawing No: TPP/4068/Y/300 Rev.A) have been enclosed with temporary protective fencing in accordance with BS:5837:2012 'Trees in relation to design, demolition and construction. Recommendations'. The fencing shall be retained throughout the period of construction and no activity prohibited by BS:5837:2012 shall take place within such protective fencing during the construction period.

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

to development taking place on site as any works undertaken beforehand, including preliminary works, can damage the trees.

6. a) Notwithstanding the details shown on the approved plans, the development hereby permitted shall not be occupied until full details of both hard and soft landscaping works have been submitted to and approved in writing by the Local Planning Authority. The details shall include the formation of any green roofs, banks, terraces or other earthworks, hard surfaced areas and materials, planting plans, specifications and schedules (including planting size, species and numbers/densities), details of the raft system in relation to the trees to include area the system will cover and soil to be used and a scheme for the timing / phasing of implementation works.  
(b) The landscaping works shall be carried out in accordance with the approved scheme for timing / phasing of implementation or within the next planting season following final occupation of the development hereby permitted, whichever is the sooner.  
(c) Any trees or shrubs planted or retained in accordance with this condition which are removed, uprooted, destroyed, die or become severely damaged or become seriously diseased shall be replaced within the next planting season by trees or shrubs of similar size and species to those originally required to be planted.

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

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

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

8. The development hereby permitted shall not be brought into use until the means of access and the areas for the movement, loading, unloading and parking of vehicles have been provided, constructed and surfaced in complete accordance with the plans hereby approved.

Reason: To ensure that satisfactory provision is made within the site for the accommodation of vehicles attracted to or generated by the proposed development, having regard to Policies L4 and L7 of the Trafford Core Strategy and the National Planning Policy Framework.

9. The development hereby approved shall not be occupied unless and until full details of secure cycle parking have first been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented before the development is brought into use and shall be retained at all times thereafter.

Reason: To ensure that satisfactory cycle parking provision is made in the interests of promoting sustainable development and in the interest to visual amenity, 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.

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 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

11. 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 of the site manager
- 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 days and hours of demolition and construction activity (in accordance with Trafford Councils recommended hours of operation for construction works)
- ix. measures to prevent disturbance to adjacent dwellings from noise and vibration, including any piling activity including details as to how this will be monitored
- 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.

12. No occupation of any part of the development shall take place until a full external lighting scheme and a Lighting Impact Assessment has been submitted to and approved in writing by the Local Planning Authority in respect of exterior lighting installations in order to demonstrate compliance with the Obtrusive Light Limitations of The Institution of Lighting Professionals Guidance Notes for the Reduction of Obtrusive Light GN01:2011, including details of any necessary mitigation measures. Any mitigation measures shall be implemented in full before the development hereby permitted is first occupied and shall be retained thereafter.

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

13. Servicing, deliveries and refuse/recycling collections to the development hereby approved must only take place between 0700 hours and 2100 hours Mondays to Saturdays and between 0900 hours and 1900 hours on Sundays and 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.

14. Notwithstanding the details shown on the approved plans, prior to first occupation of the development hereby permitted, 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 shall be submitted to and approved in writing by the Local Planning Authority. The duly approved scheme shall be implemented in full before the use hereby permitted first takes place and 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 appearance of the building and the surrounding area having regard to Policies L5 and L7 of the Trafford Core Strategy and the National Planning Policy Framework.

15. No above-ground construction works shall take place unless and until, details of the glazing and ventilation strategy have been submitted to and approved in writing by the Local Planning Authority. The submitted details shall demonstrate compliance with the recommendations of the Noise Impact Assessment (Ref:19.057.1.R3:

17.02.2020) and the provision of adequate means of ventilation to guest rooms. Development shall be carried out in accordance with the approved details and thereafter retained.

Reason: In the interests of the amenity having regard to Trafford Core Strategy Policies:L5.13 and L7.3 and advice within the NPPF. The condition requires the submission of information prior to the commencement of development because the approved details will need to be incorporated into the development at design stage.

16. Other than the demolition of buildings and structures down to ground level, and site clearance works, including tree felling, no development shall take place until a remediation strategy for contamination identified across the site has been provided in writing to the Local Planning Authority. The remediation strategy shall give full details of the remediation measures required and how they are to be undertaken and include a verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. The development shall thereafter be carried out in full accordance with the approved remediation strategy before the first occupation of the development hereby approved.

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

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

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

18. No development shall commence until a scheme to improve the existing surface water drainage system has been submitted to and approved in writing by the Local

Planning Authority. The submitted scheme shall be in accordance with the outline details provided in the Flood Risk Assessment and Drainage Strategy report (Ref: 11159-AJP-ZZ-XX-RP-C-3000) and Preliminary Drainage Strategy (Drawing No: 11159-AJP-ZZ-00-DR-C-0900 Rev.P03). Development shall be carried out in accordance with the approved details and thereafter retained.

Reason: Such details need to be incorporated into the design of the development prior to development taking place to prevent the risk of flooding by ensuring that surface water can be satisfactorily stored or disposed from the site having regard to Policies L4, L5 and L7 of the Trafford Core Strategy and the National Planning Policy Framework.

19. 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.

20. The development hereby approved shall be designed and constructed in accordance with the recommendations contained within section 4 of the submitted Crime Impact Statement (Ref:2016/0414/CIS/02 Version A:10.01.202).

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

21. The development hereby approved shall not be brought into use unless and until a Travel Plan, which should include measurable targets for reducing car travel, has been submitted to and approved in writing by the Local Planning Authority. On or before the first occupation of the development hereby permitted the Travel Plan shall be implemented and thereafter shall continue to be implemented throughout a period of 10 (ten) years commencing on the date of first occupation.

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

22. No part of the development hereby approved shall be brought into use until the off-site highway improvement works to upgrade the pedestrian crossing and associated improvements to footpaths at The Circle, Barton Road have been completed in their entirety in accordance with a detailed design scheme which shall first have been submitted to and approved in writing by the Local Planning Authority.

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

23. No part of the development hereby approved shall be brought into use until a scheme for car parking provision for the residents of Circle Court has been completed in accordance with a relevant planning permission.

Reason: To ensure that satisfactory car parking provision is made at Circle Court apartments to compensate for loss of spaces as part of the approved hotel development in the interest of highway safety having regard to Policies L4 and L7 of the Trafford Core Strategy and the National Planning Policy Framework.

24. Prior to the development being brought into use, a Service Management Plan, which shall include a waste management strategy 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 deliveries and waste removal. 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.

25. Notwithstanding the details on the approved plans, prior to any above ground construction works, details of the sub-station and generator including external materials and associated landscaping proposals, shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

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

26. No part of the development shall be brought into use until details of the type, siting, design and materials to be used in the construction of boundaries, screens (including bin storage area) or retaining walls have been submitted to and approved in writing by the Local Planning Authority and the approved structures have been erected in accordance with the approved details. The structures shall thereafter be retained.

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

27. No installation of any externally mounted plant and equipment shall take place until details (including the location, design, method of support, materials and finishes) have been submitted to and approved in writing by the Local Planning Authority.

Such plant and other equipment shall not be installed other than in accordance with the approved details.

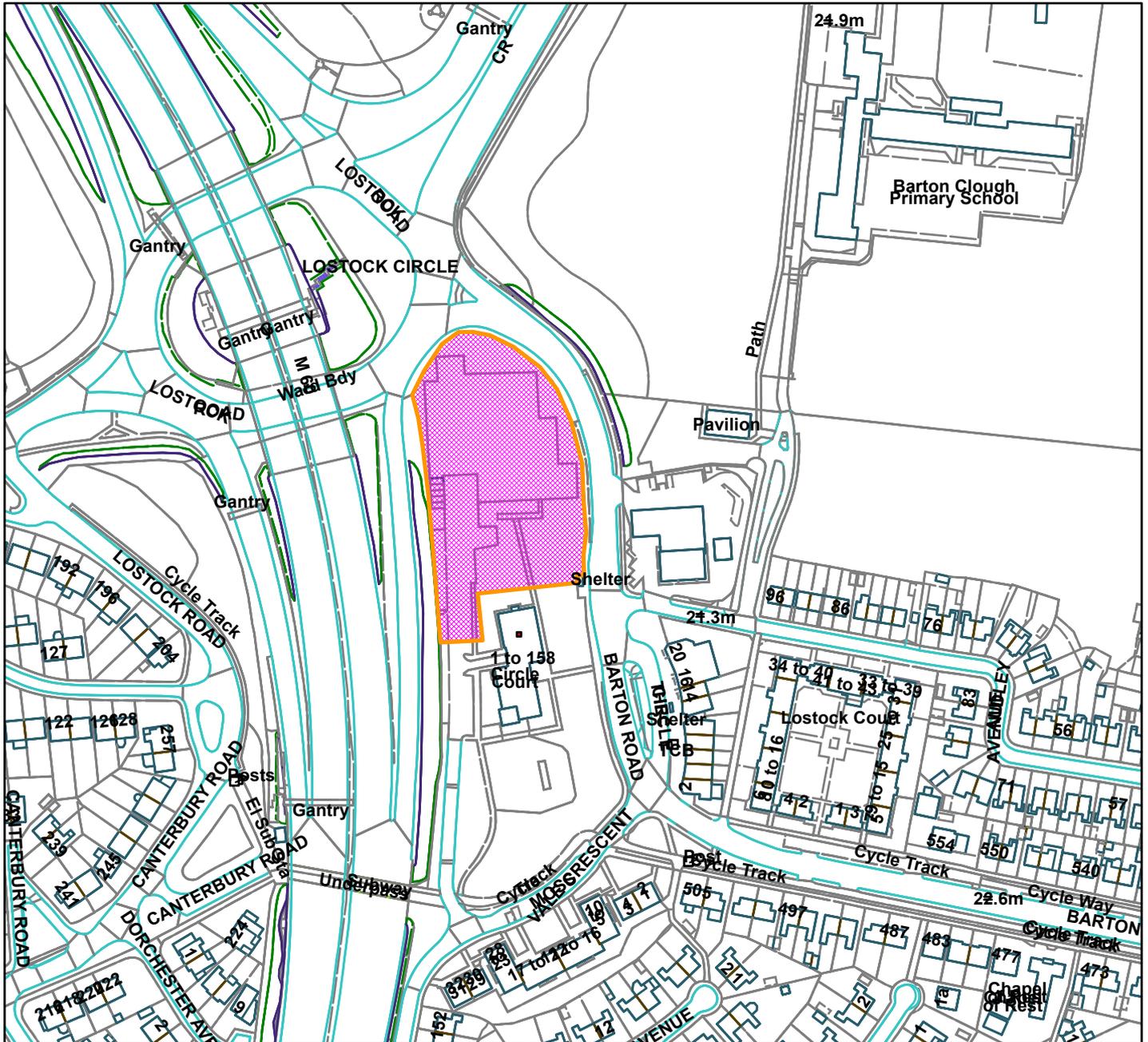
Reason: In order to ensure a satisfactory appearance in the interests of visual amenity having regard to Policy L7 of the Trafford Core Strategy and the requirements of the National Planning Policy Framework.

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CM



Land at Circle Court, Barton Road, Stretford (site hatched on plan)



Scale: 1:2,500

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Organisation	Trafford Council
Department	Planning Service
Comments	Committee date 10/09/2020
Date	26/08/2020
MSA Number	100023172 (2012)

**WARD:** Timperley

**100680/FUL/20**

**DEPARTURE:** No

**Erection of 1no. log cabin with storage to provide extra classroom space**

**Heyes Lane Junior And Infant School, Crofton Avenue, Timperley WA15 6BZ**

**APPLICANT:** Ms Sam Foord (Trafford Council)

**AGENT:** N/A

**RECOMMENDATION: GRANT**

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**The application is reported to the Planning and Development Management Committee because the applicant is Trafford Council.**

### **SITE**

The application site is Heyes Lane, Junior and Infant School in Timperley. The site is accessed off Crofton Avenue, where there is a front car park. There are further pedestrian entrances on Swan Road and Woodhouse Lane East. The site is bound by residential properties on three sides, whilst to the north on the Woodhouse Lane East boundary is a shopping parade. The site features single storey school buildings, storage outbuildings, several playground areas, playing fields and other grass areas.

### **PROPOSAL**

This application seeks planning permission for the erection of 1no. log cabin with storage to provide extra classroom space. The log cabin would have a width of 5m and length of 5m, with a protrusion of 1.50m x 2.30m for the storage section. The roof eaves height would be 2m with a ridge height of 2.50m. The cabin would be constructed of timber walls and shingle tiled roof.

The cabin would provide additional classroom space, whilst enabling the school to support those pupils with special education needs by providing a smaller, separate teaching space. The cabin would provide space for music, art and drama activities for pupils and help to meet the schools OFSTED requirement for a broad and balanced curriculum. The space would also provide opportunity for income through lease of the space after school / at weekends for music, art and drama activities. The cabin would be sited on a vacant grass area, part of which features trees and play equipment. It would be adjacent to the existing playground and main school buildings within the centre of the site and would have level access.

**Value added:** Amended plans were sought to relocate the cabin within the site, away from the North West boundary following officer and neighbour concerns.

## **DEVELOPMENT PLAN**

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

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

## **PRINCIPAL RELEVANT CORE STRATEGY POLICIES**

- Policy L7 – Design
- Policy R5 – Open Space, Sport and Recreation

*These policies are consistent with the NPPF and are considered up to date. Full weight should be afforded to these policies.*

## **OTHER LOCAL POLICY DOCUMENTS**

None

## **PROPOSALS MAP NOTATION**

UDP Policy OSR5 – Protection of Open Space (Replaced with Policy R5 from Core Strategy)

ENV15 / ENV16 – Community Forest / Tree Planting

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

UDP Policy OSR5 – Protection of Open Space (replaced with Policy R5)

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

The MHCLG published the National Planning Policy Framework (NPPF) on the 19<sup>th</sup> February 2019. The NPPF will be referred to as appropriate in the report.

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

MHCLG published the National Planning Practice Guidance on the 6<sup>th</sup> March 2014, and is updated regularly. The NPPG will be referred to as appropriate in the report.

## **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, and a further period of consultation on the revised draft ended on 18 March 2019. A Draft Plan will be published for consultation in autumn 2020 before it is submitted to the Secretary of State for independent examination. 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.

## **RELEVANT PLANNING HISTORY**

None relevant.

## **APPLICANT'S SUBMISSION**

The applicant has submitted site photos.

## **CONSULTATIONS**

Sport England – 10.08.2020

*“The proposed development does not fall within either our statutory remit (Statutory Instrument 2015/595), or non-statutory remit (National Planning Policy Guidance (PPG) Par. 003 Ref. ID: 37-003-20140306), therefore Sport England has not provided a detailed response in this case”.*

## **REPRESENTATIONS**

The application was advertised through consultation letters sent to immediate neighbours. Neighbours were subsequently re-consulted for a period of 10 days due to amended proposed plans being received. Responses were received from nos. 31, 33, 35 and 42 Swan Road, alongside no. 57 and 71 Crofton Avenue and no. 186 Woodhouse Lane East.

Neighbours comments were initially concerns over the siting of the cabin as originally proposed, adjacent to the north west boundary with properties on Swan Road:

- *Noise and disturbance issues from the cabins*
- *Visual intrusion*
- *Loss of sunlight and privacy*
- *Increased footfall, traffic, fumes, litter, noise along Swan Road from use of the cabin*

Following a reduction in the proposed number of cabins from two to one and the relocation of the cabin to within the centre of the site, further responses were received from nos. 31, 33 + 35 Swan Road and no. 186 Woodhouse Lane East.

- *Supportive of the new location for the cabin*
- *It benefits the school children and is not of detriment to the surrounding neighbours*
- *No impact upon views from my house*
- *If the cabin is used at weekends, access should only be from Woodhouse Lane East or the main entrance on Crofton Road and not Swan Road, as this would cause disturbance.*

## **OBSERVATIONS**

### **PRINCIPLE OF DEVELOPMENT**

1. The principle of alterations and improvement works to a school building is considered acceptable in accordance with paragraph 94 of the NPPF, which states that:

*It is important that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should:*

*a) give great weight to the need to create, expand or alter schools through the preparation of plans and decisions on applications; and*

*b) work with schools promoters, delivery partners and statutory bodies to identify and resolve key planning issues before applications are submitted.*

2. The site is covered by Core Strategy Policy R5: Open Space, Sport and Recreation which aims to (amongst other factors):
  - *Protect existing and secure the provision of areas of open space and outdoor sports facilities;*

- *Protecting and improving the quality of open space and outdoor sports facilities so they are fit for purpose;*
3. The proposal is for a new classroom building, which would be ancillary to the existing school building. The location of the proposed log cabin classroom building does not form part of a playing field. It is part of a small fenced off grassed area that is clearly separate from the main hardstanding playground and large grass playing fields. The proposal would not impact on existing sports facilities or the ability to hold sports games / activities on the site. It would not impact upon the existing adjacent play equipment, nor would it materially impact upon the openness of the wider site. Sport England has raised no objection to the proposal in their consultation response.
  4. The log cabin classroom building would provide much needed additional classroom space, whilst enabling the school to support those pupils with special education needs by providing a smaller, separate teaching space. The cabin would provide space for music, art and drama activities for pupils and help to meet the schools OFSTED requirement for a broad and balanced curriculum.
  5. Taking this into account the proposal is considered acceptable in principle, in accordance with sustainable development and educational policy outlined above. The proposal would not impact upon existing playing field space at the site and is considered acceptable in accordance with Policy R5.
  6. The proposal is subject to design / appearance and residential amenity considerations outlined in the sections below.

## **DESIGN AND APPEARANCE**

7. With regard to design and appearance, the proposal should meet with the requirements of the NPPF and Policy L7 of the Core Strategy.
8. The scale and form of the log cabin is considered appropriate; it would appear as a complementary, proportionate outbuilding in relation to the main school buildings. It would be sited in a suitable location within the site, being in an area which is already relatively enclosed, with adjacent trees, fencing and the main school buildings. The timber design would sit comfortably alongside the adjacent trees and green setting. There would be sufficient space provided around the cabin and enough separation with existing buildings to ensure the site does not appear cramped or overdeveloped.
9. In summary the proposal would be appropriate in its context, appropriately addressing scale form, massing and elevation treatment. The design and appearance of the proposal therefore complies with Policy L7 Design and SPD4.

## **RESIDENTIAL AMENITY**

10. With regard to impacts on residential amenity, the proposal should meet with the requirements of Policy L7 of the Core Strategy and be acceptable in terms of its impacts on privacy, light and outlook of neighbours.
11. There are residential properties surrounding the school site on Swan Road, Granby Road, Crofton Avenue, Fairlie Drive and Woodhouse Lane East.
12. The log cabin would be positioned within the very centre of the school site, 40m in from the north west boundary with Granby Road / Swan Road, 80m from the south east boundary with Fairlie Drive and 70m from the north east boundary with Woodhouse Lane East. This significant separation distance is considered sufficient to address neighbours objections and ensure that there would be no adverse impact upon the amenity of neighbouring properties by way of overbearing impact, visual intrusion, loss of light or privacy. The cabin due to its siting and scale is not considered to have an additional amenity impact by way of noise or disturbance. Some neighbours who originally objected, submitted comments in support of the proposal following the amended plans
13. Given the small scale of the building and its location within the centre of the site, a condition regarding construction hours is not considered necessary.

## **ACCESS**

14. The floor level of the log cabin would be at ground level providing level access. It would be suitably accessed from the existing hardstanding paths and playground within the site, avoiding crossing grassed areas.
15. Whilst the comments from nos. 31 and 33 Swan Road regarding access from Swan Road are acknowledged, it is not considered necessary to restrict access from Swan Road during weekends. This is given the fact that all access points to the site feature a large number of adjacent existing residential properties, so there are already some unavoidable comings and goings whichever access is used. Regardless the school have stated that the main entrance off Crofton Avenue would be used.

## **DEVELOPER CONTRIBUTIONS**

16. The proposal is for a new school building and is not subject to the Community Infrastructure Levy (CIL).

## **PLANNING BALANCE AND CONCLUSION**

17. The proposed log cabin classroom building is considered acceptable in principle, comprising sustainable development and would be suitable in design and appearance, having regard to the Council's Core Strategy and the NPPF. There is not considered to be any adverse impact upon the amenity of neighbouring residential properties through visual intrusion, loss of light or privacy. The application is therefore recommended for approval.

## **RECOMMENDATION:**

**Grant**, subject to the following conditions:

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

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

2. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plan, drawing number: SO 211107 and the submitted plans identified as the Amended Proposed Site Plan (as received 22.07.2020) and Site Location Plan.

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

3. Prior to above ground works full details, including type, colour, texture and panel size of the timber cladding to be used externally on the building hereby approved shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

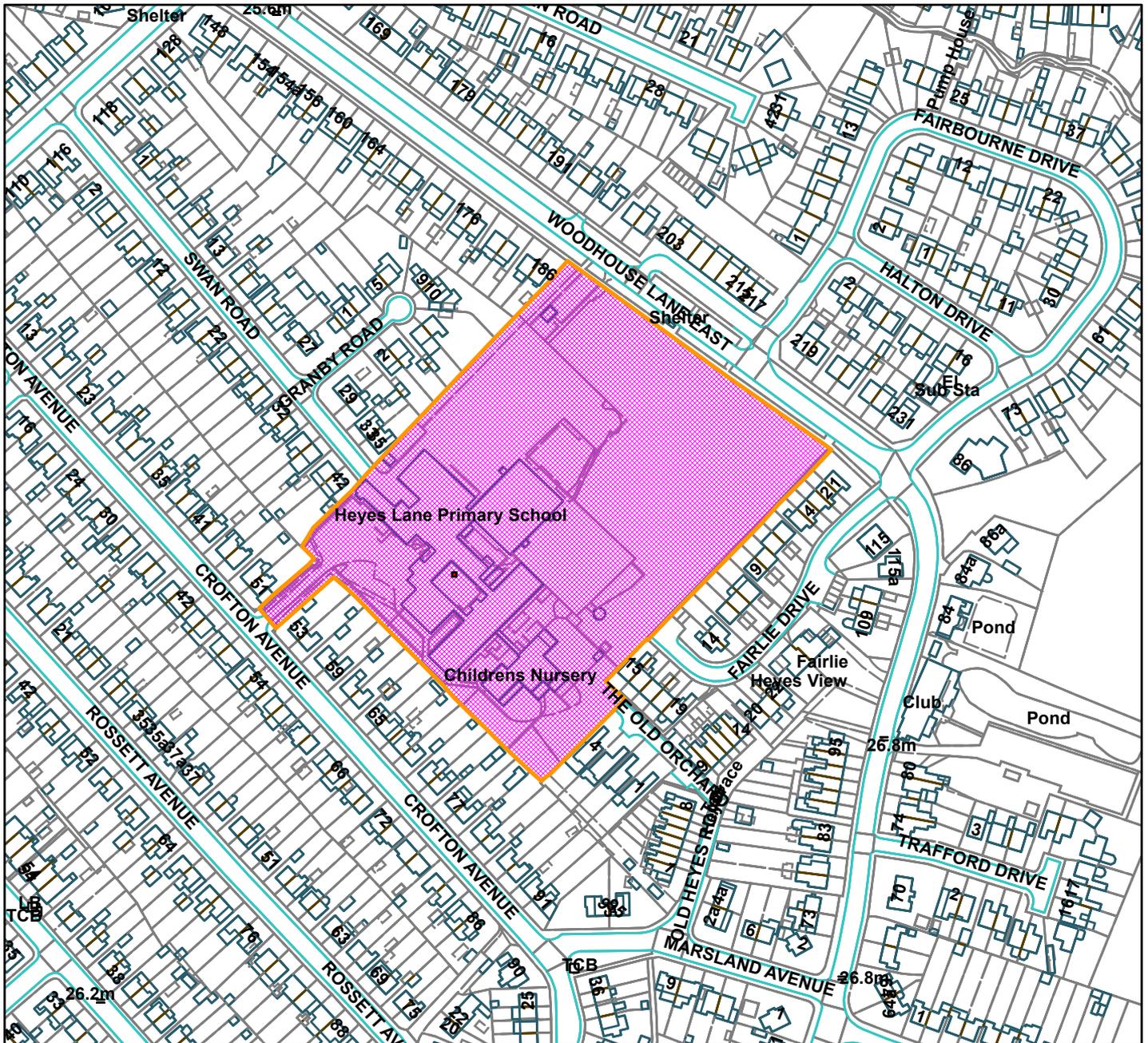
Reason: In order to ensure a satisfactory appearance in the interests of visual amenity having regard to Policy L7 of the Trafford Core Strategy and the requirements of the National Planning Policy Framework.

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GEN



Heyes Lane Junior And Infant School, Crofton Avenue, Timperley (site hatched on plan)



**Scale:** 1:2,500

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Organisation	Trafford Council
Department	Planning Service
Comments	Committee date 10/09/2020
Date	26/08/2020
MSA Number	100023172 (2012)

**WARD:** Bowdon

**100737/FUL/20**

**DEPARTURE: No**

**Change of Use of Dwellinghouse into 3 Residential Units with the erection of a two-storey side extension, including minor alterations to existing elevations and the creation of two new bin stores.**

34 Green Courts, Green Walk, Bowdon, WA14 2SR

**APPLICANT:** Ms Eyres

**AGENT:** Plande

**RECOMMENDATION: GRANT**

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**This application is reported to the Planning and Development Management Committee as six or more letters of objection have been received contrary to the Officer recommendation of approval.**

### **SITE**

The application site comprises of a two storey detached property built in the mid 1970's, which is located at the head of the cul-de-sac and forms part of the wider Green Courts development.

Green Courts itself is a 1970s development of 34 dwellings, with 18no. detached houses and 16no. maisonettes, which themselves comprise of 8 single buildings divided into 2 flats in each building. The development is a planned estate built around four cul-de-sacs separated by open grass and trees. Nos. 1, 2, 33 and 34 Green Courts were not built by the original developer of the estate, and instead were individually designed dwellings and are different in design and layout from one another and the rest of the development. These later additions are also substantially larger than the original dwellings in the development and set within larger grounds.

To the front of the property there is hardstanding forming the driveway and a small area of landscaping. The boundary along the highway is formed by existing hedging and shrubbery. The court containing No. 34 comprises of a mixture of houses and flats.

The application site is located within Character Zone C of The Devisdale Conservation Area.

There are no TPOs within or adjacent to the application site.

## **PROPOSAL**

The existing property is an individual dwelling with 4no. bedrooms (and a large dressing room that could be used as an individual bedroom) at first floor level and a kitchen, lounge, study and games room at ground floor level. A double attached garage and separate games room projects forward of the property on the north western/front elevation of the dwelling; with a single storey rear projection housing a “snug” on the southwestern/rear elevation.

An extant planning permission (96787/HHA/19) was approved via delegated powers in July 2019 for the erection of a two storey side extension to the south-eastern side of the existing dwelling. The current application proposes an extension of the same scale, massing and design (other than in relation to its window openings) but now using the space within the extension and the original property to create 3no. residential units. There are no changes proposed to the level of hardstanding on the site available for parking, or to the garden area.

The two storey side extension would have a width of 7m, with its front elevation aligned with the existing northern elevation of the property, and a depth of 11.6m, projecting approximately 1.7m further than the main rear elevation. The front and rear elevations of the extension would each include two flat roofed dormer windows with two further dormer windows of the same style provided in the existing front elevation. Further alterations are proposed to window and door openings in the existing dwelling.

In addition to the sub-division of the property into three dwellings, the key differences between the approved scheme and the current (amended) application proposals are the following:

- Existing front door replaced with a fully glazed, non-opening unit;
- Existing window within the principal elevation to the left of the existing main entrance to be converted to a new door opening;
- Existing sliding doors within south eastern/side elevation of single storey rear “snug” to be replaced by brick wall and sliding doors moved to south western/rear elevation of “snug”;
- Ground and first floor windows within south eastern elevation facing No.33 Green Courts shifted towards the north by approximately 1m;
- Removal of patio doors, glazed window and rear access door and replacement with a large full height glazed sliding window unit.

There are 3no. apartments proposed within the building. A 1 bedroom apartment would be provided within the ground floor of the existing property with a 3 bedroom apartment at first floor level. The proposed two storey side extension would house another 3 bedroom apartment.

Internal layouts would include a single main entrance to all three apartments with a hallway and staircase. The ground floor apartment in the existing property would have a

lounge, study, dining room, bedroom, kitchen and games room. The first floor apartment in the existing property would provide 3no. bedrooms, an open plan kitchen/lounge and bathroom. The apartment in the proposed two storey side extension would provide an open plan lounge/kitchen area, with the first floor level providing 3no. bedrooms and associated bathrooms.

External materials would comprise of matching roof tiles, matching brick, timber windows and timber/aluminium doors to match.

2no. additional timber bin stores for the duplex & the other 3 bed flat would be provided – one positioned towards the rear (eastern side) of the building and one positioned adjacent to the site access. Each would be 2.35 m long with 3 compartments and would be 1.2m in height. The one bedroom apartment would use the existing bin store on the north-west side of the building.

The existing front boundary and driveway would be retained, with 3no. parking spaces on the driveway in addition to 2no. within the existing attached garage.

The increase in floor space of the proposed development would be 74m<sup>2</sup>.

#### Value Added

Following discussions with the agent, the proposal has been amended to omit the previously proposed roof lights from within the principal elevation, reinstate the chimney stack and reinstate an original opening at first floor level within the rear elevation. Additional information relating to bin stores and off-street parking provision has also been received.

### **DEVELOPMENT PLAN**

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

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

## **PRINCIPAL RELEVANT CORE STRATEGY POLICIES**

L1 - Land for New Houses;  
L2 - Meeting Housing Needs;  
L4 - Sustainable Transport and Accessibility;  
L5 – Climate Change;  
L7 - Design;  
L8 - Planning Obligations;  
R1 – Historic Environment;  
R2 - Natural Environment;  
R3 – Green Infrastructure.

## **OTHER LOCAL POLICY DOCUMENTS**

Revised SPD1 - Planning Obligations;  
SPD3- Parking Standards & Design;  
PG1 - New Residential Development.

## **SUPPLEMENTARY PLANNING DOCUMENTS**

Devisdale Conservation Area Appraisal (Adopted July 2016).  
Devisdale Conservation Area Management Plan (Adopted July 2016).

## **PROPOSALS MAP NOTATION**

Devisdale Conservation Area

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

ENV21 – Development in 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, and a further period of consultation on the revised draft ended on 18 March 2019. A Draft Plan will be published for consultation in autumn 2020 before it is submitted to the Secretary of State for independent examination. 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) on 19 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 was updated on 1<sup>st</sup> October 2019. The NPPG will be referred to as appropriate in the report.

## **RELEVANT PLANNING HISTORY**

96787/HHA/19 - Erection of a two storey side extension. Approved July 2019.

81994/TW/2013 - Works to trees in a Conservation Area: the felling of one Blue Atlas Cedar and one Cherry tree, together with the crown-lifting to 4 metres of one Pine tree and the crown lifting and crown reduction by 25% of one Cherry tree. Consent February 2014.

H/60590 - Erection of 2 no. detached dwellings with detached double garages and formation of new access onto Green Walk following demolition of existing 2 no. dwellinghouses – 33 and 34 Green Courts – Refused 18/05/2005 - Appeal dismissed July 2006. (This was a larger site that included the current application site and number 33 to the south-east).

H/CC/57444 - Conservation Area Consent for demolition of two dwellings to allow for proposed residential development for 11 apartments. Withdrawn June 2004.

H27394 - Erection of single storey rear extension to form sun lounge. Approved July 1988.

H04193 – (Green Walk, Plot 2) Detached dwellinghouse and garage. Approved December 1976.

H00184 - Erection of four detached houses. Refused March 1975.

## **APPLICANT'S SUBMISSION**

The agent has submitted details showing the currently proposed details against the previously approved application.

Planning Statement, Heritage Statement

## **CONSULTATIONS**

**Heritage Development Officer** – The applicant will need to confirm there will be no physical subdivision of the site in any form. The removal of the chimney, door & window

alterations and introduction of rooflights are not acceptable and will significantly alter the modest appearance of this property and the contribution it makes to the wider design of Green Courts. I consider the development in its current form will cause minor harm to the significance of Green Courts and the Conservation Area as a whole. In accordance with para 196 NPPF this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use bearing in mind the statutory requirements of s.72 Planning (Listed Building & Conservation Area) Act 1990.

*This consultation response relates to the originally submitted plans. An updated consultation response in relation to the amended plans will be provided in the Additional Information Report.*

**LHA** - The proposed development comprises of a one-bedroomed unit at the ground floor, a three-bedroomed unit across two floors and a further three-bedroomed unit at the first floor, equating to a required car parking provision of five spaces. It is proposed to provide five spaces which meets the requirements of SPD3. Cycle parking for the three-bedroomed units is available within the garage. Cycle storage for the one-bedroomed unit is also indicated although no details are provided, this will need to be conditioned.

**Drainage** - The application form states sustainable drainage, soakaways and the main sewer will be used to dispose of surface water, however no drainage plans have been provided. Ground conditions would suggest that infiltration is possible, so in accordance with the drainage hierarchy we would encourage this approach supported with the appropriate testing (BRE365).

**Pollution and Licensing (Nuisance)** - no objections to the application providing the following conditions are attached to the permission:

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

Any works to implement the permitted development must accord with the following restrictions:

- Open fires to be prohibited on site
- Site working hours to be restricted as follows:
- Monday - Friday: Start 7:30am (with a restriction on the hours of operation heavy plant and machinery and major demolition and construction works until 8:00am) and finish at 6pm.
- Saturday: Start 9am and Finish at 1pm.
- Sundays and Bank Holidays: No work permitted.

*It would be advantageous for provision to be made for low emission vehicle charging points as part of the development. This will benefit local air quality and help promote the uptake of low emission vehicles.*

## **REPRESENTATIONS**

### **Bowdon Conservation Group**

- States that this Application and the previous one should be considered in the round, including both the extension and the sub-division, and refused as a matter of principal because of the sub-division of the plot implicit in creating three apartments and because of the dangerous precedent for Green Courts that granting such an Application would create. Furthermore, in order to accommodate three apartments into what is an extended single-family house, the design of the apartments has a number of serious flaws, and the parking arrangements proposed would not work in practice.

24no. letters of objection have been received from the occupiers of 19no.properties, which raise the following concerns relating to the scheme:

- Loss of privacy and such development would be totally out of character in the context of the Green Courts residential area which would only exacerbate the existing serious vehicle parking issues in the area, recently raised in the application No 98934/FUL/19, made by Altrincham Girls Grammar School; the addition of a Sports Centre and the increase in size and membership of the tennis club.
- When the original application for an extension was submitted we believed it was only to provide extra family accommodation. For this reason we did not object. Three separate apartments will mean a probable six cars instead of the existing two.
- The entrance to the courtyard containing dwellings 27 to 34 is only wide enough for a single vehicle. There is no room for a pavement, only for a narrow grass verge on one side. More on-street car parking would occur.
- The change from a dwelling for one family to 3 separate units would not appear to accord with Trafford's 2016 approved policies for the Devisdale Conservation Area as it would have an impact on the existing character of Green Courts. It is also contrary to previous refusals of applications for extensions to homes in Green Courts on the grounds that such extensions could potentially increase the number of dwellings in the area.
- If this application is granted there will be further plans submitted, leaving the way open for similar developments in the other Courts.
- The alteration to No. 34 is 'over intensification' of the Green Courts area and it would most definitely not preserve or enhance the Conservation area, already

destroyed by the tennis club development and the proposed development at AGGS.

- In 2006 Trafford Council turned down an application by the then owners of Nos 33 & 34 to knock down their properties and build new larger ones with access off Green Walk largely on account of the adverse effect on the amenity of this court. The matter went to appeal and the owners lost.
- Many years ago, No.31 applied for planning permission to extend. Trafford Council refused permission and one of the grounds for refusal was that the house as extended would be large enough to make two dwellings and that this would not be allowed under any circumstances.
- Internal reconfiguration required as current design of apartments is poor with lack of space in hallway for furniture etc.
- The 1-bedroom unit is in fact considerably larger than the 3-bedroom unit. Although it is badged as a 1-bedroom unit it is likely to be marketed, and highly likely to be occupied, as a 3-bedroom unit. Velux-type windows in the front roof slope strongly suggests that the roof space will also at some point be used for yet more living accommodation.

## **OBSERVATIONS**

### **PRINCIPLE OF DEVELOPMENT**

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 2019 NPPF, particularly where that policy is not substantially changed from the 2012 version.
3. The NPPF is a material consideration in planning decisions as the Government's expression of planning policy and how this should be applied; it should be given significant weight in the decision making process.
4. Paragraph 11 d) of the NPPF indicates that where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date, planning permission should be granted unless:

- i. The application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
  - ii. Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
5. Policies 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 as they control the principle of the development.
6. The Council does not, at present, have a five year supply of immediately available housing land and thus Policies L1 and L2 of the Core Strategy are 'out of date' in NPPF terms.
7. Policy R1 of the Core Strategy is considered to be out of date as it does not enable any harm arising from a development to be offset against the public benefits.
8. 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.

### Housing Land

9. The site is not identified within Trafford's SHLAA (Strategic Housing Land Availability Assessment). The plot is located in a residential area.
10. The application proposes the conversion and extension of the existing dwelling to form three residential units. 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. 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. Whilst it is noted that the site is currently occupied by one dwelling which would be extended to facilitate the proposal, some of the new development would be built over the current garden area. As such part of the site which would

accommodate the proposal is considered to be greenfield land, as identified by the NPPF.

12. 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 within the current building 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.
13. In this instance it is noted that the application site is located within an established residential area and within a sustainable location, close to 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.
14. In terms of Policy L2 the application includes units that could be used for family housing and therefore is compliant with L2.4. The proposal would likely result in a small economic benefit during its construction phase.
15. The proposal would contribute towards the Council's ability to meet its overall housing land target through the creation of two additional residential units net of clearance.
16. Considering the above noted positive factors, although part of the application site is classed as greenfield land, the proposal nevertheless satisfies the tests of Policy L1.7 and relevant policies within the NPPF, as well as Core Strategy Policy L7 as outlined below. The application site is situated within a sustainable location and would also provide family homes within the area, in accordance with Core Strategy Policy L2.
17. The proposal is therefore considered to be acceptable in principle in terms of housing policies with reference to Core Strategy Policies L1 and L2, the New Residential Development SPG and the NPPF.

## IMPACT ON DESIGNATED HERITAGE ASSETS

### Legislation and Policy

18. 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.
19. The National Planning Policy Framework (NPPF) is also a material consideration. Paragraph 193 of the NPPF advises that “when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation.” This is supported by paragraph 195 which states, ‘Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss’. Where it is identified that a development proposal will cause less than substantial harm, paragraph 196 specifies that ‘this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.’
20. Further to the above, Policy R1 of the TBC Core Strategy advises that Trafford’s historic environment makes a major contribution to the attractiveness and local distinctiveness of the Borough. Heritage assets are buildings, monuments, sites, or landscapes of historic, archaeological, architectural or artistic interest whether designated or not. The significance, character, and appearance of these heritage assets are qualities that will be protected, maintained and enhanced.

### The Significance of the Heritage Assets

21. Significance (for heritage policy) is clarified as being the value of a heritage asset to this and future generations because of its heritage interest. The interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset’s physical presence, but also from its setting.
22. Paragraph 1.2.1 of The Devisdale Conservation Area: Conservation Area Management Plan: July 2016 (CAMP) states:  
  
*“The Conservation Area Appraisal states that The Devisdale Conservation Area is significant ‘for its value as an historic area of enclosed land on the summit of Bowdon Hill. The topography and landscape of the area is important, and includes the wooded north slope of Bowdon Hill and the gentler west slope*

*descending towards Dunham Massey. The associations with the Earl of Stamford are strong here, as the Conservation Area was laid out in the late 19th century as an appropriate social neighbourhood adjacent to Dunham Park. The residential properties are characterised by large plots, grand houses, magnificent gardens, sweeping drives, coach houses, tree-lined streets and a vast mix of revival architectural styles. The area is also characterised by gradients and associated views, and the open space of The Devisdale is much valued common land, used extensively today by pedestrians. The area also has high ecological and arboricultural value in particular.'*

23. The site is located within Character Zone C: Southern Residential Area within the Conservation Area Appraisal: July 2016. Paragraph 4.3.62 states:-

*"This character zone consists of the residential area from the south of Character Zone B and to the east of Character Zone D. The zone is dominated by two main streets, Park Road and Green Walk, with smaller roads that are lined by a combination of modern development, modern cul de sac development, several historic properties and modern apartment buildings. The highest proportion of historic properties is along Green Walk; Park Road has some properties of a more modern character".*

24. The qualities of the buildings are considered within paragraph 4.3.63:

*"The properties within this character zone are predominantly residential in use and of a variety of ages, character and styles. There are no commercial premises, but there are examples of care homes. There is a combination of historic and modern properties, both individual residences and apartment buildings... There are more 20th century properties than historic properties within this character zone of the conservation area. There are two developments of greater density: Green Courts is a 1970s development of just under 30 detached homes in small plots built around four cul-de-sacs separated by open grass and trees while Devisdale Grange dates from 1994."*

25. The dominant architectural styles are considered in paragraph 4.3.66:

*"There is no dominant architectural style within this character zone, rather it successfully combines a cross-section of styles, reflecting the different ages of the buildings. The scale and massing of the properties within this zone of the Conservation Area also varies; from three storey Victorian villas to more modest two storey mid to late 20th century properties.*

26. Paragraphs 4.3.68 – 4.3.70 assess the design of later properties:

*"The mid-20th to early 21st century properties in the area again range in scale, massing and design. There are examples of modern developments within the grounds of larger historic properties. In many cases the designs of the modern*

*development are positive and do not have a negative effect on the character of the historic property or the Conservation Area (photograph 74). There are also examples of large stone developments that are heavily influenced by historic architectural styles (photograph 75).*

27. *There are a variety of boundary treatments to the modern properties; these include stone walls with planting above, stone walls with black metal railings, black metal railings, laurel hedges, fir trees, timber panelled fencing and modern brick walls. Some of the properties retain stone gate piers from former properties.*

28. The setting of this application site and the cul de sac as a whole contributes to the mature setting via its low density of housing and the openness provided by properties having no boundaries apart from natural planting. The application property and its direct neighbours are considered to provide a neutral contribution to the character and appearance of the Conservation Area.

### Conservation Area Policy

29. As the application site is situated within the Devisdale Conservation Area the proposal is to be considered against the policies of the adopted Devisdale Conservation Area Appraisal (July 2016) and the Devisdale Conservation Area Management Plan (July 2016) which provides up to date comments and direction relating to how the Council wishes to be considerate of proposed development:

*'2.3.21 Green Courts is a 1970s development on the southern extent of the Devisdale. The 30 detached houses in small plots are built as cul-de-sacs around a central grassed area with mature trees. The architecture makes use of typical mid-20<sup>th</sup> century details such as clean, simple lines, functional details and modern materials i.e. concrete. While the materials and architecture of the housing estate are not necessarily in keeping with its surroundings, the retention of large open spaces and trees is sympathetic. Development, including replacement dwellings and infill additions will be resisted due to the overall harmony of the estate and the contribution it makes to the Conservation Area.'*

*Paragraph 2.10.19 states "Inappropriate development within the Devisdale Conservation Area i.e. that which will have a negative impact on the ability to appreciate its architectural history and special interest, is defined as:*

*The significant loss of gardens or grounds in favour of hardstanding or parking...*

*Side and/or rear extension which will significantly reduce the intervening space between the existing building and plot boundary...*

*The subdivision of an existing plot into multiple plots and infill development will generally not be permitted due to the impact on the spacious character of the Conservation Area and the prevalence of surviving historic plots throughout the Conservation Area...*

*Alteration, rebuilding or new development which is stylistically inappropriate and/or comprises an inappropriate palette of materials.”*

Associated Policies:

**Policy 5**

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

**Policy 6**

*Each proposal for change should be informed by an assessment of the existing building and its wider context in line with the requirements of national guidance. Proposals for change will be assessed on a case-by-case basis.*

**Policy 16**

*Roof lights should not be installed in locations that impact on the aesthetic value of the principal elevation or streetscape and should not be disproportionately large compared to the established fenestration. Conservation roof lights should be installed rather than standard roof lights.*

**Policy 22**

*Proposals for the internal sub-division of larger properties into apartments or town houses will be considered, providing the external appearance of the building and the plot is not adversely affected.*

**Policy 36**

*Existing plots should not be sub-divided into smaller plots to create housing estates. New development should make use of the footprint of existing buildings only, respecting the existing boundary treatments and layout.*

**Policy 50**

*Extension of an existing building should have regard to its established style by echoing the building's established features, form, proportions and materials.*

**Policy 51**

*The scale of any new development should mirror the existing buildings and plot sizes. The Council reserves the right to refuse Applications where any proposed development impedes on the building density of the wider area and/or the characteristics of the Conservation Area.*

### **Policy 53**

*Single storey extensions to the modern 20th century developments within Character Zone A and C may be acceptable, subject to proposed size, scale, design and materials. Two storey extensions to the rear of buildings are unlikely to be permitted due to the impact on appearance of the Conservation Area.*

### Impact on the Heritage Asset

30. Character Zone C of The Devisdale Conservation Area comprises of a substantial proportion of modern 20th and 21st century development, impacting on the street layout of the area, whilst stylistically displaying a combination of styles that reflect Italianate, Classical, Victorian Gothic, and Arts & Crafts architecture. Character Zone C has been subject to a higher level of change than the other Zones within the Devisdale Conservation area and has lost a degree of historic character.
31. Green Courts, in which the proposed development is situated, is an exception to the area. A 1970's development with an open, green character located to the southern extent of The Devisdale, it comprises of 18 detached houses and 16 maisonettes (8 single buildings divided into 2 flats in each building). The character of the immediate area is therefore a mixture of individual dwellings and buildings containing apartments with shared communal areas.
32. The cul-de-sac development itself is defined by unmarked roads that wind between four areas of housing and around a central open space with mature trees. Typical mid-20th century in style, details such as clean, simple lines, functional details and modern materials i.e. concrete are prevalent. While the materials and architecture of the housing estate are not necessarily in keeping with its surroundings, the retention of large open spaces and trees is sympathetic and allows the development to make a neutral contribution to the Conservation Area. The existing streetscene is verdant with a high density of tree planting within plots, with properties that are set back from the main highway running through the estate. The Management Plan therefore states that intensification of the area, including through replacement dwellings and infill additions will be resisted due to the overall harmony of the estate and the contribution it makes to the Conservation Area.
33. The application property is a neutral contributor to the Conservation Area. The proposed extension would be erected in similar materials to the existing building, including brickwork, fenestration and roof tiles as existing and is not considered to be out of proportion or out of keeping with the character of the existing property in design terms. The proposed dormers would not appear incongruous to the property or neighbouring properties within Green Walk which have some variation in their design. Amended plans have been received

in relation to the current proposals, which address the key concerns previously raised by the Heritage Development Officer in terms of the detailed design of the proposal i.e. the rooflights on the front elevation have been omitted, the existing chimney retained and the large first floor window opening on the rear elevation has been amended to revert to the existing smaller opening. It is recognised that the proposal would still include the creation of large patio doors on the rear elevation and the reduction in size of the front door but it is not considered that these elements would cause any harm to the character and appearance of the Conservation Area.

34. The window designs would appear subordinate within the principal elevation, whereas towards the property's rear, the enlarged openings at ground floor level would not be prominent within the wider area. Furthermore, the location of the application property at some distance away from Green Walk and behind mature evergreen screening would mean that the alterations would have limited impact from this primary route and that the verdant appearance of the wider area would be maintained.
35. In terms of spaciousness, the proposed two storey side extension would provide approximately 9m to the eastern boundary at its north eastern corner, reducing to approximately 8.5m towards its rear corner adjacent to the boundary shared with No. 33 Green Courts, with in excess of 25m to the southern boundary with Green Walk, with all boundaries being retained as existing. As such, it is considered that the proposed development would retain sufficient spaciousness to maintain the character and appearance of this part of Green Courts, and the verdant streetscene along Green Walk that has been designated within the Appraisal as being a "Key View".
36. No subdivision of the site is proposed and the applicant has confirmed that they are willing to accept a condition removing permitted development rights for boundary fencing, walls, gates etc. As the proposed units would comprise of apartments, they would also not benefit from householder permitted development rights for extensions, alterations or outbuildings. Whilst two modest timber bin stores are proposed, one of which would be close to the site access, it is considered that these would be acceptable in design terms and would not cause any harm to the character and appearance of the Conservation Area. A cycle store is also shown on the site plan though no details have been submitted but this would be set back to the western side of the building and it is considered that it would not have any detrimental impact, subject to a condition to control the details.
37. The proposed development would not constitute the sub-division of a historic plot and there would be no extension of the hardstanding area other than a small patio area directly to the rear of the extension. Policy 22 of the Management Plan states that proposals for the internal sub-division of larger properties into apartments or town houses will be considered, providing the

external appearance of the building and the plot is not adversely affected. The proposal would not have an unacceptable impact on the building density of the area. It is therefore considered that the development would not be out of keeping with the building density or character of the surrounding Green Courts development and would not harm the spaciousness of the Conservation Area.

38. It is recognised that an application for 2 detached dwellings at 33 and 34 Green Courts (H/60590) was refused in 2005 and subsequently dismissed at appeal on the grounds that the development would have harmed the character and appearance of the Conservation Area. However, that proposal involved the demolition of the existing buildings and the redevelopment of the site with two large detached dwellings with new vehicular accesses directly onto Green Walk and would therefore have had a significantly greater impact on the character of the Green Courts estate and the character and appearance of the Conservation Area.
39. In overall terms, it is considered that the proposed development would cause no harm to the character and appearance of the Conservation Area. The proposal would therefore comply with the heritage policies of the NPPF. In making this assessment, great weight has been given to the desirability of preserving the character and appearance of the Devisdale Conservation Area.
40. It is also recognised that there is a “fallback” position in relation to the extant permission for the two storey extension. The principle of a two storey extension to the dwelling has previously been accepted via the extant permission, 96787/HHA/19. The current application proposes a two storey extension of the same scale and massing as that previously approved and, whilst there would be some alterations to window and door openings, the overall appearance of the building would be similar to the extended single dwelling approved under permission 96787/HHA/19. However, notwithstanding this, Officers consider that the current application proposal (including the extension) would have an acceptable impact on the character and appearance of the Conservation Area in itself in any case, regardless of any “fallback” position.

## DESIGN

41. 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. Paragraph 130 states: 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, taking into account any local design standards or style guides in plans or supplementary planning documents.*

42. At a more local level, 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.*
43. The proposed residential units would be located within the building envelope of the existing building and what has recently been approved within application 96787/HHA/19. The extension would be acceptably set in from the boundary which consists of mature planting and would substantially screen the proposed development from view, particularly from Green Walk towards the south. The development would not result in an overdevelopment of the plot and the proposed alterations and siting of the ancillary bin stores would not cause harm to the visual amenity of the street scene or the character and appearance of the wider Green Courts development.
44. The proposed development would have an acceptable design in terms of its external features, detailing and proportions. The proposed large ground floor window openings within the rear elevation would be within a secondary elevation and substantially screened by mature planting within the curtilage of the application site and the alterations to the front door would make little impact within the wider street scene. The proposed external materials comprising matching roof tiles, timber windows and timber/aluminium doors would be acceptable, subject to a condition requiring the submission of details. The proposed hard and soft landscaping areas are acceptable with reference to the surrounding context. It is recommended that a condition should be attached withdrawing permitted development rights for gates, walls and fences to ensure no sub-division of the curtilage.
45. It is therefore considered that the development would be acceptably designed with reference to Core Strategy Policy L7, PG1 New Residential Development and the NPPF.

## **IMPACT ON RESIDENTIAL AMENITY**

46. 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.
47. New Residential Development PG1 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

48. The new residential units would not introduce any significant alterations to the positions of habitable room windows in the front elevation facing neighbouring properties within the cul de sac. The small first floor window within the south eastern elevation facing No.33 Green Courts would serve a landing area and would be obscure glazed. It is recommended that this is conditioned to be retained as such to ensure that no overlooking or loss of privacy would occur to the occupiers of that neighbouring property. The proposed alterations within the rear elevation would not directly face any residential properties and would be substantially screened by mature planting. The sub-division of the building into 3 apartments instead of a single dwellinghouse would also not result in any unacceptable additional overlooking due to the habitable room windows being proposed in similar positions no closer to neighbouring dwellings.

#### Overbearing/Overshadowing

49. The proposed development would be within exactly the same “building envelope” as the extant permission and therefore the size, scale and massing of the proposed development has previously been assessed as being acceptable within its context. The size, scale and massing of the development would not cause harm to the neighbouring property, 33 Green Courts, that is located to the east of the application site as there are no habitable room windows within that property’s western side elevation facing the development. The other properties within the court would not be harmed by the proposed development due to their juxtaposition and separation distance. As such, the additional size, scale and massing of the proposed development would not cause harm to neighbouring occupiers.

#### Occupant Amenity Space

50. The development would provide future occupants with an acceptable level of internal and shared external amenity space.

#### Noise/Disturbance

51. The proposal would not result in the introduction of a driveway or parking area close to neighbouring back gardens and would utilise an existing access and hardstanding area to the existing property’s frontage. It would not result in an unacceptable impact in this regard. The Nuisance consultee has confirmed no objection subject to recommended conditions if planning permission is granted. Whilst these include a condition relating to noise levels from external plant and

equipment, it is considered that this would not be reasonable or necessary in relation to this proposal for residential apartments.

52. The development would not have any unacceptable impact on the residential amenity of the neighbouring residential properties and would provide an acceptable level of amenity for future occupants. Planning permission would be subject to a standard Construction Management Plan condition to protect the amenity of neighbouring properties during construction. As such, it is considered that the proposed development would comply with Core Strategy Policy L7, PG1 New Residential Development and the NPPF.

## **HIGHWAYS, PARKING AND SERVICING**

53. 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.*
54. 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.*
55. 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 two off-road car parking spaces is appropriate for three bedroom dwellings in this location, albeit these are maximum standards.
56. The proposed 3 residential units would share the 2no. existing garage spaces in addition to hardstanding to the frontage that would be able to accommodate a further 3 parking spaces, making 5no. in total. The existing vehicle entrance would be retained. The LHA has confirmed no objection to the proposal, subject to conditions relating to a construction method statement and to cycle parking.
57. 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 SPD3, the New Residential Development PG1 and the NPPF.

## **DEVELOPER CONTRIBUTIONS**

- This proposal is subject to the Community Infrastructure Levy (CIL) and is located in the 'hot zone' for residential development, consequently apartments will be liable to a CIL charge rate of £65 per square metre, in line with Trafford's CIL charging schedule and revised SPD1: Planning Obligations (2014).
- No other planning obligations are required.

## **PLANNING BALANCE AND CONCLUSION**

58. It is considered that the proposed development would not result in any harm to the character and appearance of the Devisdale Conservation Area. As such, the proposed development would comply with the heritage policies of the NPPF. In terms of paragraph 11 d) i), there would therefore be no clear reason for refusal of permission. The proposal therefore needs to be considered in relation to the test in paragraph 11 d) ii).

59. All other detailed matters have been assessed, including design and visual amenity, residential amenity and parking and highway safety impacts. The proposal has been found to be acceptable with, where appropriate, specific mitigation secured by planning condition, and the proposal complies with the development plan and guidance in the NPPF in relation to these matters. In terms of paragraph 11 d) ii), it is considered that there are no adverse impacts that would significantly and demonstrably outweigh the benefits of granting permission. It is therefore recommended that planning permission should be granted, subject to conditions.

## **RECOMMENDATION:**

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

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

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

2. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans: amended elevations, received by the local planning authority on 31st August 2020, bin store elevations and amended site plan, received by the local planning authority on 5<sup>th</sup> August 2020, amended floor plans, received by the local planning authority on 22<sup>nd</sup> May 2020 and Location Plan and Block Plan, received by the local planning authority on 12<sup>th</sup> May 2020.

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

3. No development involving the use of materials to be used in the construction of the external surfaces of the building hereby permitted (including rainwater goods and joinery details of windows and doors) shall take place until details of the materials have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure satisfactory external appearance in the interests of visual amenity, having regard to Policy L7 and R1 of the Trafford Core Strategy and the National Planning Policy Framework.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any equivalent Order following the amendment, re-enactment or revocation thereof) upon first installation, the window in the first floor on the side (south-eastern) elevation facing 33 Green Courts 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 interests of amenity, having regard to Policy L7 of the Trafford Core Strategy and the National Planning Policy Framework.

5. Notwithstanding the provisions of the Schedule to the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any equivalent Order following the amendment, re-enactment or revocation thereof), no gates, walls, fences or other structures shall be erected within the curtilage of the residential units hereby permitted unless planning permission for such development has first been granted by the Local Planning Authority.

Reason: To prevent subdivision of the plot to protect the significance of the Conservation Area, having regard to Policy L7 of the Trafford Core Strategy, the Devisdale Conservation Area Management Plan and the National Planning Policy Framework.

6. The development hereby permitted shall not be occupied unless and until the cycle store shown on the approved plan has been provided in accordance with details (including details of external appearance) that have first been submitted to and approved in writing by the Local Planning Authority. The cycle store shall be retained thereafter.

Reason: In the interests of local visual amenity in accordance with Policy L7 of the Trafford Core Strategy and the National Planning Policy Framework.

7. The development hereby approved shall not be occupied unless and until a scheme for the installation of electric vehicle charging points has been submitted to and approved in writing by the Local Planning Authority. The approved charging points shall be installed and made available for use prior to the occupation of the development and shall be retained thereafter.

Reason: In the interests of promoting sustainable travel, having regard to Policies L4 and L5 of the Trafford Core Strategy and guidance in the National Planning Policy Framework.

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 pre-construction (including demolition) activity;
  - b) Measures to control the emission of dust and dirt during construction and pre-construction (including demolition) and procedures to be adopted in response to complaints of fugitive dust emissions;
  - c) A scheme for recycling/disposing of waste resulting from demolition and construction works;
  - d) Measures to prevent disturbance to adjacent dwellings from noise and vibration, including any piling activity and plant such as generators;
  - e) Information on how asbestos material is to be identified and treated or disposed of in a manner that would not cause undue risk to adjacent receptors;
  - f) The parking of vehicles of site operatives and visitors;
  - g) Loading and unloading of plant and materials;
  - h) Storage of plant and materials used in constructing the development;
  - i) The erection and maintenance of security hoardings including decorative displays and facilities for public viewing, where appropriate;
  - j) Wheel washing facilities and any other relevant measures for keeping the highway clean during demolition and construction works;
  - k) Contact details of the site manager to be advertised at the site in case of issues arising.

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

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

Reason: To ensure that appropriate details are 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

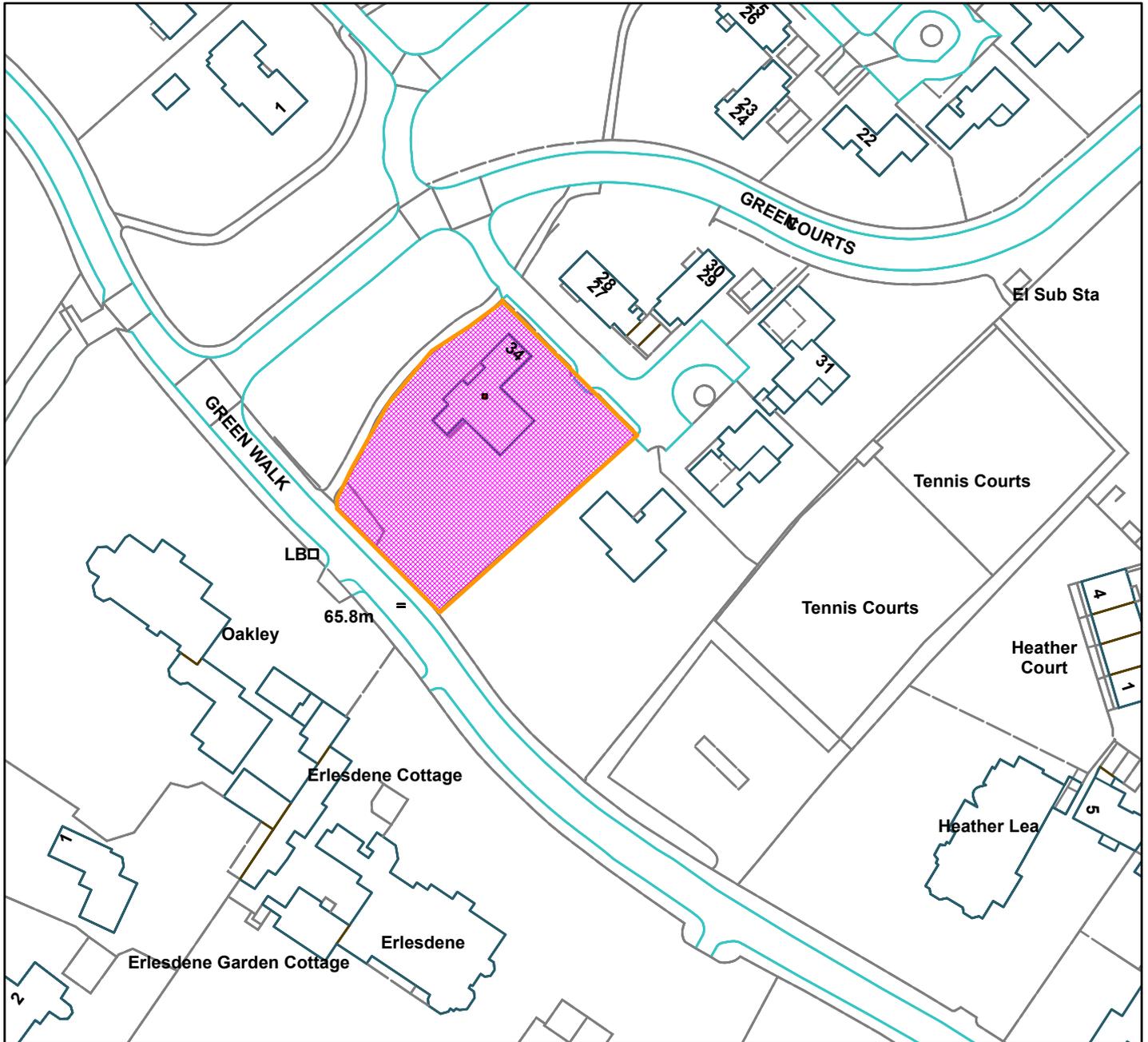
taking place on site as any works undertaken beforehand, including preliminary works, could result in adverse residential amenity and highway impacts.

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GD



34 Green Courts, Green Walk, Bowdon (site hatched on plan)



**Scale:** 1:1,250

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Organisation	Trafford Council
Department	Planning Service
Comments	Committee date 10/09/2020
Date	26/08/2020
MSA Number	100023172 (2012)

**WARD:** Longford

**100961/VAR/20**

**DEPARTURE: No**

**Application for variation of condition 5 on planning permission 97477/FUL/19 (Erection of a single storey extension, reconfiguration of car parking and ancillary works.). For proposed new surface water run-off rates and attenuation storage.**

Stretford Grammar School, Granby Road, Stretford, M32 8JB

**APPLICANT:** Stretford Grammar School

**AGENT:** Ellis Williams Architects

**RECOMMENDATION: GRANT**

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**The application has been reported to the Planning and Development Management Committee due to the fact that the school is Council funded and objections have been received.**

### **SITE**

The site relates to a school situated to the south of Edge Lane in Stretford. Vehicular access is via Granby Road to the west of the site with space for 65no vehicles being provided within the school car park. The site falls entirely within the defined Green Belt whilst the southern part of the site is within Flood Zones 2 and 3. The remainder of the site lies within Flood Zone 1. The school building itself and the car park are situated within the northern part of the site, whilst the southern part is largely comprised of grass playing fields and hard-surfaced playing facilities.

Land to the west, north and north-east is largely within residential use whilst adjoining land to the south comprises Turn Moss Playing Fields, a substantial grassed sporting facility with access available for the general public.

It is understood that the school currently has 860 pupils on roll within Years 7-11 and the sixth form.

Planning permission was granted under application 97477/FUL/19 for the erection of a single storey extension to the north of the main school building with a gross floor area of 860sqm. Condition 5 of this permission stated:

*Flood Risk Assessment (FRA)/Drainage Strategy (2nd June 2019 / 11627 Rev. 02 / Marston & Grundy LLP) and the following mitigation measures detailed within the FRA:*

*Limiting the surface water run-off generated by the 1 in 100 + 40% CC critical storm so that it will not exceed 12.9 l/s and not increase the risk of flooding off-site. Provision of 85m<sup>3</sup> attenuation flood storage on the site.*

*Reason: To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site and by ensuring that storage of flood water is provided, having regard to Policies L4, L5 and L7 of the Trafford Core Strategy and the National Planning Policy Framework.*

The proposal is to alter this condition for proposed new surface water run-off rates and attenuation storage.

The supporting statement submitted by the applicant explains that the approved Flood Risk Assessment and Drainage Strategy Document by Marston & Grundy LLP Consulting Engineers was produced for a superseded site plan. The supplementary drainage statement submitted with the current application has recalculated the figures from the Flood Risk Assessment and Drainage Strategy Document based on the current site plan.

This has found that the surface water run-off generated by the 1 in 100 + 40% CC critical storm should be limited so that it will not exceed 18.9 l/s and not increase the risk of flooding off-site. The applicant states that this would mean there should be a provision of 132m<sup>3</sup> attenuation flood storage on the site, as opposed to the 85 m<sup>3</sup> shown on the previously approved drainage plans.

## **DEVELOPMENT PLAN**

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

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

## **PRINCIPAL RELEVANT CORE STRATEGY POLICIES**

L4– Sustainable Transport and Accessibility

L5– Climate Change

L7 – Design

R2 – Natural Environment

R3 – Green Infrastructure  
R4 – Green Belt, Countryside and Other Protected Open Land  
R5 – Open Space, Sport and Recreation

## **SUPPLEMENTARY PLANNING DOCUMENTS**

SPD3 – Parking Standards & Design

## **PROPOSALS MAP NOTATION**

Green Belt  
Area of Landscape Protection  
Critical Drainage Area  
Glaciofluvial Deposit Mineral Safeguarding Area

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

ENV17 – Areas of Landscape Protection  
C4 – Green Belt

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

The MHCLG published the National Planning Policy Framework (NPPF) in 19<sup>th</sup> February 2019. The NPPF will be referred to as appropriate in the report.

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

MHCLG published the National Planning Practice Guidance on 6<sup>th</sup> March 2014, and was updated on 1<sup>st</sup> October 2019. The NPPG will be referred to as appropriate in the report.

## **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, and a further period of consultation on the revised draft ended on 18 March 2019. A Draft Plan will be published for consultation in autumn 2020 before it is submitted to the Secretary of State for independent examination. 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.

## **RELEVANT PLANNING HISTORY**

97477/FUL/19: Erection of a single storey extension, reconfiguration of car parking and ancillary works – Approved with conditions 09/08/2019

H/LPA/64236: Single storey extension to form staff workplace – Approved with conditions 19/06/2006.

H/57172: Erection of single storey extensions to enlarge staff room – Approved with conditions 01/09/2003.

H/LPA/53233: Erection of single storey extension to dining room – Approved with conditions 28/03/2002.

H/LPA/50968: Erection of single storey building to be used as laboratories and alteration to car parking – Approved with conditions 29/03/2001.

H/LPA/49645: Erection of single storey demountable classroom unit – Approved with conditions 01/08/2000.

## **APPLICANT'S SUBMISSION**

The applicant has submitted the following information in support of the application:

- Supplementary Drainage Statement

## **CONSULTATIONS**

United Utilities – No objection subject to consultation of LLFA

LLFA – No objection to the proposed changes, subject to new condition wording:

*The development hereby approved shall be carried out fully in accordance with the approved Flood Risk Assessment (FRA)/Drainage Strategy (2nd June 2019 / 11627 Rev. 02 / Marston & Grundy LLP) and supplementary drainage statement (May 2020 / Ref: J6842 / Bell Munro Consulting Ltd) which includes the following mitigation measures:*

- *Limiting the surface water run-off generated by the 1 in 100 + 40% CC critical storm so that it will not exceed 18.9 l/s and not increase the risk of flooding off-site.*
- *Provision of 132m<sup>3</sup> attenuation flood storage on the site.*

*Reason: To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site and by ensuring that storage of flood water is provided, having regard to Policies L4, L5 and L7 of the Trafford Core Strategy and the National Planning Policy Framework.*

## **REPRESENTATIONS**

Representations have been received from 4 different addresses (3 Wansbeck Close, 4 Walwyn Close, 34 Granby Road and 12 Wansbeck Lodge) on the following grounds:

- Insufficient information has been submitted to show the type and location of attenuation storage
- Concerns over visual impact, noise and smell of the proposed works
- Concerns about the impact that more students would have on road congestion and emergency access
- Concerned about construction work causing congestion on roads
- Concerned about construction noise and disturbance

## **OBSERVATIONS**

### PRINCIPLE OF DEVELOPMENT

- 1 The principle of the extension development has already been approved under application 97477/FUL/19. With a section 73 application, regard should be had to any material changes to the site or the surrounding area and any changes to planning policy since the original application was considered. In this case it is not considered that there have been any material changes to any of these issues. The alterations proposed by the current application are to drainage and attenuation only and are proposed to ensure that drainage and flood mitigation on site is sufficient and in line with the relevant standards and NPPF requirements. This variation of condition proposal should be assessed in terms of the impacts of the proposed changes to the drainage and attenuation only, together with any related impacts these changes may have on other matters such as design and appearance, impact on amenity, impact on the highway and impact on flooding. It would not be appropriate to re-visit other issues raised at the time the original application was considered. Permission granted under section 73 takes effect as a new, independent permission to carry out the same development as previously permitted subject to new or amended conditions. The new permission sits alongside the original permission, which remains intact and unamended. It is open to the applicant to decide whether to implement the new permission or the one originally granted. For clarity, decision notices for the grant of planning permissions under section 73 should set out all the conditions imposed on the new permission, and restate the conditions imposed on earlier permissions that continue to have effect.

## DESIGN, APPEARANCE AND CHARACTER OF THE AREA

- 2 The proposed changes to drainage and on site flood attenuation capacity would not result in any external changes which would impact the appearance of the site or streetscene. As such the proposal would remain acceptable in terms of its appearance and impact on the character of the area in accordance with Policy L7 of the Core Strategy.

## RESIDENTIAL AMENITY

- 3 Policy L7 of the Trafford Core Strategy states that “In relation to matters of amenity protection, development must: Be compatible with the surrounding area; and not prejudice the amenity of the future occupiers of the development and / or occupants of adjacent properties by reason of overbearing, overshadowing, overlooking, visual intrusion, noise and / or disturbance, odour or in any other way”.
- 4 The proposed changes to the drainage and attenuation storage would ensure the site has sufficient flood mitigation measures in line with NPPF policy. It is considered therefore that the proposal would result in no additional impact on residential amenity over and above that which was already assessed and considered acceptable under permission 97477/FUL/19.

## HIGHWAY MATTERS

- 5 The proposed drainage alterations would result in no impact on the parking / access on site, as approved under application 97477/FUL/19. The plans show it is intended to move the cellular storage tank from the grassed area along Walwyn Close, further into the site, away from the grassed area and trees, on to the car park to the immediate west of the proposed extension. The tank would be set at ground level and the applicant confirms this will not interfere with the use of the car park / spaces. The proposal therefore would therefore have no additional impact on highway safety or parking over and above that which was already assessed and considered acceptable under permission 97477/FUL/19. The application is deemed to remain in accordance with the NPPF and Policy L4 of the Trafford Core Strategy in respect of highway matters.

## TREES AND LANDSCAPING

- 6 The decision notice for application 97477/FUL/19 had various tree protection and landscaping conditions attached. Condition 10 of 97477/FUL/19 requires:

*10 (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. These details shall include the formation of any banks, terraces or other earthworks, hard*

*surfaced areas and materials (including areas of the site designated for car parking), 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 shall be replaced within the next planting season by trees or shrubs of similar size and species to those originally required to be planted.*

- 7 While a landscaping plan has been submitted alongside other documents with the current application, landscaping works are not covered in the application description, as the application is to vary condition 5 only. Therefore the landscaping plan has not been assessed and is not to be considered or approved under the current application. It is considered however, that the alterations proposed to drainage and water attenuation would not impede the implementation of a suitable landscaping scheme and would therefore have no detrimental impact on trees or landscaping on site. The tree protection and landscaping conditions on application 97477/FUL/19 will still need to be discharged and / or complied with.

## FLOODING AND DRAINAGE

- 8 Policy L5 of the Trafford Core Strategy states that “the Council will seek to control development in areas at risk of flooding, having regard to the vulnerability of the proposed use and the level of risk in the specific location”. At the national level, NPPF paragraph 163 has similar aims, seeking to ensure that development is safe from flooding without increasing flood risk elsewhere. Policy L5 is considered to be up to date in this regard and so full weight can be attached to it.
- 9 The applicant submitted a Flood Risk Assessment and Outline Drainage Strategy to accompany the original application. A supporting statement expanding on the original FRA and revised drainage plan have been submitted with the current application which once again has been reviewed by the Lead Local Flood Authority. The LLFA advises that the submitted information is acceptable and no objections are raised, subject to the attachment of the following revised condition:

*The development hereby approved shall be carried out fully in accordance with the approved Flood Risk Assessment (FRA)/Drainage Strategy (2nd June 2019 / 11627 Rev. 02 / Marston & Grundy LLP) and supplementary drainage statement (May 2020 / Ref: J6842 / Bell Munro Consulting Ltd) which includes the following mitigation measures:*

- *Limiting the surface water run-off generated by the 1 in 100 + 40% CC critical storm so that it will not exceed 18.9 l/s and not increase the risk of flooding off-site.*
- *Provision of 132m<sup>3</sup> attenuation flood storage on the site.*

10 United Utilities has also provided comments on the application and has no objection subject to consultation of the LLFA.

11 Subject to the wording of condition 5 being in line with the recommendations of the LLFA, the proposed development is considered to be acceptable in this respect.

## PLANNING BALANCE AND CONCLUSION

12 For the reasons outlined above, the proposed alterations to drainage and flood attenuation in connection with the already approved development are considered acceptable in principle and in terms of their impact on visual and residential amenity, highways, landscape and flooding and drainage. In accordance with the relevant core strategy policies and the NPPF the application is therefore recommended for approval.

### **RECOMMENDATION: GRANT** subject to the following conditions:

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

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

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

2502_LG(9-)02 (Rev P0)	External Works Proposal
2502_LG(9-)03 (Rev P0)	Tree Protection Plan
2502_AG(9-)A01 (Rev P0)	Proposed Site Plan
2502_AG(04)A01 (Rev P0)	Proposed Ground Floor Plan
2502_AG(04)A02 (Rev P0)	Proposed Ground Floor Plan
2502_AG(04)A02 (Rev P0)	Proposed Roof Plan
2502_AG(05)A01 (Rev P0)	Proposed Elevations
2502_AG(05)A02 (Rev P0)	Proposed Site Elevations
2502_AG(06)A01 (Rev P0)	Proposed Site Sections

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

3 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- (i) the parking of vehicles of site operatives and visitors
- (ii) the loading and unloading of plant and materials
- (iii) the storage of plant and materials used in constructing the development
- (iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- (v) wheel washing facilities, including measures for keeping the highway clean
- (vi) measures to control the emission of dust and dirt during construction
- (vii) measures to prevent disturbance to adjacent dwellings from noise and vibration
- (viii) a scheme for recycling/disposing of waste resulting from demolition and construction works

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.

4 Demolition and construction work shall be limited to the following hours:

08.00 - 18.00 Monday to Friday 09.00 - 13.00 Saturday

No demolition or construction work shall take place on Sundays, Bank Holidays or public holidays.

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

5. The development hereby approved shall be carried out fully in accordance with the approved Flood Risk Assessment (FRA)/Drainage Strategy (2nd June 2019 / 11627 Rev. 02 / Marston & Grundy LLP) and supplementary drainage statement (May 2020 / Ref: J6842 / Bell Munro Consulting Ltd) which includes the following mitigation measures:

- Limiting the surface water run-off generated by the 1 in 100 + 40% CC critical storm so that it will not exceed 18.9 l/s and not increase the risk of flooding off-site.
- Provision of 132m<sup>3</sup> attenuation flood storage on the site.

Reason: To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site and by ensuring that storage of flood water is provided, having regard to Policies L4, L5 and L7 of the Trafford Core Strategy and the National Planning Policy Framework.

6 Foul and surface water shall be drained on separate systems.

Reason: To secure proper drainage and to manage the risk of flooding and pollution, having regard to Policies L4, L5 and 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, as shown on drawing ref. 2502\_LG(9)03 (Rev P0), have been enclosed with temporary protective fencing in accordance with BS:5837:2012 'Trees in relation to design, demolition and construction. Recommendations'. The fencing shall be retained throughout the period of construction and no activity prohibited by BS:5837:2012 shall take place within such protective fencing during the construction period.

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

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

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

9 Notwithstanding any description of materials in the application, no above-ground construction works shall take place until samples and full specifications of materials to be used externally on all buildings hereby approved 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. 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.

10 (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. These details shall include the formation of any banks, terraces or other earthworks, hard surfaced areas and materials (including areas of the site designated for car parking), 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 shall be replaced within the next planting season by trees or shrubs of similar size and species to those originally required to be planted.

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

11 The development hereby approved shall not be brought into use unless and until the means of access and the areas for the movement, loading, unloading and parking of vehicles and bicycles have been provided, constructed and surfaced in complete accordance with the submitted plans. These areas shall thereafter be retained and not be put to any other use than their intended purpose.

Reason: To ensure that satisfactory provision is made within the site for the accommodation of vehicles attracted to or generated by the proposed development, having regard to Policies L4 and L7 of the Trafford Core Strategy and the National Planning Policy Framework.

12 The development hereby approved shall not be brought into use unless and until a scheme for the installation of electric vehicle charging points within the car park has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the location and appearance of the charging points. The scheme shall be implemented prior to the first use of the development and retained thereafter.

Reason: In the interests of promoting sustainable travel having regard to Policies L4 and L5 of the Trafford Core Strategy and the National Planning Policy Framework.

13 The development hereby approved shall not be brought into use unless and until a Car Park Management and Servicing Strategy has been submitted to and approved in writing by the Local Planning Authority. The submitted strategy shall include details of how refuse and recycling servicing will be managed to avoid conflict with parked vehicles. The approved strategy shall be implemented at all times thereafter.

Reason: To ensure that satisfactory provision is made within the site for the accommodation of refuse and recycling vehicles associated the proposed development, having regard to Policies L4 and L7 of the Trafford Core Strategy and the National Planning Policy Framework.

14 The development hereby approved shall be brought into use unless and until a scheme for secure cycle storage for at least 4no additional bicycles has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented before the development is brought into use and shall be retained at all times thereafter.

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

15 The development hereby approved shall not be brought into use unless and until a Full Travel Plan, which should include measurable targets for reducing car travel to and from the site, has been submitted to and approved in writing by the Local Planning Authority. On or before the first use of the development hereby permitted, the Travel Plan shall be implemented and thereafter shall continue to be implemented throughout a period of 10 (ten) years commencing on the date of first occupation.

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

16 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".

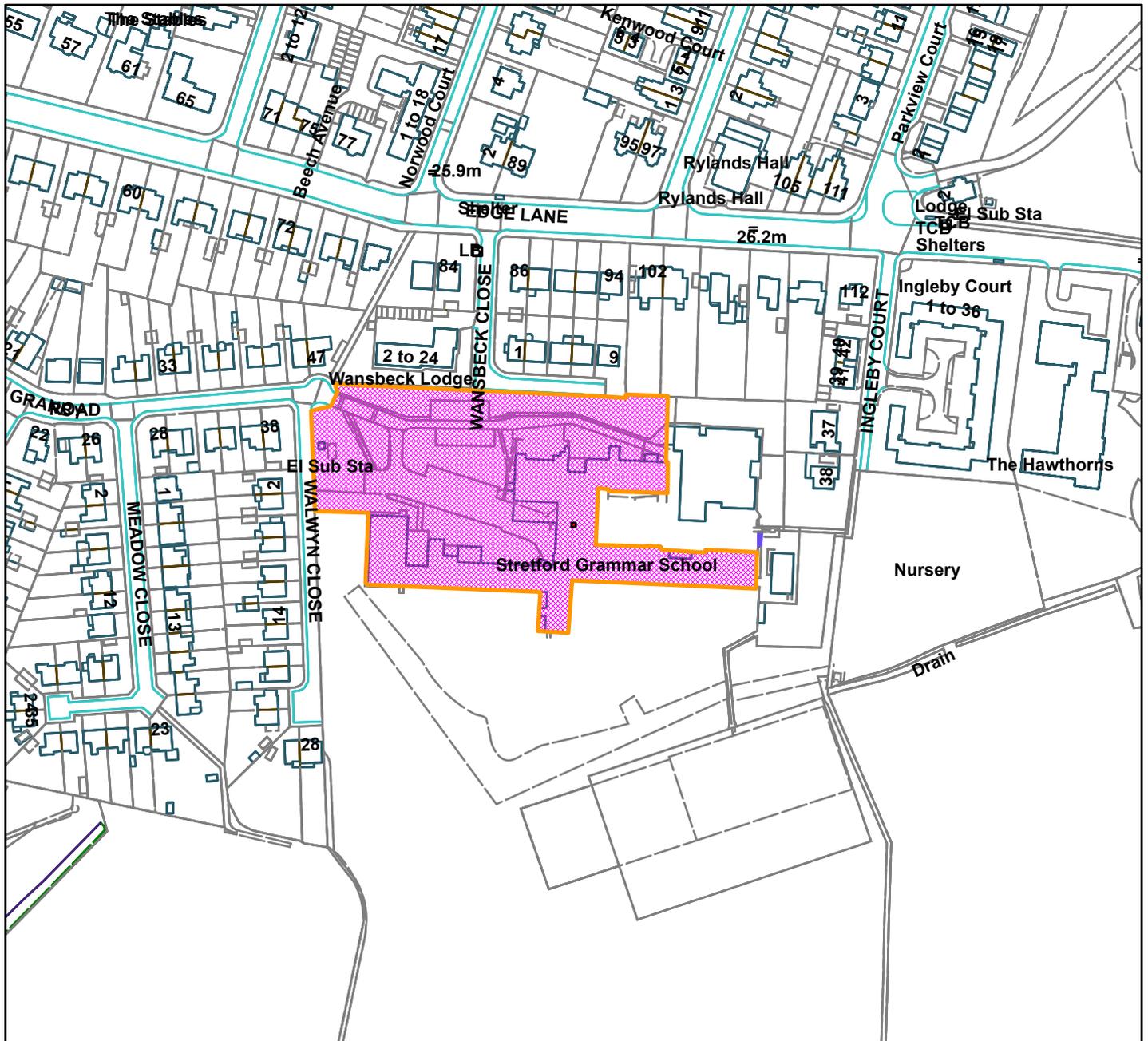
Reason: To minimise disturbance and nuisance to occupiers of nearby properties, having regard to Policy L7 of the Trafford Core Strategy and the National Planning Policy Framework.

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JS



Stretford Grammar School, Granby Road, Stretford (site hatched on plan)



**Scale:** 1:2,500

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Organisation	Trafford Council
Department	Planning Service
Comments	Committee date 10/09/2020
Date	26/08/2020
MSA Number	100023172 (2012)

**WARD:** Village

**101160/VAR/20**

**DEPARTURE: No**

**Application for variation of condition 2 on planning permission 93797/FUL/18 (Erection of a single storey extension to the east facing elevation to form a sports hall) to vary the approved plans**

Broomwood Community Wellbeing Centre, 105 Mainwood Road, Timperley, WA15 7JU

**APPLICANT:** Timperley Community Boxing Club

**AGENT:** Dickinson Waugh Architecture Ltd

**RECOMMENDATION: GRANT**

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**The application has been reported to the Planning and Development Management Committee due to the fact that the building is Council owned and objections have been received.**

### **SITE**

Broomwood Community Wellbeing Centre and its associated facilities are located on a large corner site bounded by Mainwood Road and Greystoke Avenue, Timperley. The building is single storey in nature comprising brick elevations and a corrugated roof.

The building has a parking area to the west of the main building, served by a vehicular access off Mainwood Road and a playground and hard surfaced enclosed sports areas to the north and north west of the main building.

The proposed extension relates to the south east corner of the site, currently comprising a grassed area between the building and the pavement. There is a container currently located within this site. The area is enclosed by approximately 1m tall metal railings.

The site is located within a predominantly residential area, with two storey brick residential properties to the south and west along Mainwood Road, and to the east on the opposite side of Greystoke Avenue, which is largely screened by planting.

### **PROPOSAL**

Planning permission is sought for variations to the plans approved under application ref: 93797/FUL/18.

The 2018 approval was for the erection of a single storey extension to the east facing elevation to form a sports hall with a total floorspace 244 m<sup>2</sup>. The proposed extension is

to be erected in connection with the existing Timperley Community Boxing Club (TCBC), established within the BCWC in 2012. The approved extension comprises:

- 16' boxing ring,
- Floor space for boxing training and the floor space could be divided to be used for dance, yoga etc.
- Viewing areas for public and parents,
- Weight and fitness training, and;
- Dedicated toilets and changing facilities etc.

The current application seeks to make minor alterations to the approved plans comprising:

- Relocation of the service door on the north (rear) elevation of the proposed extension to the east elevation (side). This would also remove the need to create an extension to the existing access ramp on the north side of the building as the relocated doors on the east side would have level access. The two high level windows shown on the north elevation of the plans approved under 93797/FUL/18 would be moved slightly to space them out more evenly.
- Minor alterations to the internal layout of the changing rooms and WCs at the south end of the extension. This alteration would also involve the removal of 6 small high-level window lights, 3 from the south elevation and 3 from the east elevation of the extension.

The cycle hut shown on the original plans was proposed to act as storage for cycle parts / repair equipment for the cycle club that use the centre (as opposed to cycle storage for visitors). Following security concerns about the container being used to access the roof of the centre, this structure has been removed from the revised submitted plans. The cycle club currently uses the storage container on site for storage of their parts and equipment and this is to be relocated under application ref: 101294/FUL/20 and will remain adequate for the cycle club's needs.

The LHA did not require any additional cycle parking to be provided as part of the extension permission.

Another application has been submitted alongside this one (ref. 101294/FUL/20) to relocate the existing storage container and recycling facilities to the other side of the site to make way for the proposed extension.

## **DEVELOPMENT PLAN**

### **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 Greater Manchester Joint Waste Plan, adopted 1<sup>st</sup> April 2012** now forms part of the Development Plan in Trafford and will be used alongside district-specific planning documents for the purpose of determining planning applications.
- **The Greater Manchester Joint Minerals Plan, adopted 26<sup>th</sup> April 2013** now forms part of the Development Plan in Trafford and will be used alongside district-specific planning documents for the purpose of determining planning applications.

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

L4 - Sustainable Transport and Accessibility

L5 – Climate Change

L7 – Design

L8 – Planning Obligations

R3 - Green Infrastructure

R5 – Open Space, Sport and Recreation

### **PROPOSALS MAP NOTATION**

Critical Drainage Area

OSR5 – Protected Open Space

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

OSR5 – Protected Open Space

ENV15/16 – Community Forest/Tree Planting

### **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, and a further period of consultation on the revised draft ended on 18 March 2019. A Draft Plan will be published for consultation in autumn 2020 before it is submitted to the Secretary of State for independent examination. 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 DCLG published the National Planning Policy Framework (NPPF) in 19 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 this document is regularly updated. The NPPG will be referred to as appropriate in the report.

## **RELEVANT PLANNING HISTORY**

101294/FUL/20	Broomwood Community Wellbeing Centre	Erection of a storage container and relocation of the recycling compound.	Pending Consideration
95744/CND/18	Broomwood Community Wellbeing Centre	Application for approval of details reserved by conditions of grant of planning permission 93797/FUL/18. Condition numbers: 6 (acoustic assessment), 8 (Env Management Plan) , 9 (landscaping), 10 (drainage details) and 11 (SUDS).	Application Withdrawn 1 March 2019
93797/FUL/18	Broomwood Community Wellbeing Centre	Erection of a single storey extension to the east facing elevation to form a sports hall.	Approved with Conditions 14 June 2018
86942/FUL/15	Broomwood Community Wellbeing Centre	Retrospective application for the installation of no.1 storage container.	Approved with Conditions 25 January 2016
H/LPA/59372	Altrincham Youth Centre, Mainwood Road, Timperley	Erection of single storey extension to front, access ramps to front and rear and other external alterations.	Approved with Conditions 3 June 2004
H/LPA/55661	Altrincham Youth Centre, Mainwood Road, Timperley	Replacement roof and alterations to fenestration.	Approved with Conditions 26 February 2003
H/52407	Youth Centre, Mainwood Road, Timperley.	Refurbishment of existing youth centre site including retention of existing building, the provision of 2, 5-a-side all weather football pitches including 6, 15.0m high floodlighting columns, a basketball shooting area, a childrens play area and car park of 24 spaces with new vehicular access from Mainwood Road. Provision of landscaping and new footpath between Mainwood Road and Keswick Road.	Approved with Conditions 17 January 2003

## **APPLICANT'S SUBMISSION**

N/A

## **CONSULTATIONS**

**Sport England – No objection**

## **REPRESENTATIONS**

Representations have been received from three addresses:

Letters from 41 Keswick Road and 118 Mainwood Road highlight concerns about parking, noting that at certain times the car park has insufficient capacity for users of the centre, who then park on the surrounding streets. The residents are concerned about this on street parking presenting a safety issue and state that if more people are to be using the centre / if it is to be extended these parking issues need to be addressed.

The letter from 126 Mainwood Road highlights concerns that the refuse store which would be moved as a result of the proposed extension is made secure / does not allow access to the roof of the main building. The comment also mentioned a new cycle store at the rear of the building, although there is no cycle store shown on the proposed plans. The resident also has concerns about additional visitors to the building reducing parking capacity in the area / impeding resident access and access for buses etc.

## **OBSERVATIONS**

### **PRINCIPLE OF DEVELOPMENT**

- 1 The principle of the original development has already been established under approval ref: 93797/FUL/18. With a section 73 application, regard should be had to any material changes to the site or the surrounding area and any changes to planning policy since the original application was considered. In this case it is not considered that there have been any material changes to any of these issues.
- 2 The proposed changes comprise minor alterations to the appearance of the building, as described above. Although the stand alone cycle hut to the rear is to be removed as explained above, cycle part storage can be adequately provided for in the new storage container proposed under application plans 101294/FUL/20. The floorspace and nature / intensity of the use of the development already approved would not be increased by the changes proposed by the current application. It would not be appropriate to re-visit other issues raised at the time the original application was considered. Permission granted under section 73 takes effect as a new, independent permission to carry out the same development as previously permitted subject to new or amended

conditions. The new permission sits alongside the original permission, which remains intact and unamended. It is open to the applicant to decide whether to implement the new permission or the one originally granted. For clarity, decision notices for the grant of planning permissions under section 73 should set out all the conditions imposed on the new permission, and restate the conditions imposed on earlier permissions that continue to have effect. As such, the principle of the proposed alterations are acceptable.

- 3 Notwithstanding this the development must also be compliant with policy L7 of the Core Strategy, concerning matters of securing development that is appropriate in terms of design and impact on amenity.

## DESIGN STANDARDS

- 4 Policy L7 of the Trafford Core Strategy states that:-  
In relation to matters of design, development must:
  - Be appropriate in its context;
  - Make best use of opportunities to improve the character and quality of an area;
  - Enhance the street scene or character of the area by appropriately addressing scale, density, height, massing, layout, elevation treatment, materials, hard and soft landscaping works, boundary treatment.
- 5 The proposal would result in minor changes to the exterior of the proposed extension as described in the 'Proposal' section above. It is considered that the removal of the six small high-level windows to the south east corner of the extension and the relocation of the door from the north to the east elevation would result in no detrimental impact on the appearance of the building or on the wider streetscene.
- 6 As such the proposed changes to the approved scheme are acceptable in line with policy L7.

## IMPACT ON RESIDENTIAL AMENITY

- 7 Policy L7 states that 'In relation to matters of amenity protection, development:
  - 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.'
- 8 The proposed alterations would not result in any additional impact on neighbour amenity and therefore remains acceptable in line with Policy L7.

## HIGHWAY AND PARKING MATTERS

- 9 The access and parking arrangements approved under application 93797/FUL/18 are to remain unchanged and it is considered that there is adequate cycle and car parking provision within the existing car park.

## OTHER MATTERS

- 10 It is recognised that three neighbours have highlighted concerns about parking in the area, however the proposed physical alterations which form this application would not trigger any change or increase in users, or intensity of use of the site, or result in the need for additional parking, over and above that which was assessed under the existing approved scheme.

## PLANNING BALANCE AND CONCLUSION

- 11 The proposed alterations to the plans and elevations comprise minor physical changes which would have no impact on the acceptability of the approved development in principle and are considered acceptable in terms of their design and impact on residential amenity and impact on parking and highway safety. It is therefore recommended that the application is approved.

## **RECOMMENDATION: GRANT subject to the following conditions**

- 1 The development must be begun not later than three years from 14<sup>th</sup> June 2018.  
  
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:  
2504-PLV10 Proposed elevations submitted 30th June 2020  
2504-PLV7 Proposed ground floor plan - submitted 30th June 2020  
2504-PLV4 Proposed site plan – submitted 30th June 2020  
  
Reason: To clarify the permission, having regard to Policy L7 of the Trafford Core Strategy and the National Planning Policy Framework.
- 3 The materials used in any exterior work must be of a similar appearance to those used in the construction of the exterior of the existing building.  
  
Reason: In order to ensure a satisfactory appearance in the interests of visual amenity having regard to Policy L7 of the Trafford Core Strategy and the requirements of the National Planning Policy Framework.

- 4 The premises shall only be open to the public between the hours of:  
0800-2130 hours (Monday- Friday)  
0900-1400 (Saturday) and  
1000-1300 (Sunday and Bank Holidays)  
and not at any time outside of these hours.

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

- 5 Deliveries and waste collections to and from the development hereby approved shall not take place between the hours of 2100hrs -0800hrs on Sunday to Friday and 2100-1000hrs on Saturdays and no deliveries/collections shall take place on Sundays/Bank Holidays.

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

- 6 No above ground development shall take place unless and until an acoustic assessment to assess the impact of the proposed development on neighbouring sensitive premises, which details the levels of internal noise likely to be generated from the proposed use of the site, has been submitted and approved in writing by the Local Planning Authority. The submitted noise assessment shall identify and determine any appropriate noise mitigation measures (such as soundproofing) required to protect the amenity of nearby noise sensitive properties. Any noise mitigation measures identified by the assessment shall be implemented prior to the first use of the extension hereby permitted and shall be retained thereafter.

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

- 7 The rating level (LAeq,T) from any 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: To safeguard the amenities of neighbouring residents, having regard to Policies L7 and L5 of the Trafford Core Strategy.

- 8 Prior to the commencement of the development, an Environmental Construction Management Plan shall be submitted to and approved in writing by the Local

Planning Authority. Details shall include measures proposed during the construction works. The following matters shall be addressed:

- (i) hours of construction/refurbishment activity
- (ii) the parking of vehicles of site operatives and visitors (all within the site),
- (iii) loading and unloading of plant and materials (all within the site), times of access/egress (arriving early/not parking within the site)
- (iv) storage of plant and materials
- (v) the erection and maintenance of security hoardings
- (vi) wheel washing facilities
- (vii) measures to control the emission of dust and dirt during refurbishment and procedures to be adopted in response to complaints of fugitive dust emissions
- (viii) a scheme for recycling/disposing of waste resulting from refurbishment and construction works
- (ix) measures to prevent disturbance to adjacent dwellings from noise and vibration.

The development shall be implemented in accordance with the approved Environmental Construction Management Plan.

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.

- 8 a) Notwithstanding the details shown on the approved plans, the extension hereby permitted shall not be brought into use until full details of both hard and soft landscaping works, have been submitted to and approved in writing by the Local Planning Authority. The details shall include the formation of any banks, terraces or other earthworks, hard surfaced areas and materials, planting plans, specifications and schedules (including planting size, species and numbers/densities), existing plants / trees to be retained and a scheme for the timing / phasing of implementation works.
- (b) The landscaping works shall be carried out in accordance with the approved scheme for timing / phasing of implementation or within the next planting season following first use of the extension hereby permitted, whichever is the sooner.
- (c) Any trees or shrubs planted or retained in accordance with this condition which are removed, uprooted, destroyed, die or become severely damaged or become seriously diseased within 5 years of planting shall be replaced within the next planting season by trees or shrubs of similar size and species to those originally required to be planted.

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

- 9 No development shall take place unless and until full details of works to limit the proposed peak discharge rate of storm water from the development to meet the requirements of the Council's level 2 Hybrid Strategic Flood Risk Assessment (SFRA) have been submitted to and approved in writing by the Local Planning Authority. The development shall not be brought into use until such works as approved are implemented in full and they shall be retained and maintained to a standard capable of limiting the peak discharge rate as set out in the SFRA thereafter.

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

- 10 No development shall take place unless and until full details of the Sustainable Drainage Scheme, which shall include a maintenance and management plan for the site, have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented during the course of the development, and thereafter managed and maintained in accordance with the approved details.

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

- 11 Prior to the implementation of the use hereby approved, details of any ventilation/extraction system serving the cooking and / or food preparation areas (for the type of food to be prepared at the premises) shall be submitted to and approved in writing by the Local Planning Authority. The system shall be designed and installed such that there will be no odour or noise nuisance to sensitive premise. The approved system shall be installed prior to the use taking place and shall be used at all times when the premises are used for cooking or preparing foods. The system shall be maintained and serviced in accordance with manufacturer's recommendations.

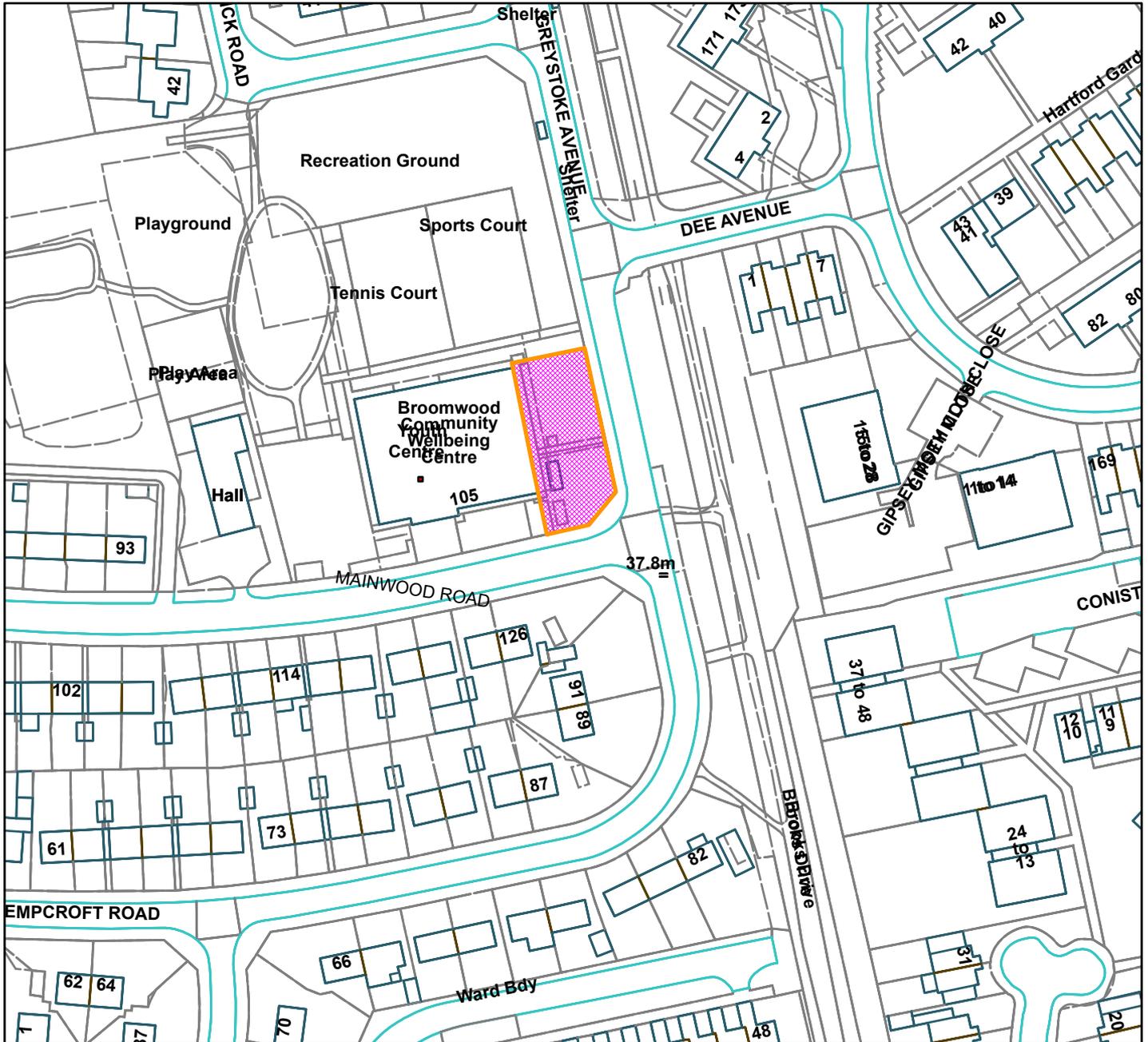
Reason: In order to ensure the efficient dispersal of cooking odours from the premises in the interests of the amenity of future occupants and neighbouring occupiers and to ensure that any ventilation flues/ducting can be accommodated without detriment to the character and appearance of the host building and the surrounding area in accordance with Policies L5 and L7 of the Trafford Core Strategy and the National Planning Policy Framework.

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JS



Broomwood Community Wellbeing Centre, 105 Mainwood Road, timperley (site hatched on plan)



**Scale:** 1:1,250

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Department	Planning Service
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