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**TRAFFORD
COUNCIL**

AGENDA PAPERS FOR PLANNING AND DEVELOPMENT MANAGEMENT COMMITTEE

Date: Thursday, 24 September 2020

Time: 5.30 pm

Place: Virtual Meeting on Zoom

PLEASE NOTE: A link to the virtual meeting can be found below:

<https://www.youtube.com/channel/UCjwbIOW5x0NSe38sgFU8bKq/videos>

AGENDA

ITEM

1. ATTENDANCES

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

2. DECLARATIONS OF INTEREST

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

3. QUESTIONS FROM MEMBERS OF THE PUBLIC

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

4. ADDITIONAL INFORMATION REPORT

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

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

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

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Applications for Planning Permission	
99795	Former Kellogg's Site, Talbot Road, Stretford, M16 0PG
100759	92 - 94 Park Road, Timperley, WA15 6TF

6. **CHESHAM HOUSE, 101 CHURCH ROAD, URMSTON: MAKING OF IMMEDIATE ARTICLE 4 DIRECTION TO REMOVE PERMITTED DEVELOPMENT RIGHTS FOR THE DEMOLITION OF THE BUILDING**

To consider the attached report of the Head of Planning and Development.

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

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

SARA TODD

Chief Executive

Membership of the Committee

Councillors L. Walsh (Chair), A.J. Williams (Vice-Chair), Dr. K. Barclay, T. Carey, M. Cordingley, B. Hartley, D. Jerrome, M. Minnis, D. Morgan, K. Procter, B. Rigby, E.W. Stennett and B.G. Winstanley.

Further Information

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

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This agenda was issued on **15th September, 2020** by the Legal and Democratic Services Section, Trafford Council, Trafford Town Hall; Talbot Road, Stretford, Manchester, M32 0TH



PLANNING AND DEVELOPMENT MANAGEMENT COMMITTEE – 24th SEPTEMBER 2020

REPORT OF THE HEAD OF PLANNING AND DEVELOPMENT

APPLICATIONS FOR PERMISSION TO DEVELOP, ETC.

PURPOSE

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

RECOMMENDATIONS

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

FINANCIAL IMPLICATIONS

None unless specified in an individual report.

STAFFING IMPLICATIONS

None unless specified in an individual report.

PROPERTY IMPLICATIONS

None unless specified in an individual report.

Further information from: Planning Services

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

Background Papers:

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

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

These Background Documents are available for inspection on the Council's website.

TRAFFORD BOROUGH COUNCIL

PLANNING AND DEVELOPMENT MANAGEMENT COMMITTEE – 24th SEPTEMBER 2020

Report of the Head of Planning and Development

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

Applications for Planning Permission				
Application	Site Address/Location of Development	Ward	Page	Recommendation
<u>99795</u>	Former Kellogg's Site, Talbot Road, Stretford, M16 0PG	Longford	1	Grant subject to S106 Agreement
<u>100759</u>	92 - 94 Park Road, Timperley, WA15 6TF	Timperley	76	Grant

Outline planning application (all matters reserved except for access) for the redevelopment of the site for up to 750no residential dwellings (Use Class C3); local centre and office uses (Use Class E); education (Use Class F1); hotel (Use Class C1); drinking establishment (sui generis); energy centre (Use Class B2) uses and associated infrastructure and open space, with access from Talbot Road.

Former Kellogg's Site, Talbot Road, Stretford

APPLICANT: Trafford Bruntwood LLP

AGENT: Avison Young

RECOMMENDATION: GRANT SUBJECT TO S106 AGREEMENT

The application has been reported to the Planning and Development Management Committee as the Council has a financial interest in the site and is joint applicant, together with Bruntwood as joint venture partner.

SITE

The application relates to the former Kellogg's office building in Stretford and its surrounding land. This is a generally rectangular site measuring approximately 4.4ha and is bounded by the Manchester-Altrincham Metrolink line to the south-east, Brian Statham Way to the west, Talbot Road to the north-west and offices currently occupied by British Gas to the north-east. The building itself is a substantial four storey red brick property now in use as the campus of University Academy 92 ('UA92'), a higher education establishment which received planning permission for this use in August 2018.

The remaining land previously fell within the curtilage of the former Kellogg's building and mostly comprises hard surfaced areas for parking, together with grass and other soft landscaping, largely to the periphery of the site. It is understood that the parking areas within the site now function independently from the UA92 building, with access taken from an existing point on Brian Statham Way.

Old Trafford Cricket Ground is opposite the site to the west with the Old Trafford Metrolink stop immediately beyond its southern corner. The Grade II Listed Trafford Town Hall is just to the north-west, across the junction of Talbot Road and Warwick Road/Brian Statham Way whilst the Metrolink depot is beyond the Metrolink line to the south-east. The nearest residential properties to the site are those on Warwick Road South, Edgbaston Drive and Trent Bridge Walk immediately to the south of the Metrolink line, apartments on the opposite side of Talbot Road and Warwick Road to the

north and semi-detached dwellings on Barlow Road and Hornby Road, approximately 0.2km to the north-west.

The site is immediately adjacent to the Lancashire County Cricket Club Quarter Strategic Location, which extends up to the Brian Statham Way and Talbot Road boundaries. It also falls within the Old Trafford Priority Regeneration Area. The Council is in the process of producing a 'Civic Quarter Area Action Plan' which will cover an area inclusive of the application site and will replace the Strategic Location Core Strategy policy. This is currently at consultation stage, with a 'Regulation 18 Draft' being the latest version, and constituting a material consideration for this application.

PROPOSAL

Outline planning permission is sought for the redevelopment of the site for a variety of uses with the aim of creating a new residential neighbourhood and local centre. The submitted Design and Access Statement emphasises that *"movement priority is focused on pedestrians through managing the car"* and makes clear that low car ownership and usage is central to the overarching design concept and approach. The philosophy for this model of development is to create a sustainable community which is accessible to all members of society with the inclusion of diverse and inclusive homes, and in which both the existing surrounding community and the future community will be able to mix through the use of public open spaces, a primary school, food and beverage spaces and other social opportunities throughout the site. A density of between 127no and 171no dwellings per hectare is proposed and this is reflective of the form of development envisaged by the draft Civic Quarter Area Action Plan.

Permission is sought for up to 750no residential units (Class C3), local centre and office uses (Class E), education (Class F1), hotel (Class C1), drinking establishment (sui generis) and energy centre (Class B2) uses, together with associated infrastructure and open space. Detailed consent is sought for access, with all other matters reserved.

Although submitted in Outline form, the application is supported by an indicative masterplan, parameter plans relating to maximum heights and land uses and other documents to demonstrate the intended outcome of the scheme in terms of its scale, appearance and potential specific uses. The principles of the development proposed include the creation of a two form entry primary school within the eastern part of the site, the retention of the UA92 building, a central area of open space together with smaller public squares, ground floor uses with active frontages and varied forms of residential accommodation. In terms of scale, the submitted parameter plan indicates development of a greater height being generally located towards the eastern part of the Talbot Road frontage, descending towards Brian Statham Way and the western part of the site. Proposed maximum heights range from six to twenty storeys.

Vehicular access is proposed to be taken from Talbot Road, leading to an area of podium parking for approximately 200no vehicles within the eastern part of the site. Egress for private vehicles would be via the same point on Talbot Road, whilst access

to the remainder of the site is intended to be restricted to disabled users and servicing/delivery vehicles through a control point and would follow a one-way system. Egress for servicing vehicles would be via a new exit point on Brian Statham Way.

The application comprises Environmental Impact Assessment (EIA) development and as such, is accompanied by an Environmental Statement. This contains chapters on a number of key issues and assesses the potential for significant environmental impacts to occur as a result of the proposed development.

DEVELOPMENT PLAN

For the purpose 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

SL3 – Lancashire County Cricket Club Quarter (adjacent)

L1 – Land for New Homes

L2 – Meeting Housing Needs

L3 – Regeneration and Reducing Inequalities

L4 – Sustainable Transport and Accessibility

L5 – Climate Change

L7 – Design

L8 – Planning Obligations

W1 – Economy

W2 – Town Centres & Retail

R1 – Historic Environment

R2 – Natural Environment

R3 – Green Infrastructure

R5 – Open Space, Sport and Recreation

R6 – Culture and Tourism

SUPPLEMENTARY PLANNING DOCUMENTS/GUIDANCE

Revised SPD1 – Planning Obligations

SPD3 – Parking Standards & Design
PG1 – New Residential Development

DRAFT/OTHER DOCUMENTS

Civic Quarter Area Action Plan (Regulation 18 Draft – February 2020)
Refreshed Stretford Masterplan (January 2018)

POLICIES MAP NOTATION

Priority Regeneration Area (Old Trafford)

PRINCIPAL RELEVANT REVISED UDP POLICIES/PROPOSALS

None relevant

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 November 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 revised National Planning Policy Framework (NPPF) on 19 February 2019. The NPPF will be referred to as appropriate in the report.

NATIONAL PLANNING PRACTICE GUIDANCE (NPPG)

The MHCLG published revised National Planning Practice Guidance (NPPG) on 29 November 2016, which was last updated on 01 October 2019. The NPPG will be referred to as appropriate in the report.

NATIONAL DESIGN GUIDE

The MHCLG published the National Design Guide in October 2019. This will be referred to as appropriate in the report.

RELEVANT PLANNING HISTORY

Application site and adjacent cricket ground:

99105/FUL/19: Demolition of Red Rose Suite and erection of new grandstand (total capacity 4,935 seats) with associated facilities including museum, retail and ticket sales space; erection of a 6 storey block on eastern side of Brian Statham Way to provide a 109 bed hotel extension and ground floor retail/food and drink use and associated pedestrian bridge structure linking to existing hotel; ground floor and first floor extensions of existing hotel; relocation of existing replay screen and erection of additional screens within the cricket ground; realignment of Brian Statham Way and associated public realm and landscaping works – Committee were minded to grant planning permission subject to a s106 obligation (January 2020).

Application site:

98661/EIASCO/19: Request for a Scoping Opinion in respect of a residential-led, mixed-use development – Scoping Opinion issued 01/11/2019.

94747/FUL/18: Full planning permission for change of use to part educational use (Use Class D1) and part office space (Use Class B1), together with ancillary IT demonstration/experience centre (Use Class D1), cafe (Use Class A3) and external alterations including selective demolition to facilitate conversion, landscaping, public realm and other associated works – Approved with conditions 09/08/2018.

H32585: Formation of extension to existing car parking area to provide additional 90 spaces – Approved with conditions 02/01/1991.

H27529: Erection of 4 storey office building with associated parking service and landscaped areas and new vehicular access – Approved with conditions 26/07/1988.

APPLICANT'S SUBMISSION

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

- Arboricultural Constraints Appraisal
- Archaeological Desk-Based Assessment
- Crime Impact Statement
- Design and Access Statement
- Design Principles Document
- Ecological Advice Note
- Ecological Impact Assessment
- Energy Statement
- Environmental Statement
- Environmental Statement Addendum

- Financial Viability Assessment
- Flood Risk Assessment and Outline Drainage Strategy
- Operational Waste Management Strategy
- Supporting Planning Statement and Addendum

CONSULTATIONS

Arboriculturist: No objection, as many trees as possible should be retained, raft system recommended.

Cadent Gas: Gas apparatus identified within site boundary, informatives provided.

Education (Trafford Council): Contribution towards off-site provision requested if school is not delivered.

Electricity North West: Informative comments provided.

Environment Agency: Informative comments provided.

Greater Manchester Archaeological Advisory Unit: No threat to known or suspected archaeological heritage.

Greater Manchester Cycling Campaign: No response received.

Greater Manchester Ecology Unit: No objection, conditions recommended.

Greater Manchester Fire Authority: No response received.

Greater Manchester Police (Design for Security): No objection, condition recommended.

Greater Manchester Police (Counter-terrorism Unit): No objections, information provided for detailed design.

Heritage Development Officer: Less than substantial harm identified to designated heritage assets, some harm identified to non-designated heritage assets.

Highways England: No objection.

Lead Local Flood Authority: Outline drainage scheme is appropriate. Full details should be provided at Reserved Matters stage.

Local Highway Authority: No objections, conditions recommended.

Natural England: No objection, informative provided.

Pollution & Housing (Air Quality): No objections, conditions recommended.

Pollution & Housing (Nuisance): No objections, conditions recommended.

Pollution & Housing (Contaminated Land): No objections, conditions recommended.

Sport England: Objection due to lack of contribution towards sport provision. Figures for contributions provided.

Trafford CCG: A contribution towards off-site health improvements is required.

Transport for Greater Manchester (Highways): Comments made in relation to transport impacts – addressed in report.

Transport for Greater Manchester (Metrolink): No objection subject to conditions.

United Utilities: No objections, conditions recommended.

Waste Management: Comments made on indicative Waste Management Strategy.

REPRESENTATIONS

Letters of objection have been received from two respondents. These raise the following concerns:

- Documents submitted with application are too complex
- Affordable housing is needed
- Drop-off point on Ayres Road/Warwick Road south is not supported
- School should be located closer to Talbot Road
- Area to the south of the Metrolink line will suffer
- No need for more offices
- Small independent local business should occupy retail units
- A pub is not necessary and will cause littering, noise and anti-social behaviour
- Not much room for green space
- Number of parking spaces is not enough
- Parking restrictions needed on areas surrounding the site
- Streets south of the Metrolink line are already overrun by parked vehicles of non-residents and residents struggle to park. Proposals will make this worse
- Loss of parking spaces due to pedestrianisation of Brian Statham Way and from existing Kellogg's car park will cause more parking south of the tramline
- Public access to the car park should be allowed
- Permission for extension to mosque on Ayres Road will further increase pressure for parking
- Information missing from application form
- Statement of Community Involvement not provided

- Green Infrastructure Statement should be provided
- The location might be able to accommodate greater density
- Other developments have not been considered as part of cumulative assessments within EIA
- A leisure centre should be considered for the site, as stated in Refreshed Stretford Masterplan and other reports
- Application overlaps with development proposed under application ref. 99105/FUL/19

OBSERVATIONS

PRINCIPLE OF DEVELOPMENT

Policy position:

1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 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 the 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. Whether a Core Strategy policy is considered to be up-to-date or out-of-date is identified in each of the relevant sections of this report and appropriate weight given to it.
3. The NPPF is a material consideration in planning decisions, and as the Government's expression of planning policy and how this should be applied, should be given significant weight in the decision making process.
4. Paragraph 11 (c) of the NPPF states that development proposals that accord with an up-to-date development plan should be approved without delay. Paragraph 11 (d) states 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 relating to housing supply, highway matters, design, the economy and main town centre uses 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 and are most relevant to the likely impacts of the proposed development on the surrounding area:
- The Council does not, at present, have a five year supply of immediately available housing land and therefore the housing targets identified in Policies L1 and L2 of the Core Strategy are out-of-date in NPPF terms, albeit other aspects of the policies such as affordable housing targets, dwelling type, size and mix are largely still up to date and so can be afforded substantial weight.
 - Policy L4 is considered to be out-of-date but only so far as it includes reference to a 'significant adverse impact' threshold in terms of the impact of the development on the operation of the road network, whereas the NPPF refers to a 'severe' impact'. Other aspects of Policy L4 are considered to be largely up to date and so can be afforded substantial weight.
 - Policy L7 of the Core Strategy is considered to be compliant with the NPPF and therefore up-to-date as it comprises the local expression of the NPPF's emphasis on good design and, together with associated SPDs, the Borough's design code. Full weight can be afforded to this policy.
 - Policy W1 of the Core Strategy is considered to be compliant with the NPPF by supporting economic growth and is therefore up-to-date and can be afforded full weight.
 - Policy W2 of the Core Strategy is considered to be generally consistent with the NPPF in supporting the growth of Trafford's town centres and the role they play in local communities.
6. The footnote to paragraph 11 (d)(i) explains that the policies of the NPPF referred to include those which relate to habitats protection, heritage and flood risk. The assessment of the scheme on these areas and assets of particular importance does not lead to a conclusion that 'provides a clear reason for refusing the development proposed'. Paragraph 11(d)(ii) of the NPPF – the tilted balance – is therefore automatically engaged because the absence of a five year supply of immediately available housing land. Planning permission should therefore be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole. This exercise is set out within the 'Planning Balance and Conclusion' section of this report.

Draft Civic Quarter Area Action Plan (AAP):

7. The Council has recently consulted on a Draft Civic Quarter Area Action Plan (AAP). This is intended to establish a vision, masterplan and strategy for how the area could be revitalised and developed over the next 15 years and beyond. The AAP area covers the current application site as well as land as far north as Chester Road, Great Stone Road to the west, Trafford Bar Metrolink stop to the east and the Manchester-Altrincham Metrolink line to the south. This will form part of the Council's Development Plan and includes policies on a wide range of matters relevant to the development management process. Given that this is currently at 'Regulation 18' draft stage however, the weight to be afforded it in the determination of this application is limited.
8. Although carrying limited weight at this time, the proposed development is considered to be largely in accordance with the overarching vision of the AAP. Indeed, the section on the 'Central Neighbourhood' where the site is located refers to the opportunity to 'realign development away from out of town car priority developments to well-connected sustainable and mixed-use communities'. This also makes specific reference to the former Kellogg's site throughout and the aim for this to be redeveloped for mixed use purposes.

Strategic Location – Lancashire County Cricket Club Quarter (adjacent):

9. As noted above, the application site does not fall within this Strategic Location (as defined in the draft Land Allocations DPD) but is immediately adjacent to it. Core Strategy Policy SL3 sets out several objectives for this area and a number of criteria required for development within this Strategic Location to be acceptable.
10. Whilst not falling within this Strategic Location, the proposed development would contribute to several objectives listed within Policy SL3.2 and would also meet the criteria listed in SL3.4. For example, community facilities including a school would be provided, biodiversity enhancements are proposed and a significant number of residential units would be delivered. On this basis, the proposed development is deemed to be in accordance with the aims of policy SL3.
11. It should be noted that in March 2020, when the 'residential allowance' attributed to SL3 was uplifted from the Core Strategy target of 400, to a total of 2800 units, it was also assumed that for the purposes of this residential allowance, the boundaries of SL3 were effectively extended to match the Civic Quarter AAP boundary.

Priority Regeneration Area:

12. The application site falls within the Old Trafford Priority Regeneration Area where Core Strategy Policy L3 is of relevance. This states that within this regeneration area, *"housing led redevelopment will be promoted which will improve the quality*

and diversity of the housing stock...” and that *“Development proposals must demonstrate how they will make a positive contribution to achieving the Strategic Objectives and Place Objectives for Old Trafford”*. Policy L3.1 states that within all regeneration areas, the Council will secure (amongst other things) *“Improved quality of design and construction and range (including affordability and type) of the Borough’s housing stock on offer to residents within the Regeneration Areas”*. This policy is generally consistent with the NPPF however reference to housing numbers and housing land supply is out of date. Less weight should be afforded to this part of the policy.

13. For reasons set out elsewhere in this report, the proposed development is considered to be in accordance with Policy L3. In particular, it will contribute towards Strategic Objectives S01 (meet housing needs), S02 (regenerate), S06 (reduce the need to travel) and S07 (secure sustainable development), as well as numerous Place Objectives.

Residential development – need and mix:

14. The NPPF places great emphasis on the need to plan for and deliver new housing throughout the UK. The Government’s current target is for 300,000 homes to be constructed each year to help address the growing housing crisis. Local planning authorities are required to support the Government’s objective of significantly boosting the supply of homes. With reference to Paragraph 59 of the NPPF, this means ensuring that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed, and that land with permission is developed without unnecessary delay.
15. 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 and the latest monitoring suggests that the Council’s supply is in the region of only 2.4 years. 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.
16. Policy L2 of the Core Strategy indicates that all new residential proposals will be assessed for the contribution that would be made to meeting the Borough’s housing needs. The location of the application site is significant in that it sits immediately adjacent to the Old Trafford Metrolink stop, with quick and easy access to retail and other facilities in Manchester City Centre, as well as Stretford, Sale and Altrincham. The development itself will also provide some local centre uses and public open space.
17. The NPPF also requires policies and decisions to support development that makes efficient use of land, whilst the Revised Draft GMSF Policy GM-H4

encourages best use to be made of brownfield sites. The application site is largely brownfield, previously developed land and it is considered that the proposal would make best use of the site by delivering up to 750 new homes in a location that is well served by public transport and accords with the Government's aim of achieving appropriate densities, particularly in the case of new residential development and in circumstances where brownfield land can be exploited. The site can therefore be considered to be a suitable and sustainable location for meeting housing need as set out in the NPPF.

18. The NPPF at Paragraph 61 requires local planning authorities to plan for an appropriate mix of housing to meet the needs of its population and to contribute to the achievement of balanced and sustainable communities. This approach is supported by Core Strategy Policy L2, which refers to the need to ensure that a range of house types, tenures and sizes are provided. Policy L2.4 states that the Council will seek to achieve a target split of 70:30; small:large (3+ beds) residential units with 50% of the small homes being suitable for families. Given that this is an Outline application, details of the final mix of housing are not yet confirmed, however the supporting Design and Access Statement provides an appraisal of potential residential typologies. This refers to stacked townhouses/maisonettes, townhouses and apartments, with the potential for between one and four-bed units to be delivered. Officers are satisfied that an appropriate mix of housing can be delivered within the parameters proposed under the current application.

Affordable housing:

19. The NPPF defines affordable housing as: housing for sale or rent for those whose needs are not met by the market (including housing that provides a subsidised route to home ownership and/or is for essential local workers). It includes affordable housing for rent (including affordable rented and social rented), starter homes, discount market sales housing, and other affordable routes of home ownership (including shared ownership and rent to buy). Paragraph 63 states that affordable homes should be sought within all new residential proposals for major development (i.e. developments for ten units or more). Paragraph 64 indicates that with major developments, at least 10% of the homes should be available for affordable home ownership as part of the overall affordable housing offer. Core Strategy Policy L2.3 states that in order to meet the identified affordable housing need within the Borough, the Council will seek to achieve, through this policy, a target split of 60:40 market:affordable housing.
20. The site falls within a 'Cold' market location for the purposes of applying Policy L2 and with the Borough now in 'Good' market conditions, this relates to a requirement for 10% of the proposed residential units provided to be delivered on an affordable basis. Policy L2.12 goes on to explain however, that in areas where the nature of the development is such that, in viability terms, it will perform differently to generic developments within a specific market location, the

affordable housing contribution will be determined via a site specific viability study, and will not normally exceed 40%. It is considered that the scheme as a whole, given the mix of uses proposed, would perform differently from other 'generic' housing developments in this area and therefore has a maximum policy requirement of 40% affordable housing.

21. The applicant's submitted Viability Appraisal includes an offer of 10 per cent on-site affordable housing. This appraisal has been robustly reviewed by the Local Planning Authority's viability consultant and following discussions with the applicant, agreement to deliver 15 per cent on-site affordable housing together with a viability review mechanism has been reached. A number of other developer contributions are also proposed. More detailed discussion of the level of affordable housing provision appears in the 'Developer Contributions' section of this report, but it is concluded that the affordable provision is the maximum that can viably be delivered on site, albeit it does not reach the maximum level sought by Core Strategy Policy L2.12.

Summary of principle of residential development:

22. Whilst the Council's housing supply policies are considered to be out-of-date in that it cannot demonstrate a five-year supply of deliverable housing sites, the scheme achieves many of the aspirations which the policies seek to deliver. Specifically, the proposal contributes towards meeting the Council's housing land targets and housing needs identified in Core Strategy Policies L1 and L2 in that the scheme will deliver up to 750no new residential units on a brownfield site in a sustainable location within the urban area. It is also considered to be acceptable in relation to Policies L1.7 and L1.8, in that it helps towards meeting the wider Strategic and Place Objectives of the Core Strategy. 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. Significant weight should therefore be afforded in the determination of this planning application to the scheme's contribution to addressing the identified housing shortfall, and meeting the Government's objective of securing a better balance between housing demand and supply.

Main town centre uses:

23. Policy W2.12 of the Core Strategy states that outside of the identified 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"*. Paragraph 86 of the NPPF states that local planning authorities should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. Paragraph 89 of the NPPF states that *"when assessing applications for retail and leisure development outside town centres, which are not in accordance with an up-to-date plan, local planning*

authorities should require an impact assessment if the development is over...2,500m² of gross floorspace”.

24. The proposed development includes a number of potential land uses which would constitute a ‘main town centre use’ as defined by the NPPF (retail, restaurants, bars and pubs, offices and hotel). The application proposes up to 18,500m² of office/education floorspace, up to 4,500m² of local centre and drinking establishment uses (with retail restricted to 2,000m²) and a single hotel with up to 100no bedrooms. In order to address the requirements of Policy W2 and the NPPF, the applicant has submitted an addendum to the Planning Statement to demonstrate how the requirement for a sequential test for the proposed main town centre uses has been considered, as well as justification in respect of the impact assessment.
25. In terms of the proposed hotel, it is noted that a 109-bedroom extension to the existing Hilton Garden Inn Hotel at the Old Trafford Cricket Ground (ref. 99105/FUL/19) within the current application site has been proposed, with a resolution to grant at the Council’s Planning and Development Management Committee meeting in January 2020. The decision notice for this has not yet been issued. The applicant notes that the hotel element of the current application would in reality be delivered under planning permission ref. 99105/FUL/19 and given that this has a resolution to grant, and therefore the principle of this form of development within the application site has been accepted, no further justification is required in respect of this use. Officers are satisfied with this justification, subject to a condition or legal agreement limiting the site as a whole to a single hotel, whether this is delivered under the current application or as the extension to the Hilton Garden Inn.
26. With regard to the proposed office uses, the applicant advises that these are essential in order to support the approved UA92 use within the former Kellogg’s Building. It is noted that the upper floors of this building are currently occupied by companies affiliated with UA92, however it is anticipated that the university’s expansion into these floors will necessitate the relocation of those companies currently occupying them. The proposed office uses are therefore intended to replace this provision once the university expands, enabling the affiliated companies to remain in close proximity, which the applicant states is necessary. The supporting information also seeks to justify office use by highlighting the presence of several existing office buildings within the proximity of the application site, particularly along Talbot Road which is deemed to constitute a well-established out-of-centre office location. Officers are satisfied with this justification, particularly given that office use is not proposed to form a significant proportion of the development as a whole.
27. The applicant indicates that the mix of local centre uses proposed across the site is required in order to serve the occupiers of the significant residential and office development proposed both on the application site and within the wider emerging

Civic Quarter. These uses would contribute to the establishment of a new community and local centre, as envisaged by the draft AAP, whilst also acting as a catalyst for future development to be brought forward within the wider Civic Quarter. Given the scale and long term phased nature of the development of the site and its regeneration, the quantum and mix is considered to be justified, particularly given the restrictions on the amount of retail and other commercial floorspace secured by planning condition. The proposed uses would also broaden economic activity throughout the day time and generate an evening economy, in line with the aspirations of the draft Civic Quarter AAP.

28. Having regard to the policy position associated with this site and the wider area, Officers are satisfied that this element of the scheme is acceptable in principle and would not cause harm to any other nearby centres. The lack of a sequential test and impact assessment has therefore been appropriately justified.
29. On the basis of the above, Officers are satisfied that the applicant has adequately demonstrated that the proposed main town centres uses are essential for the delivery of the residential development on site, as well as for achieving the wider aims for the Civic Quarter AAP area. This is subject to the quantum of development set out in the application being controlled by condition, specifically a single hotel with up to 100 bedrooms, 7,000m² for a primary school, 18,500m² for office and educational uses, 600m² for an energy centre and 4,500m² for local centre uses (with retail uses limited to 2,000m² of this). On this basis, the application is considered to be acceptable in this respect.

Proposed school:

30. The provision of new and improved educational facilities in this location is supported by both the Draft Civic Quarter AAP and Policies SL3 and L3 of the Core Strategy. The NPPF is also supportive of applications for new schools, in the interests of ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Paragraph 94 notes that Local Planning Authorities should *“give great weight to the need to create, expand or alter schools through the preparation of plans and decisions on applications”*, whilst paragraph 121 states that Local Planning Authorities should *“make more effective use of sites that provide community services such as schools...”*.
31. The application proposes a two-form entry (2FE) primary school within the eastern part of the site. Officers are satisfied that the provision of a school on site as proposed is acceptable in planning terms, being in accordance with the aims of local and national policy as set out above. This would constitute a significant benefit for the development as a whole, helping to form the sense of community which is envisioned by the supporting documents. The Council’s Education section has been consulted on the application and advises that as the majority of Trafford primary schools in the Stretford area are at full capacity, the developer should be required to contribute towards primary education where additional

pupil yield is generated. It is also advised that there is a preference to 'land bank' the proposed school site and expand local schools in the first instance. If the school is not required after a certain amount of time, then a financial contribution towards the expansion of existing nearby primary schools is requested from the developer.

32. On the basis of the above, Officers consider it reasonable to require either the proposed school to be delivered, or a financial contribution made towards off-site primary provision should this not be brought forward. This would be secured by a legal agreement.
33. A calculation has been provided to show what the expected pupil yield of the development would be, which equates to 131no primary pupils and 93no secondary pupils for the maximum number of proposed residential units, and 96no primary pupils and 69no secondary pupils for a 556-unit scheme (i.e. with all non-residential uses being delivered). This has been used to calculate a potential financial contribution towards off-site provision. It is noted that 3 of the 4 nearest secondary schools do not have vacancies, however Lostock School, which is less than 3 miles from the development does have sufficient permanent vacancies to accommodate the secondary yield of the proposed development, even with the maximum number of residential units being delivered. Therefore a secondary contribution will not be required in this instance.
34. Given that the majority of Stretford primary schools are currently at capacity (as noted above), a contribution should be sought. On the basis of a 750-unit scheme being delivered, this equates to approximately £1.8m, whilst the 556-unit scheme equates to approximately £1.3m.
35. It is recommended that a suitably-worded legal agreement should be completed to ensure that either the school is provided on site, or the relevant financial contribution is provided should consent be granted. On this basis, the application is deemed to be acceptable in this respect.

TOWNSCAPE IMPACT, VISUAL IMPACT AND DETAILED DESIGN

36. 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; and, Make appropriate provision for open space, where appropriate, in accordance with Policy R5 of this Plan"*. Policy L7 of the Core Strategy is considered to be compliant with the NPPF and therefore up-to-date as it comprises the local expression of the NPPF's emphasis on good design and, together with associated SPDs, the Borough's design code. It can therefore be given full weight in the decision making process.

37. Paragraph 124 of the NPPF states that *“The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities”*. Paragraph 130 states that *“Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions”*. In addition, Paragraph 131 notes that *“great weight should be given to outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings”*.

38. The National Design Guide sets out ten characteristics which illustrate the Government’s priorities for well-designed places, including identity, built form, movement, nature and public spaces.

Townscape and Visual Impact Assessment:

39. The Environmental Statement includes a Townscape and Visual Impact Assessment (TVIA) which considers in detail the impact of the proposed development with respect to its ‘Townscape’ effects and ‘Visual’ effects. ‘Townscape effects’ relate to the impact on the physical characteristics or components of the environment which together form the character of that townscape, including buildings, roads, paths, vegetation and water areas. ‘Visual effects’ relate to impacts on individuals whose views of that townscape could change as a result of the proposed development, such as residents, pedestrians, people working in offices, or people in vehicles passing through the area.

40. The study area used for the TVIA has been set at approximately 500m around the application site and a total of 15no representative viewpoints have been selected.

Townscape effects:

41. With regard to townscape effects, the TVIA considers the impact of the development on several townscape receptors, identified as ‘Townscape Character Areas’ (TCAs) in the vicinity of the site as well as the site itself. These include the Civic TCA (the area on the northern side of Talbot Road, including Trafford Town Hall), Historic TCA (towards the eastern part of Talbot Road, up to the Trafford Bar Metrolink stop) and Residential TCA (largely to the north of Chester Road). Impacts on these receptors are assessed during the construction phase of the development, upon completion of the development and at 15 years post-completion of the development.

42. With regard to the construction phase, the TVIA notes that the activity within the site and its immediate setting would be uncharacteristic and out of context, with major impacts anticipated upon the Civic TCA and Sports and Recreational TCA in particular. There would however be mitigation measures in place through the provision of a Construction Environmental Management Plan (CEMP) prior to commencement of construction. Due to the relatively limited duration of the construction phase, the townscape effects are not deemed to be significant.
43. Upon completion of the development, the TVIA anticipates the townscape impacts to range from major beneficial to minor adverse. There are noted as being particular beneficial impacts upon the Commercial and Sports and Recreational TCAs due to the embedded mitigation and strong urban design principles. Beneficial impacts are also identified to the townscape of the site itself due to a better sense of place and arrival for visitors to Old Trafford being created, as well as the addition of publicly accessible multifunctional open spaces. Minor adverse impacts are predicted on the Historic TCA, largely due to the height of proposed buildings, although these are not deemed to be of such significance to render the development unacceptable in this respect. A full assessment of the impact of the development on heritage assets is contained elsewhere in this report.
44. At 15 years post-completion of the development, impacts on all townscape receptors are deemed to be beneficial, in particular the Civic TCA and Sports and Recreational TCA, largely due to the soft landscape treatment becoming more mature.
45. In summary, the urban design principles contained within the Design and Access Statement and Design Principles Document are deemed to result in an improvement to visual amenity from within the surrounding townscape towards the application site and from within the site outwards to the surrounding townscape. In addition, the maturity of proposed soft landscape treatments together with the implementation of a robust management plan (to be secured by condition) will ensure the townscape will have a continuing beneficial impact post-completion.
46. Given the above, the proposed development is not considered to result in any unacceptable townscape effects during construction of the development, upon completion of the development or any unacceptable residual impacts post-completion.

Visual effects:

47. With regard to visual effects, the TVIA considers the impact of the development on several visual receptors. These include pedestrians, cyclists and motorists on Talbot Road (a national cycle route), as well as receptors on Warwick Road, Warwick Road South, Brian Statham Way, Chester Road and Ayres Road. As

with townscape effects, impacts on these receptors are assessed during the construction phase of the development, upon completion of the development and at 15 years post-completion of the development.

48. With regard to the construction phase, the visual effects are expected to vary across the study area, although no impacts are anticipated to exceed a 'moderate adverse' level. The TVIA notes that views of construction activity will be out of context and in some locations, these changes in views would be experienced for the entirety of a route/journey of a visual receptor. This concludes however, that due to the relatively limited duration of the construction phase, the effects on visual receptors are not deemed to be significant during this phase of development.
49. Upon completion of the development, the TVIA anticipates that visual impacts will range from major to minor beneficial. There are noted as being particular beneficial impacts for pedestrians and cyclists using Talbot Road and Brian Statham Way (viewpoints 6, 7 and 8), which is of particular importance given the proposals for 'processional' and 'wellbeing' routes here. The inclusion of active frontages along these routes will also be of significant benefit to the experience of pedestrians in particular.
50. At 15 years post-completion of the development, impacts on all visual receptors are deemed to be beneficial, with many of these likely to experience 'major' improvements. The visual benefits of soft landscape treatments becoming more mature would be particularly noticeable after this period.
51. In summary, whilst much of the site is visually well contained by surrounding buildings, the relatively flat topography of the land is such that taller elements of the scheme will be visible, including in medium and long range views. It is acknowledged however that there is an existing context of tall buildings within the surrounding area and the proposed development is considered to be largely in keeping with this, in terms of the maximum heights proposed. The use of active frontages and landmark buildings will help deliver an attractive development with visual interest, which will be secured at reserved matters stage. The TVIA accepts that there will be clear changes in views from throughout the study area, however the effects on visual amenity are not considered to be of a level to cause an unacceptable degree of harm, and in most instances are likely to be beneficial.
52. Given the above, the proposed development is not considered to result in any unacceptable visual effects during construction of the development, upon completion of the development or any unacceptable residual impacts post-completion.

Detailed design:

53. Given that the application seeks outline consent with all matters other than 'Access' reserved, the final scale, layout and appearance of the development is not for consideration under this application. Parameter plans have however been submitted to indicate proposed land uses and maximum heights across the site.
54. The approach to the development set out in the height parameters plan is considered to be appropriate, having regard to the submitted TVIA referred to above. It is considered that the greater heights indicated within the eastern part of the site fronting Talbot Road (up to 20 storeys) would be acceptable, given the presence of relatively tall office/residential buildings opposite on the northern side of Talbot Road and would also help to maximise the use of this sustainable brownfield site. The maximum heights proposed then decrease to a maximum of six storeys on the western edge of the application site adjacent to the LCC ground. This six storey height is consistent with the height of many of the existing stands within the cricket ground and with the offices to the west of the ground, and is considered to be appropriate both in terms of protecting the setting of the cricket ground and creating a step down in height towards the existing two storey residential properties to the south and west of the ground. Whilst the parameter plan shows maximum heights decreasing to 14 and then 6 storeys heading westwards along the Talbot Road frontage, Officers are clear that these are maximum heights, and an appropriate change in height between each pair of blocks here will be important to ensure the scheme is acceptable in street scene terms.
55. A maximum height of 6 storeys is proposed along the Brian Statham Way frontage which will give presence and structure to the proposed 'processional route' whilst serving to minimise any potential harm to Trafford Town Hall and non-designated heritage assets at the cricket ground (assessed in full elsewhere in this report). The Design and Access Statement suggests that pockets of 2-3 storey townhouses are likely to be included which would reflect the wider Old Trafford area whilst also providing homes which are potentially more suitable for families. Officers are satisfied with the parameters established in this submitted plan and a condition should be attached to any consent issued to ensure that reserved matters applications come forward in accordance with this.
56. As set out above, whilst consent is not sought for matters of scale, layout, appearance or landscaping at this stage, a 'Design Principles Document' (DPD) has been submitted which sets out the intentions of the applicant with respect to the design approach to be taken in relation to future reserved matters applications.
57. The submitted DPD incorporates three overarching elements which the detailed design of the development being brought forward should have regard to: architecture, landscape and public realm, and sustainability. With regard to 'architecture', key principles include materiality, composition and articulation, legibility and depth and relief. The importance of aspects such as the depth of

window reveals, the rhythm of fenestration, order of elevations and common materiality are highlighted, with this guidance providing a framework which will ensure that a high quality of development is delivered without being unduly prescriptive.

58. In terms of landscape and public realm, the DPD stresses the importance of appropriate hard and soft landscaping being delivered, with emphasis being placed on the use of clay and natural stone in particular. Guidelines for the design of areas of open space within the site are provided, these being divided into 'neighbourhood' spaces and 'gateway' spaces. The neighbourhood spaces are expected to accommodate and unite the various activities, uses and user groups within the site and are where flexibility and social interaction are seen as being of key importance. The gateway spaces are intended to be welcoming, clear points of entry into the site with greater emphasis on hard landscaping and ease of movement. Parameters for the design and character of the various streets within the development are included, as are principles for the approach to be taken to private outdoor space. In this respect, it is envisaged that the development will incorporate a combination of communal gardens, defensible space and podium/roof gardens where possible.

59. The sustainability section of the DPD references the need for a holistic approach to be taken, incorporating aspects of social, economic and environmental sustainability. For example, the aims of zero carbon, zero waste, the use of sustainable materials, principles of health and wellbeing and impacts on the local economy should be given weight and designed-in to future detailed reserved matters applications.

60. Overall, the DPD provides a comprehensive, meaningful and implementable framework for the detailed design of development coming forward within the site, without being unnecessarily prescriptive. As suggested within the submission documents, a condition should be attached to any consent issued requiring reserved matters applications to be brought forward in accordance with the principles set out within the Design Principles Document. This will also require the submission of a 'Statement of Compliance' with each reserved matters application to demonstrate that appropriate regard and consideration has been given to the DPD.

61. Given the above and based upon the information which has been provided at this stage, it is considered that the proposed development can be delivered to a high standard in terms of its detailed design and appearance, and the current application is therefore deemed to be acceptable in this respect.

HERITAGE ASSETS AND ARCHAEOLOGY

Designated and non-designated heritage assets:

62. Section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990 advises that *“In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority ... shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.”*
63. Policy R1 of the Core Strategy states that all new development must take account of surrounding building styles, landscapes and historic distinctiveness and that developers must demonstrate how their development will complement and enhance existing features of historic significance including their wider settings, in particular in relation to conservation areas, listed buildings and other identified heritage assets. This policy does not reflect case law or the tests of ‘substantial’ and ‘less than substantial harm’ in the NPPF. Thus, in respect of the determination of planning applications, Core Strategy Policy R1 is out-of-date and can be given limited weight.
64. Paragraph 193 of the NPPF establishes 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. The NPPF sets out that harm can either be substantial or less than substantial. There will also be cases where development affects heritage assets but from which no harm arises. Significance is defined in the NPPF as ‘The value of a heritage asset to this and future generations because of its heritage interest. That interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset’s physical presence, but also from its setting.’ Setting of a heritage asset is defined in the NPPF as ‘The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral’.
65. Paragraph 196 of the NPPF states that *“where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use”*. Paragraph 197 identifies that the effect of an application on the significance of a non-designated heritage asset should also be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
66. Chapter 9 of the Environmental Statement addresses matters of built heritage and provides an assessment of the potential impact of the development on the setting of both designated and non-designated heritage assets.

67. The closest listed building to the application site is the Grade II Trafford Town Hall immediately to the north-west, at the junction of Talbot Road and Warwick Road. The Grade II listed former Entrance Portal and Lodges to White City are approximately 0.3km to the north of the site. The closest conservation area is Longford Park, approximately 0.5km to the south.
68. Trafford Town Hall is significant for its aesthetic, historical and communal values. The clock tower in particular is an important local and distinctive landmark and views of this contribute greatly to its aesthetic value. Its landmark quality orientates residents and visitors and provides a focal point within the locality. A clock face is intentionally visible on all four elevations of the tower emphasising the importance and visibility of this civic building at the time of construction in 1933 and this remains the case today. During this period Talbot Road was extended to the west through the Clifford Cricket ground (immediately north of Old Trafford Cricket Ground) and Gorse Hill golf course to join Chester Road.
69. The Entrance Portal and Lodges were originally designed as the grand entrance to the Royal Botanical Gardens, now White City Retail Park. The Gardens were subsequently converted to an amusement park, then a multi-purpose sports stadium before making way for the site's current retail use. The significance of this designated heritage asset derives from its connection with the history of the area as a large public garden, as the location of a number of exhibitions in the 19th century, and its association with later leisure activities during the 20th century. Whilst this original connection has been lost, it retains some communal and aesthetic value.
70. The significance of Longford Park conservation area derives in part from its status as the site of the former Longford Hall and its association with John Rylands. During the 20th century, the Estate was designated as a public park and a key aesthetic value of the site comes from its green spaces, mature trees and planting. The layout of the spaces reflects both the park's historic estate use and changes made during its use as a park. In the 1930s a number of buildings and structures were added to the park including the former Firwood Library and entrance from the Quadrant to the north. The park, which is also highly valued as a recreational facility, provides vistas across to the open space to the north of the conservation area and beyond from the former Firwood Library.
71. Old Trafford Cricket Ground, including the pavilion and turnstiles immediately to the west is deemed to be a non-designated heritage asset. The pavilion was designed by Thomas Muirhead, also the architect of the pavilion at the Oval. Despite being altered and rebuilt after WWII bomb damage, as well as a comprehensive redevelopment in recent years, the building maintains its original layout and relationship with the cricket pitch. The pavilion remains an iconic image of LCC and has remained in its intended use since 1895. Limited glimpses of the pavilion can be seen from Brian Statham Way. The circa 1920s turnstiles fronting Brian Statham Way are also of interest.

72. The Council's Heritage Development Officer has been consulted on the application and concurs with the submitted Heritage Assessment that the most significant impacts from the construction phase and completed development will be a minor/moderate effect on the setting of Trafford Town Hall and a minor adverse impact on the turnstiles on Brian Statham Way, with a negligible impact on all other designated and non-designated heritage assets identified above.
73. It is considered that the proposed blocks of up to 6 storeys in front of the existing UA92 building and the (up to) 20 storey element on Talbot Road will have the most impact on openness and the contribution this makes to the setting of Trafford Town Hall. This harm is considered to be of a moderate level. In addition, it is noted that these blocks and those along Brian Statham Way have the potential to impact upon the 'processional route' proposed in the Civic Quarter AAP. It is acknowledged that there is limited detail available in terms of the final design of the development to be able to fully assess its impact on Trafford Town Hall and other heritage assets and as such, it is recommended that a condition is attached to any consent issued requiring the submission of a further heritage appraisal at reserved matters stage. It is also noted that the maximum height parameters plan has been amended during the application process to reduce the maximum height of any blocks to the front of the existing building and along Brian Statham Way. These measures will ensure that the requirements of NPPF paragraph 190 are appropriately addressed, in the interests of *"avoiding or minimising any conflict between the heritage asset's conservation and any aspect of the proposal"*. The submission of a further heritage appraisal will allow further consideration to be given to the eventual height and siting of the blocks referred to above, as well as the retention of views of Trafford Town Hall from within the development. Considerable importance will be placed on the quality of the design at reserved matters stage, including the silhouettes and roofscapes of the proposed blocks as well as their articulation and materiality.
74. In summary, based on the submitted information, it is considered that the proposed development would cause moderate harm to the significance of Trafford Town Hall, minor harm to the non-designated turnstiles at Old Trafford Cricket Ground and negligible harm to all other designated and non-designated heritage assets outlined above. In the case of the latter, this is largely due to their significant distance from the application site and the presence of a number of intervening buildings. The harm identified to designated heritage assets is considered to represent 'less than substantial harm' in NPPF terms, for which paragraph 196 is applicable. The minor harm to the significance of non-designated heritage assets identified above requires the development to be assessed against paragraph 197.
75. There are considered to be numerous significant public benefits associated with the proposed development which would outweigh the harm to designated and

non-designated heritage assets identified above. The proposals would deliver up to 750 no much needed residential units in a highly sustainable location, contributing towards meeting the Council's housing land targets and housing needs. The scheme would also deliver a new school (or equivalent contribution) and supporting local centre facilities and areas of publicly accessible open space. As set out elsewhere in this report, the construction phase is anticipated to support 2,261 no direct and indirect jobs with a Gross Value Added (GVA) of £18.2m per year. The new households are estimated to spend around £11.2m per year locally, which equates to 87 no local jobs and a GVA of £3.1m per year, whilst the proposed commercial accommodation is expected to facilitate 1,248 no new direct and indirect jobs with a GVA of around £50m per year. The proposals would maximise the benefits associated with a brownfield site in a highly accessible location and would serve as a catalyst for future development within the Civic Quarter. Overall, the scheme is considered to constitute a socially, environmentally and economically sustainable form of development.

76. In conclusion, the public benefits identified above are considered to clearly and demonstrably outweigh the less than substantial harm to designated heritage assets as well as the minor harm to non-designated heritage assets. On this basis, the proposed development is deemed to accord with the NPPF and is considered acceptable in this respect.

Archaeology:

77. The application is accompanied by an Archaeological Desk Based Assessment. This establishes that there are no Scheduled Monuments, conservation areas, Registered Parks and Gardens or Registered Battlefields within the proposed development site. Based on the available evidence, the Assessment concludes that the site has a low potential for archaeological remains of prehistoric, Roman, Saxon and Medieval date. This goes on to say that there is potential associated with the foundations of early 20th century terraced houses in the east of the site, and the below-ground remains of the late 19th century Manchester Athletic Ground and associated outbuildings in the west of the site. The Assessment recommends that in order to better assess the archaeological potential of the site, further targeted work should be carried out.
78. The Greater Manchester Archaeological Advisory Service has been consulted and advises that it is satisfied that the proposed development does not threaten the known or suspected archaeological heritage. Given the conclusions of the Archaeological Assessment however, it is considered that a condition should be attached to any consent issued requiring the submission of results of further targeted investigation within the site. Subject to this condition, the application is considered to be acceptable in this respect.

AMENITY, INCLUDING DAYLIGHT, SUNLIGHT AND OVERSHADOWING

79. 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”*.
80. Given that approval is not being sought for matters of scale, layout or appearance at this stage, a full further assessment of matters of amenity will be necessary at reserved matters stage. Notwithstanding this, the application is accompanied by a Daylight, Sunlight and Overshadowing Assessment, based upon the submitted height parameters plan which assesses potential impacts of the development upon surrounding residential properties. This is necessary to understand whether an acceptable scheme can be delivered here within the parameters outlined in the application.
81. With regard to operational impacts, this uses the Vertical Sky Component (VSC) and No Sky Line (NSL) methods for determining potential daylight effects and Annual Probably Sunlight Hours (APSH) for sunlight effects. The submitted Assessment explains how each of these methods are used and how impacts are calculated, with Building Research Establishment (BRE) guidelines setting criteria for acceptable levels of daylight and sunlight.
82. Only those surrounding residential properties with windows facing towards the application site have been assessed, given that these are the only ones with the potential to experience such impacts. The properties considered are apartments within 84 Talbot Road, Atherton House (now known as Kinetic), Warwick House as well as the consented but not yet completed 86 Talbot Road. Properties to the south of the Metrolink line have not been assessed, given that these are considered to be a sufficient distance from the site not to constitute sensitive receptors.
83. The assessment concludes that with regard to VSC, 44 of the 301 windows assessed would meet the BRE guidelines, with the remainder experiencing a reduction. In terms of NSL, 102 of the 258 windows would meet the guidelines with the remainder experiencing a reduction. A total of 87 of 125 rooms from the APSH assessment would meet the relevant guidelines.
84. Whilst an initial reading of this would appear to indicate a significant impact in this respect, it should be noted that this assessment is based upon the maximum parameters set out on the submitted plans, in terms of height and siting, to ensure that a robust approach is taken. This would essentially equate to a ‘solid wall’ of development immediately adjacent to Talbot Road at the maximum heights set out on the submitted parameter plan. In reality, such an arrangement would not be considered acceptable at reserved matters stage in terms of impacts on the character and quality of the street scene. When detailed consent

is sought for the layout and scale of the development, it would be necessary, for example, to ensure that gaps are provided between buildings fronting Talbot Road and that there are appropriate steps in height between the various elements of the scheme. It is also noted that the parameter plan shows buildings potentially extending to the edge of the footway, which may also not be an appropriate arrangement for the full length of the Talbot Road elevation. The indicative masterplan which accompanies the application shows a potential arrangement which demonstrates a more suitable approach in street scene terms, and which includes significant gaps between buildings which themselves have a relatively narrow frontage. It is recommended that a condition requiring the submission of a further daylight and sunlight assessment at reserved matters stage should be attached to any consent issued to ensure that within-site relationships are acceptable in this respect.

85. There is also a need to encourage a greater density of development on a sustainable urban site such as this, as set out in paragraph 123 of the NPPF, whilst it should also be acknowledged that it is not unusual for apartments in such locations to receive lower levels of daylight and sunlight than might be experienced elsewhere. Notwithstanding this, the submitted assessment concludes that at worst, the development could have a moderate adverse impact on surrounding properties which is not deemed to be significant. As highlighted above, this is based upon a scheme occupying the maximum possible parameters in terms of scale and siting and does not reflect the scheme which is likely to be delivered.
86. It should also be noted that any scheme within the application site would meet the required separation distances to existing surrounding dwellings for minimising overlooking impacts (24m) set out in the Council's adopted Planning Guidance 1: New Residential Development, given that the distance from the site boundary to the nearest residential property on the northern side of Talbot Road is approximately 28m. Although permission for layout is not sought under this application, this is intended to be a high density development and many separation distances between new buildings proposed in future reserved matters applications are unlikely to meet the SPD1 guidelines. Properties however, will be designed to provide adequate levels of privacy, daylight and sunlight and given the approach of creating a high density development in a sustainable location, this is considered to be acceptable.
87. Given above, the proposed development is not considered to have an unacceptable impact in terms of daylight, sunlight and overshadowing. It is acknowledged that there will be some disturbance to nearby residential properties arising from the construction phase, however a condition requiring the submission of a Construction Environmental Management Plan will ensure that any disturbance is minimised as far as possible and working hours appropriately restricted. Detailed noise issues are assessed elsewhere in this report. Further consideration will be given to the final layout, scale and appearance of the

development at reserved matters stage, at which point it is recommended that a further supporting daylight and sunlight assessment is submitted to ensure that within-site relationships are acceptable in this respect. Subject to the recommended conditions, the application is considered to be acceptable in this respect.

HIGHWAY MATTERS

88. Policy L4 of the Trafford Core Strategy states that *“when considering proposals for new development that individually or cumulatively will have a material impact on the functioning of the Strategic Road Network and the Primary and Local Highway Authority Network, the Council will seek to ensure that the safety and free flow of traffic is not prejudiced or compromised by that development in a significant adverse way”*.
89. 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”*. Given the more stringent test for the residual cumulative impacts on the road network set by the NPPF, it is considered that Core Strategy Policy L4 should be considered to be out-of-date for the purposes of decision making.
90. The application is supported by a Transport Assessment (TA) which considers all relevant traffic and transport matters relating to the site, and seeks to demonstrate that the proposed development is acceptable with regard to impacts on the local highway network, access, parking and accessibility by sustainable modes of transport.

Impact on highway network:

91. Observed traffic flows have been established as part of work associated with the Civic Quarter AAP to form a baseline against which the impact of the development can be assessed, with future growth accounted for up to 2024. Based on the proposed plans there is highly likely to be a net reduction in the overall number of vehicle trips associated with the site, given that the proposal includes approximately 200no car parking spaces compared with the circa 450no currently on site. Notwithstanding this, TRICS has been used to produce a likely trip arrival/departure profile for the proposed development. This shows that approximately 92no two-way trips could be expected in the AM peak and 84no in the PM peak, based on the proposed podium parking.
92. Traffic distribution patterns on the surrounding highway network and adjacent junction have been established based upon the above trip profile, together with the anticipated vehicle movements associated with school drop-off/pick-up. These are interpreted using a number of methods, including ‘Degree of

Saturation' (DoS) and 'Mean Maximum Queue' (MMQ) in each lane of a junction to establish what proportion of its capacity it would be operating at.

93. The Talbot Road/Warwick Road/Brian Statham Way junction is identified as operating at its theoretical capacity, however the proposed improvement works to this junction, as set out below, are expected to significantly improve this situation, taking into account traffic growth and traffic associated with the development. The improvements referred to include downgrading Talbot Road, including reducing the number of lanes at the junction, providing toucan crossing facilities and updating signal timings.
94. The TA concludes that the proposed development can be accommodated by the surrounding highway network, including the podium parking and school drop-off traffic. The proposed works at the Brian Statham Way/Talbot Road/Warwick Road junction are also expected to enhance the operation of the network significantly. Specifically, these improvements would primarily result from a simplification of the layout and associated simplification of the traffic light staging from four to three stages. The junction layout can be simplified as the survey data shows that the number of right-turners along Talbot Road is reduced. In addition, the reduction in the number of lanes would allow the 'saturation flow' to be improved by widening lanes and increasing the turning radii.
95. Additional supporting information and clarification has been provided by the applicant in response to queries raised by the Local Highway Authority (LHA). Having reviewed this, the LHA confirms that it has no objections to the proposed development in terms of its impact on the highway network. Transport for Greater Manchester (TfGM) advise that mitigation in the form of 'SCOOT' control will be necessary as part of the proposed works to this junction to ensure that pedestrian and vehicular delays are reduced. This is a system which automatically adjusts signal timings using data from traffic sensors, and this can be secured during the detailed design stage for the junction works. Officers are satisfied that the application is acceptable in this respect.
96. Given the location of the site in close proximity to both the Old Trafford Cricket Ground and football stadium, TfGM and the LHA raise the importance of ensuring that events at these locations are appropriately managed in the context of the proposed development. On this basis, a condition should be attached to any consent issued requiring the submission of an Event Management Plan.
97. The NPPG states that it is important to give appropriate consideration to the cumulative impacts arising from other committed development (i.e. development that is consented or allocated where there is a reasonable degree of certainty will proceed within the next 3 years). The submitted Transport Assessment (TA) considers the potential for transport-related cumulative impacts of the proposed development in conjunction with several committed developments, and concludes that there would not be a significant highway impact as a result of

these developments coming forward. Despite this, as noted the observed traffic referred to in the TA has been factored to 2024 levels as a robust measure.

Site access:

98. Alternative access arrangements are proposed for phase 1 of the development (prior to the delivery of the school) and for future phases/completion of the development. The TA indicates that for phase 1, the main vehicular access will be from Talbot Road, via a priority-controlled T-junction. This is intended to accommodate all vehicle ingress movements, as well as egress from the proposed podium car park. Access to the majority of the site is to be restricted to disabled users and servicing/delivery vehicles through a control point, potentially in the form of automatic raising bollards. For phase 2, a similar arrangement would be in place, however drop-off bays for the proposed school would be delivered as well as the relocation of a bus stop on Talbot Road. Larger registered servicing vehicles (such as for waste collection and emergency access) are proposed to use this access point from Talbot Road and would follow a one-way route through the site, egressing onto Brian Statham Way. Everyday delivery vehicles (such as food deliveries) and vehicles using the disabled parking spaces within the site would access and egress the site using the point on Talbot Road.
99. The LHA raised concerns regarding the proposed location of the Talbot Road site access, which would have been immediately opposite the access point for residential development at 86 Talbot Road and could result in conflict between vehicles exiting each site simultaneously. In response to this, the proposed access point has been relocated approximately 5m to the west and the LHA has confirmed that this is an acceptable arrangement. In addition, the proposed access plans include the necessary viability splays whilst Road Safety Audits have been carried out for the proposed access points. These include a number of comments on the suitability of the proposed access arrangements, however the LHA is satisfied that these can be addressed at the detailed design stage.
100. TfGM has stressed the importance of access being retained to the Old Trafford Metrolink Stop and associated infrastructure via Brian Statham Way. It is noted that no works to Brian Statham Way are proposed under this application, with these included under application ref. 99105/FUL/19 (new grandstand and hotel extension at Old Trafford Cricket Ground). These include the realignment of Brian Statham Way and associated removal of a number of pay and display parking bays, whilst a condition would require the submission of the detailed design of these highway works. Given that the above application has a resolution to grant from the Planning and Development Management Committee, indicative plans submitted with this application show the proposed servicing egress on to Brian Statham Way based on this realignment as well as in its current form. Officers are satisfied that the works proposed under this application can be

implemented without impacting on access arrangements for the Metrolink stop and TfGM has also confirmed it is satisfied in this respect.

101. Officers are satisfied that an appropriate level of information has been provided to demonstrate that the proposed access arrangements are acceptable, both for the initial and later phases of development.

Car parking:

102. The TA indicates that a total of approximately 200no car parking spaces would be provided within the northern part of the site in the form of a podium car park. The indicative masterplan demonstrates the potential for this to be bounded by buildings with an area of outdoor space above, which would help to ensure this is not a visually intrusive structure. It is proposed that this car park is not publicly accessible with vehicle control measures in place, and would be split between the various uses on site, excluding school drop-off.
103. The Council's adopted SPD3: Parking Standards and Design including maximum parking standards for the range of uses proposed under the application. Whilst the final split of uses and number of residential units is not known at this stage, it is clear that the 200no spaces to be provided will fall considerably short of the maximum standards, which equates to around 2,000no spaces. This is acknowledged within the submitted TA, whilst the Design and Access Statement emphasises that *"movement priority is focused on pedestrians through managing the car"* and makes clear that low car ownership/usage is central to the overarching design concept and approach.
104. The TA highlights the highly accessible location of the application site, which is considered to be very well connected by public transport and cycle links. The Old Trafford Metrolink stop is immediately south of the site, with frequent trams towards Altrincham and Manchester, as well as connections to the wider Metrolink system and national rail network. Accessibility by bus is considered to be excellent, with services on Talbot Road and Chester Road offering frequent connections to Manchester, the Trafford Centre, Altrincham and Urmston, among other destinations. The proximity of bus stops on Talbot Road is also well within the 400m recommended by relevant guidelines.
105. In seeking to demonstrate the accessibility of the site by pedestrians, the TA includes an indicative pedestrian catchment plan for the application site. This divides surrounding areas into 'desirable' (500m), 'acceptable' (1000m) and 'preferred maximum' (2000m) walking distances in relation to commuting/school/sightseeing purposes. Town centre uses have an 800m 'preferred maximum' catchment. The plan indicates that Trafford College and a Tesco Extra superstore are located within the 500m distance, whilst White City Retail Park and significant residential areas are within the 1000m catchment. It is also acknowledged that a number of local centre uses are proposed to be

delivered as part of the development, which would be within close walking distance for all residents within the site as well a large number of residents living nearby.

106. With regard to accessibility by bicycle, the TA states that cycle infrastructure in the immediate vicinity of the site is excellent, with dedicated cycleways along the entirety of Talbot Road (recently upgraded to include segregated cycle lanes), some sections of Warwick Road, Great Stone Road, Warwick Road South and Chester Road. Route 55 of the National Cycle Network also passes immediately adjacent to the site, along Brian Statham Way and Talbot Road, whilst a cycle route along the Bridgewater Way is also available within 700m of the site. The draft AAP also includes proposals to improve cycleway provision within the vicinity of the site, which would further assist with accessibility and the experience of cyclists travelling to the site.
107. The TA also refers to the existence of other residential developments in similarly accessible locations across Greater Manchester which have adopted low parking levels or no on-site parking with success, although specific examples have not been provided. Reference is also made to a number of reports by transport research bodies which highlight the decline of car use and ownership and a move towards alternative modes of travel.
108. Car ownership figures have been provided based on 2011 Census data for the local area. Whilst it is acknowledged that this is somewhat dated, it constitutes the most recent data of this type available and gives a useful indication of likely car ownership levels. This establishes that 31 per cent of residents in the area do not have access to a car or van in their household, which the TA deems to be a relatively low level of car ownership. Given the lack of available parking proposed to be provided within the site, which potential occupiers would be aware of when deciding whether to live here the level of car ownership amongst future residents of the development is anticipated to be lower still than the Census figures. In addition, it is acknowledged that a low level of car parking provision is central to the vision of the proposed development, as well as reflecting the overall aims of the draft Civic Quarter AAP.
109. An assessment has been carried out to identify existing Traffic Regulation Orders (TROs) within 1km of the application site. Talbot Road, Brian Statham Way, Warwick Road and Great Stone Road all have substantial stretches of double yellow lines and overall, approximately 70 per cent of the total road network within the 1km catchment has parking restrictions. Detailed parking surveys for those streets with unrestricted parking have not been provided and an accurate appraisal of the use of these parking areas has not been possible during the application process due to changes in travel habits associated with Covid-19. As such, the LHA recommends that a legal agreement is secured to require these surveys to be carried out prior to the development being brought into use, as well as following the implementation of the scheme should parking issues associated

with the development arise in the surrounding area. This will ensure that additional restrictions and potentially extensions to resident permit schemes can be implemented where necessary, which will also be secured by a legal agreement. These surveys would focus on the streets surrounding Headingley Drive and Ayres Road to the south of the Metrolink line, as well as streets surrounding Gorse Avenue to the south-west. The LHA has confirmed that this is an acceptable approach and will enable any mitigation necessary to prevent additional overspill parking occurring. Notwithstanding the above provisions, it is considered unlikely that residents of the scheme would wish to park their cars overnight on streets that are out of sight and at such a distance from their homes. The legal agreement referred to above will however provide a degree of protection should any such overspill parking occur.

110. In summary, Officers consider that appropriate supporting evidence has been provided to demonstrate that the level of car parking proposed is sufficient and would not result in an unacceptable overspill impact on surrounding streets, subject to appropriate conditions and legal agreement. The site is in a highly sustainable location with excellent connectivity via tram or bus, as well as being highly accessible for pedestrians and cyclists making sustainable methods of transport a realistic option for journeys to and from the site.

School drop-off arrangements:

111. The proposed school is deemed to be situated in a highly accessible location and is intended to serve a local catchment, with vehicular access discouraged through the implementation of a Travel Plan. Despite this, there is likely to be some level of access required by car and as such, the TA proposes that provision for school drop-off would be made at two locations: along Talbot Road to the north and along Warwick Road South/Ayres Road to the south of the Metrolink line. On Talbot Road, it is expected that up to 16no drop-off bays would be provided, with a TRO restricting the length of stay. In the other drop-off location, an area of around 600m of existing unrestricted on-street parking has been identified as potentially being subject to TROs to restrict the length of stay.
112. Surveys carried out at the nearby King's Road and Seymour Park Primary Schools conclude that approximately 43 per cent of pupils travel to school by car in the local area. TRICS data has been used to establish the likely demand for the proposed drop-off facilities, which indicates that up to 87no vehicles in the peak hours for a 2FE school are likely to use these spaces. It is also noted that these figures related to a 2FE school, although the initial intake would be a 1FE, expanding as additional residential development is delivered. As such, the initial demand would be for half the number of vehicles stated above which would allow time for the drop-off arrangements to be reviewed and amended if necessary before the school is operating at full capacity. Given the distribution of these vehicles between the two drop-off locations and the short time that cars would spend parked here, it is considered that the proposed facilities will be sufficient to

accommodate this demand. The LHA confirms that the proposed arrangements are acceptable.

Disabled parking and access:

113. SPD3 includes standards for disabled parking provision and for most uses, relates to a proportion of the overall parking provision. For residential development, SPD3 states that the level of disabled parking provision will be negotiated on a case-by-case basis.
114. It is proposed that users of the site accessing disabled parking spaces would either park in the podium car park if their destination is within the northern half of the site, or continue to disabled-only parking within the southern area of the site. The latter would follow the same route as the secondary servicing route through the site, although these vehicles would exit the site via the Talbot Road access point. The TA states that the final location and quantity of these spaces would be confirmed at reserved matters applications, as the various plots come forward for detailed approval.
115. Officers acknowledge that suitable, well-designed access arrangements for future residents and visitors to the site is critical to ensure that the development delivered is sustainable and inclusive. Whilst the overall number of proposed parking spaces is lower than could be expected in a less sustainable location, Officers and the LHA are satisfied that the principles established for disability access within this application will ensure that this should not be a factor for anyone deciding whether to live at or visit the completed development. It is also acknowledged that the amount of detail which can be provided at outline application stage in this respect is limited, given that the layout is not finalised. As such, it is considered that a condition should be imposed on any consent issued requiring the submission of a final strategy for inclusive access. This will be based upon the approach identified within the current application and shall ensure that sufficient provision is made for disabled parking spaces, a suitable proportion of accessible residential units is provided, as well as a good standard of accessibility throughout the site more generally.

Cycle parking:

116. SPD3 includes cycle parking standards for a variety of uses, including those proposed under this application. It also contains guidance relating to the detailed design of cycle parking facilities to ensure these are accessible and secure in the interest of encouraging sustainable travel.
117. The submitted TA notes that detailed cycle parking numbers will be determined as part of future reserved matters applications, once the eventual split of uses on site has been established. This does state however that in addition to private cycle parking provision, consideration will also be given to alternative

arrangements such as stacking systems, cycle share schemes and short stay spaces designed into the public realm.

118. Officers are satisfied that this is a reasonable approach and subject to a condition requiring the submission of full cycle parking details, the application is considered to be acceptable in this respect.

Servicing:

119. As noted previously, larger registered servicing and refuse vehicles are proposed to use the access point from Talbot Road and would follow a one-way route through the site, egressing onto Brian Statham Way. A plan has been provided to show this egress point based upon the current form of Brian Statham Way, however it is noted that the pedestrianisation of this road is proposed under the Civic Quarter AAP whilst its realignment is proposed under the above-mentioned application for works to the cricket ground. This pedestrianisation/realignment does not form part of the current application however should this come forward, Officers and the LHA are satisfied that this egress point could continue to function, particularly given that some continued vehicular access will be required for the Old Trafford Metrolink stop. A further plan has been provided to demonstrate this.
120. The TA also highlights that access to a substation and the proposed energy centre within the site would also be required on a regular basis for maintenance, and potentially on a more infrequent basis by larger vehicles. Given that the final layout of the scheme has not yet been established, it is considered appropriate for full details of these within-site access arrangements to be provided at the reserved matters stage.
121. The LHA has confirmed it is satisfied with the proposed servicing arrangements in principle whilst TfGM's issues regarding access to the Metrolink stop are addressed above. Notwithstanding the above, a condition requiring the submission of a detailed Waste Management Strategy should be attached to any consent issued to ensure that this is formulated in accordance with the final layout of the scheme. This will also ensure that bins are appropriately stored and will not detract from the appearance of the development.

Summary on highway matters:

122. The proposed development is deemed to be in accordance with local and national planning policy in respect of highway impacts and the 'residual cumulative impacts' are not considered to be 'severe' (as set out in NPPF paragraph 109). The Local Highway Authority is satisfied with the proposed development, subject to a number of appropriately worded planning conditions/obligations. On this basis, the proposed development is considered to be acceptable in this respect.

NOISE AND VIBRATION

123. 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...noise and / or disturbance...or in any other way”*.
124. The Environmental Statement includes a section on Noise and Vibration (Chapter 13). This considers the potential impact of noise and vibration on noise-sensitive receptors during the construction and operational phases of development. The nearest existing noise-sensitive receptors referred to in the assessment are residential properties to the south of the site and on Talbot Road, the Hilton Garden Inn hotel to the west of the site, offices on Talbot Road and the existing UA92 building within the site boundary. Proposed noise-sensitive receptors within the site have also been considered.
125. The Council’s Pollution and Housing section has been consulted and advises that construction noise and vibration should have no more than a temporary, minor adverse impact which would not be significant, subject to the implementation of industry best practice and mitigation measures. A condition for the submission of a Construction and Pre-Construction Environmental Management Plan (CEMP) that refers to these measures has been recommended. Noise from road traffic, mechanical noise and operations at the Metrolink service depot have been found to be of significance to a proportion of the proposed residential and office receptors, requiring an enhanced specification of mitigation to that provided by standard double glazing and trickle vents. The likely glazing and ventilation requirements for the worst affected facades have been presented to ensure that appropriate indoor ambient noise criteria of relevant national standards can be achieved. A condition has been recommended to address this matter.
126. Suitable noise control limits have been specified for any new fixed plant and equipment installations to ensure that noise emissions do not exceed background noise levels at existing noise sensitive receptors. However, none have been specified for the proposed noise sensitive receptors of the development, given that insufficient information on plant schedules and positioning is available at this stage. A condition has been recommended to address this matter.
127. Concert noise levels from the adjacent cricket ground have been predicted at the nearest exposed façade and found to be of no concern to the current operating requirements imposed in respect of such events. Concerts at the cricket ground are therefore expected to be able to continue, as the noise environment will be the same for new residents as it is for existing residents living close to the cricket

ground. The proposed school does not require any specific scheme of mitigation to achieve appropriate internal acoustic conditions.

128. A number of other conditions have been recommended including those relating to the hours of operation of various proposed commercial uses, appropriate times for servicing, deliveries and waste collection to take place and appropriate hours of use of any multi-use games areas which are proposed.
129. Vibration levels from the adjacent Metrolink light rail line have been monitored and found to be of negligible significance to proposed sensitive receptors. Transport for Greater Manchester has however requested that a condition requiring the submission of measures to protect the development from noise and vibration from the adjacent Metrolink line is attached to any consent issued.
130. Subject to the conditions referred to above, the proposed development is considered to be acceptable in terms of noise and vibration impacts.

AIR QUALITY

131. Policy L5 of the Trafford Core Strategy states that *“development that has potential to cause adverse pollution (of air, light, water, ground), noise or vibration will not be permitted unless it can be demonstrated that adequate mitigation measures can be put in place”*. Policy L5 is considered to be up-to-date in this regard and so full weight can be attached to it.
132. Paragraph 181 of the NPPF seeks to ensure that opportunities to improve air quality or mitigate impacts are identified, with the presence of Air Quality Management Areas (AQMAs) being taken into account. Parts of Talbot Road to the north of the application site are within an AQMA, which is designated for the potential exceedance of the annual mean nitrogen dioxide (NO₂) air quality objective.
133. Chapter 12 of the Environmental Statement includes an Air Quality Assessment which considers the potential direct and indirect impacts of the development arising from its construction and operation. This concludes that, with the implementation of dust management mitigation measures to be set out within a Construction Environmental Management Plan (CEMP), the impact of construction phase dust emissions is ‘not significant’ in accordance with Institute of Air Quality Management guidance. In terms of air quality impacts of the facility during the operational phase of the development, a detailed emissions assessment was undertaken to consider the impact of development-generated road traffic emissions on local air quality at identified existing receptor locations. The impact of the development on local air quality is predicted to be ‘negligible’ overall in accordance with relevant guidance. Concentrations of NO₂ and particulate matter (PM₁₀ and PM_{2.5}) are not predicted to exceed the relevant air

quality objectives and the AQA concludes that the site is considered to be suitable for the proposed development with regard to air quality.

134. The Council's Pollution and Housing section has been consulted and advises that they are satisfied with the above conclusions, subject to the imposition of a condition requiring the submission of a Construction Environmental Management Plan. It has also been recommended that the development should comply with current IAQM (Institute of Air Quality Management) planning guidelines that requires the provision of electric vehicle (EV) charge points in every new house (minimum 7kWh) with dedicated parking, or one charge point (minimum 7kWh) per ten car parking spaces for unallocated car parking. For commercial developments, there should be the provision for one charge point (minimum 7kWh) per 1000sqm of commercial floorspace. This can be addressed through the imposition of an appropriately worded planning condition as part of any consent issued.
135. Overall, the proposed development is considered to be acceptable with regard to air quality impacts.

FLOODING AND DRAINAGE

136. 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.
137. The application site falls within Flood Zone 1 as defined by the Environment Agency, having a low probability of sea and river flooding. The proposed uses are considered to constitute a combination of 'less vulnerable' and 'more vulnerable' uses in flood risk terms, as defined by the NPPG. The flood risk vulnerability and flood zone compatibility table contained within NPPG identifies all forms of development proposed as being 'appropriate' in this location in flood risk terms.
138. The application is accompanied by a Flood Risk Assessment (FRA) and Outline Drainage Strategy. This proposes an outline drainage scheme which uses a variety of SuDS, including permeable paving, geo-cellular storage, cell storage below rainwater gardens, perforated pipes and roof gardens. The FRA concludes that the site is suitable for residential and commercial development from a drainage and flood risk perspective. This also recommends that seasonal permeability testing is undertaken across the development site to confirm the available range of infiltration rates at different times of the year to inform the detailed drainage design. It is noted that if infiltration is deemed unfeasible, there

is access to the existing United Utilities combined water sewer network for surface water disposal.

139. The Lead Local Flood Authority (LLFA) has been consulted on the application and has not raised any objections to the development, noting that the outline drainage scheme is appropriate with more blue/green infrastructure being encouraged should infiltration prove possible. The LLFA advises that the results of infiltration testing should be submitted as part of Reserved Matters applications to demonstrate that the drainage hierarchy has been considered. A planning condition relating to the submission of a detailed drainage scheme should be attached to any consent issued. United Utilities has also commented on the application and does not raise any objections subject to the imposition of appropriate planning conditions, to be formulated in consultation with the LLFA.
140. Given the above, the application is considered to be acceptable in terms of flooding and drainage and compliant with relevant local and national planning policies and guidance, subject to an appropriately worded planning condition.

TREES AND LANDSCAPING

141. Policy R3 of the Core Strategy seeks to protect and enhance the Borough's green infrastructure network. Policy R5 states that all development will be required to contribute on an appropriate scale to the provision of the green infrastructure network either by way of on-site provision, off-site provision or by way of a financial contribution. Both policies are considered to be up-to-date in terms of the NPPF and so full weight can be afforded to them.
142. The application is accompanied by an 'Arboricultural Constraints Appraisal', including a Tree Survey Schedule, protective fencing specification and Tree Constraints Plan. This identifies all existing trees within and adjacent to the site and categorises them based upon their quality and value. No trees are given the highest category 'A' rating with only one being classified as the next highest grade 'B'. As the final layout and design of the proposed development is not yet known, a detailed tree retention plan or landscaping scheme are not yet available.
143. The site does not lie within a Conservation Area, nor does it contain any Tree Preservation Orders (TPOs). The Council's Arboriculturist has been consulted and whilst no objections to the development are raised, it is emphasised that as many trees as possible should be retained as part of the development. This consultation response also notes that landscape plans which not only replace any trees that are removed, but also enhance the area further (with additional tree planting) should be provided at the appropriate application phase. Any trees proposed to be planted will need to have adequate rooting volume available to allow them to grow for the whole of their lifespan and where this is not possible, 'raft systems' should be used.

144. Conditions should be attached to any consent issued requiring the submission of a detailed tree retention and protection plan, along with a fully detailed landscaping scheme to ensure the site is enhanced in this respect. Subject to these conditions, the application is considered to be acceptable in this respect.

OPEN SPACE

145. The Council's adopted SPD1: Planning Obligations states that "*large residential developments of approximately 100 units, or that provide homes for 300 people or more, will need to provide new open space as part of the site design*". Core Strategy Policies R3 and R5 provide further clarification on how this could be provided.
146. The proposed on-site open space provision, as described in the Design Principles Document comprises a series of connected spaces and experiences, including the neighbourhood space and informal play provision being interspersed throughout the public realm. The scale of open space provision does however fall short of the level set out in Core Strategy Policy R2 and SPD1. These suggest that the development should be expected to provide approximately 2.43ha of recreational open space on site (24,300sqm), based on the standard of 1.35ha/1000 population.
147. As the development exceeds 300no residential units, Sport England has been consulted to assess demand against information contained within the Council's adopted Playing Pitch Strategy, in order to determine whether and how the additional demand arising from the development can be accommodated locally. No on-site sport provision is proposed, which is a reasonable approach in this instance given the intended density of the scheme, the size of the site and the amount of public realm being delivered. Sport England state that they object to the application on the basis that they are not aware of a financial contribution being proposed in lieu of this on-site provision, although figures are provided within their response for a financial contribution towards indoor and outdoor sport. This is inclusive of costs for a range of facilities including swimming pools, changing rooms and playing pitches.
148. The Design and Access Statement refers to all dwellings within the site being within a 5 minute walk of public open space whilst the cumulative area of new public realm space is stated as approximately 7,340m². The proposals as presented therefore fall significantly short of the above standard, whilst some of these areas of amenity space and public realm do not perform the role of recreational open space as described in council policy. As noted elsewhere in this report however, the proposals are considered to make best use of the site by delivering a significant number of new homes in a location that is well served by public transport. This accords with the Government's aim of achieving appropriate densities, particularly in the case of new residential development and

in circumstances where brownfield land can be exploited. In addition, whilst the level of open space does not meet the above standards in respect of the number of future residents, it is noted that based on the indicative masterplan, the proportion of site area given over to open space is considerable, with three sizeable public squares being delivered.

149. Notwithstanding the above, SPD1 accepts that if a sufficient level of local open space or sport facilities cannot be provided on site, off-site improvements to nearby open space and facilities can be made by way of a financial contribution, such as those identified in the supporting document (including Gorse Hill Park and Seymour Park). Details of the required open space contribution are set out within the 'Developer Contributions and Viability' section of this report, however Officers are satisfied with this approach. In terms of sport, it is considered that the figures set out in the Sport England response do not reflect the policy requirements set out in the Core Strategy and SPD1.
150. Overall, the proposed development is considered to be in accordance with the aims of Core Strategy Policy R5 in that as a whole, the development will contribute on an appropriate scale to these facilities both through on-site provision and contributions towards off-site improvements. The application is therefore considered to be acceptable in this respect.
151. Given the scale of the development there is also a requirement for children's play provision with a Neighbourhood Equipped Area for Play (NEAP) standard play area and an additional Locally Equipped Area of Play (LEAP) standard play area, in line with the standards adopted in SPD1. The indicative landscape masterplan suggests that this level of provision has been considered, however further details of this provision will be required at the reserved matters stage. A condition to this effect should be attached to any consent issued.

ECOLOGY

152. Policy R2 of the Trafford Core Strategy seeks to ensure that all developments protect and enhance the Borough's biodiversity. In addition, Paragraph 118 of the NPPF states that *"if significant harm resulting from a development cannot be avoided...adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused"*. Policy R2 of the Core Strategy is considered to be compliant with the NPPF and therefore up-to-date as it comprises the local expression of the NPPF's emphasis on protecting and enhancing landscapes, habitats and biodiversity. Accordingly, full weight can be attached to it in the decision making process.
153. The application is accompanied by an Ecological Impact Assessment dated October 2019 and an Ecological Advice Note dated December 2019. The Impact Assessment identifies that there are no statutory designated wildlife sites within 1.5 km of the site, whilst the site lies within an Impact Risk Zone (IRZ) for the

Rochdale Canal SSSI (9.3 km north-east of the site) and the Hollinwood Branch Canal SSSI (10.3 km north-east of the site). Three Sites of Biological Importance (SBIs) are identified: Salford Quays North SBI and Salford Quays South SBI (both approximately 0.9 km to the north-west of the site) and the Bridgewater Canal (1.2 km south-west of the site boundary). The nearest Habitat of Principal Importance (HPI) is an area of deciduous woodland immediately adjacent to the eastern boundary of the site.

154. The Impact Assessment concludes that any unmitigated loss of the woodland boundary at the south-east of the site will have a minor negative ecological impact on the adjacent HPI whilst there is not anticipated to be a significant loss of semi-natural habitats as a result of the development. Natural features on site are deemed to have low suitability for bat foraging, although birds could be affected by any works carried out within the bird nesting season. It is deemed that badgers are highly unlikely to be impacted by the works although there is a risk of harm to other small mammals during construction works.
155. Recommendations of the Assessment include minimising the loss of dense scrub, hedgerows and individual trees with any loss compensated for in the soft landscaping design. A sensitive lighting scheme is recommended to minimise any potential impact on bats whilst vegetation removal works should take place outside of the bird nesting season. A pre-construction check for badgers is also recommended and a number of biodiversity enhancement measures are also suggested.
156. The accompanying Ecological Advice Note concludes that the development will result in a positive net gain for linear ecological features but a 4.3 per cent net loss for habitats. Further compensation beyond the outlined post-development habitat creation and enhancement is therefore recommended, with a number of options suggested.
157. The Greater Manchester Ecology Unit (GMEU) has been consulted and advises that the application is supported by sufficient information to allow for it to be forwarded to determination in respect of biodiversity. A number of conditions are recommended, including in relation to biodiversity enhancement, a pre-construction check for badgers and for vegetation clearance works to avoid the bird nesting season.
158. Natural England has also been consulted and no objections are raised, concluding that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.
159. Subject to the recommended conditions, the application is deemed to be acceptable with regard to matters of ecology.

ENERGY USE AND CARBON REDUCTION

160. Policy L5.1 of the Core Strategy states that new development should maximise its sustainability through improved environmental performance of buildings, lower carbon emissions and renewable or decentralised energy generation. L5.4 goes on to say that development will need to demonstrate how it contributes towards reducing CO2 emissions within the Borough. Policy L5.12 recognises the role that commercial and community low carbon, renewable and decentralised energy generation and distribution facilities can play in reducing CO2 emissions and providing viable energy supply options to serve new and existing developments. It is considered that Policies L5.1 to L5.11 are out-of-date as they do not reflect NPPF guidance on climate change, whilst the remainder of the policy is compliant with the NPPF and remains up-to-date.
161. Paragraph 153 of the NPPF states that in determining planning applications, local planning authorities should expect new development to comply with any development plan policies on local requirements for decentralised energy supply.
162. The application is accompanied by an Energy Statement, which seeks to demonstrate that the development will be capable of achieving the Council's carbon reduction target of 5 per cent above the Building Regulations Target Emissions Rate, being situated outside of a Low Carbon Growth Area. Whilst the final design and appearance of the development is not yet known, the Statement sets out a number of different options for achieving the carbon reduction target. These include building efficiency opportunities, such as high levels of insulation, energy efficient lighting and heat recovery systems and the use of low/zero carbon technology, including air/ground source heat pumps, solar PV and biomass. A priority rating of high, medium or low is assigned to each of these. The Statement recommends that a 31 per cent improvement on the Building Regulations Target should be sought, with an aspirational target of being zero carbon.
163. The application also proposes an energy centre in which, as stated in the Design and Access Statement, sustainable technologies, research and educational opportunities are provided. This is intended to build upon the existing infrastructure of the substation associated with UA92, which is to be retained as part of the development. The proposals include the opportunity for street interaction through street-level glazing which would allow views in to what would usually be a closed environment whilst the roof of the energy centre could also provide a shared podium space for proposed residential dwellings to the east. Whilst the specific energy generation methods are not finalised at this stage, the application confirms that sustainable method will be incorporated, which is welcomed by Officers and is supported by Core Strategy Policy L5.
164. On the basis of the above, Officers are satisfied that the proposed development will be able to achieve and likely significantly exceed the carbon reduction target through the use of measures identified in the submitted Statement. It is however

recommended that a condition is attached to any consent issued requiring the submission of a final energy strategy for the proposed development once this is known. Subject to this, the application is considered to be acceptable with regard to energy use and carbon reduction.

DEVELOPER CONTRIBUTIONS AND VIABILITY

Community Infrastructure Levy (CIL):

165. The proposed development would be liable to a CIL rate of £20 per sqm for private market housing, £10 per sqm for any 'leisure' uses and £10 per sqm for hotel uses. All other proposed uses have a CIL rate of £0 per sqm.

Affordable Housing:

166. As noted earlier in this report, the site falls within a 'Cold' market location for the purposes of applying Core Strategy Policy L2 and with the Borough now in 'Good' market conditions, this would in most cases relate to a requirement for 10 per cent of the proposed residential units provided to be delivered on an affordable basis. Policy L2.12 goes on to explain however, that in areas where the nature of the development is such that, in viability terms, it will perform differently to generic developments within a specific market location, the affordable housing contribution will be determined via a site specific viability study, and will not normally exceed 40 per cent. It is considered that the scheme as a whole, given the mix of uses proposed, would perform differently from other 'generic' housing developments in this area and therefore has a maximum policy requirement of 40 per cent affordable housing.
167. The applicant's submitted Viability Appraisal includes an offer of 10 per cent on-site affordable housing. This appraisal has been robustly reviewed by the Local Planning Authority's viability consultant and following discussions with the applicant, agreement to deliver 15 per cent on-site affordable housing together with a viability review mechanism has been reached. Officers are satisfied that the appraisal has soundly demonstrated that any greater level of affordable housing would render the scheme unviable and given the benefits of the scheme as a whole listed elsewhere in this report, it is considered that such a contribution should be supported. The affordable housing to be delivered will comprise a mix of tenure types and will reflect the eventual mix of unit sizes delivered by the development as a whole. The viability review mechanism will enable the actual performance of the development to be compared with the expected performance set out in the Viability Appraisal, with any identified financial uplift provided to the Council as additional developer contributions.

Open space and sport:

168. Core Strategy Policy L8 states that the Council will seek contributions towards Spatial Green Infrastructure, such as parks, play areas and outdoor sports facilities. SPD1 accepts that if a sufficient level of local open space cannot be provided on site, off-site improvements to nearby open space can be made by way of a financial contribution.
169. The proposed on-site open space provision includes neighbourhood space and informal play provision interspersed throughout the public realm, the cumulative area of which is approximately 7,340m². Whilst this is a significant amount for a site of this size, the level of open space provision does however fall short of the level set out in Core Strategy Policy R2 and SPD1, largely due to the high density of development proposed. These policies suggest that the development should provide approximately 2.43ha of recreational open space on site, albeit this is not considered realistic given the site as a whole only measures 4.38ha.
170. SPD1 accepts that if a sufficient level of local open space or outdoor sport facilities cannot be provided on site, off-site improvements to nearby open space and facilities can be made by way of a financial contribution, such as those identified in the supporting document (including Gorse Hill Park and Seymour Park). This is considered to be an appropriate approach to take in relation to open space in this instance. The maximum contribution payable towards Local Open Space has been identified as £168,459, whilst a contribution of £347,001 would be required for facilities for children/young people. Given that these figures are based upon a 750 unit scheme being delivered and do not account for any on-site provision, the amount required would be less than that stated above and would be determined as a more detailed scheme is progressed. As noted elsewhere in this report, Sport England has provided indicative figures for a financial contribution towards indoor and outdoor sport, given that no provision is proposed within the site. The figure for outdoor sport is approximately £820,000 whilst that for indoor sport is approximately £620,000. It is considered that these figures do not reflect the policy requirements set out in the Core Strategy and SPD1, whilst the applicant's submitted Viability Appraisal has demonstrated that payment of these amounts would not enable the development to be viably delivered.
171. Overall however, the proposed development is considered to be in accordance with the aims of Core Strategy Policy R5 in that as a whole, the development will contribute on an appropriate scale to open space facilities both through on-site provision and contributions towards off-site improvements. The application is therefore considered to be acceptable in this respect. An appropriate contribution towards off-site open space and facilities for children/young people, dependent on the specific development which is brought forward will be secured by a section 106 agreement.

Health:

172. Policy SL3 of the Core Strategy states that in order for development in the Lancashire County Cricket Club Quarter Strategic Location to be acceptable, the provision of health facilities will be required. Policy L2.2 states that residential development will be appropriately located in terms of access to existing community facilities and/or delivers complementary improvements to health facilities. In addition, SPD1 refers to the requirement for healthcare facilities within vicinity of Strategic Locations.
173. No healthcare facilities are proposed as part of the development and as such, it is necessary to consider whether a financial contribution towards off-site improvements would be appropriate. Trafford CCG has been consulted and advises that there are 4 GP practices within 1.5 miles of the site, however these are currently practicing at or above capacity (GPs per 1000 population). The CCG give a figure of 1 GP per 1600 patients as an acceptable ratio, so on the basis of the development generating around 1700 new patients, this equates to the requirement for approximately 1 additional GP.
174. Some of the monies identified by the applicant for planning contributions will go towards these off-site health improvements, albeit the final amount will be determined based upon the eventual number of units to be delivered. Officers are therefore satisfied that the application is acceptable in this respect, subject to a legal agreement to secure an appropriate contribution.

Education:

175. Policy SL3 of the Core Strategy states that in order for development in the Lancashire County Cricket Club Quarter Strategic Location to be acceptable, the provision of school facilities will be required. Policy L2.2 states that residential development will be appropriately located in terms of access to existing community facilities and/or delivers complementary improvements to schools.
176. The application proposes the delivery of a 2FE primary school within the eastern part of the site. This is a significant benefit to the scheme as a whole, contributing to the creation of a new community, serving to meet the aspirations of the draft Civic Quarter AAP and Core Strategy whilst also benefiting the wider Stretford community.
177. As set out elsewhere in this report, Trafford Education advises that there is a preference to 'land bank' the proposed school site and expand local schools in the first instance. If the school is not required after a certain amount of time, then a financial contribution towards the expansion of existing nearby primary schools is requested from the developer. On this basis, the applicant will be required to either deliver the proposed school on site, or to provide a financial contribution towards off-site primary provision should this not be brought forward, within a timescale to be agreed with the applicant. This should be secured by a legal agreement.

178. The calculation provided by Trafford Education shows that the expected primary pupil yield of the development would equate to a contribution of approximately £1.8m, whilst a 556-unit scheme equates to approximately £1.3m. It is noted that Lostock School, which is less than 3 miles from the development has sufficient permanent vacancies to accommodate the secondary yield of the proposed development, even with the maximum number of residential units being delivered. Therefore a secondary contribution will not be required in this instance. The applicant has agreed to the principle of providing a financial contribution should the school not be delivered on site, relative to the number of units delivered.

Processional route:

179. Policy SL3 of the Core Strategy states that in order for development in the Lancashire County Cricket Club Quarter Strategic Location to be acceptable, a contribution to the provision of a strategic processional route will be required, suitable for a variety of users with a high quality public realm area incorporating green infrastructure along Warwick Road and Brian Statham Way to enhance visitor experience and to link to existing and future public transport improvements. As noted elsewhere in this report, the site is immediately adjacent to this Strategic Location (as defined in the draft Land Allocations DPD) but does not fall within it. Notwithstanding this, given that the western boundary of the site abuts a significant stretch of the intended processional route, Officers consider it reasonable for the provisions of Policy SL3 to apply in this respect.

180. A scheme for public realm design for part of the processional route along Brian Statham Way is currently being developed, albeit this does not form part of the current application and would be the subject to appropriate consultation, and may in itself require planning permission. On the basis of the likely costs of the work being estimated, a contribution in the region of £1m would be appropriate in relation to this application. The final amount will be confirmed prior to the decision notice is issued and will be secured by a legal agreement, the principle of which the applicant has agreed to.

Summary of developer contributions:

181. Following a robust review of the submitted Viability Appraisal and subsequent discussions between the Local Planning Authority and the applicant, together with their respective viability consultants, Officers are satisfied that the maximum viable level of developer contributions will be provided. This comprises 15 per cent on-site affordable housing, to reflect the overall mix of dwelling types across the development as a whole and split between types of tenure, together with financial contributions towards off-site improvements to health facilities, open space and the adjacent proposed processional route, as well as the delivery of a new primary school or equivalent financial contribution towards off-site education

improvements. The applicant has also agreed to the principle of a viability review mechanism whereby should the scheme perform better than expected in viability terms, further contributions may be made to the Council up to the maximum planning policy requirement. Officers have an increased level of certainty that overage will be delivered, if it is possible, as the Council as partner in the JV will need to publicly report the profit it has made from the scheme (on a 50/50 basis with Bruntwood) and thus it will be immediately understood whether any overage is payable.

182. Officers are satisfied that these contributions, together with the development itself will offer substantial benefits to the application site and local area. Furthermore, the 50 per cent profit on the development associated with the Council's investment with the Trafford Bruntwood joint venture will go into its capital programme, and will be used to fund schemes which are of public benefit. Officers are also satisfied that the viability appraisal has clearly demonstrated that no other contributions above those referred to in the recommendation would be financially viable, subject to a viability review mechanism. The justification provided in relation to viability matters relates specifically to this site and development. The proposed scheme is a residentially led mixed-use proposition. The viability appraisal presented by the applicant demonstrates how the important employment uses will be enabled through cross-funding by residential uses. The scheme operates differently to other projects being promoted in the area in terms of viability and as a result generates an output that is different to generic development. The delivery of a new school and the high quality of design (secured by a condition relating to the design framework) also impacts on the viability of the scheme. Overall therefore, the application is considered to be acceptable in this respect.

OTHER MATTERS

Security and safety:

183. Policy L7.4 of the Trafford Core Strategy states that, in relation to matters of security, development must demonstrate that it is designed in a way that reduces opportunities for crime and must not have an adverse impact on public safety. Paragraphs 91 and 127 of the NPPF require planning decisions to achieve inclusive and safe places which are *“safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion”*.
184. A Crime Impact Statement (CIS) produced by Greater Manchester Police has been submitted alongside the application and notes that the proposed redevelopment of the site will add much needed day-long activity and natural surveillance to the area. This goes on to say that *“there are some challenges to developing the site, including the proximity of transport infrastructure and major sporting, education and civic venues, but the design team have demonstrated an*

awareness of the challenges and, at this stage, have produced a scheme that is complementary to the wider neighbourhood and promotes the vision of the Civic Quarter Masterplan”.

185. As this is an Outline application, a more detailed CIS will be required as elements of the scheme are brought forward under reserved matters applications. Notwithstanding this, the CIS provides a number of recommendations in respect of the various proposed uses, whilst also noting the importance of designing the scheme to include counter-terrorism measures, particularly relating to potential vehicle attacks.
186. Greater Manchester Police’s Design for Security section and Counter Terrorism Unit have been consulted and confirm that recommendations made during pre-application discussions have been taken on board in the development of the scheme. This importance of hostile vehicle mitigation measures is also reiterated, as well as the need for an improved glazing specification in any ‘crowded places’.
187. It is considered that a suitable level of detail has been provided at this stage of the development process, however a condition requiring the submission of detailed Crime Impact Statements alongside any future reserved matters applications should be attached to any consent issued. This will require future CISs to be produced in accordance with the principles established in the submitted CIS, as well as requiring them to consider and include counter-terrorism measures where necessary.

Socio-economic issues:

188. The Place Objectives for Old Trafford in the Core Strategy include the need to create opportunities for meeting the needs of young people, including young adults (OTO7), to ensure residents in Old Trafford can acquire the necessary skills to access jobs in key employment locations (OTO9) and to provide the area with the right conditions to retain more economically mobile residents (OTO10).
189. The Environmental Statement advises that the construction of 750no new residential dwellings, together with commercial uses is expected to support 2,261no direct and indirect jobs during the 7-year build period with a Gross Value Added (GVA) of £18.2m per year. The proposed housing is expected to accommodate approximately 1,800no new residents, with 1,160no of these being of working age of which some are likely to support new business creation in the area. These new households are estimated to spend around £11.2m per year locally, which equates to 87no local jobs and a GVA of £3.1m per year. The proposed commercial accommodation is expected to facilitate 1,248no new direct and indirect jobs with a GVA of around £50m per year. The ES highlights a number of other financial benefits as a result of the scheme, including additional Council tax revenue and New Homes Bonus.

190. The ES concludes that all socio-economic impacts of the proposed development will be either minor or moderate beneficial in nature. Officers are satisfied that the scheme will deliver a range of socio-economic benefits, contributing to many of the Strategic and Place Objectives of the Core Strategy. The application is therefore considered to be acceptable in this respect.

Contaminated land:

191. The application is accompanied by a Phase 1 Desktop Study and a Preliminary Phase 2 Assessment to address matters of contaminated land. Issues associated with ground conditions are also covered within Chapter 10 of the Environmental Statement.

192. The Phase 1 report has considered the current and historical uses of the site and the surrounding area. Asbestos has been identified from possible made ground deposits and the backfilled basements of former demolished residential housing, hydrocarbons associated with car parking on site and ground gas from infilled ground structures. The Phase 2 intrusive site investigation identifies contaminants including localised areas of asbestos and localised hydrocarbons. Gas monitoring undertaken on site to date has demonstrated that the site corresponds to a precautionary characteristic situation 2, which requires low-level protection for buildings. The report recommends that additional gas monitoring be undertaken, along with additional intrusive works in the location where hydrocarbon contamination was recorded.

193. The Council's Pollution and Housing section has been consulted and advises that in general, the potential for significant contamination on site is considered to be low. A programme of site investigation works to further investigate the quality and composition of site soils is however deemed necessary, whilst a remediation strategy and validation strategy will also be required. On this basis, appropriate planning conditions should be attached to any consent issued to secure the necessary investigation and remediation. Subject to this, the application is considered to be acceptable with regard to matters of contaminated land.

Wind microclimate:

194. The NPPG notes that *'some forms [of development] pose specific design challenges for example how taller buildings meet the ground and how they affect local wind and sunlight patterns should be carefully considered'*. This also states that *'account should be taken of local climatic conditions, including daylight and sunlight, wind, temperature and frost pockets'*.

195. Chapter 15 of the Environmental Statement includes a Wind Microclimate Assessment, which considers the potential impacts of the development in relation to pedestrian comfort and safety. This compares the wind environment within the existing application site and its immediate surroundings with the wind conditions

likely to be generated as a result of the proposed development at pedestrian level, utilising meteorological data from Manchester Airport. The method of 'Lawson comfort criteria' is used to determine potential impacts in this respect, and is based upon which activities could comfortably be carried out by pedestrians (such as 'sitting' or 'standing'), given the magnitude of wind speeds in a particular location.

196. In the 'baseline' scenario (i.e. no development), there are 23no existing receptors and 8no future sensitive receptor locations. All existing entrances are assessed as being either at sitting or standing wind speeds and would therefore achieve their desired wind conditions. Of the 23no existing receptors, 21no either meet the desired wind conditions or are one level less than their desired use. Two receptors are one level windier than the desired conditions. For the future receptors, wind speeds vary from 'sitting' or 'standing' which generally achieves the desired wind conditions, or is one level windier than desired.
197. With the proposed development in place, eleven existing receptors will be subject to a negligible effect, nine to minor adverse effect, one to a moderate adverse effect, and two to a minor beneficial effect. For the future receptors, it is noted that the intended uses of these areas are not confirmed at this stage given the outline nature of the application, however they may comprise areas for sitting, standing or strolling. It is stated that based on the existing wind conditions of the eight receptors, two may be subject to a negligible effect, four to a minor adverse, and two to a moderate adverse effect.
198. No mitigation has been assessed at this stage of the development, however it is stated that the wind microclimate with the development in place is not considered to prevent the proposals being implemented. Once the final layout and scale of the development is known, some mitigation may be necessary in the form of planting and screens. As such, a condition should be attached to any consent issued requiring a further assessment to be undertaken once these matters have been finalised, with appropriate mitigation provided where necessary. Given the conclusions of the submitted Wind Microclimate Assessment and subject to the above condition, Officers are satisfied that the proposed development is acceptable in this respect.

External lighting:

199. Given the Outline nature of the application, no details of any proposed external lighting are provided. As such, a condition should be attached to any consent issued requiring the submission of a lighting scheme before the development is first brought into use. This will ensure there is no harm to amenity through excessive light levels and will also ensure that any external lighting does not cause disturbance to bats and other wildlife in the surrounding area. Subject to this condition, the proposed development is deemed to be acceptable in this respect.

Utilities and services:

200. Policy L7 of the Core Strategy states that development must be satisfactorily served in terms of key utilities such as water, electricity, gas and telecommunications; and be satisfactorily served in terms of the foul sewer system. The application does not specify how the development will be served by electricity, gas or water. No objections to the application have been received from the relevant utilities companies, including United Utilities, Electricity North West and Cadent. United Utilities state that use of the existing metered supply may be considered if it meets United Utilities standards but if not, a separate metered supply will be required at the applicant's expense. Any extension of water mains to serve the development may also be required at the applicant's expense. This is a matter which would be addressed outside of the planning process between United Utilities and the developer.
201. Policy SL3 of the Core Strategy states that in order for development within this Strategic Location to be acceptable, a contribution towards the provision of additional utility capacity will be required, including the reinforcement of the local waste water treatment works. It is noted that the site is adjacent to and not within the Strategic Location and the consultation responses from the relevant utility providers do not specifically refer to a requirement to provide this additional capacity through the planning process. Officers are therefore satisfied that such a contribution is not required in this instance.

Equalities:

202. From the information submitted with the application, Officers are satisfied that no adverse impact on protected groups will arise as a result of the development. On update on this matter will be provided within an Additional Information Report to committee.

Other issues raised in representations:

203. Most of the concerns raised by respondents to the public consultation have been addressed in the appropriate sections of this report above, however a number of other concerns not covered are considered below.
204. One representation states that the documents submitted with the application are too complex to be fully considered and understood by members of the public. It is acknowledged that the application is accompanied by a large number of supporting documents, many of which are lengthy and technical in nature. However this level of detail is necessary for a complex application such as this, particularly given that it relates to major EIA development. It is also noted that the application is accompanied by a non-technical summary of the Environmental Statement, as required by the EIA regulations.

205. Another comment is that there is no need for more offices in this area. The applicant has provided justification for the inclusion of additional office accommodation within the addendum to the Planning Statement. As set out in the 'Principle of development' section above, the proposed office accommodation is deemed to be essential to support the approved UA92 use within the former Kellogg's building. The proposed office uses are intended to replace the existing provision within this building once the university expands, enabling the affiliated companies to remain in close proximity. Officers are satisfied that appropriate justification has been provided for this element of the scheme.
206. A representation states that small, independent, local businesses should occupy the proposed retail units. It is not for the planning system to control the specific occupiers of particular units, but rather to ensure that the intended uses are appropriate. This has been assessed elsewhere in this report whilst a limit on the amount of retail floorspace to be provided will be imposed via a planning condition, to ensure the level of provision is proportionate to the development as a whole.
207. One representation states that a pub is not necessary and will cause littering, noise and anti-social behaviour. It is acknowledged that a pub could be provided under the use classes for which consent is sought although this will not necessarily be delivered. If a pub is ultimately provided on site, it is considered that this would contribute towards a mixed community and provide a facility for both future residents and those living nearby. Conditions should be imposed on any consent issued regarding hours of use and any areas of outdoor seating, whilst further specific conditions could be applied under a future reserved matters application if necessary.
208. Another representation states that some information is missing from the application form, whilst a Statement of Community Involvement (SCI) and a Green Infrastructure Statement have not been provided. The applicant has subsequently provided an amended application form which now contains all necessary information. Whilst a separate SCI has not been submitted, it is noted that this is included within the Design and Access Statement which is an acceptable means of addressing this point. This explains that leaflets and flyers were distributed to around 500no households in the local area to advertise details of pre-application consultation events, website and contact details for obtaining further information. A public consultation event was held to enable residents to discuss the proposals with the design team and provide their comments and feedback through questionnaires, whilst a dedicated website was also set up where the exhibition boards and feedback forms could be reviewed and comments could be made.
209. With regard to the Green Infrastructure Statement, sufficient details have been provided elsewhere in the submission documents to clearly demonstrate what is

proposed in this respect, including within the Design and Access Statement. It is also noted that as this is an outline application, full details of green infrastructure to be provided will come forward with future reserved matters applications.

210. This representation also notes that certain other developments have not been considered as part of the cumulative assessments contained within the Environmental Statement. In response to this, an addendum to the Environmental Statement has been submitted to include an additional site, specifically the proposed new stand and hotel extension at Old Trafford Cricket Ground. Officers are satisfied that all relevant cumulative sites have now been considered within the application.
211. One representation claims that a leisure centre should be considered for the site, given that this is referred to within the Refreshed Stretford Masterplan (RSM), the Trafford Leisure Centre Strategy and associated reports. It is acknowledged that the RSM does propose a leisure centre for this site and has some, albeit limited weight in the planning process. The RSM is intended to act as a strategic framework for Stretford Town Centre and the wider area but is not a planning policy document which developers will necessarily be expected to wholly comply with. Since the RSM was adopted in January 2018, the Council has progressed work on the Civic Quarter AAP which is currently at Regulation 18 draft stage and carries some limited weight. As an AAP, this would be part of the statutory development plan for Trafford, sitting alongside the adopted Core Strategy and the Trafford Local Plan and Greater Manchester Spatial Framework as they emerge. This is intended to build on the principles set out in the RSM and provide further guidance in order to assist the coordinated and comprehensive regeneration of this area. The draft AAP proposes a new leisure centre for the former B&Q site, which reflects and advances the ambition set out in the RSM to improve the leisure offer available within this part of the Borough. Whilst it is outside the scope of this application to consider whether this is an appropriate site or if compulsory purchase powers should be used, Officers are satisfied that it is not necessary nor a policy requirement for a leisure centre to be considered for or provided on the former Kellogg's site.
212. This representation also notes that the application boundary overlaps with that established under application ref. 99105/FUL/19 (proposed grandstand and hotel extension), specifically the hotel element and states that there is potential for two hotels to be delivered. Given that the justification for this use has been given on the basis that only one hotel will be delivered, this will be restricted via an appropriately worded planning condition.

CUMULATIVE IMPACTS

213. Cumulative impacts have been considered in relation to all relevant matters within the Environmental Statement, with 12no sites being identified for assessment, along with a further site identified within the ES Addendum. These

impacts have been assessed within a specific chapter of the Environmental Statement, together with effects associated with the combination of impacts from the proposed development, known as 'synergistic effects'.

214. Other sites considered include several residential conversions and new build residential blocks on Talbot Road and Warwick Road (including Warwick House and Atherton House) as well as developments at Trafford Plaza on Seymour Grove and a mixed-use scheme on Trafford Wharf Road.
215. This chapter of the ES concludes that that there is unlikely to be any significant adverse or beneficial cumulative construction effects, though there may be some minor adverse transport impacts during construction due to disruption and potential for minor adverse effects related to construction noise and ground conditions through excavation of material. Regarding the operational phase of development, the ES concludes that there is likely to be moderate beneficial impacts related to transport due to provision of more sustainable travel infrastructure, as well as a significant beneficial cumulative impact on the local economy.
216. In terms of synergistic effects, the ES acknowledges the potential for some impacts to occur during the construction phase, particularly in respect of noise, construction traffic and townscape character though these can be mitigated to some degree. Operationally, there are not likely to be any significant adverse synergistic cumulative effects of the development.
217. In summary, Officers are satisfied that potential cumulative impacts have been appropriately considered within the application with mitigation recommended as necessary. As such, the application is considered to be acceptable in this respect.

ENVIRONMENTAL EFFECTS AND MONITORING

218. The significant effects of the proposed development have been considered in the Environmental Statement and its addendum, and through the analysis carried out throughout this report. It is concluded from this information and analysis that there would be no significant effects on the environment arising from this scheme, subject to the 'embedded' mitigation measures and further mitigation being secured by appropriate planning conditions. There is no reason to withhold planning permission on the basis of the environmental impact of this development.
219. The following monitoring measures are required to ensure that some of the environmental impacts of the scheme identified in the ES and summarised in this report are mitigated. The majority of these have been brought forward through planning condition and include:

- Construction impacts – townscape and visual impacts, noise and disruption, heritage and air quality impacts during construction will be mitigated through the provision and implementation of a Construction Environmental Management Plan (CEMP).
- Townscape and visual impacts following completion of development to be mitigated through soft landscape treatments and the provision and implementation of a landscape management plan.
- Heritage impacts upon completion of development to be mitigated by a condition to restrict maximum height of buildings and by associated soft landscaping works.
- Contamination – investigation and risk assessment, remediation strategy and verification plan, including long term monitoring and maintenance plan.
- Highways – Travel Plan to be submitted and implemented, parking surveys on surrounding streets to mitigate impacts on neighbouring residents.
- Noise – conditions imposed to ensure appropriate mitigation against noise from Metrolink and plant.

PLANNING BALANCE AND CONCLUSION

220. Paragraph 38(6) of the Planning and Compulsory Purchase Act 2004 states that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise.

221. 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. As the Council does not have a five year supply of housing land, the tilted balance in Paragraph 11 of the NPPF is engaged. An assessment of the scheme against Paragraph 11(d)(i) does not suggest that there is a clear reason for refusal of the application when considering habitat protection, heritage or flood risk.

222. The proposal complies with the development plan which would indicate that planning permission should be granted. There are no material considerations, either in the NPPF or otherwise which would suggest a different decision should be reached.

223. However, as the tilted balance in Paragraph 11 of the NPPF is triggered it is necessary to carry out an assessment of whether the adverse impacts of the development would significantly and demonstrably outweigh the benefits.

Adverse impacts:

224. The following adverse impacts of granting permission have been identified:

- Moderate harm to the significance of Trafford Town Hall and minor harm to the non-designated turnstiles at Old Trafford Cricket Ground. This represents

'less than substantial harm' in NPPF terms, albeit this is mitigated to some degree by the reduction in maximum building heights in part of the site and requirement for further heritage assessments to be submitted at reserved matters stage.

- No outdoor and indoor sports provision proposed within the site, which has raised a non-statutory objection from Sport England, albeit an appropriate contribution towards off-site open space improvements will be secured.
- Potential loss of woodland would cause a minor negative ecological impact on the adjacent HPI, although mitigated to some degree by replacement planting and biodiversity enhancement.

225. The main benefits that would be delivered by the proposed development are considered to be as follows:

- The delivery of up to 750no new homes in a highly sustainable location. The proposals would contribute significantly towards addressing the identified housing land supply shortfall and substantial weight has been given to this benefit.
- 15 per cent of the total number of dwellings will be delivered as affordable units on site.
- Provision of a new primary school that will be available for use by future residents and the wider community, or an equivalent contribution towards the improvement of off-site primary education facilities.
- Financial contribution towards works to the processional route along Brian Statham Way.
- Financial contribution towards improvements to off-site health facilities.
- Financial contribution towards off-site improvements to open space and facilities for children/young people.
- Viability review mechanism to secure additional contributions if viable.
- The proposals would maximise the benefits associated with a brownfield site in a highly accessible location, re-using significant areas of previously developed land, including for housing which will contribute positively to the Council's policy aspiration to maximise the use of previously developed land for housing.
- The development is expected to serve as a catalyst for future development within the wider Civic Quarter, enabling additional benefits associated with this future development to be delivered.
- The construction phase is anticipated to support 2,261no direct and indirect jobs with a Gross Value Added (GVA) of £18.2m per year.
- Provision of new local centre facilities which has the potential to contribute to the formation of a sustainable new community, creating a sense of place.
- Improved appearance to and interaction with Talbot Road and Brian Statham Way and creation of a more positive and welcoming sense of arrival from the Old Trafford tram stop.
- Delivery of a high quality development, secured by a condition requiring compliance with the submitted Design Principles Document.

- Recreational, social and environmental benefits associated with the provision of on-site publicly accessible open space and public realm.
- The new households are estimated to spend around £11.2m per year locally, which equates to 87no local jobs and a GVA of £3.1m per year, helping to support and sustain the local economy.
- The proposed commercial accommodation is expected to facilitate 1,248no new direct and indirect jobs with a GVA of around £50m per year, helping to support and sustain the local economy.
- New Homes Bonus.

Conclusion:

226. The main adverse impacts identified above are the less than substantial harm to designated and non-designated heritage assets, the potential minor ecological impact of the development and the lack of a financial contribution towards off-site sport improvements.
227. Substantial weight is however given to the contribution the scheme will make to the Council's five year housing land supply, the high quality development of previously developed land in a highly sustainable location and the regenerative benefits of the scheme overall. Substantial weight is also afforded to the suite of policy compliant developer contributions listed in the recommendation below, including those relating to health, open space and public realm improvements. Significant weight is also given to the economic benefits of the scheme, arising both during construction and following completion of the development as well as the provision of a new primary school or equivalent contribution. Weight is also afforded to the other benefits listed above.
228. Having carried out the weighted balancing exercise under Paragraph 11 (d)(ii) of the NPPF, it is considered that the adverse impacts of granting planning permission would not significantly and demonstrably outweigh the benefits of doing so. Indeed the benefits of the scheme are considered to significantly outweigh the adverse impacts identified above. The application is therefore recommended for approval.

RECOMMENDATION

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

- (i) To complete a suitable legal agreement under S106 of the Town and Country Planning Act 1990 (as amended) to secure:
 - The provision of 15 per cent affordable housing on site which shall reflect the overall mix of unit sizes to be delivered;

- A financial contribution towards off-site open space and facilities for children/young people;
- A financial contribution towards off-site healthcare improvements;
- Either the delivery of the primary school on site, or a financial contribution towards improvements to off-site primary education facilities;
- A financial contribution towards the delivery of the proposed 'processional route' along Brian Statham Way;
- A viability review mechanism to capture additional profits above those anticipated by the submitted Viability Appraisal, to fund further developer contributions;
- A commitment to undertake and/or fund parking surveys on surrounding streets and where necessary, to seek and fund Traffic Regulation Orders and extensions to resident parking schemes.

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

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

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

Conditions:

For the purposes of all relevant conditions below, 'phase' is defined as (a) the phases shown within the phasing plan submitted in relation to Condition 3, or (b) a reserved matters application for buildings or infrastructure.

Time limits/phasing/quantum:

1. Application for approval of reserved matters in respect of the first phase of development must be made no later than the expiration of three years beginning with the date of this permission and the first phase of development must commence no later than whichever is the later of the following dates:

- (a) The expiration of three years from the date of this permission; or
- (b) The expiration of two years from the final approval of reserved matters in respect of the first phase of development

Application(s) for the approval of reserved matters for all other phases must be made no later than the expiration of ten years beginning with the date of this permission. Development associated with all other phases must commence no later than the expiration of two years from the date of approval of the last of the reserved matters for that phase.

Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. For each phase of development, the approval of the Local Planning Authority shall be sought in respect of the following matters before development first takes place in that phase:

- (a) Appearance
- (b) Landscaping
- (c) Layout
- (d) Scale

Reason: The application is granted in outline only under the provisions of Article 5 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 and the details of the matters referred to in the condition have not been submitted for consideration.

3. Prior to the submission of the first application for the approval of any reserved matters, a Phasing Plan for the approved works shall be submitted to and approved in writing by the Local Planning Authority. Development shall take place in accordance with the approved details.

Reason: To ensure that development is brought forward in an appropriate manner, and to ensure that utility infrastructure is delivered in a coordinated and planned way, having regard to Policies L4 and L7 of the Trafford Core Strategy and the National Planning Policy Framework.

4. Any reserved matters application(s) shall be brought forward in accordance with the details shown on the following submitted plans:

Plan Number	Drawing Title
1971/P/0002 A	Land Use Parameter Plan
TBC	Maximum Building Heights Parameter Plan
72559-CUR-00-XX-DR-TP-75007-P01	Phase 1 Talbot Road Layout Arrangement

Reason: To clarify the permission and set appropriate parameters for future reserved matters applications, having regard to Policy L7 of the Trafford Core Strategy.

5. The development hereby approved shall be limited to the following maxima (all figures Gross External Area):

- (i) 750no residential units (Use Class C3)
- (ii) 7,000m² for a primary school (Use Class F1(a))
- (iii) 18,500m² for office (Use Class E(g)(i)) and educational uses (Use Class F1(a), excluding primary school)
- (iv) 4,500m² for local centre and drinking establishment uses (Use Class E(a)-E(d) and sui generis). A limit of 2,000m² applies to E(a) uses within this overall figure
- (v) A single hotel with up to 100 bedrooms (Use Class C1)
- (vi) 600m² for an energy centre (Use Class B2)

Reason: To set appropriate parameters for future reserved matters applications and to ensure an appropriate mix of uses, having regard to Policies L1, L2, L4, L7 and W2 of the Trafford Core Strategy and the National Planning Policy Framework.

Reserved Matters submission:

6. Any application for reserved matters shall be accompanied by a Statement that provides details of the following, both for the proposed phase and the cumulative total from any previously approved/developed phases:
 - Quantum of development falling within any use class;
 - Mix of residential units, including the number of which are suitable for family-living as required by Condition 43;
 - Percentage of affordable housing previously delivered/permitted and that to be delivered as part of the reserved matters application;
 - Quantum of Specific Green Infrastructure provided including tree planting and metrics of qualifying alternative treatments;
 - Number of residential units occupied across the whole site at the time of submission.

Reason: To ensure that the development proceeds in accordance with the requirements of this permission and is in accordance with Policies L2, L7, R5 and other relevant policies of the Trafford Core Strategy and the National Planning Policy Framework.

7. All development proposed under future reserved matters applications shall be designed in accordance with the 'Design Principles Document' (DPD), prepared by Feilden Clegg Bradley Studios, dated November 2019 and any future reserved matters application(s) shall be accompanied by a Statement of Compliance to demonstrate how the application accords with the principles of the DPD.

Reason: In order to ensure a high quality design and 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 and National Design Guide.

8. A Sustainable Drainage Scheme shall be submitted with each reserved matters application relating to 'layout' (and 'landscaping' where relevant). The Sustainable Drainage Scheme shall be produced in accordance with the submitted 'FRA and Outline Drainage Strategy' (ref. 073925-CUR-00-XX-RP-D-72001, dated 05 November 2019) and the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015).

The submitted documents shall include details of:

- BRE365 testing to demonstrate that the drainage hierarchy has been considered. If infiltration is not feasible, the surface water discharge should not exceed 23.1l/s and the appropriate levels of flood storage (circa 3075m³, as shown on drawing ref. 073925-CUR-00-XX-DR-D-04001-P03) must be provided
- Calculations for all drainage networks and storage to show there will be no flooding across the site and no impact to neighbouring developments
- Evidence of third-party agreement to the proposals where relevant
- A Management, Maintenance and Replacement Plan for the catchment area for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime.

Development shall proceed and thereafter be managed, maintained and replaced if necessary, in accordance with the submitted details.

On completion of the approved works associated with each phase of the development, a Verification Report shall be submitted to and approved in writing by the Local Planning Authority. The Verification Report shall include:

- Photographic evidence of construction as per design drawings
- As built construction drawings (if different from design construction drawings)
- Construction photographs

No buildings within the relevant phase shall be occupied until the Verification Report has been approved in writing by the Local Planning Authority.

Reason: To manage flooding and pollution having regard to Policies L5 and L7 of the Trafford Core Strategy, the National Planning Policy Framework and National Planning Practice Guidance and to ensure that a managing body is in place for the sustainable drainage system and there is a funding and maintenance mechanism for the lifetime of the development. It is necessary for this information

to be submitted and approved prior to development taking place given the need to include such detail within the design of the scheme and as the Sustainable Urban Drainage scheme will need to be installed at the start of the construction works.

9. Any reserved matters application(s) shall be accompanied by full details of the foul drainage scheme for that phase. These shall include full details of any connections to the foul sewer network and any necessary infrastructure. The details shall include ground and finished floor levels in AOD, and the timing arrangements, storage requirements and rate of discharge for any pumped foul discharge. 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 Policies L5 and L7 of the Trafford Core Strategy and the National Planning Policy Framework.

- 10.(a) Any reserved matters application(s) relating to 'landscaping' shall be accompanied by full details of both hard and soft landscaping works for that phase. These details shall include the formation of any banks, terraces or other earthworks, hard surfaced areas and materials (including access roads, footways, and areas of the site designated for car parking), boundary treatments, 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. Any trees to be planted must have adequate rooting volume available to so that they can grow for the whole of their lifespan. Where this is not possible, raft systems shall be used, details of which shall be provided, including 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).

(b) The landscaping works for each phase 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 relevant phase of the development 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. Any reserved matters application(s) shall be accompanied by a Movement, Parking and Servicing Management Strategy for that phase. This shall include

plans showing details of the areas for the movement, loading, unloading and parking of vehicles within that phase. The submitted Strategy shall also include details of how any parking spaces will be allocated and appropriately managed and shall include details for the provision, access and management of disabled parking facilities and servicing arrangements for that phase. The approved Strategy shall be implemented upon that phase of the development being brought into use and adhered to at all times thereafter.

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, Supplementary Planning Document 3: Parking Standards and Design and the National Planning Policy Framework.

12. Any reserved matters application(s) shall be accompanied by a Strategy for Inclusive Access for that phase. The submitted Strategy shall be based upon the principles established within the application documents, shall commit to a minimum of 10 per cent of all units on site being accessible, shall detail measures taken to ensure that the level of disabled parking provision is sufficient and shall include measures for ensuring accessibility to and within the site for all visitors and residents. The approved Strategy shall be implemented upon that phase of the development being brought into use and adhered to at all times thereafter.

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

13. Any reserved matters application(s) relating to the construction of new buildings shall be accompanied by a scheme for secure cycle storage for that phase of development. The scheme shall seek to ensure that cycle storage provision is made inside the building for apartment buildings. The scheme shall include details of the location and design of cycle storage facilities, shall be implemented before the relevant phase of development is first 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.

14. Notwithstanding the details submitted, any reserved matters application(s) relating to 'layout' or 'appearance' shall be accompanied by a Waste

Management Strategy for that phase. This Strategy shall demonstrate that all endeavours have been made to internalise bin stores within the fabric of the buildings where possible. Thereafter, waste and recycling bins shall be stored and made available for collection and return in accordance with the approved Strategy for each phase.

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

15. Any reserved matters application(s) relating to 'appearance' shall be accompanied by a strategy for energy efficiency and low/zero carbon technologies for that phase. This strategy shall demonstrate how carbon emissions of at least 30 per cent below the Building Regulations Target Emissions Rate shall be achieved. The approved strategy for each phase shall be implemented in full.

Reason: In the interests of achieving a reduction in carbon emissions, having regard to Policy L5 of the Trafford Core Strategy and the National Planning Policy Framework.

16. Any reserved matters application(s) relating to 'appearance' shall be accompanied by a glazing, ventilation and M&E strategy for that phase. This strategy shall demonstrate compliance with the recommendations of Volume 2, Chapter 13, paragraphs 122 to 129 to the Environmental Statement (ES) supporting the development (Avison Young, November 2019). The approved strategy for each phase shall be implemented and retained for the lifetime of the development.

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

17. Any reserved matters application(s) shall be accompanied by a detailed Crime Impact Statement for that phase, produced in accordance with the principles and recommendations established within the submitted Crime Impact Statement (ref. 2018/0559/CIS/02, dated 29/01/2020). The Statement(s) shall demonstrate how Secured by Design principles and specifications will be incorporated into the design of the development to prevent crime and enhance community safety and shall also include details of any necessary counter-terrorism measures. Thereafter development of that phase shall proceed in accordance with the approved details, which shall be retained thereafter.

Reason: To ensure that appropriate details are incorporated into the design stage of the development, in the interests of crime prevention and the

enhancement of community safety, having regard to Core Strategy Policy L7 and the National Planning Policy Framework.

18. Any reserved matters application(s) relating to 'layout', 'scale' and 'appearance' shall be accompanied by a Daylight, Sunlight and Overshadowing Assessment for that phase. The Assessment shall consider potential impacts on any approved or proposed sensitive receptors within the application site.

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

19. Any reserved matters application(s) relating to 'layout' and 'scale' shall be accompanied either by a Wind Microclimate Assessment or a statement detailing why such an assessment is not required for that phase. Any Assessment shall consider potential impacts on sensitive receptors and shall include a scheme of mitigation measures where necessary. Any required mitigation shall be implemented before that phase of development is brought into use.

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

20. Any reserved matters application(s) shall be accompanied by a further Heritage Assessment for that phase. The Assessment shall consider potential impacts on designated and non-designated heritage assets and shall include measures taken to minimise any harm caused by the development.

Reason: In order to minimise any harm which may be caused to the setting of designated and non-designated heritage assets, having regard to Policies L7 and R1 of the Trafford Core Strategy and the National Planning Policy Framework.

21. Any reserved matters application(s) relating to a phase that includes a Locally Equipped Area of Play (LEAP) or a Neighbourhood Equipped Area of Play (NEAP) shall include full details of the play area facilities within that phase, including location, size, specification for the play equipment to be installed, full landscaping details and a maintenance regime for the lifetime of the development. The play area facilities shall be provided and subsequently maintained for the lifetime of the development in accordance with the approved details.

Reason: To ensure that children within the development have reasonable access to good quality play space, in accordance with Policy R5 of the Trafford Core Strategy and SPD1: Planning Obligations.

Pre-construction:

22. No works associated with each phase of the development shall take place unless and until a Construction Environmental Management Plan (CEMP) for that phase has been submitted to and approved in writing by the Local Planning Authority (in consultation with Transport for Greater Manchester). The CEMP shall incorporate the recommendations for best practice and mitigation measures proposed by the Construction Phase Dust Assessment contained in Volume 2, Chapter 12, Tables 12.26 and 12.27 and the Construction Phase Noise and Vibration Assessment within Volume 2, Chapter 13, paragraphs 115 to 121 to the Environmental Statement (ES) supporting the development (Avison Young, November 2019). The CEMP shall also include detailed method statements for construction, risk assessments and agreed safe methods of working adjacent to the Metrolink Hazard Zone. In addition, the Plan shall provide for:

- (i) the parking of vehicles of site operatives and visitors
- (ii) the retention of 24hr unhindered access to the Old Trafford tram stop, access track and trackside equipment cabinets and chambers for the low voltage power, signalling and communications cables for Metrolink both during construction and once operational
- (iii) the loading and unloading of plant and materials, including times of access/egress
- (iv) the storage of plant and materials
- (v) construction and demolition methods to be used, including the use of cranes (which must not oversail the tramway) and piling
- (vi) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate, which must not hinder pedestrian movements during events
- (vii) wheel washing facilities, including measures for keeping the highway clean
- (viii) a scheme for recycling/disposing of waste resulting from demolition and construction works
- (ix) 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
- (x) information to be made available for members of the public
- (xi) contact details of the site manager to be advertised at the site in case of issues arising

The approved Plan shall be adhered to throughout the demolition and construction period of the relevant phase of development.

Access to Metrolink infrastructure for maintenance purposes and for customers shall be maintained at all times during construction and post-completion, unless specific prior agreement has been obtained from Metrolink (Transport for Greater Manchester).

Reason: To ensure that appropriate details are agreed before works start on site, in the interests of highway safety, to safeguard the amenities of the locality, to ensure that the developer complies with all the necessary system clearances and agrees safe methods of working to meet the safety requirements of working above and adjacent to the Metrolink system, having regard to Policies L4 and L7 of the Trafford Core Strategy and the National Planning Policy Framework.

23. Two months prior to any works starting on site, including earthworks and site clearance, a pre-commencement survey for mammals shall be undertaken, submitted to and approved in writing by the Local Planning Authority. The survey shall cover the application site as well as any land within 30m of its boundary and shall detail any necessary mitigation measures. Any necessary mitigation measures shall be implemented in accordance with the approved details.

Reason: In order to prevent any habitat disturbance to mammals, having regard to Policy R2 of the Trafford Core Strategy and the National Planning Policy Framework. The survey is required prior to development taking place on site as site clearance operations can disturb mammals.

24. No phase of development or works of site preparation shall take place unless and until a tree retention and protection plan has been submitted to and approved in writing by the Local Planning Authority for that phase. This shall demonstrate that all trees that are to be retained within or adjacent to the site will be 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.

25. 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 for that phase 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.

26. Construction work shall be limited to the following hours:

07.30-18.00 Monday – Friday (excluding heavy plant/machinery until 08.00)
09.00-13.00 Saturdays

No construction work shall take place on Sundays, Bank Holidays and 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.

Pre-above ground construction:

27. No above-ground construction works shall take place unless and until a site-wide contaminated land investigation and remediation phasing plan has been submitted to and approved in writing by the Local Planning Authority. This shall set out the methodology to be followed in this respect and shall explain how this will not compromise the required objective of rendering the site suitable for use and safe for purpose.

No above-ground construction works associated with each phase of development shall take place unless and until an investigation and risk assessment in relation to contamination on site (in addition to the Phase 1 Desktop Study prepared by Roc Consulting dated 19/08/2019, and the Phase 2 site investigation undertaken by NX Consulting NX351 dated July 2019) has been submitted to and approved in writing by the Local Planning Authority for that phase. The assessment shall investigate the nature and extent of any contamination on the site (whether or not it originates on the site) and shall be undertaken by competent persons. The submitted report shall include:

- i) a survey of the extent, scale and nature of contamination
- ii) an assessment of the potential risks to human health, property (existing or proposed) including buildings, crops, livestock, pets, woodland, and service lines and pipes, adjoining land, ground waters and surface waters, ecological systems, archaeological sites and ancient monuments
- iii) where unacceptable risks are identified, an appraisal of remedial options and proposal of the preferred option(s) to form a remediation strategy for the site
- iv) a remediation strategy giving full details of the remediation measures required and how they are to be undertaken

- v) a verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

The approved remediation strategy shall be implemented in full.

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.

- 28. No above-ground construction works associated with each phase of development shall take place unless and until a report, undertaken by a suitably qualified professional, has first been submitted to and approved in writing by the Local Planning Authority for that phase. The report shall detail further targeted archaeological work to be carried out on site to address potential remains associated with the foundations of early 20th century terraced houses in the east of the site and the below-ground remains of the late 19th century Manchester Athletic Ground and associated outbuildings in the west of the site. Any recommendations made within the report shall be implemented in full.

Reason: To protect the significance of any archaeological remains on the site having regard to Policy R1 of the Trafford Core Strategy and the National Planning Policy Framework.

- 29. No above-ground construction works associated with each phase of the development shall take place unless and until a scheme for acoustically insulating the proposed development against noise and vibration from the adjacent Metrolink line and depot for that phase, has been submitted to and approved in writing by the Local Planning Authority. The approved noise insulation scheme shall be completed before that phase of development is brought into use/occupied.

Reason: To secure a reduction in noise and vibration reaching the development from the Metrolink line, in order to protect the amenity of residents and occupiers of business premises, having regard to Policy L7 of the Trafford Core Strategy and the National Planning Policy Framework.

- 30. No above-ground construction works associated with each phase of the development shall take place unless and until a report detailing all fixed plant for that phase has been submitted to and approved in writing by the Local Planning Authority. The report shall demonstrate that all endeavours have been made to internalise plant within the fabric of the buildings where possible, and that the noise level from any necessary external fixed plant installations (in combination)

will meet the specified noise limits of Volume 2, Chapter 13, Table 13.23 to the Environmental Statement and will not exceed the background noise level (LA90,T) at any new noise sensitive receptors within the development site. Noise measurements and assessments should be compliant with BS 4142:2014 "Rating industrial noise affecting mixed residential and industrial areas".

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

31. Notwithstanding any description of materials in the application, no above-ground construction works associated with each phase of the development shall take place unless and until samples and full specifications of materials to be used externally on all buildings within that phase have been submitted to and approved in writing by the Local Planning Authority. The specifications shall include the type, colour and texture of the materials. The samples shall include constructed panels of all proposed brickwork and fenestration details, illustrating the type of joint, the type of bonding and the colour of the mortar to be used, together with fenestration recesses. These panels shall be made available on site for inspection and the 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.

Pre-occupation/use:

32. No phase of the development hereby approved shall be brought into use unless and until a Validation Report demonstrating that the approved foul drainage scheme for that phase has been implemented in accordance with the approved details, has been submitted to and approved in writing by the Local Planning Authority. The foul drainage scheme shall be retained thereafter for the lifetime of the development.

Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution having regard to Policies L5 and L7 of the Trafford Core Strategy and the National Planning Policy Framework.

33. No part of the development hereby approved shall be brought into use unless and until an Event Traffic Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Plan shall detail measures to be taken to manage and where necessary restrict vehicular traffic during events at Old Trafford Cricket Ground, Old Trafford Football Stadium and any other large events taking place within the vicinity of the application site. The Plan shall be implemented on all Event Days following the development being brought into use.

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

34. No phase of the development hereby approved shall be brought into use unless and until a schedule of landscape maintenance for that phase, 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. Maintenance 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 L5, L7, R2 and R3 of the Trafford Core Strategy and the National Planning Policy Framework.

35. No phase of the development hereby approved shall be brought into use unless and until a scheme for Biodiversity Enhancement Measures for that phase, in accordance with the recommendations set out in section 5.0 of the Ecological Impact Assessment by Bowland Ecology (ref. BOW17.1068, dated October 2019), has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented before the relevant phase of development is brought into use/occupied.

Reason: In order to protect and enhance biodiversity associated with the site having regard to Policy R2 of the Trafford Core Strategy and the National Planning Policy Framework.

36. No phase of the development hereby approved shall be brought into use unless and until a scheme for any external lighting to be installed on buildings or elsewhere on site within that phase has been submitted to and approved in writing by the Local Planning Authority. The scheme(s) shall be accompanied by an assessment to demonstrate that the impact of new external lighting into habitable windows, either within or off-site, would be within acceptable margins, following the Institution of Lighting Professionals (ILP) Guidance Notes for the Reduction of Obtrusive Light GN01:2011. The scheme(s) shall also be accompanied by an assessment of the impacts of any external lighting on biodiversity. Thereafter the site shall only be lit in accordance with the approved scheme(s).

Reason: In the interests of residential amenity and the protection of biodiversity, having regard to Policies L7 and R2 of the Trafford Core Strategy and the National Planning Policy Framework.

37. No phase of the development hereby approved shall be brought into use unless and until a Full Travel Plan for that phase has been submitted to and approved in writing by the Local Planning Authority. The submitted Travel Plan(s) shall include measurable targets for reducing car travel, shall be implemented on or before the relevant phase of development is first brought into use and thereafter shall continue to be implemented throughout a period of 10 (ten) years.

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.

38. The parking facilities hereby approved shall not be brought into use unless and until a scheme for the installation of electric vehicle charging points (minimum 7kWh) has been submitted to and approved in writing by the Local Planning Authority. The charging points shall be installed prior to the parking facilities being brought into use and made available for use 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.

Control conditions for operation:

39. Any part of the development falling within Use Class E(b) of Schedule 1 of the Town and Country Planning (Use Classes) Order 1987 (as amended), or constituting a drinking establishment (sui generis), shall only be open for trade or business between the following hours:

08.00 – 22.00	Monday to Thursday
08.00 – 23.00	Friday and Saturday
10.00 – 22.00	Sunday and Bank Holidays

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

40. Any outdoor seating areas associated with parts of the development constituting a drinking establishment (sui generis), shall not be used for the consumption of drinks outside of 11.00 – 21.00hrs on any day and customers shall not be allowed to remove glasses or bottles from the premises and take them outside except between these hours. Any furniture shall be removed from the area by 21.30hrs on each day and not set out until the following day. Prior to any such areas being brought into use, signs indicating the restrictions of use shall be placed in a prominent position adjacent to the entrance and exit and retained at all times thereafter.

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

41. Any outdoor seating areas associated with parts of the development constituting a use falling within E(b) of Schedule 1 of the Town and Country Planning (Use Classes) Order 1987 (as amended), shall not be used for the consumption of food or drinks outside the hours of 08.00 – 21.00hrs on any day and customers shall not be allowed to remove glasses or bottles from the premises and take them outside except between these hours. Any furniture shall be removed from the area by 21.30hrs on each day and not set out until 08.00 hours the following day. Prior to any such areas being brought into use, signs indicating the restrictions of use shall be placed in a prominent position adjacent to the entrance and exit and retained at all times thereafter.

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

42. Servicing, deliveries and waste and recycling collections to any commercial uses of the development shall only take place between 07.00 and 19.00hrs on Mondays to Saturdays.

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

43. The use of any Multi-Use Games Areas provided within the development shall be restricted to the following hours:

09.00 – 19.00	Monday to Friday
10.00 – 17.00	Saturday

No use of these areas shall take place on Sundays or Bank Holidays.

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

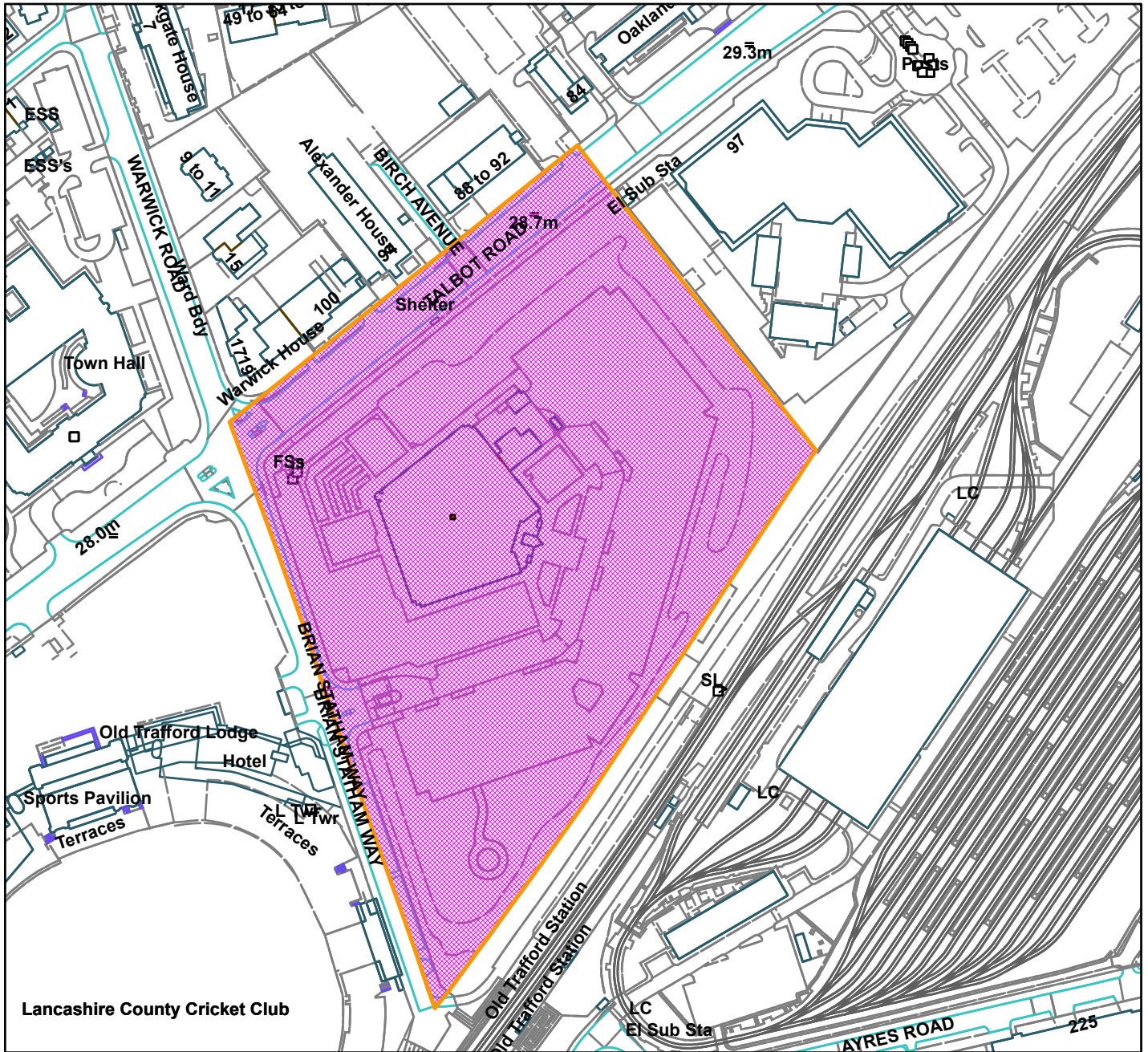
44. A minimum of 65% of the residential units hereby approved shall be delivered as accommodation suitable for family living. In determining whether a residential unit is suitable for family living regard shall be paid to particular needs in relation to the size of residential units, as identified within the Development Plan or any recognised local/national standard that is in place at the time of any application for Reserved Matters.

Reason: To ensure the housing needs of the Borough are adequately met and in accordance with Policy L2 of the Trafford Core Strategy.

JD



Former Kellogg's Site, Talbot Road, Stretford(site hatched on plan)



Scale: 1:2,500

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Organisation	Trafford Council
Department	Planning Service
Comments	Committee date 24/09/20
Date	15/09/2020
MSA Number	100023172 (2012)

WARD: Timperley

100759/VAR/20

DEPARTURE: No

Application for removal of Condition 2 on planning permission H/21049 (Change of use of 94 Park Road from retail and residential accommodation to banking and ancillary office use of land to rear of 92 and 94 Park Road for car parking) to allow for the re-use of the building.

92-94 Park Road, Timperley, Altrincham, WA15 6TF

APPLICANT: Mrs Naina Kaur

AGENT: Julian Sutton (JMS Planning & Development Ltd)

RECOMMENDATION: GRANT

The application is reported to the Planning and Development Management Committee as there have been more than 6 objections contrary to the Officer recommendation

SITE

The application site comprises a two storey property, presently vacant, and formerly used as a bank. An ATM previously fronted Park Road (which is now sealed shut). A boundary wall to the Hawthorn Road elevation has been partially demolished. Off-road parking is provided to the rear.

The site is positioned to the western end of a parade of shops fronting Park Road. The site is located in a wider residential context, with Timperley Metrolink a short distance to the West and St Hugh's Catholic Primary School to the East.

PROPOSAL

This application seeks planning permission for removal of condition 2 from H21049 (Change of use of 94 Park Road from retail and residential accommodation to banking and ancillary office use and use of land to rear of 92 and 94 Park Road for car parking), which was approved with conditions on 14.03.85.

Condition 2 states 'The premises shall be used as a bank and for no other purpose including any purpose in Class II of the Schedule to the Town and Country Planning (Use Classes) Orders 1972-83'. The reason for this condition is listed as 'To prevent the establishment of general office uses within this parade of local shops'.

No external changes are sought with this application.

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

L4 – Sustainable Transport and Accessibility

L6 – Waste

L7 – Design

L8 – Planning Obligations

W1 – Economy

W2 – Town Centres & Retail

PROPOSALS MAP NOTATION

Town and District Shopping Centre

NATIONAL PLANNING POLICY FRAMEWORK (NPPF)

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

NATIONAL PLANNING PRACTICE GUIDANCE (NPPG)

DCLG published the National Planning Practice Guidance on 6 March 2014, which replaced a number of practice guidance documents, and which was last updated on 1st 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

76226/FULL/2010 - Installation of 2 no. wall mounted air conditioning condensing units and replacement of 1 no. existing air conditioning condensing unit on rear elevation. Approved with conditions 23.02.11.

76234/AA/2010 - Display of 2 no. internally illuminated fascia signs and 1 no. internally illuminated projecting sign. Approved with conditions 23.02.11.

H21049 - Change of use of 94 park road from retail and residential accommodation to banking and ancillary office use and use of land to rear of 92/94 Park Road for car parking. Approved with conditions 14.03.85.

H/ADV/56870 – Display of ATM signage. Approved with conditions 31.07.03.

APPLICANT'S SUBMISSION

Covering Letter

CONSULTATIONS

LHA – No objection. Suggest servicing plan condition

All neighbours have been consulted in accordance with statutory requirements.

REPRESENTATIONS

10 letters of objection have been received from 10 properties, summarised as follows:

- Application is misleading
- Concerns about the servicing of any future use of the building
- Overconcentration of retail units in the area
- Harm to the safety of the area
- Building sits at a dangerous junction, and any change of use could prejudice highway safety
- Anti-social behaviour if selling alcohol
- No liaison with residents from the applicant
- Poor communication from the Council
- Overspill of parking (which could lead to poor access for emergency vehicles, and dangerous road crossings)
- Impact on air quality from increased traffic

- Objections raised in the licensing application have been dismissed
- Contrary to the NPPF
- Works already carried out at the site (internal and external)
- Harm to residential amenity (loss in privacy, and increased noise)
- Poor appearance to the building (with fittings attached to the exterior)
- Waste stored at the rear of the site could form fire risk
- Light intrusion from car headlights
- ATM may be subject to theft.
- Disabled access should be provided
- Approval would lead to other elements of the 1985 permission unconditioned
- Hours of use should reflect those of the terrace
- Office use at 1st floor is unsuitable.

Further to this, a petition has been submitted objection **against** the development, signed by residents living at 114 properties.

Officer Response: Please see observations.

OBSERVATIONS

PRINCIPLE OF DEVELOPMENT

1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 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. The development plan is considered to be up to date for the purposes of this application.
2. 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.
3. For the purposes of this application, the 'most important policies' (L7 Design and W2 Town Centres and Retail) are up to date in NPPF terms. Full weight can be afforded to these policies.
4. The site is within an area designated as a 'Local Shopping Centre'. Within these areas, there will be a *'focus on convenience retail facilities and services to meet local needs (W2.9, Trafford Core Strategy)*.
5. Paragraph 55 of the NPPF states that planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, precise and reasonable in all other respects.

6. Paragraph 80 of the NPPF advises that planning decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity taking into account both local business needs and wider opportunities for development. Policies should seek to address potential barriers to investment (Paragraph 81).
7. Whilst this application has been submitted as a variation to H/21049, the context of the site has changed significantly since its original approval in 1985 in terms of both the economic environment with regard to banks, and planning policy with regard to economic growth, supporting business and allowing business to expand and adapt. This is reflected in the most recent National Planning Policy Framework (2019) which attracts significant weight in decision making.
8. The applicant has outlined that marketing exercises have been conducted in attempting to secure a use as a bank, which have been unsuccessful. The site has been vacant since at least August 2018 as shown on Google Maps. As widely accepted in both the regional and national context, local branches of banks have undergone significant and sustained closures, particularly those in local communities. The case made by the applicants that a bank is no longer a viable use at this site is not disputed. However, it is important to retain a use to this building which benefits this designated 'local centre' and aligns with policy W2.9.
9. Under Class E of the Use Classes Order (2020), in the absence of condition 2, the building could be occupied as one of the following uses:
 - Shop
 - Financial and professional service
 - Café or restaurant
 - Office
 - Research and development of products or processes
 - Light industrial process (which can be carried out in any residential area without causing detriment to the amenity of that area
 - Clinics, health centres, crèches, day nurseries, day centre
 - Gymnasiums and indoor recreation
10. The thrust of the 2020 Use Classes Order is to enable buildings to change use simply without formal planning permission being required. This forms part of the Government's ambitions to both simplify the planning process and allow greater flexibility between uses to encourage diversity and to spur economic growth.
11. The original condition was applied to prevent the bank changing to general office use. Office use in this location would, at the time, have failed to provide a community use/benefit within this centre when compared to a bank within the

local area. However, as noted above, the thrust of planning policy and planning legislation, particularly through the NPPF and Use Classes Order (2020), has changed, signalling an encouragement of flexibility within uses. This change in circumstance is now afforded significant weight in the determination of whether this condition is still relevant or necessary.

12. The removal of condition 2 would undoubtedly open up investment opportunities for the use of this building albeit within the above uses. It would no longer be reasonable to restrict the use of the building to a bank given the wider closure of local bank branches and the unsuccessful marketing of this premises. Nor is this condition considered necessary to make the development acceptable given the range of uses which occupy this local centre. Uses within the parade include newsagent, hairdressers, retail store, café, dog grooming and a photography studio. Given this range of uses, it is not considered that a further use surplus to those listed above would cause an overconcentration of any specific use within local service centre, nor in the wider context.
13. As noted on site, at least three of the units (including the application site) within this parade are vacant/unoccupied. In allowing flexibility amongst the above uses, this would encourage the re-use of this premises which can provide local employment opportunities, and allow a continued focus on convenience retail facilities and services for the local community.
14. The existing condition 2 places unnecessary pressure on the use of the premises as a bank in a standardised manner. Limiting the premises to an unviable use will damage the vitality of this local centre. The condition also places an unjustifiable financial burden on the applicants in attempting to secure the continued use of the building as a bank. This is considered unreasonable.
15. It is considered that the condition fails the tests of necessity and reasonableness, contrary to paragraph 55 of the NPPF. The condition also contradicts key aims of paragraphs 80 and 81 within the NPPF including supporting economic growth and addressing barriers to investment. For these reasons, it is considered that, in principle, condition 2 should be removed. That said, it is recognised that if the condition were to be removed the premises could be operated for any of the uses falling within the new Class E as highlighted previously. It is therefore appropriate to consider what impacts these other uses might have in terms of noise, parking and design. These issues are discussed below.
16. The proposal is considered to be in line with policy W2 of the Trafford Core Strategy and the NPPF. The principle of this development is therefore acceptable subject to all other material considerations being satisfactorily addressed.

DESIGN AND APPEARANCE

17. No external alterations are sought to the premises as part of this application.
18. As noted on site, a section of exterior wall has been partially demolished, which could typically be achieved without planning permission. It should be noted that the site would also benefit from permitted development rights for non-domestic alterations as set out under Part 7 of Schedule 2 of the Town and Country Planning (General Permitted Development Order) 2015 (as amended).
19. As this application relates solely to the removal of condition 2 to H/21049, any external alterations carried out to the premises are done at the applicants' risk, and are not considered under this application.

AMENITY

20. It is considered appropriate to condition the hours of use to 08.00 – 20.00 (Monday to Sunday, including Bank Holidays and Public Holidays). This would bring the development in line with other units open within the parade including an existing convenience store. Such hours are necessary given that the building could be operated as a café, restaurant or gymnasium which could lead to audible voices, music, equipment (i.e. weights being dropped) at unsociable hours.
21. The proposed building physically adjoins a residential property (1A Hawthorn Avenue), and the restricted hours would serve to safeguard their residential amenity. A condition will require any deliveries to be made within the above timeframe. This will prevent, not only noise through the internal walls, but also car doors and engines in the surrounding residential area.
22. A condition is recommended to require a boundary treatment to be established around the curtilage of 1A Hawthorn Avenue (within the site edged RED). This treatment would prevent customers or staff of any future use traversing directly across the front of this property, which taking into account, noise and losses of privacy, would be harmful to the residential amenity of this property.
23. There may be an increase in traffic associated with bringing this vacant building back into active use. However, it is not considered that impacts from any increase in traffic, such as air quality, noise and car headlamps would be so significant as to warrant a refusal of planning permission on the grounds of being detrimental to residential amenity, particularly given the proximity of Park Road and the restricted hours of use.
24. No external changes to the appearance of the property are sought. Subject to the above conditions, the proposal is considered to accord with Policy L7 of the Trafford Core Strategy.

PARKING / ACCESS / WASTE

25. The site is sustainably located with good access to a range of residential properties. The site can also be accessed via the surrounding bus network and the Metrolink station. Off-road parking for 6 vehicles is indicated to the rear.
26. Paragraph 109 of the NPPF outlines 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.
27. Residents have raised strong objections to this application on highways grounds with the key issues being highway safety and overspill of parking into the surrounding residential areas.
28. It is considered necessary prior to any new use commencing (with the exception of a financial service use which the site is at present), that a service plan detailing employee/customer parking, deliveries, bicycle storage, access and waste storage is submitted for consideration. This should ensure that any future use of the premises can be satisfactorily serviced without prejudicing the safe operation of the highway. A condition is recommended to this effect.
29. Given the location of this site within a designated local centre, its reuse is important in maintaining the vitality and longevity of this centre. Other uses within Use Class E are considered to be acceptable in principle provided therefore that the use can be satisfactorily serviced. If the building is to be used, for example as retail, it may be necessary to ensure that 'customer only' parking is enforced with 'cycle to work' schemes considered or public transport. This can be dealt with through a travel plan and service plan. It would be unreasonable to resist the application on highways grounds, when the proposed use at this stage is speculative, and any 'unacceptable impact' as stated in paragraph 109 (NPPF) would be hypothetical.
30. The Local Highway Authority has raised no objection to the works and does not consider there will be any significant adverse impacts upon the highway network providing that an acceptable service management plan is submitted prior to any retailer use of the premises.
31. The proposal is therefore considered to comply with Policies L7 and L4 of the Trafford Core Strategy.

DEVELOPER CONTRIBUTIONS

32. The proposal does not provide any additional floorspace. The proposal would not be liable for the Community infrastructure levy (CIL).

OTHER CONSIDERATIONS

33. The other conditions attached to H/21049 relate to the commencement of development within 5 years, parking being provided to the rear, and an existing vehicle crossing to be reinstated prior to use of the premises.
34. The permission was implemented, and the parking to the rear provided with an acceptable vehicle crossing for parking of cars. It is no longer necessary for these conditions to be carried forward. The servicing plan condition recommended will ensure that there is sufficient parking and servicing for a proposed use.
35. All letters of objection received have been duly noted and considered. It should be noted that this application seeks solely to remove condition 2 of H/21049. Any external/internal works are carried out at the applicants own risk, though it is worth noting that many alterations can be carried out under Part 7 (Non-domestic extensions, alterations) of the General Permitted Development Order. It should be noted that the licensing application process is separate to the planning process. Issues relating to theft of the ATM, anti-social behaviour, or arson are police matters. It is not considered that this application would significantly exacerbate crime within this parade of shops or surrounding residential areas. The Council has carried out a consultation in accordance with its statutory requirements.

CONCLUSION

36. The site has been vacant since at least August 2018, was used as retail premises prior to its use as a bank and site within a Local Centre amongst other retail premises.
37. It is not considered that it would be reasonable to oppose the removal of condition 2 as without doing so the property is likely to remain vacant for the foreseeable future. It is important for the vitality of the Local Centre that another use is found for the property which will help support economic growth and create employment opportunities as required by paragraphs 80 and 81 of the NPPF. Consideration has been given to the other uses within Class E that the property could be put to, and it is not thought that any of these uses are likely to give rise to unacceptable impacts in terms of highway safety or residential subject to the imposition of additional conditions which are listed below. In its current form it is considered that the condition fails the tests of necessity and reasonableness, contrary to paragraph 55 of the NPPF. For these reasons, it is considered that, condition 2 should be removed.
38. Conditions relating to hours of use and servicing are considered necessary to safeguard residential amenity, highway safety and ensure satisfactory parking.

Subject to these additional conditions, it is recommended that planning permission should be granted.

RECOMMENDATION:

GRANT subject to the following conditions:-

1. The premises shall only be open for trade or business between the hours of: 0800 - 2000 (Monday to Sunday, including Bank Holidays and Public Holidays)

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

2. Servicing, deliveries and waste collection to or from the premises shall only take place between the hours of 0800 - 2000 (Monday to Sunday, including Bank Holidays)

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

3. The development hereby permitted shall not take place until plans showing details of waste storage, the means of access and the areas for the movement, loading, unloading and parking of vehicles have been submitted to and approved in writing by the Local Planning Authority. The development shall not be brought into use until such areas have been provided, constructed and surfaced in complete accordance with the approved plans. Thereafter, the means of access and the areas for the movement, loading, unloading and parking of vehicles shall be retained for their intended purpose. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 or any equivalent Order following the amendment, revocation and re-enactment thereof, no development (other than that carried out in accordance with this permission) shall take place on any of the areas so provided.

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 L4 and L7 of the Trafford Core Strategy, Supplementary Planning Document 3 - Parking Standards and Design and the National Planning Policy Framework.

4. No amplified or other music shall be played in the premises at any time.

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

5. The development hereby approved shall not be occupied / brought into use unless and until a Travel Plan, which should include measurable targets for

reducing car travel, including provision of bicycle storage, 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.

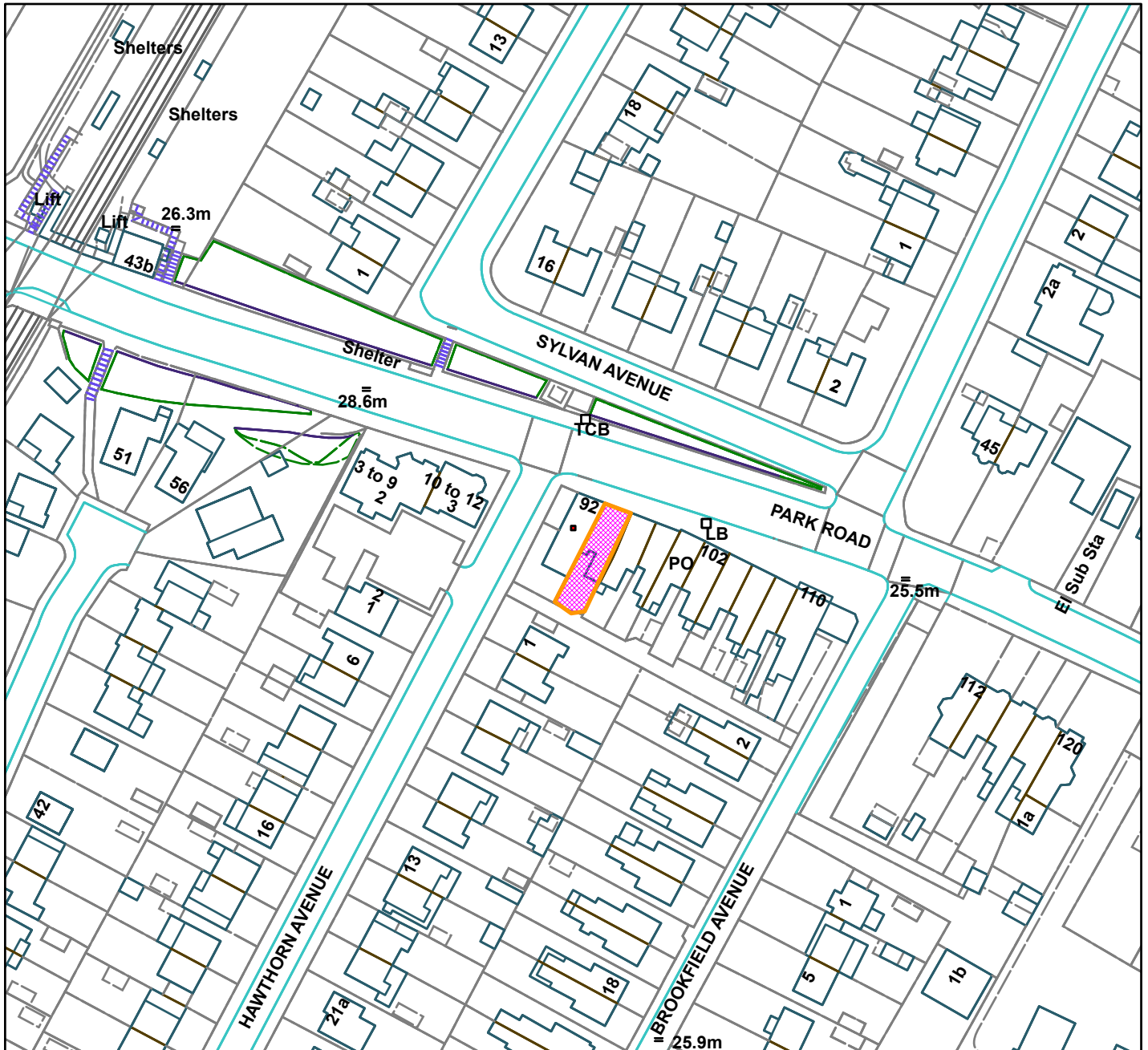
6. The premises shall not be brought into use unless and until a scheme for the provision of a boundary wall together with appropriate gated access and landscaping to enclose an area of defensible space around the front of no. 1A Hawthorn Avenue has first been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the re-opening of the premises and retained thereafter.

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

RCR



92-94 Park Road, Timperley (site hatched on plan)



Scale: 1:1,250

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Organisation	Trafford Council
Department	Planning Service
Comments	Committee date 24/09/20
Date	15/09/2020
MSA Number	100023172 (2012)

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TRAFFORD COUNCIL

Report to: Planning and Development Management Committee
Date: 24 September 2020
Report for: Decision
Report of: Head of Planning and Development

Report Title

Chesham House, 101 Church Road, Urmston: Making of immediate Article 4 direction to remove permitted development rights for the demolition of the building.

Summary

This report sets out the reasons behind the proposal to make an immediate Article 4 Direction removing permitted development rights for the demolition of Chesham House.

This report seeks approval from the Committee to make the immediate Article 4 Direction including undertaking statutory consultation requirements.

Recommendation

That the Planning and Development Management Committee:

- (i) Resolve that the making of an immediate Direction pursuant to Article 4(1) of the Town and Country Planning (General Permitted Development) (England) Order 2015 to withdraw the permitted development rights to demolish Chesham House, 101 Church Road, Urmston is appropriate, and justified, as demolition of Chesham House would be prejudicial to the proper planning of the area and constitutes a threat to the amenities of the area .
- (ii) Approve the making of the Article 4(1) Direction for Chesham House, 101 Church Road, Urmston the extent of which is shown in Appendix 2.
- (iii) Delegate authority to the Corporate Director of Governance and Community Strategy to make the Article 4(1) Direction for the land at Chesham House, 101 Church Road, Urmston shown on the plan attached at Appendix 1 and delegate to the Corporate Director of Place authority to carry out all necessary consultation following the making of the Direction, to notify the Secretary of State in accordance with statutory requirements and to take all other action considered necessary or expedient to give effect to the matters set out in this report.
- (iv) Confirm that the Article 4(1) Direction will be effective with immediate effect once made.
- (v) Delegate authority to the Corporate Director of Governance and Community Strategy to confirm the Direction in due course if there are no objections.
- (vi) Request that subsequent planning applications involving the demolition of Chesham House and where the Article 4 Direction remains in force to be

referred to the Planning and Development Management Committee for determination.

Contact person for access to background papers and further information:

Name: Rebecca Coley

Extension: 4788

1.0 INTRODUCTION AND BACKGROUND

- 1.1 An application for Prior Notification under the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO) has been received for the demolition of the dwelling at Chesham House, 101 Church Road, Urmston (101835/DEM/20). This application has not yet been validated but the notification is due to expire on 2 October 2020.
- 1.2 Since January 2020, the Council has received two applications, 99782/FUL/20 and 100977/FUL/20, seeking the demolition of Chesham House and its replacement with a pair of semi-detached dwellings. These applications have been opposed by officers given their view that demolition of Chesham House would be prejudicial to the proper planning of the area and constitutes a threat to the amenities of the area.
- 1.3 Demolition is development permitted under Article 3, Schedule 2, Part 11 of the GPDO. This requires the developer to apply to the Local Planning Authority (LPA) for a determination as to whether the prior approval of the authority is required as to the method of demolition and any proposed restoration of the site. The LPA is not able to object to the demolition of a building in principle through this process.
- 1.4 Article 4 of the GPDO allows for an LPA to make a Direction that certain classes of development set out in this Order should not be carried out unless permission is granted for it on application to the LPA. An immediate Article 4 Direction can be made if the Council considers that the development would be prejudicial to the proper planning of the area or would constitute a threat to the amenities of the area.
- 1.5 Schedule 3 of the GPDO sets out the procedure for the making of an Article 4 Direction, including the requirement to publicise such a direction.
- 1.6 It is the view of officers that the demolition of Chesham House would be prejudicial to the proper planning of the area and constitutes a threat to the amenities of the area.
- 1.7 It is therefore proposed to make a Direction with immediate effect under Article 4 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
- 1.8 The proposed Direction under Article 4 and Paragraph 2 of Schedule 3 of the GPDO will have the effect of withdrawing the permitted development rights

conferred by the GPDO Class B of Part 11 of Schedule 2, relating to the demolition of the building. The Direction will cease to have effect after six months unless confirmed by the Council during that period.

- 1.9 The effect of the immediate Article 4 Direction is that the building cannot be demolished unless a planning application is made and permission granted.
- 1.10 There is a current planning application, 100977/FUL/20 which seeks consent for the demolition of Chesham House and its replacement with a pair of semi-detached dwellings. This application is yet to be determined; the outcome will be reported in the Additional Information Report.

2.0 JUSTIFICATION FOR IMMEDIATE ARTICLE 4 DIRECTION

- 2.1 Chesham House is a substantial suburban villa, constructed in the 1890s/early 1900s to the south side of Church Road, Urmston. It is understood that it was constructed as a residential property however was last in use as a bed and breakfast.
- 2.2 The Council has received three recent planning applications of relevance to this report which have generated notable local objection:
 - 99782/FUL/20- Consent sought for demolition of property and erection of two replacement semi-detached dwellings. Withdrawn March 2020 following concerns on heritage and design grounds. 17 objections.
 - 100977/FUL/20- Consent sought for demolition of property and erection of two semi-detached replacement dwellings. Current application. 25 objections, Cllr call-in if minded to approve.
 - 100987/FUL/20- Consent sought for extensions and subdivision into two semi-detached dwellings. Current application. 11 objections, 3 support.
- 2.3 Chesham House is not a listed building and is not located within a conservation area. Nevertheless, it is the view of officers that the property is a non-designated heritage asset in that it has a degree of heritage significance meriting consideration in planning decisions but does not meet the criteria for designated heritage assets. The significance of Chesham House derives from the following:

Chesham House is a substantial, suburban villa, constructed in the late 1890s/early 1900s. One of a number of large, good quality, detached properties built for the middle classes along the south side of Church Road. There is coherence to the ensemble of houses through scale, form, appearance, architectural detailing and use of materials. They illustrate the expansion of Urmston during this period following the arrival of the railway in the town in 1873 and are identified in the Trafford Urban Historic Landscape Characterisation Survey [HGM5047].

The house is believed to have been built by Joseph Spark & Son Ltd, an eminent firm of local builders founded in Urmston in 1880. Designed in the domestic revival style, the asymmetrical composition is dominated by a large two storey canted bay capped with a partial spire. The principal elevation is constructed from Ruabon brick laid in a Flemish Bond denoting a higher status house. There is an advanced brick plinth at ground level and string course between ground and first floor levels adding interest to the elevations. At ground floor there are arched brick headers infilled with a decorative terracotta motif and brick patterns. Window openings have painted stone cills and lintels across both floors. The hierarchy of the floors is displayed through the pattern of fenestration with painted timber tripartite casements at ground floor [these may be historic replacements] and single/pairs of painted timber vertical sliding sashes at first floor. The house is accessed via a flight of steps and centrally placed door. The roof is hipped and a prominent feature of the building, laid with blue Welsh slate, large overhanging eaves, decorative ridge tiles and several substantial chimneys. There is a half-timbered gable on the east elevation resulting in an intriguing partial hipped detail on the north and south elevations.

The house is two storeys in height with a half attic storey and cellars. To the east is a single storey room showcasing Victorian eclecticism with a crenelated parapet and large decorative vent. The form, materials and construction suggests this is contemporary to Chesham House and appears to be a former smoking and/or billiard room.

The building occupies a large front and rear gardens set back from Church Road and bounded by a local buff sandstone wall with ingress and egress. Only one of the four gate piers survives which includes a shaped stone pier cap.

Chesham House is significant for its architectural and historic values. There is a good level of architectural integrity and survival of historic fabric. The coherence with adjoining dwellings of a similar period amplifies this significance and the experience of one another. The dwelling also illustrates the historic development of Urmston during the late 19th and early 20th centuries and is associated with local building form Joseph Spark & Son Ltd.

- 2.4 The loss of Chesham House would therefore be detrimental to the visual amenity of the area and be harmful on heritage grounds; both as a property in its own right and due to the role that it plays within the Church Road street scene where it is part of a larger group of attractive historic properties, which are also non-designated heritage assets (albeit with no known threat to their future). The demolition of the property would lead to the total loss of its significance. It is therefore the view of officers that the demolition of Chesham

House would be prejudicial to the proper planning of the area and constitutes a threat to the amenities of the area.

3.0 USE OF AN IMMEDIATE ARTICLE 4 DIRECTION

- 3.1 An Article 4 Direction can be used to remove specific permitted development rights from all or part of a local authority's area. It does not restrict development altogether but means that the development would require planning permission. This means that the demolition of Chesham House would need to be assessed against the Development Plan through a planning application in which the loss of Chesham House would be a material consideration.
- 3.2 Paragraph 53 of the NPPF states that "The use of Article 4 directions to remove national permitted development rights should be limited to situations where this is necessary to protect local amenity or the well-being of the area (this could include the use of Article 4 directions to require planning permission for the demolition of local facilities). Similarly, planning conditions should not be used to restrict national permitted development rights unless there is clear justification to do so."
- 3.3 Planning Practice Guidance (PPG) states that "The use of article 4 directions to remove national permitted development rights should be limited to situations where this is necessary to protect local amenity or the wellbeing of the area. The potential harm that the direction is intended to address will need to be clearly identified, and there will need to be a particularly strong justification for the withdrawal of permitted development rights relating to:" ... "cases where prior approval powers are available to control permitted development".
- 3.4 In relation to immediate Article 4 Directions, the PPG states "The circumstances in which an immediate direction can restrict development are limited. Immediate directions can be made in relation to development permitted by Parts 1 to 4 and 11 of Schedule 2 to the General Permitted Development Order, where the development presents an immediate threat to local amenity or prejudices the proper planning of an area."
- 3.5 PPG also states that "If a local planning authority makes an article 4 direction, it can be liable to pay compensation to those whose permitted development rights have been withdrawn, but only if it then subsequently:
- refuses planning permission for development which would otherwise have been permitted development; or
 - grants planning permission subject to more limiting conditions than the General Permitted Development Order.

The grounds on which compensation can be claimed are limited to abortive expenditure or other loss or damage directly attributable to the withdrawal of permitted development rights."

- 3.6 Article 4 Directions can be either immediate or non-immediate. A non-immediate Direction requires the local planning authority to serve notice by way of a local advertisement, site notice and by writing to the owner and occupier of the land. The site notices must be in place for a period of not less than 6 weeks. This would go beyond the date by which the demolition notice would expire and deemed consent for demolition would apply. Chesham House could therefore lawfully be demolished between this expiry date and the non-immediate Article 4 Direction taking effect, should this route be taken.
- 3.7 An immediate Article 4 Direction can be issued by the Planning and Development Management Committee and will take effect straight away. This will immediately remove the permitted development rights relating to demolition at Chesham House and will last for a 6 month period before which the Direction will either expire or be confirmed.
- 3.8 Following an immediate Article 4 Direction, the Council is required to give notice of the decision by way of local advertisement, site notice and by serving notice to owners and occupiers of the land. The Direction must also be referred to the Secretary of State. After a period of 28 days, and not longer than 6 months, the Council decides whether to go ahead and confirm the Direction, taking into account any representations which have been received and depending on the outcome the Council can confirm the Direction to permanently withdraw the permitted development right.
- 3.9 The issue of compensation is considered further in sections 6.0 and 7.0 below.
- 3.10 There is no formal right of appeal against the making of an immediate Article 4 Direction. However, the owner or proposed developer of a building the subject of an Article 4 Direction may apply for planning permission for its demolition. If, following the making of an immediate Article 4 Direction, such an application was made it would have to be considered by the Council in the proper manner.

4.0 OTHER OPTIONS

4.1 Option 1- Do nothing

Chesham House would be lost from the Church Road street scene which would be detrimental to the character and appearance of the area. If the most recent proposals were implemented a pair of semi-detached dwellings would be erected which would make a very modest contribution (one dwelling net) to meeting the Borough's housing land targets.

4.2 Option 2- Make a non-immediate Article 4 Direction

A non-immediate Direction could be made which, if it comes into force 12 months after the Direction being issued, would remove the possibility of paying compensation. A demolition notification has already been submitted and so it is likely that Chesham House would be demolished within the intervening 12 months with the visual and heritage harm that that would entail.

5.0 CONSULTATION

- 5.1 Consultation has been carried out with the LPA's Heritage Development Officer for the purpose of providing evidence for this report.
- 5.2 Consultation is required to be carried out with the owners and occupiers of Chesham House in line with the regulations set out in the GPDO.

6.0 LEGAL IMPLICATIONS

- 6.1 There is no statutory appeal against the making of an Article 4 Direction. However, such a decision would be open to challenge by way of judicial review. In order to make an Article 4 Direction, the LPA must be satisfied that it is expedient that the permitted change of use should not be carried out unless permission is granted for it (see Article 4(1)). In making any such decision, it is important that the LPA takes into account all relevant guidance. Overall, provided that a LPA takes into account all relevant considerations, and applies the correct test, it is unlikely there would be a successful judicial review of an Article 4 direction.
- 6.2 Section 108 of the Town and Country Planning Act 1990 includes a provision that compensation can be sought where (i) the LPA makes an Article 4 Direction, (ii) an application is made for planning permission to carry out development that would formerly have been permitted by the GPDO and (iii) the LPA refuses that application or grants permission subject to conditions differing from those in the GPDO.
- 6.3 However, where 12 months' notice is given in advance of a Direction taking effect there will be no liability to pay compensation (provided that the development authorised by the new changes had not started before the notice was published). Where Directions are made with immediate effect or less than 12 months' notice, compensation will only be payable in relation to planning applications which are submitted within 12 months of the effective date of the Direction and which are subsequently refused or where permission is granted subject to conditions.
- 6.4 Compensation may only be claimed for abortive expenditure or other loss or damage directly attributable to the withdrawal of permitted development rights.

7.0 FINANCIAL IMPLICATIONS

- 7.1 The preparation of the Article 4 Direction can be undertaken using existing officer resource.
- 7.2 A claim for compensation can only arise if a subsequent planning application for demolition is refused. The level of compensation would be a material consideration in the determination of a subsequent planning application and so is an issue that would be considered at that point. There is no direct risk of compensation from the issuing of an immediate Article 4 Direction alone. It is

therefore recommended that future applications for the demolition of Chesham House be referred back to the Committee to allow appropriate oversight of this issue.

- 7.3 Any future report to the Committee in association with a relevant planning application would set out the level of compensation likely to be payable, underpinned by specialist advice from the Council's Estates Service. Members will be able to take this information into account in the determination of that application.

8.0 HUMAN RIGHTS AND EQUALITIES

- 8.1 Section 6 of the Human Rights Act 1998 requires public authorities to act in a way that is compatible with the European Convention on Human Rights. Various Rights may be relevant to this direction including Article 1 (protection of property) and Article 8 (Right to respect for a private and family life). The European Court has recognised that "regard must be had to the fair balance that has to be struck between the competing interests of the individual and of the community as a whole". Any interference must be necessary and proportionate.
- 8.2 The rights of the individual have been considered against the wider public interest and it is determined that the Articles will not be triggered.
- 8.3 The Local Planning Authority has had regard to the provisions of the Equality Act 2010 in making this recommendation. The issuing of an Article 4 Direction would not have an adverse impact on protected groups.

9.0 RECOMMENDATIONS

That the Planning and Development Management Committee:

- (i) Resolve that the making of an immediate Direction pursuant to Article 4(1) of the Town and Country Planning (General Permitted Development) (England) Order 2015 to withdraw the permitted development rights to demolish Chesham House, 101 Church Road, Urmston is appropriate, and justified, as demolition of Chesham House would be prejudicial to the proper planning of the area and constitutes a threat to the amenities of the area .
- (ii) Approve the making of the Article 4(1) Direction for Chesham House, 101 Church Road, Urmston the extent of which is shown in Appendix 2.
- (iii) Delegate authority to the Corporate Director of Governance and Community Strategy to make the Article 4(1) Direction for the land at Chesham House, 101 Church Road, Urmston shown on the plan attached at Appendix 1 and delegate to the Corporate Director of Place authority to carry out all necessary consultation following the making of the Direction, to notify the Secretary of State in accordance with statutory requirements and to take all other action considered necessary or expedient to give effect to the matters set out in this report.

- (iv) Confirm that the Article 4(1) Direction will be effective with immediate effect once made.
- (v) Delegate authority to the Corporate Director of Governance and Community Strategy to confirm the Direction in due course if there are no objections.
- (vi) Request that subsequent planning applications involving the demolition of Chesham House and where the Article 4 Direction remains in force to be referred to the Planning and Development Management Committee for determination.

Background Papers

None.

APPENDIX 1

DRAFT ARTICLE 4 DIRECTION



**TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT)
ORDER 2015, AS AMENDED**

**DIRECTION MADE UNDER ARTICLE 4(1) TO WHICH PARAGRAPH 2 OF
SCHEDULE 3 APPLIES**

CHESHAM HOUSE, 101 CHURCH ROAD, URMSTON, M41 9FJ

WHEREAS Trafford Borough Council being the appropriate Local Planning Authority within the meaning of Article 4(5) of the Town and Country Planning (General Permitted Development) Order 2015, as amended, are satisfied that it is expedient that development of the description(s) set out in the Schedule below should not be carried out on the land shown edged in red on the attached plan, unless planning permission is granted on an application made under Part III of the Town and Country Planning Act 1990, as amended.

NOW THEREFORE the said Council in pursuance of the power conferred on them by Article 4(1) of the Town and Country Planning (General Permitted Development) Order 2015, as amended, hereby direct that the permission granted by Article 3 of the said Order shall not apply to development on the said land of the description(s) set out in the Schedule below.

THIS DIRECTION is made under Article 4(1) of the said Order and, in accordance with Paragraph 2(6) of Schedule 3, shall remain in force until(*insert date*) (being six months from the date of this direction) and shall then expire unless it has been confirmed by the appropriate Local Planning Authority in accordance with Paragraph 7 of Schedule 3 before the end of the six month period.

SCHEDULE

Any building operation consisting of the demolition of a building being development comprised within Class B of Part 11 of Schedule 2 to the said Order and not being development comprised within any other Class.

1. Made under the Common Seal of Trafford Borough Council

thisday of.....2020

The Common Seal of the Council was affixed to this Direction in the presence of

Authorised Signatory

2. Confirmed under the Common Seal of Trafford Borough Council

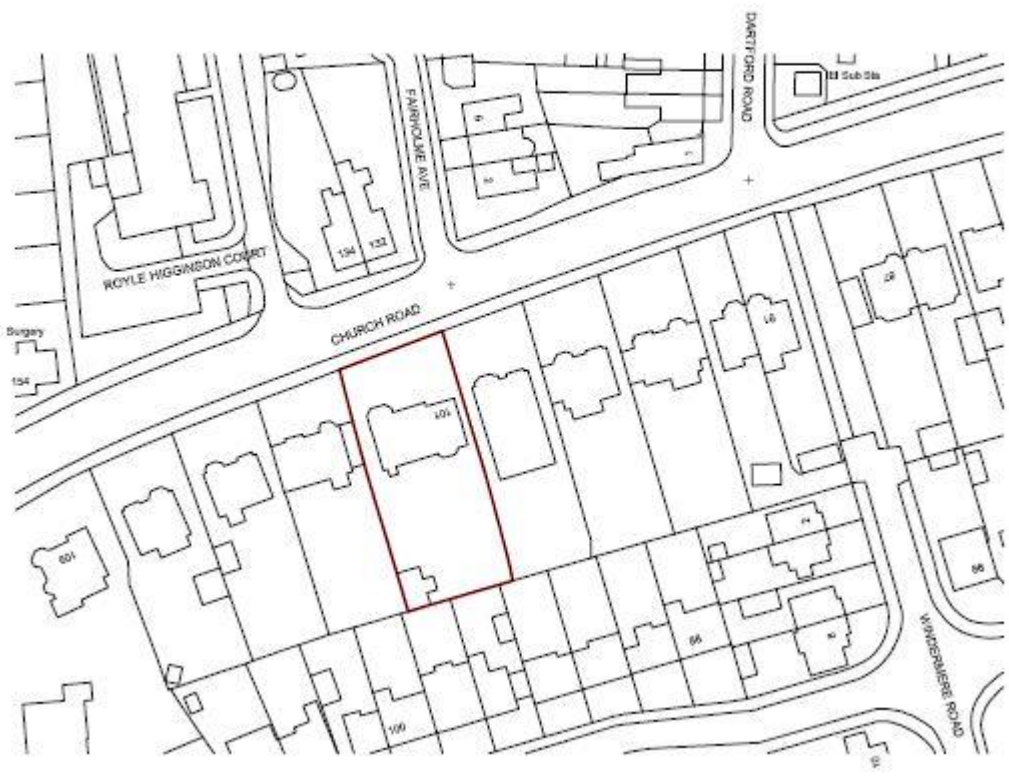
thisday of.....2021

**The Common Seal of the Council was affixed to this Direction in the presence
of
Authorised Signatory**

APPENDIX 2

ARTICLE 4 DIRECTION PLAN BOUNDARY

LOCATION



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