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TRAFFORD
COUNCIL

AGENDA PAPERS FOR PLANNING AND DEVELOPMENT MANAGEMENT COMMITTEE

Date: Thursday, 14 September 2023

Time: 6.30 pm

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

AGENDA

ITEM

5. ADDITIONAL INFORMATION REPORT

To consider the attached report of the Head of Planning and Development, tabled at the meeting.

5

SARA TODD

Chief Executive

Membership of the Committee

Councillors B.G. Winstanley (Chair), L. Walsh (Vice-Chair), Babar, M. Cordingley, Z.C. Deakin, P. Eckersley, W. Hassan, D. Jerrome, S. Maitland, M. Minnis, T. O'Brien, S. Procter and M.J. Taylor.

Further Information

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Agenda Item 5

AGENDA ITEM 5

PLANNING AND DEVELOPMENT MANAGEMENT COMMITTEE – 14th September 23

ADDENDUM TO THE AGENDA:

ADDITIONAL INFORMATION REPORT (INCLUDING SPEAKERS)

1.0 INTRODUCTION

1.1 This report summarises information received since the Agenda was compiled including, as appropriate, suggested amendments to recommendations in the light of that information. It also lists those people wishing to address the Committee.

1.2 Where the Council has received a request to address the Committee, the applications concerned will be considered first in the order indicated in the table below. The remaining applications will then be considered in the order shown on the original agenda unless indicated by the Chair.

2.0 ITEM 4 – APPLICATIONS FOR PERMISSION TO DEVELOP, ETC.

REVISED ORDER OF AGENDA (SPEAKERS)

Part 1 Applications for Planning Permission					
Application	Site Address/Location of Development	Ward	Page	Speakers	
				Against	For
108641	9 Bow Green Road, Bowdon, WA14 3LX	Bowdon	1		✓ Cllr Whetton Cllr Zhi
110669	350 Flixton Road, Flixton M41 5GW	Flixton	28		✓
111091	47 Riddings Road Timperley, WA15 6BW	Timperley North	53	Cllr Frass	
111217	Oak Trees, Hawley Lane Hale Barns, WA15 0DR	Hale Barns & Timperley South	63	✓	✓
111258	Mcdonald's Restaurant Neary Way, Davyhulme M17 1FP	Davyhulme	87		✓
111318	Site Of Former Eventcity Barton Dock Road, Trafford Park, M41 7TB	Lostock & Barton	103	✓	✓
111494	9 Davenham Road, Sale M33 5QR	Ashton Upon Mersey	152		

SPEAKER(S) AGAINST:

**FOR: Dr Alvi
(Agent)
Councillor Whetton
Councillor Zhi (Statement)**

STATEMENT OF SUPPORT FROM COUNCILLOR ZHI

A written statement of support has been received from one of the Ward Councillors, Councillor Shengke Zhi, which will be read out at the Committee meeting in lieu of Councillor Zhi appearing to speak in person. The points it raises (which are not covered in the main report) are addressed below.

FURTHER SUBMISSION FROM THE APPLICANT

The applicant has submitted further revisions to the submitted application to change window openings in the side elevation of the westernmost dwelling but has been informed that these amendments cannot be accepted at this stage in the process given that they have been submitted on the day of the Committee.

The applicant has submitted extracts from a judicial review decision relating to an earlier planning application on the wider site. This refers to the Council's assessment at that time that second floor balconies on the rear elevations of dwellings proposed on Plot 5 (to the east of the current application site), retaining between 10.5m and 11.5m to the rear garden boundary of a proposed dwelling on Plot 2 (the site of the existing dwelling at 9 Bow Green Road), would be acceptable. The Council's case at that time stated that whilst the relationship was slightly substandard, land levels are higher in the northern half of the site and it was considered that appropriate boundary treatment would result in an acceptable relationship between the two plots. The Council's case also stated that this was not a relationship that would be imposed on any existing occupiers of the property, rather it would be a relationship that any future buyer would be aware of prior to purchasing the property.

The JR decision stated that it is proper and material to take into account the difference between new build and the amenity of future occupiers and distinguish it from relationship distances being imposed on an existing dwelling. In the former case, the prospective occupier will be able to make a judgement as to whether to proceed to occupation, having regard to the amenity provided. In the latter case, the development will impose on an existing residential building a potential reduction in the amenity that the property currently enjoys.

The applicant also makes the following points: -

- Paragraph 43 of the report is incorrect in that the second floor window does comply with the SPG requiring a separation of 13.5m between second storey windows and the boundary with a rear garden.
- Paragraph 58 of the report is inaccurate as the layout of the ground floor room is not solely dependent on a window at the front for an acceptable outlook.
- Paragraph 60 of the report is misleading. The external private amenity space of the westernmost dwelling of 93.69sq.m. would exceed the 80 sq.m. SPG guideline.

ADDITIONAL OBSERVATIONS

The points raised in Councillor Zhi's comments are addressed in turn below: -

The fact that the New Residential Development SPG does not explicitly refer to 'overbearing' does not mean that this is not a material planning consideration. Core Strategy Policy L7, policies in the NPPF, and the New Residential Development SPG all require development to result in an acceptable amenity impact on neighbouring occupants, and Policy L7 explicitly refers to overbearing impacts. The 15m guideline for the distance between a main habitable room window and the gable of a neighbouring property is also set out in the Council's SPD4 householder guidelines, which do specifically refer to overbearing impact and which are of relevance given that they refer to similar relationships between residential properties. It is therefore considered that this is a relevant consideration and that the proposed distance is significantly lower than would normally be expected in a new residential development, particularly within the context of a very spacious area.

The fact that the applicant is currently the occupant of the retained dwelling is not sufficient grounds for accepting a proposal which would result in an unacceptable overlooking impact. Core Strategy Policy L7 states that development should not prejudice the amenity of future occupiers of neighbouring dwellings. There is no guarantee that the applicant will remain as the occupant of the existing dwelling even in the short to medium term. Furthermore, the rear garden area which would be unacceptably closely overlooked by the proposed second floor balcony of the eastern semi-detached dwelling does not solely comprise of a non-sensitive bin store, garage and driveway, but would also include sensitive patio and back lawn areas. The wider context is characterised by dwellings set within relatively spacious grounds and secluded private back gardens and, in this context, Officers do not consider the proposed overlooking would be acceptable.

Finally, in relation to the Planning Balance argument, the report specifically confirms that the "tilted balance" is engaged. However, there is already a permission for two dwellings on this site which can be implemented without having unacceptable amenity impacts and the current proposal would not create any additional dwellings over and above the number already permitted. As such,

the benefits of the currently proposed development are limited and the adverse impacts of the proposal would significantly and demonstrably outweigh the benefits when considered against the policies of the NPPF taken as a whole.

The points raised in the applicant's submission are addressed in turn below: -
The applicant's proposed revisions to the application plans have not been accepted as an amendment to the application at this stage given that they have been submitted on the day of Committee (and do not in any case comprise a complete set of plans). Notwithstanding this, it is considered that the suggested revisions to windows in the side elevation would not make any significant difference to the acceptability of the application proposals, given that these windows would still face into the adjacent Plot 3 at close proximity where there is an extant permission for other dwellings and development of that plot is highly likely to take place at some point in the future.

The extracts from the judicial review judgement are noted. The Courts do not interfere with matters of planning judgement unless they are clearly irrational (a very high bar). The Court confirmed that the Council's approach was lawful – and made no comment (and nor should they have done) on whether the separation distances were sufficient.

Additionally, the JR decision relates to a previous permission on a different plot (Plot 5 to the east) that has not been implemented and is no longer extant. Furthermore, this case was different insofar as it related to the impact on a proposed plot rather than an existing dwelling (with this point being discussed in detail in the judicial review decision and forming an important part of the Council's assessment at that time of why this proposal was acceptable – given that future occupiers would be aware of the relationship before purchasing the property). Overlooking in that case would also have been directly facing the far end of the garden of the adjacent plot rather than the potentially more sensitive area of garden immediately to the rear of the dwelling as in the current case. It is therefore considered that this case is not directly comparable with the current situation.

With regards to the comments on specific paragraphs within the report: -

It is accepted that Paragraph 43 of the report is incorrect insofar as the balcony would actually be closer to the boundary than referred to in this paragraph at 11.7m rather than 12.1m whilst the window would be set 2.2m back from this (13.9m from the boundary). Paragraph 43 does not specifically state that the window would be within 13.5m. Nevertheless, it is recommended that the wording of this paragraph is amended as discussed below and the reference to the window is removed from the recommended reason for refusal with the proposal resulting in unacceptable overlooking from the balcony but not the window.

Paragraph 58 does not state that the window in the front elevation would be the only other window in the ground floor room. It explains that the windows in the side elevation would not have a clear outlook because they face into the adjacent

Plot 3 at close proximity where there is an extant permission for other dwellings. It is therefore not accepted that there is any inaccuracy in paragraph 58.

Paragraph 60 states that the westernmost dwelling would have a reduced back garden compared with previously approved scheme. It does not state that it would be below the guideline so again it is considered that this paragraph is correct.

It is recommended that Paragraph 43 is re-worded as follows: -

“The eastern semi-detached dwelling would introduce first and second floor habitable room outlooks facing the common boundary with the retained dwelling. The first floor habitable room outlook would be 11.7m from the boundary, which would be an acceptable separation distance. The second floor balcony would also be 11.7m from the boundary and, whilst this would be an acceptable separation distance at first floor level, this would not comply with the New Residential Development SPG in terms of a second storey outlook as this requires a separation distance of 13.5m between second storey windows and the boundary with a rear garden.”

Having regard to this, it is also recommended that the wording of the second reason for refusal is amended to take out the reference to the proposed second storey window and it is noted that any other references within the report to unacceptable overlooking from the window and balcony should relate only to the balcony.

RECOMMENDATION

The wording of the second recommended reason for refusal is amended as follows: -

2. The proposed development, by reason of the proximity of the second storey balcony on the rear elevation of the proposed dwelling on the eastern side of the plot to the rear garden boundary of 9 Bow Green Road would result in undue overlooking of and loss of privacy to the rear amenity space of the existing property at 9 Bow Green Road to the detriment of the amenity that the existing and future occupants of that property could reasonably expect to enjoy. The proposed development would therefore be contrary to Policies L1, L2 and L7 of the Trafford Core Strategy, the New Residential Development SPG, and policies in the National Planning Policy Framework.

Page 28 **110669/FUL/23: 350 Flixton Road, Flixton**

SPEAKER(S) **AGAINST:**

**FOR: Konrad Keller
(Applicant)**

ADDITIONAL CONDITIONS

Officers note that the Nuisance and GMEU consultees proposed additional conditions which were not referred to in the published Committee Report, these conditions referring to the installation of glazing and trickle vents and the production of a new bat report should demolition works not take place within a set time frame. These conditions shall be added to the report as Nos. 21 and 22.

CONSULTEES

The LHA has reviewed the amended proposed site plan (drawing number 03 I, received by the Local Planning Authority 17 August 2023), and has confirmed no objection to the amended proposed visibility splays.

ADDITIONAL OBSERVATIONS

Officers note the LHA confirmation that the amended visibility splays are acceptable.

RECOMMENDATION

It is recommended that Conditions 21 (glazing and trickle vents) and 22 (production of a new bat report) are added to the Committee report as follows:

21. The dwellings hereby permitted shall not be occupied unless and until glazing and trickle ventilators have been installed in each dwelling in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. The submitted details shall demonstrate that the selected glazing and ventilation products can meet the acoustic performance specifications detailed within para 4.6 of the supporting Noise Assessment prepared by AEC Ltd (doc. ref. P4952/R01/PJK, date: 06 July 2023). The approved glazing and trickle ventilators shall be retained thereafter.

Reason: To ensure an acceptable level of amenity to future occupiers of the residential units with regard to Policy L7 of the Trafford Core Strategy and policies in the NPPF.

22. If the demolition hereby approved does not take place before 30 April 2024, the existing building shall be reassessed for bat roosting potential and the findings (including details of any mitigation required and timescales for their implementation) shall be submitted to and approved in writing by the Local Planning Authority. Any mitigation works recommended as a result of this assessment shall be implemented in accordance with the approved timescales set out in the assessment.

Reason: To protect bats on site, having regard to Policy R2 of the Trafford Core Strategy and policies in the NPPF.

SPEAKER(S) **AGAINST:** Cllr Frass (**Statement**)

FOR:

REPRESENTATIONS

NOT FOR PUBLICATION by virtue of Paragraph (1) of Part 1 of Schedule 12A of the Local Government Act 1972, as amended by The Local Government (Access to Information) (Variation) Order 2006

Exempt Information

By virtue of Paragraph 1 of Part 1 of Schedule 12A of the Local Government Act 1972, as amended by The Local Government (Access to Information) (Variation) Order, the following information has been excluded from Part 1 of this report and included in Part 2 of the report:

1. Information relating to any individual.

SPEAKER(S) **AGAINST:** Peter Veith
(Neighbour)

FOR: Simon Gallop
(Applicant)

ADDITIONAL INFORMATION

In relation to flood risk, the Lead Local Flood Authority (LLFA) stated that a drainage strategy would need to dispose of any surface water by following a drainage hierarchy (with evidence) and clearly show that any flood risk in the area will not be exacerbated.

This has been communicated to the applicant and formal written agreement to all pre-commencement conditions has been received from the applicant.

Discrepancies were picked up by the planning officer between the proposed block plan initially provided with the application (171D:07) and the amended block plan, following the reduced depth at 1st floor level (171D:12A) being secured as an amendment with reference to the width of the site and its separation from the rear boundary.

In response amended block plans have been submitted confirming the proposed width of the site, position of the new boundary and separation distances in the area.

The original proposed block plan showed a site width of 22.52m, the amended block plan showed a site width of 22.28m, this is of a result of the boundary with the existing property on site being repositioned and altering the relationship between the side elevation of the new dwelling the new boundary and the existing dwelling. As a result of this, paragraph 21 and 40 have been amended to reflect the proposed separation distances to the new common boundary between the new development and Oak Trees.

21. Secondly through changing the size of the site and the siting of the proposed dwelling. The total width of the dwelling has been reduced from 17.6m to 16.5m. The new boundary between the existing dwelling and proposed dwelling also sits 0.4m closer to the existing property, increasing the plot size of the new dwelling. The siting of the dwelling on the plan has also moved 0.4m eastwards. The scheme provides separation distances of 2.5m (increase of 0.5m) to the east boundary. These incremental changes to the refused scheme provide a footprint that has a more balanced appearance within the plot and provides the adequate and necessary separation to boundaries to provide an element of spaciousness.”

40. There would be a substantial loss (approx. 620m²) of garden space that the property currently benefits from. The resulting outdoor area would be limited to the hardstanding/front garden between the dwelling and the road, a 2 – 2.5m strip to either side and an area to the rear of between 5.3m and 8.3m in depth. However overall, this is considered an adequate area for the enjoyment and amenity by the occupants.

This amendment does not alter the assessment of the scheme with regards to design/appearance or amenity.

RECOMMENDATION

The recommendation remains unchanged, although condition 2 has been updated to reflect the updated plan numbers.

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

1171D:01; 1171D:04A; 1171D:05B; 1171D:06; 1171D:07B; 1171D:11;
1171D:12B

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

SPEAKER(S) AGAINST:

**FOR: Zoe Jones
(Applicant)**

APPLICANTS SUBMISSION

The applicant has submitted an amended Site Management Plan (SMP) and a response to the neighbour objections, both received by the Local Planning Authority 5 September 2023.

The SMP has been amended to confirm that it can be applied to the wider Trafford Retail Park (e.g. in terms of addressing noise or anti-social behaviour outside the curtilage of the McDonald's site).

The response to neighbour objections seeks to address the grounds of objection submitted by Councillor Cordingley and neighbours as set out below, and argues that none of these are sufficient grounds for refusing planning permission.

- The application does not seek a change of use to a motorway service station and this is not a material consideration that can be considered in the Planning Balance.
- Planning permission has previously been granted for Starbucks, located 75m to the south of the current application site, to operate 24 hours a day. Both sites are 38m from residential receptors and accessed by the roundabout on Barton Road. The Noise Impact Assessment submitted in relation to Starbucks stated that, in the worst case scenario, the operational noise associated with the drive-thru is unlikely to result in adverse impact for surrounding residential amenity. The physical characteristics of the current site and the relationship to sensitive noise receptors are similar to the Starbucks site (and better in terms of the Customer Order Display). The Starbucks NIA concluded that the 24 hour operation of the drive thru would create a "de minimis" noise level increase, providing quantifiable evidence that the Starbucks application should be granted planning permission.
- There would be no impact from lighting. The current site is no closer to residential dwellings than the Starbucks site.
- The Environmental Health Officer has raised no objections to the proposal on the basis of noise, lighting or other impacts.
- The applicant has submitted a Site Management Plan (SMP) to demonstrate that there are protocols in place to ensure that staff are able to manage the situation successfully in the unlikely event of anti-social behaviour.

- The SMP sets out litter collection protocols. It has been demonstrated that litter can be managed appropriately and this should not result in a reason for refusal.

ADDITIONAL OBSERVATIONS

Amended SMP

Officers note that the amended SMP confirms the measures contained within the SMP can also be applied to the wider Trafford Retail Park.

Applicant's Response to Objections

Officers consider the further arguments submitted by the applicant do not affect the recommendation for approval, subject to conditions.

RECOMMENDATION

It is recommended that Conditions 1 and 4 are amended to refer to the amended SMP:

1. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plan, number SAVHD01 - Site Location Plan, and (except in respect of any reference to the operation of the use at any hours other than those hereby approved), the submitted Noise Impact Assessment (MCDONALDS URMSTON (#829), Report No. 14-0167-83 R01, Sustainable Acoustics), received by the Local Planning Authority 20 August 2021, and the amended Site Management Plan, received by the Local Planning Authority 5 September 2023.

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

4. Except in respect of any reference to the operation of the restaurant use at any hours outside those set out in Condition 3 above, throughout the duration of the use of the premises, the restaurant and associated drive-thru facility shall be operated at all times in complete accordance with the Noise Impact Assessment Report No. 14- 017-83-R01 and the Premises Noise Management Plan (PNMP) (Annex C of the Noise Impact Assessment Report Ref: 14-0167-83 R01, dated 29 July 2021, prepared by Sustainable Acoustics Ltd), received by the Local Planning Authority 20 August 2021, and the Site Management Plan, received by the Local Planning Authority 5 September 2023.

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

SPEAKER(S) **AGAINST: Mark Edwards
(Highway Consultant)**

**FOR: David Russell
(Agent)**

APPLICANT'S SUBMISSION

The applicant has submitted updated traffic count information which they believe demonstrates that the proposed scheme will have an acceptable impact on the highway network.

CONSULTATIONS

LHA – Updated response - no objection, recommend conditions.

TfGM – Updated response, no objection, recommend condition.

LLFA – Updated response - no objection, recommend condition.

GMEU – Updated response - no objection, recommend further conditions.

United Utilities – No objections, recommend conditions.

REPRESENTATIONS

One additional representation has been received objecting to the proposal on behalf of Regatta, a business to the east of the application site.

Concerns are as follows:

- Some documents, most pertinently highway responses from the LHA and TfGM, had not been posted on the website - these documents have now been uploaded to the Council's website.
- The officer report was published prior to the submission of important highway information, leaving insufficient time for interested parties, including the LHA, to review.
- Issues with the transport assessment work in relation to highway safety, the road network, and the operation of Regatta does not adequately demonstrate that the proposed development will not have an adverse impact on highway safety or generate a severe impact on the operation of the highway network.
- Inability of the applicant to deliver key elements of the access strategy without land in the ownership of Regatta. Regatta has no intention of providing access over their land beyond the rights which do exist now or in the future, meaning that if planning permission is granted, the scheme, as proposed, is undeliverable.
- The development as proposed will have detrimental impact on the operation of Regatta's UK Headquarters and its 400 employees.
- No response from Greater Manchester Fire Safety Team.

OBSERVATIONS

Highways

The LHA and TfGM have discussed the additional traffic count information submitted by the applicant and concluded that they have no objection in principle to the proposal.

Additional information has been provided for the proposed Phoenix Way car park entrance and exit, including the proposed internal route that will be utilised at busy times when there is a need to direct customers to the Mercury Way overflow car park. It is understood appropriate traffic management measures will be employed by the developer during these times to control the movement of vehicles.

The proposed informal crossing for the service hub area that was originally located immediately next to the junction and at a point when vehicles will be turning into the Mercury Way car park and exiting the taxi area, has been relocated to a more appropriate location. The new location is acceptable.

As the developer also intends to amend the existing right/left stagger Phoenix Way/Barton Road junction pedestrian crossing to provide a more conventional left/right stagger which will encourage pedestrians to face oncoming traffic. However, the proposed changes will relocate the stop line further away from the junction which can reduce vehicle stacking length and increase intergreen signal timings (i.e., the length of time needed between one green phase ending and another starting to allow vehicles to clear the junction). Concerns have been raised for the traffic modelling already provided which doesn't represent the current operation of the junctions, albeit the updated traffic counts are accepted – they show fewer vehicles on the highway than that was suggested in their original submission. The LHA requests a condition is attached to any subsequent planning approval that requires updated traffic modelling representing the current operation of the Phoenix Way/Barton Road and Mercury Way/Barton Road and any necessary mitigation measures be introduced prior to the development starting on site. This is considered to be acceptable, albeit, the condition can be worded to introduce a 'no above ground works' trigger point.

The LHA disagrees with the objections raised by Regatta concerning linked trips and the age of the traffic data made by MTP, the objector's highway consultant, particularly as no evidence or alternative practices have been provided to support their claims (the LHA is also aware of recent MTP transport assessments that have used data from 2019 and stated a higher percentage of linked trips).

Flood Risk and Drainage

The applicant has been endeavouring to identify the owner of an existing drain in Mercury Way which surface water drainage from the logistics hub area can be drained into. Investigations are still on-going in this regard but it considered reasonable to attach a condition to any approval that allows for the current surface water drainage scheme to be implemented, or an alternative should use of the Mercury Way drain not be possible.

United Utilities have also suggested conditions relating to foul and surface water drainage.

Ecology

GMEU note that the proposals will result in a large net gain for biodiversity, and have suggested additional conditions relating to a Construction Environmental Management Plan for Biodiversity; an ecological design strategy (EDS)

addressing mitigation and compensation for bee orchids; a lighting design strategy for biodiversity; protection for nesting birds and other species; and a landscape and ecological management plan (LEMP), and provision of bird and bat boxes.

Fire Safety

The applicant has undertaken a thorough fire risk strategy. The LHA are satisfied that there are no fire risks associated with the application.

Land Ownership

The applicant is aware of the objector's concerns about land ownership but is confident, having undertaken legal checks, that they have a right of access over Regatta's land and that the access strategy can be implemented as proposed. Notwithstanding this, the land ownership issue is a civil matter and not one that is relevant to the determination of this application.

RECOMMENDATION

Additional Conditions:

No above ground works shall take place on site until the following have been submitted to and approved in writing by the Local Planning Authority:

- a) traffic modelling representing the current operation of the Phoenix Way / Barton Road and Mercury Way / Barton Road junctions;
- b) traffic modelling representing the future operation of the same junctions but with the development complete and operational;
- c) any mitigation measures necessary to be carried out at these junctions or elsewhere on the public highway to ensure their continued effective operation.

Any mitigation measures identified in c) shall be implemented before the development hereby permitted is first brought into use and retained thereafter.

Reason: In the interest of highway safety and the free flow of traffic and in accordance with Policies SL4, L4 and L7 of the adopted Core Strategy and the National Planning Policy Framework.

No above ground construction works shall take place unless and until a scheme for the provision of crossover arrangements along Mercury Way has been submitted to and approved in writing by the Local Planning Authority. Thereafter the scheme shall be implemented as approved prior to the development being brought into use.

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

Foul and surface water shall drain on separate systems.

Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution, having regard to Core Strategy Policy L5 and the National Planning Policy Framework.

No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: biodiversity) has been submitted to and approved in writing by the Local Planning Authority. The CEMP (Biodiversity) shall include the following.

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of "biodiversity protection zones".
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.
- i) Protection measures for species such as reptiles, hedgehogs and badgers

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

Reason: In order to protect biodiversity on site, having regard to Core Strategy Policy R2 and the National Planning Policy Framework.

No development shall take place until an ecological design strategy (EDS) addressing mitigation and compensation for bee orchids has been submitted to and approved in writing by the Local Planning Authority.

The EDS shall include the following:

- a) Purpose and conservation objectives for the proposed works.
- b) Review of site potential and constraints.
- c) Detailed design(s) and/or working method(s) to achieve stated objectives.
- d) Extent and location/area of proposed works on appropriate scale maps and plans.
- e) Type and source of materials to be used where appropriate.
- f) Timetable for implementation demonstrating that works are aligned with the proposed phasing of development.
- g) Persons responsible for implementing the works.
- h) Details of initial aftercare and long-term maintenance.
- i) Details for monitoring and remedial measures.

The EDS shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

Reason: In the interests of protecting the biodiversity of the site, specifically bee orchids, having regard to Core Strategy Policy R2 and the National Planning Policy Framework.

No development shall take place (including demolition, ground works, and vegetation clearance), until an invasive non-native species protocol has been submitted to and approved in writing by the Local Planning Authority, detailing the containment, control and removal of Himalayan balsam and cotoneaster on site. The measures shall be carried out strictly in accordance with the approved scheme.

The development hereby shall not be brought into use unless and until a Verification Report demonstrating completion of works set out in the non-native species protocol and the effectiveness of the works has been submitted to and approved in writing by the Local Planning Authority.

Reason: These details are required prior to commencement as removal of Japanese knotweed and cotoneaster is essential before any development takes place. In the interests of removing an invasive non-native species which exists on the site in accordance with Policy R2 of the Trafford Core Strategy and the National Planning Policy Framework.

Notwithstanding the details shown on the approved plans, the development hereby permitted shall not be brought into use unless and until full details of a landscape and ecological management plan (LEMP) has been submitted to, and approved in writing by the Local Planning Authority. The LEMP shall include the following:

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g) Details of the body or organization responsible for implementation of the plan.
- h) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the mechanisms by which the long-term implementation of the plan will be secured by the developer with the management bodies responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, approved and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.

The approved LEMP shall be implemented in accordance with the approved details.

Reason: In the interests of the natural environment and promoting biodiversity enhancement, having regard to Core Strategy Policy R2 and the national planning Policy Framework.

Revised conditions – these replace the same condition reference numbers in the main officer report:

Condition 2 - Approved plans:

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

- Site Location Plan (ref: ref: 311_ThARK Site Location Plan)
- Existing Site Plan (including topo survey) (ref: TTP-BWB-00-01-DR-G-0001_S2_Rev P7)
 - o Sheet 1 of 5
 - o Sheet 2 of 5
 - o Sheet 3 of 5
 - o Sheet 4 of 5
 - o Sheet 5 of 5
- Site Plan with topo survey (ref: 311_ThARK A.01 Rev 2)
- Site Plan (ref: 311_ThARK A.02 Rev 2)
- Basement (ref: 311_ThARK A.03 Rev 1)
- Lower Ground (ref: 311_ThARK A.04 Rev 1)
- Ground (ref: 311_ThARK A.05 Rev 1)
- Mezanin (311_ThARK A.06 Rev 1)
- Level 1 (311_ThARK A.07 Rev 1)
- Level 2 (311_ThARK A.08 Rev 1)
- Roof (311_ThARK A.09)
- Section 1 of 2 (311_ThARK A.10)
- Sections 2 of 2 (311_ThARK A.11)
- Elevations (311_ThARK A.12 Rev 1)
- Parking Deck Level 0 (311_ThARK A.100 Rev 1)
- Parking Deck Level 1 (311_ThARK A.101 Rev 1)
- Parking Deck Level 2 (311_ThARK A.102 Rev 1)
- Parking Deck Roof Level (311_ThARK A.103 Rev 1)
- Parking Deck Elevations (311_ThARK A.104 Rev 1)
- Logistics Site Buildings (311_ThARK A.200 Rev 1)
- Greenhouse (311_ThARK A.300 Rev 1)
- Illustrative Landscape Masterplan (ref: 981165-PL-10-001 Rev 01)

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

Condition 4

No development shall take place unless and until either a) confirmation that the development can take place in accordance with the submitted Surface Water Drainage Strategy (BWB document number TTM-BWB-ZZ-XX-RP-CD-0001_SWDS-S2-P01 (dated June 2023) has been submitted to and approved in writing by the Local Planning Authority; or b) a suitable alternative scheme for surface water drainage has been submitted to and approved in writing by the Local Planning Authority.

In either case no development shall take place unless and until a detailed scheme for sustainable drainage has been submitted to and approved in writing by the Local Planning Authority and in accordance with any outline details

provided (either in the submitted Surface Water Drainage Strategy or any scheme submitted under b) above) and shall include the following:-

- Provision of sustainable drainage in the form of landscape ponds, swales, filter drains, permeable paving and rainwater gardens.
- No infiltration of surface water drainage into the ground where adversely elevated concentrations of contamination are known or suspected to be present shall be proposed, unless it has been demonstrated that there is no resultant unacceptable risk to controlled waters.

The detailed scheme shall be accompanied by a management and maintenance plan for the lifetime of the development, which shall include the arrangements for adoption by an appropriate public body or statutory undertaker, management and maintenance by a Management Company, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime.

The approved scheme shall be fully implemented 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 and to ensure the safe operation of the adjacent Metrolink line, having regard to Policies L4, L5 and L7 of the Trafford Core Strategy and the National Planning Policy Framework.

Condition 22

(a) Notwithstanding the details shown on the approved plans, the development hereby permitted shall not be brought into use unless and 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), the provision of bird and bat boxes, boundary treatments (including green walls), 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. These details shall also include a raft system to be used for trees planted within areas of hard surfacing. The raft system details shall include technical drawings of the type of system to be used, the area that the system will cover and the type and volume of soil to be used (structural soils will not be acceptable). The landscaping scheme shall only include native species adjacent to the Bridgewater Canal and shall ensure that there is no detrimental impact on the Metrolink line.

(b) The landscaping works approved under part (a) of this condition 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. All tree planting within areas of hard surfacing shall be implemented in accordance with the details approved under part (a) of this condition.

(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.

RICHARD ROE, CORPORATE DIRECTOR, PLACE

FOR FURTHER INFORMATION PLEASE CONTACT:

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