



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

**Date: Thursday, 10 November 2022**

**Time: 6.30 pm**

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

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

<https://www.youtube.com/channel/UCjwbIOW5x0NSe38sgFU8bKg>

**AGENDA**

**ITEM**

**1. ATTENDANCES**

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

**2. MEMBERSHIP**

The Committee is asked to note that Councillor Freeman became a Member of the Planning Development Management Committee as of 24<sup>th</sup> October, 2022, replacing Councillor Dagnall.

**3. 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.

**4. MINUTES**

To receive and, if so determined, to approve as a correct record the Minutes of the meeting held on 13<sup>th</sup> October, 2022.

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

A maximum of 15 minutes will be allocated to public questions submitted in writing to Democratic Services (democratic.services@trafford.gov.uk) by 4pm on the working day prior to the meeting. Questions must be 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.

**6. ADDITIONAL INFORMATION REPORT**

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

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

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

7

<b>Applications for Planning Permission</b>	
<b>Application</b>	<b>Site Address/Location of Development</b>
<a href="#"><u>107558</u></a>	Land At Stretford Mall, Chester Road, Stretford
<a href="#"><u>107854</u></a>	Sale West Estate Bounded By Firs Way, Cherry Lane, Woodhouse Lane And Manor Avenue, Sale
<a href="#"><u>108288</u></a>	Cibo Hale , 6 - 10 Victoria Road, Hale WA15 9AF
<a href="#"><u>108435</u></a>	209 Kentmere Road, Timperley WA15 7NT
<a href="#"><u>108516</u></a>	Templemoor Infant School Nursery Close, Sale M33 2EG
<a href="#"><u>108872</u></a>	Land Bound By Elsinore Road And Skerton Road Stretford M16 0WF

**8. 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 B. Hartley (Chair), B.G. Winstanley (Vice-Chair), A. Akinola, D. Bunting, D. Chalkin, M. Freeman, W. Hassan, M. Minnis, D. Morgan, S. Procter, S. Thomas, L. Walsh and M.J. Welton.

## Planning and Development Management Committee - Thursday, 10 November 2022

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### Further Information

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

Michelle Cody, Governance Officer

Tel: 0161 912 2775

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

This agenda was issued on **1<sup>st</sup> November, 2022** by the Legal and Democratic Services Section, Trafford Council, Trafford Town Hall; Talbot Road, Stretford, Manchester, M32 0TH

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# Agenda Item 4

## **PLANNING AND DEVELOPMENT MANAGEMENT COMMITTEE**

**13<sup>th</sup> OCTOBER, 2022**

### **PRESENT:**

Councillor Hartley (In the Chair),  
Councillors Akinola, Bunting, Hassan, Minnis, O'Brien (Substitute), K. Procter (Substitute), Thomas, Welton and Winstanley.

In attendance: Head of Planning and Development (Ms. R. Coley),  
Planning and Development Manager (West) (Mr. S. Day),  
Planning and Development Manager (East) (Ms. H. Milner),  
Principal Highways & Traffic Engineer (Amey) (Mr. G. Evenson),  
Planning Lawyer (Locum) (Mr. S. Moorhouse),  
Governance Officer (Miss M. Cody).

### **APOLOGIES**

Apologies for absence were received from Councillors Chalkin, Morgan, S. Procter and Walsh.

### **37. DECLARATIONS OF INTEREST**

Councillor Minnis declared a Personal and Prejudicial Interest in Application 106507/FUL/21 (Liberal Democrat Headquarters, 43a Park Road, Timperley). She advised the Committee that the site was no longer the Liberal Democrat Headquarters and hadn't been for a year due to the land being sold but given that she was extremely familiar with the land she confirmed she would be leaving the room during consideration of the item. She also confirmed that neither she nor the Liberal Democrat Party had any financial interest in the site.

Councillor Hassan declared a Personal and Prejudicial Interest in Application 108407/HHA/22 (8 Hapton Avenue, Stretford) as he had been approached regarding the application so felt he had a conflict of interest.

### **38. MINUTES**

RESOLVED: That the Minutes of the meetings held on 8<sup>th</sup> and 13<sup>th</sup> September, 2022, be approved as a correct record and signed by the Chair.

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

No questions were submitted.

### **40. ADDITIONAL INFORMATION REPORT**

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

**Planning and Development Management Committee**  
**13<sup>th</sup> October, 2022**

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RESOLVED: That the report be received and noted.

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

(a) <u>Permission granted subject to standard conditions prescribed by statute, if any, and to any other conditions now determined</u>		
<u>Application No., Address or Site</u>		<u>Description</u>
[Note: Councillor Minnis declared a Personal and Prejudicial Interest in Application 106507/FUL/21 (below) due to her familiarity of the land and left the room during consideration of the item.]		
106507/FUL/21 – Liberal Democrat Headquarters, 43A Park Road, Timperley.		Demolition of existing building and erection of 7 no. townhouses (Use Class C3) with associated vehicular access, car parking, cycle parking and wider associated works.

**42. APPLICATION FOR RETROSPECTIVE PLANNING PERMISSION 108407/HHA/22 – 8 HAPTON AVENUE, STRETFORD**

[Note: Councillor Hassan declared a Personal and Prejudicial Interest in Application 108407/HHA/22, due to his involvement and left the room during consideration of the item.]

The Head of Planning and Development submitted a report concerning a retrospective application for planning permission for the erection of a part single, part two storey side extension and single storey rear extension. Proposed alterations to the roof shape including rear dormer and other external alterations.

It was moved and seconded that planning permission be refused.

The motion was put to the vote and declared lost.

RESOLVED: That planning permission be granted subject to the conditions now determined.

The meeting commenced at 6.30 pm and concluded at 7.55 pm.



## **PLANNING AND DEVELOPMENT MANAGEMENT COMMITTEE – 10<sup>th</sup> NOVEMBER 2022**

### **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 – 10<sup>th</sup> NOVEMBER 2022**

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

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

<b>Applications for Planning Permission</b>				
<b>Application</b>	<b>Site Address/Location of Development</b>	<b>Ward</b>	<b>Page</b>	<b>Recommendation</b>
<a href="#">107558</a>	Land At Stretford Mall Chester Road, Stretford	Stretford	1	Grant
<a href="#">107854</a>	Sale West Estate Bounded By Firs Way, Cherry Lane, Woodhouse Lane And Manor Avenue, Sale	St Marys	41	Grant
<a href="#">108288</a>	Cibo Hale , 6 - 10 Victoria Road, Hale, WA15 9AF	Hale Central	84	Refuse
<a href="#">108435</a>	209 Kentmere Road Timperley, WA15 7NT	Village	113	Grant
<a href="#">108516</a>	Templemoor Infant School Nursery Close, Sale M33 2EG	Sale Moor	121	Grant
<a href="#">108872</a>	Land Bound By Elsinore Road And Skerton Road Stretford, M16 0WF	Longford	140	Minded to Grant subject to Legal Agreement

**Note:** This index is correct at the time of printing, but additional applications may be placed before the Committee for decision.



**WARD:** Stretford

**107558/FUL/22**

**DEPARTURE:** No

**Full planning application for selective demolition works including the removal of the existing King Street roof structure, making good of exposed building fabric, alterations to existing building elevations, alterations to the external elevations of the MSCP and relocation of the MSCP ramp, creation of Use Class E floorspace (commercial, business and service uses), works to the existing access from Kingsway and internal road layout and public realm and landscaping works.**

Land at Stretford Mall, Chester Road, Stretford, M32 9BD

**APPLICANT:** Trafford Bruntwood (Stretford Mall) LLP

**AGENT:** Miss Louisa Fielden, Avison Young

**RECOMMENDATION: GRANT**

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**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.**

### **Executive Summary**

The application relates to part of Stretford Mall, to the west of the A56 (Chester Road). This includes the northern and eastern sections of the Mall and Arndale House, the existing multi-storey car park and an area of hard surfacing to the west of this car park. The site falls within the defined Stretford Town Centre on the Council's Policies Map.

Key elements of this application include selective demolition works, including the removal of the existing King Street roof structure, alterations to existing elevations of buildings and the multi-storey car park, along with works to the existing vehicular access from Kingsway. This constitutes the first phase of the redevelopment of the wider Stretford Mall site, outline consent for which is pending completion of a s106 obligation following a resolution to grant from the Planning and Development Management Committee.

The proposal is considered to be in accordance with the Development Plan, the National Planning Policy Framework and relevant local and national planning guidance. The scheme would have a major beneficial impact on Stretford Town Centre, enhancing it as a facility and destination for local residents and those visiting the area. The submitted information demonstrates that a high quality, well designed scheme will be delivered with appropriate parking and access facilities for site users.

Officers are satisfied that the proposed development is acceptable in planning terms subject to the imposition of the recommended planning conditions. As such, the application is recommended for approval.

## **SITE**

The application relates to part of Stretford Mall, to the west of the A56 (Chester Road). The site area measures 2.08ha and includes the northern and eastern sections of the Mall and Arndale House, the existing multi-storey car park and an area of hard surfacing to the west of this car park. This includes buildings to the north and south of King Street, which currently leads into the Mall from the junction of Kingsway and the A56. The site is bound by Kingsway to the North, the A56 to the east and the remainder of the Stretford Mall site to the south and west.

There are a number of Grade II listed buildings in close proximity to the site, namely the Church of St Matthew and former cross base approximately 100m to the south, the Civic Theatre (now Stretford Public Hall) on the corner of the A56/Kingsway and the Top Rank Club (former Essoldo Cinema) on the corner of the A56/Edge Lane. Beyond these, the Grade II listed Church of St Ann and St Ann's Presbytery are approximately 300m to the north of the site on the A56, whilst the Grade II Union Baptist Church is approximately 500m to the east on Edge Lane.

The site is situated within Flood Zone 1, having a low probability of river or sea flooding. Much of the adjacent highway network falls within the Greater Manchester Air Quality Management Area, including the A56 and Kingsway, whilst Victoria Park to the north of the Mall is an area of Protected Open Space. The site is highly accessible by public transport with the Stretford Metrolink stop being situated to the north of Edge Lane, just east of the application site. A number of bus services operate along the A56, Kingsway and Edge Lane with destinations including Manchester City Centre, Sale, Altrincham and Chorlton.

The site is identified as being within Stretford Town Centre on the Council's adopted Policies Map and forms a key element of the 'Refreshed Stretford Masterplan' which although not constituting a Development Plan document, does carry some weight in the planning decision making process.

## **PROPOSAL**

Full planning permission is sought for selective demolition works, including the removal of the existing King Street roof structure, the making good of exposed building fabric, alterations to existing building elevations, alterations to the external elevations of the multi-storey car park and the relocation of the car park ramp, along with works to the existing vehicular access from Kingsway, the internal road layout, public realm and associated landscaping works.

These works are intended to form the first phase of the proposed redevelopment of the wider Stretford Mall site, including residential, commercial and community uses with public realm, highway and infrastructure works; a hybrid planning application has been submitted for this development (ref. 103844/HYB/21) and is subject to a resolution to grant from the Planning and Development Management Committee. The current

application seeks full planning permission for the element of the scheme defined in the description of development.

The Design and Access Statement submitted in support of the outline application for the wider redevelopment states that the proposals aim to *“re-connect Stretford through the redevelopment of Stretford Mall and Lacy Street creating a vibrant, and mixed-use town centre anchored around a sequence of new public spaces”*. The current proposals are intended to contribute towards this aim, with the accompanying Design and Access Statement noting that this first phase of development is seeking to *“transform the 1960’s commercial Mall into the focal point of a thriving and proud Stretford town centre”*.

The elevations of the multi-storey car park (MSCP) are to be improved through the repairing and repainting of the concrete decks, existing vertical ‘fins’ and steels, the addition of new fins at 300mm centres and the creation of new glazed shopfronts at ground floor level to all elevations. The MSCP is also to be reconfigured, including the internalisation of the access ramp which currently extends a significant distance to the west.

Other external works include the extension of an existing area of surface level car parking to the north/west of the Aldi unit, incorporating additional soft landscaping. Other elements of soft landscaping are proposed throughout the existing and newly created external areas within the site, whilst new hard surfacing materials and street furniture are also proposed.

## **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**

Strategic Objectives SO2, SO3, SO4, SO5, SO6, SO7 and SO8  
Relevant Place Objectives for Stretford

L3 – Regeneration and Reducing Inequalities

L4 – Sustainable Transport and Accessibility  
L5 – Climate Change  
L7 – Design  
W1 – Economy  
W2 – Town Centres & Retail  
R1 – Historic Environment  
R2 – Natural Environment  
R3 – Green Infrastructure  
R5 – Open Space, Sport and Recreation

## **SUPPLEMENTARY PLANNING DOCUMENTS/GUIDANCE**

SPD2 – A56 Corridor Development Guidelines  
SPD3 – Parking Standards & Design

## **OTHER RELEVANT DOCUMENTS**

Refreshed Stretford Masterplan (January 2018)

## **PROPOSALS MAP NOTATION**

Town and District Shopping Centres  
Strategic Development Sites (Employment)  
Other Strategic Development Sites  
Trunk and Primary Route Network (adjacent)  
Quality Bus Corridor (adjacent)

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

S10 – Local and Neighbourhood Shopping Centres

## **PLACES FOR EVERYONE**

Places for Everyone (PfE) is a joint Development Plan Document being produced by nine Greater Manchester districts (Bolton, Bury, Manchester, Oldham, Rochdale, Salford, Tameside, Trafford and Wigan). Once adopted, PfE will be the overarching development plan, setting the policy framework for individual district Local Plans. The PfE was published for Regulation 19 consultation from 9<sup>th</sup> August 2021 to 3<sup>rd</sup> October 2021 and was submitted to the Secretary of State for Levelling Up, Housing and Communities on 14<sup>th</sup> February 2022. Independent Inspectors have been appointed to undertake an Examination in Public of the PfE Submission Plan and the hearings are scheduled to start in November 2022. Whilst PfE is at an advanced stage of the plan making process, for the purposes of this application it is not yet advanced enough to be given any meaningful weight, such that it needs consideration in this report.

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

The MHCLG published the revised National Planning Policy Framework (NPPF) on 20 July 2021. The NPPF will be referred to as appropriate in the report.

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

The National Planning Practice Guidance was first published in March 2014, and it is regularly updated, with the most recent amendments made in August 2022. 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**

103844/HYB/21: Full planning permission for the demolition of specified buildings; and outline planning permission with all matters reserved except for access for a mixed-use development comprising: up to 13,000 sqm of commercial, business and service floorspace (Use Class E); up to 2,800 sqm of public house or drinking establishment floorspace (Sui Generis); up to 720 sqm of learning and non-learning institutions (Use Class F1); up to 2,400 sqm for local community uses (Use Class F2); up to 800 residential units (Use Class C3); public realm and landscaping; highways improvement works; and other associated infrastructure – Minded to grant resolution from Planning and Development Management Committee.

105746/FUL/21: Alterations to 4 no. external shopfront elevations – Approved with conditions 25/11/2021.

91563/FUL/17: Demolition of part of shopping centre, minor alterations to car park and new facades to retained building – Approved with conditions 15/12/2017.

84982/FUL/15: Extension to western side of shopping centre (Unit 5A) to create new foodstore and subdivision of existing unit to create four kiosk units. Alterations to existing parking area and landscaping works – Approved with conditions 19/05/2015.

### **APPLICANT'S SUBMISSION**

- Addendum to Green Infrastructure Statement
- Addendum to Townscape & Visual Impact Assessment
- Air Quality Technical Note
- Buildings Protected Species Survey Report
- Carbon Budget Statement
- Design and Access Statement
- EIA Screening Report

- Equality Impact Assessment
- Extended Phase 1 Habitats Survey (Ecological Appraisal)
- Flood Risk Assessment and Drainage Strategy
- Heritage Addendum Note
- Noise and Vibration Technical Note
- Record of Community Involvement
- Supporting Planning Statement
- Transport Statement
- Travel Plan

## **CONSULTATIONS**

**Arboriculturist:** Details of tree species and planting pits should be provided.

**Cadent Gas:** No objection, informative note provided.

**Environmental Protection (Air Quality):** Refer to comments provided under application 103844/HYB/21: No objections, conditions recommended.

**Environmental Protection (Contaminated Land):** Refer to comments provided under application 103844/HYB/21: No objections, conditions recommended.

**Environmental Protection (Nuisance):** No objections, conditions recommended.

**Greater Manchester Archaeological Advisory Service:** GMAAS are satisfied that the Phase 1 proposals have no archaeological implications. There is no reason to seek to impose any archaeological requirements upon the applicant at this stage.

**Greater Manchester Ecology Unit:** No objections, conditions recommended.

**Heritage Development Officer:** The application site comprises of the northern section of Stretford Mall and includes a number of retail premises sited on King Street and the associated MSCP. The site lies within the setting of seven listed buildings, eleven non-designated heritage assets and one proposed conservation area. Of particular relevance to this application are the Former Post Office & Derby Hall on King Street, Stretford Library [NDHAs] and Stretford Public Hall GII.

The application proposes selective demolition works including the removal of the existing King Street roof structure, making good of exposed building fabric, alterations to existing building elevations, alterations to the external elevations of the MSCP and relocation of the MSCP ramp, works to the existing access from Kingsway and internal road layout and public realm and landscaping works for Phase 1 which relates to the Stretford Mall part only. The submission provides a greater level of design detail than provided in application 103844/HYB/21.

The application is supported by a Heritage Addendum submitted by Stephen Levrant Heritage Architecture, which concludes “the detailed proposals will result in no change in perceived heritage impact upon the designated heritage assets as identified within the original Heritage Statement. The detailed design proposals will demonstrably preserve and enhance the settings of Listed Buildings around the periphery of the site through ensuring key views are maintained and by improving pedestrian routes between these buildings. Thus, we remain of the view that the proposed development would result in a cumulative beneficial heritage impact on the surviving listed and locally listed buildings, by better revealing their architectural and historic interest.”

My comments are as follows;

I fully support the proposed redevelopment of King Street and consider the alterations and improvements to existing facades will reinstate the eroded historic urban grain, integrate and enhance the setting of heritage assets, improve their connectivity and create an interesting, distinctive and well-designed town centre.

-Proposed North King Street – North elevation indicates the rear elevation of Derby hall to be painted a light colour. I would not support this, the rear elevation of the NDHA comprises of original brickwork which should be left exposed. Considerable work has been undertaken to this building to convert to residential greatly improving its appearance. It maybe this reference is meant for the adjoining building and is incorrect on the plan.

-Where sections of the Mall are to be exposed, the colour needs to be carefully selected in order to enhance remaining buildings. The predominant material forming the historic context to Streford Mall comprises mostly of buildings of red brick with slate, terracotta and sandstone dressings. This provides a distinctive appearance to the surrounding residential areas. This palette should be used to enhance the Mall and create a positive identity to the new town centre. It is noted that a variety of materials are proposed and it is imperative that these complement one another, high quality and sample panels are agreed.

-Further details are required regarding the demolition adjacent to Derby Hall. As advised in the HA, a demolition method statement & illustrative drawings are required to protect and stabilise Darby Hall. Due to the close proximity this should also include the former PO.

#### Position

I confirm subject to the above information/clarification, I have no objections to the proposed development and I consider the works will not impact on the setting of the Former Post Office & Darby Hall on King Street, Streford Library [NDHAs] and Stretford Public Hall GII.

**Lead Local Flood Authority:** No objection subject to condition.

**Local Highway Authority:** No objection subject to conditions.

## **REPRESENTATIONS**

Application consultation:

One letter of objection has been received, whilst a further representation does not object to the application, but raises a number of issues to be considered. The issues raised are summarised as follows:

- Vibration from vehicles using Kingsway impacting nearby properties – complete resurfacing of pedestrian crossing would help
- Area to the rear of King Street could be better treated – could be more active frontage
- Clarification needed as to how taxis will be managed

Pre-application consultation:

The application submission includes a Record of Community Involvement, which details the pre-planning application consultation that has been undertaken on behalf of the applicant in relation to the current proposals, and proposals for the wider site.

In respect of the wider development, it is noted that virtual consultation was carried out due to the Covid-19 restrictions in place at the time, with an interactive website also used to present the plans for the site on which comments could be provided. Letters were sent to neighbours on streets surrounding the site, as well as further letters to respondents who had previously commented on consultations held since 2019, inviting residents to view the plans online. The virtual consultation was also publicised through the distribution of a leaflet and feedback form to households in the wider area, as well as a media release to local outlets and via social media pages for the Mall and Trafford Council.

A number of local stakeholders were also consulted via email and invited to a virtual meeting which took place in February 2021. These stakeholders included Friends of Victoria/Longford Parks, Stretford M32 group and Friends of Stretford Public Hall. Virtual meetings were also held with residents living in close proximity to the Mall in February and March 2021.

In respect of the current proposals, letters or emails were sent to local residents, businesses and previous consultation respondents to provide information and to invite them to a subsequent consultation event. This event was held at Stretford Mall and included a display of the plans, with the development team available to discuss the proposals with visitors. A consultation leaflet was also distributed to 11,000 households with a consultation website available for visitors to view the plans and provide feedback.



The Record of Community Involvement provides a summary of the responses received to the pre-application consultation. This notes that of the 221 no feedback forms, 83 per cent were generally in favour of the King Street proposals, whilst 6 per cent were not.

## **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 2021 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. Paragraph 11 (c) of the NPPF states that development proposals that accord with an up-to-date development plan should be approved without delay. The development plan is considered to be up-to-date for the purposes of this application. The most important policies are considered to be those relating to design (Core Strategy Policy L7) and town centres (Core Strategy Policy W2). Policy L7 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. Policy W2 is compliant with the NPPF in supporting the growth of its town centres and the role they play in local communities, and is therefore also up-to-date.

Town centre development:

4. Policy W2.6 of the Core Strategy states that in Stretford, the regeneration of the town centre and adjacent area will be the focus. This lists the following aims which can be delivered in the town centre:
  - New/improved retail floorspace to enhance the offer of the town centre, in particular within Stretford Mall and immediate vicinity;

- New/updated commercial office accommodation and family-oriented leisure facilities;
  - New residential (apartment and family) accommodation (250 units);
  - Public realm enhancements and accessibility improvements around the A56 Chester Road – A5145 Edge Lane / Kingsway junction and between the town centre and the Metrolink station; and
  - Securing the active reuse and preservation of the Essoldo building.
5. The works proposed under the current application, including the provision of new and improved retail floorspace would serve to enhance the offer of the town centre, in accordance with the first bullet point above. Various public realm enhancements would also be delivered. The earlier application for the wider site was deemed to accord with many of the other aims, providing new commercial and residential units, amongst other things. The current application, together with the development of the wider site is therefore considered to accord with the aims of Core Strategy Policy W2.

## DESIGN, APPEARANCE AND TOWNSCAPE/VISUAL IMPACT

6. 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”*. As noted above, 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.
7. Paragraph 126 of the NPPF states that *“The creation of high quality, beautiful and sustainable 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”*.
8. 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:

9. The application is accompanied by an addendum to the Townscape and Visual Impact Assessment (TVIA) submitted with the earlier Hybrid application for the wider site. This considers the original TVIA and viewpoints insofar as they relate to

the scope of development proposed under this application.

10. The TVIA 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.
11. The study area used for the TVIA has been set at 2km around the application site, beyond which it is not considered that effects on landscape character or visual amenity will be impacted as a result of the proposed development. Of the 19no representative viewpoints considered under the earlier application, 5no have been referred to in the Addendum as being of relevance to the current proposals.
12. With regard to effects of the completed development on townscape designations, the TVIA addendum identifies a moderate-minor beneficial impact to the Civic Theatre (Stretford Public Hall) and the Top Rank Club (Essoldo Cinema). As with the Hybrid application, a negligible impact to landscape character at the national level is predicted, whilst the townscape effect specific to this application is anticipated to be negligible.
13. The TVIA addendum notes that the demolition and construction phase will result in temporary impacts on the local townscape due to changes to existing townscape resources and a temporary reduction in townscape quality due to the presence of construction traffic, plant and equipment. None of these impacts is deemed to be greater than moderate-minor adverse in nature.
14. With regard to visual effects, reference is made to the 5no relevant representative viewpoints. These represent views for visual receptors and to help assess the impact of the development in this respect. These include views from the junction of Edge Lane and Chester Road, the entrance to Victoria Park and Chester Road Gyratory. At all of these identified viewpoints, the assessment finds that the development would result in a moderate-minor beneficial visual impact for residents and a minor beneficial impact for pedestrians and road users. No adverse impacts are identified.
15. Officers have considered the TVIA addendum, and are satisfied that the proposed development would not result in any unacceptable townscape or visual effects during construction of the development or following completion of the development.

Detailed design:

16. The submitted Design and Access Statement (DAS) explains in detail the works proposed under this application, including the rationale behind them. A key element of the proposals is the removal of the existing King Street roof structure, the making good of exposed building fabric and improvements to existing building elevations. This includes the demolition of 'back of house' buildings adjacent to Kingsway. These works will serve to create a more functional high street and town square, whilst also opening up Little King Street as an integral part of the town centre. The intention is to reinstate an urban grain and material language of a more human-scale, moving away from the existing internalised, homogeneous shopping centre. This development will also allow for each shop to take control of its own operating hours, improving the potential for new businesses to operate within the town centre.
17. Units on the north side of King Street are contained within a series of individual buildings which pre-date the Mall, with the upper levels currently obscured by the roof structure. The intention is for these facades to be rebuilt as suitable external facades whilst retaining the existing variety of frontage types, utilising a range of materiality. This is considered to be an appropriate approach which respects the original appearance of these buildings whilst also delivering improvements, such as the incorporation of high performance glazing.
18. Whilst the rear elevations of buildings on King Street (i.e. those fronting Kingsway) are not proposed to be active, these are to be enhanced through the demolition of various 'back of house' structures and the inclusion of door and window openings, which is intended to tidy up this part of the site and create a more attractive aspect to Kingsway. Notwithstanding this, this elevation would continue to be largely screened to some degree by planting along Kingsway, whilst the existing taxi rank would remain in situ under this phase of development. An area of additional soft landscaping is also proposed to the rear of some of these buildings, further softening its appearance. It is considered that this represents an improvement upon the existing situation in this part of the site, though it is understood further development to the rear of these buildings may come forward under later phases of the wider redevelopment.
19. On the south side of King Street, the proposals seek to retain and redecorate the upper level of existing brickwork, whilst the ground floor is to be rebuilt as high quality shopfronts suitable for external high street usage, with brick piers providing a rhythm along the street and a differentiation between shops. This more uniform approach will provide a sense of coherency and consistency along King Street, complementing the variety to be delivered on the northern side. The façade to the western end of King Street will extend upwards to include a clock face to front the newly created King Street Square, helping to deliver a sense of identity. The rear of the south King Street buildings will be improved with brickwork made good as necessary, to provide an enhanced frontage to the 'Makers' Yard' proposed under the wider outline application.

20. The elevations of the multi-storey car park (MSCP) are to be improved through the repairing and repainting of the concrete decks, existing vertical 'fins' and steels, the addition of new fins at 300mm centres and the creation of new glazed shopfronts at ground floor level to all elevations. The DAS notes that the original intent for this structure was distinctly modernist, including regular columns and beams wrapping around the lower level, accentuated with layers of colourful tile areas. The upper part of the MSCP was wrapped with a simple array of vertical fins to partially screen off the car park elements. Works carried out to this building over time have eroded this original design intent, and the current proposals seek to restore and improve the appearance of the MSCP.
21. The proposed works outlined above are considered to provide a significant enhancement to the appearance of this structure. The new vertical fins would improve screening to the internal area of the car park, whilst the internalisation of the access ramp would remove an unsightly element which currently occupies a substantial amount of space outside of the MSCP itself. This reconfiguration of the car park includes the provision of a market hall and retail units at ground floor level, providing active frontages to the Kingsway and Little King Street elevations, as well as delivering a high quality frontage to the newly created King Street Square.
22. A number of light coloured materials and the painting of existing brick work and masonry are suggested in the DAS, but care will need to be taken in the choice of materials bearing in mind the context of the site, the proximity of non-designated heritage assets and the prominence and nature of the site as a town centre. A condition should be attached to any consent issued requiring the submission and approval of all materials to be used as part of the development, including at ground and first floor level of new frontages and to the MSCP.
23. The DAS includes a strategy for signage within the improved part of the Mall site. This notes that shopfront signage would follow a co-ordinated style and approach, allowing for individuality within an overarching uniformity. This is considered to be an appropriate approach. Although indicative signage images are included in the DAS, that is not to say that they would all be considered appropriate. Separate advertisement consent would be required for signage to each new unit, so decisions on a particular sign's appropriateness can be considered at that time. A condition requiring the submission of and compliance with an overarching scheme for the site is recommended.
24. Landscaping and public realm are considered in full elsewhere, however these elements of the scheme are considered to represent an enhancement of the application site and town centre, both in terms of hard and soft landscaping proposals.
25. Given the above, it is considered that the proposals will represent high quality development in terms of the detailed design and appearance of the buildings and

public realm, and the application is therefore deemed to be acceptable in this respect. This is subject to conditions requiring the submission and approval of all materials to be used.

## HERITAGE ASSETS

Legislative and policy background:

26. 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.”*
27. 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.
28. Paragraph 199 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. The interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset’s physical presence, but also from its setting.’ 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’.
29. Paragraph 202 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 203 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.

#### Significance of nearby heritage assets:

30. The application is accompanied by a 'Heritage Addendum Note' which is intended to be read alongside the Heritage Statement submitted with the earlier application for the wider site. This assesses the current proposals and considers whether this would result in any changes to the conclusions of the main Heritage Statement. This is considered to be an acceptable approach, given that the works now proposed fell within the scope of works for which outline consent was sought under the earlier application.
31. This Addendum Note concludes that the proposed development would result in a cumulative beneficial heritage impact on the surviving listed and locally listed buildings, by better revealing their architectural and historic interest.
32. The closest listed buildings to the application site are the Civic Theatre (now Stretford Public Hall) on the corner of the A56/Kingsway and the Top Rank Club (former Essoldo Cinema) on the corner of the A56/Edge Lane. Beyond these, the Grade II Church of St Matthew and Former Cross Base are located to the south of the Mall, whilst the Church of St Ann and St Ann's Presbytery are approximately 300m to the north of the site on the A56; these are not considered to be affected by the proposed development.
33. Stretford Public Hall is significant for its architectural, historic and communal values. Dated 1879, the building with its prominent clock tower has a landmark status in the area and has a particularly detailed front elevation. Whilst much of its setting has been altered over time, it does however benefit from being viewed in conjunction with the Essoldo Cinema, which together create a distinct gateway into Stretford Town Centre. The Essoldo Cinema itself is significant for its architectural and historic interest. Built in 1936 in an Art Deco style, the building has a prominent entrance on the A56 designed to resemble a cash register and a second entrance fronting Edge Lane. As noted above, this creates a gateway into the town centre along with Stretford Public Hall.
34. Several non-designated heritage assets (NDHAs) in the vicinity of the site have been identified. These include the Former Post Office and Derby Hall, situated between Kingsway and King Street. Also identified as NDHAs is Stretford Library to the west of the site.

#### Impact of development on heritage assets:

35. The Council's Heritage Development Officer (HDO) has been consulted on the application and comments that the alterations and improvements to existing facades will reinstate the eroded historic urban grain, integrate and enhance the

setting of heritage assets, improve their connectivity and create an interesting, distinctive and well-designed town centre.

36. With regard to Derby Hall, it is noted that the elevations originally submitted with the application identified the rear elevation as being painted a light colour. The Council's HDO was not supportive of this and as such, revised plans have been provided to confirm that this will remain with exposed brickwork.
37. It is also advised that where sections of the Mall are to be exposed, the colour needs to be carefully selected in order to enhance the remaining buildings, including NDHAs. The predominant material forming the historic context to Stretford Mall comprises mostly red brick with slate, terracotta and sandstone dressings. This provides a distinctive appearance to the surrounding residential areas. It is advised that this palette should be used to enhance the Mall and create a positive identity to the new town centre. It is noted that a variety of materials are proposed and it is imperative that these complement one another, are of high quality and that sample panels are agreed. Officers are satisfied that such details can be secured by appropriately worded planning conditions.
38. It is also commented that further details are required regarding the demolition proposed adjacent to Derby Hall. The provision of a Demolition Method Statement and illustrative drawings is recommended in order to protect and stabilise Derby Hall and should also include the former Post Office due to its close proximity. This should also be secured by planning condition.

Identification of any harm and conclusion:

39. Subject to the conditions referenced above, the proposed development is not considered to impact upon the setting of the Former Post Office and Derby Hall on King Street, Stretford Library, or the Grade II Listed Stretford Public Hall and Essoldo Cinema. As such, no harm is considered to arise to any designated or non-designated heritage asset.
40. In conclusion, the proposed development is deemed to accord with the NPPF and is considered acceptable in this respect.

## ARCHAEOLOGY

41. The earlier Hybrid planning application for the wider site (ref. 103844/HYB/21) was accompanied by an Archaeological Desk-Based Assessment. This established that the areas of the site subject to the current application do not raise any archaeological implications.
42. The Greater Manchester Archaeological Advisory Service (GMAAS) has been consulted and advises that it is satisfied that there is no reason to impose any



archaeological requirements or conditions. On this basis the application is considered to be acceptable in this respect.

## HIGHWAY MATTERS

43. 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”*.
44. Paragraph 111 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”*.
45. 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.
46. Given the nature of the proposed development, which largely relates to improving existing town centre buildings rather than introducing a significant amount of new floor space, the impact on the surrounding highway network is not considered to be significant. It is also noted that the principle of this, and the wider development, has been accepted under the earlier outline consent, with impacts on the highway network being considered acceptable. The current proposals do not go beyond what was envisioned under that application, but rather constitute the first phase of this wider development. The Local Highway Authority (LHA) does not raise any objections to the principle of the development.

### Site vehicular access:

47. The Transport Assessment indicates that, as with the current arrangements, there will be a left-in, left-out access from Kingsway for delivery vehicles to service the development and the supermarket. General access to the surface car park and MSCP will be from the existing junction used to access the Aldi car park. The Kingsway access is intended to be barrier controlled to stop general traffic using this as an access to the MSCP or reconfigured surface car park. The removal/internalisation of the access ramp to the MSCP is also proposed which provides some additional space for surface level parking.
48. No concerns with the proposed access arrangements have been raised by the Local Highway Authority (LHA). Their consultation response notes that where

vehicular accesses cross the public realm (footways, cycleways, etc.), appropriate design features and tactile surfacing will be implemented. These details would be addressed as part of an appropriate agreement under the Highways Act.

49. The existing layby on Chester Road which currently provides access to some parking space adjacent to Pure Gym and other units along this frontage is proposed to be removed. This would become part of the public realm, providing opportunity for ground floor units along this frontage to provide some outdoor seating, as well as improved hard and soft landscaping. No objections are raised to this by the LHA, with parking for the site being consolidated within the MSCP. The LHA notes that this may result in the relocation of existing street lighting columns and traffic signs along this layby and as such, this would also need to be dealt with through an appropriate application under the Highways Act.
50. Officers are therefore satisfied that the proposed access arrangements are acceptable.

#### Car parking:

51. The Transport Assessment indicates that parking will continue to be accommodated within the existing MSCP, which currently has 619no spaces spread over four levels. The removal of the existing external ramp and creation of a new internal ramp will require the reconfiguration of the spaces on Level 1 of the car park, resulting in the loss of some spaces.
52. The Transport Assessment indicates that the reconfigured car park will have 563no spaces (a reduction of 56no spaces), whilst the part of the site currently occupied by the access ramp and 14no surface parking spaces will be reconfigured to include 37no spaces (an increase of 23no spaces). Overall, the development will result in a reduction in the level of car parking provision by 33no spaces. The Transport Assessment concludes that this would be sufficient to meet demand, as the MSCP is currently underutilised. It is noted that under the outline application for the wider site, the MSCP is intended to provide parking facilities for the town centre uses as well as some of the residential units proposed to be delivered under that application. This outline application envisages provision in the region of 466no spaces for town centre uses and 113no spaces for residential use. As such, the proposals to internalise the access ramp and the resultant loss of parking space would not prejudice the ability of the MSCP to deliver an appropriate level of parking provision for all uses within the site as and when the various phases of outline development come forward. The LHA does not raise any concerns in this respect.
53. The application proposes that 29no of the parking spaces will be accessible; this equates to just over 5% of the overall car parking provision. The Council's adopted SPD3 includes standards for accessible parking provision and for town centre uses, this requires 4no bays plus 4% of the total capacity; this equates to 27no

spaces. As such, the proposed development would be in accordance with these adopted standards.

54. It is noted that the outline application for the wider site proposes to distribute accessible parking spaces throughout the site, with the exact location of these to be determined under reserved matters applications. It is also noted that the outline application identified that 5 per cent of the available parking for each phase of the development will be accessible spaces. As such, Officers note that further accessible parking provision will be expected to come forward to serve other parts of the site under future reserved matters applications, whilst this first phase of the wider development delivers a level of parking consistent with the expectations of the outline application. The level of accessible parking provision proposed under this application is considered to be appropriate.

#### Cycle parking:

55. SPD3 provides cycle parking standards for a variety of town centre uses, including those contained within the application site; this equates to a requirement of one space per 100sqm of floorspace. 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.
56. The application indicates that 20no Sheffield stands will be provided as part of the public realm landscaping, at four different locations dispersed across the development. These would provide space for 40no bicycles, 20no of which would be covered. The LHA confirms that this exceeds the requirement of SPD3 for 24no cycle parking spaces. This is a clear betterment from the existing provision and helps to ensure that the site is accessible by sustainable modes of travel.
57. The application also indicates that larger cycles that may be used by people who are disabled, or that carry children, or are used for cycle deliveries can park at each end of the rows of cycle parking, equating to up to 8no bicycles. It is considered that additional secure cycle parking spaces should be provided within the MSCP and as such, a condition is recommended requiring the submission of such details.
58. Subject to this condition, Officers are satisfied with the proposed approach to cycle parking provision and the application is considered to be acceptable in this respect.

#### Servicing:

59. The Transport Assessment indicates that, being prominently a retail-based site currently, there is already an extensive delivery and collection servicing strategy at Stretford Mall. The proposal aims to maintain and improve on the existing strategy by consolidating refuse collection and retail servicing through easily accessible

points off Chester Road and Kingsway. Swept path drawings have been provided to demonstrate that articulated vehicles can access the site using the amended access arrangements.

60. The LHA has not raised any objections to the proposed servicing arrangements and subject to a condition requiring the submission of a full Waste Management Strategy, the application is considered to be acceptable in this respect.

#### AMENITY, INCLUDING NOISE AND VIBRATION

61. 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”*.
62. The application is accompanied by a Noise and Vibration Technical Note, which reviews the Noise and Vibration Chapter of the Environmental Statement submitted in relation to the earlier Hybrid planning application for the wider site (ref. 103844/HYB/21). This concludes that the findings of the previous assessment remain valid for the works proposed under the current application, and that no further assessment or mitigation is required above that which was previously recommended. The Technical Note refers to measures such as reducing levels at source, providing screening where appropriate, consideration of haulage routes, and minimising noise generation where possible and in accordance with best practice.
63. The Council’s Environmental Protection service has been consulted and notes that in respect of the potential construction phase noise and vibration impact, the same conditions as those recommended in relation to the earlier application should also be applied to the current full application. These conditions relate to the submission of a Demolition Method Statement, a Construction Environmental Management Plan and hours of work for the demolition and construction phase.
64. Environmental Protection also advises that in respect of operational impacts, the conditions recommended in relation to the earlier application should also be applied to the current application. These relate to an assessment of noise from any fixed plant and the submission of details of any external lighting. Overall, it is advised that no objections are raised on the grounds of nuisance, subject to the conditions recommended above.
65. The development is not considered to give rise to any overlooking or overshadowing issues, with no part of the site exceeding existing heights and no properties close enough to reasonably be affected in these respects. One representation notes that vibrations from vehicles using Kingsway can currently be felt by pedestrians and residents of nearby residential properties, and suggests

that the resurfacing of the pedestrian crossing or changes to the road could help to alleviate this. Officers note that highway improvement works are proposed along Kingsway as part of the wider redevelopment/improvement of Stretford Town Centre, though these do not form part of the current application. Notwithstanding this, the impacts referred to are not directly related to the proposed development and it is not considered reasonable or necessary to impose any such requirements as those suggested in the representation.

66. Officers are satisfied that the information submitted to accompany this application and the earlier application for the wider site is sufficient to conclude that the application is acceptable with regard to amenity, noise and vibration impacts. This is subject to the imposition of the conditions referred to above.

## AIR QUALITY

67. 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.
68. Paragraph 186 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) and Clean Air Zones being taken into account. Parts of the application site are within the Greater Manchester AQMA, which is designated for the potential exceedance of the annual mean nitrogen dioxide (NO<sub>2</sub>) air quality objective, with the adjacent part of Chester Road also identified on the Greater Manchester Clean Air Zone map for this reason.
69. The application is accompanied by an Air Quality Technical Note which reviews the Air Quality Chapter of the Environmental Statement submitted in relation to the earlier Hybrid planning application for the wider site (ref. 103844/HYB/21). This concludes that the findings of the previous assessment remain valid for the works proposed under the current application, and that no further assessment or mitigation is required above that which was previously recommended. The Technical Note refers to measures for dust management during the construction phase, as well as the provision of electric vehicle charging points as part of the development once operational.
70. The Council’s Environmental Protection service has been consulted and advises that the comments it provided in relation to application 103844/HYB/21 should be applied to the current application. In summary, these comments are that the conclusions of the Air Quality Assessment are satisfactory, subject to the imposition of a number of conditions. It is advised that if any substantial combustion processes (such as combined heat and power) are to be used, then a condition should be attached requiring an updated air quality assessment to be

provided to reflect this. Other recommended conditions relate to the provision of electric vehicle charging points and the submission of a Construction Environmental Management Plan.

71. Overall, the proposed development is considered to be acceptable with regard to air quality impacts subject to the conditions referenced above.

## FLOODING AND DRAINAGE

72. 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.
73. The application site falls within Flood Zone 1 as defined by the Environment Agency, having a low probability of sea and river flooding. 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.
74. The application is accompanied by a Flood Risk Assessment and Drainage Strategy. With regard to flooding, the FRA confirms that the site is at low risk from most forms of flooding, including from rivers, seas, reservoirs and public sewers. This does note that there are some minor localised low spot areas at higher risk of surface water flooding, however these will be ‘designed out’ of the development.
75. With regard to surface water drainage, this notes that the site is currently drained via a combined sewer and surface water system. A CCTV survey of the existing network has been carried out to ascertain its condition and to confirm the line, size and level of the existing network. As the proposed works for Phase 1 do not result in an increase in building footprint, and there is no change to any more vulnerable use, the proposed surface water discharge point and rate is proposed to remain as existing. It is noted that future phases of the wider development will achieve greenfield runoff rates and that points of discharge will be considered according to the drainage hierarchy. On this basis, United Utilities are satisfied with the proposed runoff rates. Notwithstanding this, localised areas of permeable paving are proposed as part of the development and overall, the design offers a betterment on the existing rates through attenuation in the subbase of this permeable paving.
76. The Lead Local Flood Authority has been consulted and does not raise any objections to the proposed development. This is subject to a condition requiring the implementation of measures detailed within the submitted Flood Risk Assessment and the implementation of the proposed Drainage Strategy.

Specifically, the FRA measures relate to limiting the surface water run-off generated by the development so that it will not exceed 735 litres per second (a 1 in 100 year event plus a 45% climate change allowance) and the provision of permeable paving and rain gardens to provide attenuation on the existing site in accordance with submitted drawings. Subject to this condition, the application is considered to be acceptable in this respect.

77. With regard to foul water drainage, the drainage strategy proposes that the existing foul drainage infrastructure and connection points are retained and re-used. Given the nature of the development, Officers are satisfied with this approach.
78. 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 appropriately worded planning conditions.

#### TREES AND LANDSCAPING

79. 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.
80. The application is accompanied by an Addendum to the Green Infrastructure Statement submitted in relation to the earlier application for the wider site. This sets out the proposed landscaping for the site, with reference to the accompanying 'landscape general arrangement plan' and planting plan.
81. Key elements of the proposed landscaping for the site are the following:
  - The creation of a series of rain gardens, incorporating tree planting, fronting Chester Road;
  - Tree planting throughout the public realm, including new trees on King Street and within King Street Square;
  - The introduction of areas of planting throughout the public realm with a mix of native and wildlife attracting species.
82. The Council's Arboriculturist has been consulted and notes that the soft works plan provides detail on planting pits and tree planting using a raft system, but that no further detail is given. It is noted that it is essential that each tree has the appropriate amount of rooting volume for its species. A condition to require the submission of appropriate details for all proposed tree planting in this respect is recommended.

83. Overall, Officers are satisfied with the proposed soft landscaping for the site. The rain gardens with tree planting will enhance the Chester Road frontage of the site, making this a more pleasant space in which to walk or sit. Similarly, the removal of the roof from this part of the Mall will create several 'new' external streets in which planting, along with new street furniture and hard surfacing materials will enhance the experience of those visiting the enhanced town centre.
84. The Design and Access Statement sets out the rationale behind the proposed approach to hard/soft landscaping within the various 'character areas' of the site. This notes that King Street and King Square, with the use of high quality reconstituted stone paving are intended to welcome residents and visitors, creating a space that people want to spend time in with comfortable places to sit, wait and interact. Little King Street utilises painted graphics as part of the hard landscaping approach and is intended to provide playable seating elements to create a sense of fun. The proposals for hard and soft landscaping throughout the site are considered to represent a substantial enhancement when compared to the existing situation.
85. No trees are required to be removed to facilitate the development.
86. Conditions are recommended requiring the implementation of all hard and soft landscaping proposed within the site. Subject to these conditions, the application is considered to be acceptable in this respect.

## ECOLOGY

87. Policy R2 of the Trafford Core Strategy seeks to ensure that all developments protect and enhance the Borough's biodiversity. In addition, Paragraph 180 of the NPPF states that *"if significant harm to biodiversity resulting from a development cannot be avoided...adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused"*. 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.
88. The application is accompanied by an Extended Phase 1 Habitats Survey and a Protected Species Survey Report; these were originally submitted to accompany the earlier Hybrid application for the wider site but have been updated to reference the development proposed under the current application. The Phase 1 Survey identifies that there is one statutory designated wildlife site within 1km of the site (Broad Ees Dole LNR – 950m to the south-east) whilst the nearest Site of Special Scientific Interest (SSSI) is 6.6km away. Five Greater Manchester Sites of Biological Importance (SBIs) are identified as being within a 2km radius of the site, the nearest being the Bridgewater Canal SBI.



89. The Phase 1 Survey concludes that the overall nature conservation interest of the site is low at the local level and negligible at the regional level. This also concludes that the risk to statutory wildlife sites is negligible with no special mitigation measures being required. The risk to local wildlife is also determined to be negligible, as is the risk to roosting bats and amphibians.
90. The Greater Manchester Ecology Unit (GMEU) has been consulted and confirms that the supporting information identifies no significant ecological issues. Any issues relating to bats, nesting birds and biodiversity enhancement measures can be resolved via condition and/or informative.
91. Subject to the recommended conditions and informatives, the application is deemed to be acceptable with regard to matters of ecology.

## ENERGY USE AND CARBON REDUCTION

92. 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 CO<sub>2</sub> 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 CO<sub>2</sub> 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.
93. The application is accompanied by a Carbon Budget Statement, which provides guidance for achieving a low carbon redevelopment and sets out energy targets to achieve as part of the future design of the scheme. Recommendations include the use of highly efficient building fabric, solar control glazing to east, south and west elevations as a minimum and the use of mechanical installation with heat recovery. It also proposes that electricity will be used to provide all regulated building loads, which is anticipated to reduce the carbon emissions of the development; carbon emissions associated with grid-supplied electricity are predicted to reduce over time as electricity is provided from increasing proportions of clean and renewable sources.
94. Carbon emissions have been modelled against relevant national improvement guidelines and baseline conditions. This shows that the proposed development would achieve a reduction in carbon emissions of 32% using 'SAP2012' Carbon Factors and 60% using 'SAP10' carbon factors, saving 144 tonnes of CO<sub>2</sub> and 210 tonnes of CO<sub>2</sub> respectively. This will achieve a regulated energy demand reduction of 36% over a Part L2A 2013 new build compliant development, and total energy reduction of 62% over the existing baseline emissions, exceeding the 20%

improvement target over CIBSE Guide F Good Practice benchmarks by a further 26%. Officers are satisfied that the proposed development will be able to achieve the goals of Core Strategy Policy L5 and the NPPF in this respect. It is recommended that a condition is attached to any consent issued requiring compliance with the measures set out within the submitted Carbon Budget Statement. Subject to this, the application is considered to be acceptable with regard to energy use and carbon reduction.

## DEVELOPER CONTRIBUTIONS

95. The proposed development would not be liable to any CIL contributions, whilst the nature of the development is such that no other contributions are necessary.

## OTHER MATTERS

### Security and safety:

96. 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 92 and 130 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”*.
97. A site-wide Crime Impact Statement (CIS) produced by Greater Manchester Police was submitted alongside the earlier Hybrid application and notes that compared with many other town centres in Greater Manchester, Stretford Mall and its immediate environs do not generate an especially high volume of crime. Amongst the reasons given for the low crime rate are the Mall being largely closed outside of trading hours and the presence of round-the-clock management and security. This goes on to conclude that the design team has produced a well-considered Masterplan that combines appropriate town centre uses in appropriate parts of the site.
98. Greater Manchester Police’s Design for Security section confirms their support for the application, subject to the recommendations within Section 3.3 of the CIS being addressed and the physical security measures within Section 4 being conditioned. Officers are satisfied that the detailed layout of the development is appropriate, having regard to many of the recommendations set out in the CIS. For example, cycle parking facilities will be provided in public places and natural surveillance will be possible. Notwithstanding this, a condition is recommended requiring the submission of a statement to demonstrate that the development will accord with the recommendations set out in the CIS. Subject to this condition, the proposed development is considered to be acceptable in this respect.

## Contaminated land:

99. The earlier Hybrid application for the wider site was accompanied by a Phase 1 Geoenvironmental Desk Study & Ground Stability Risk Assessment to address matters of contaminated land. This advises of the potential presence of contamination sources which will affect the site including heavy metals, PAHs, sulphate, asbestos, petroleum hydrocarbons and gas (carbon dioxide, methane and depleted oxygen). The assessment recommends that further investigation will be required to inform potential pollutant linkages and the construction process.
100. The Council's Environmental Protection service has been consulted and advises that the comments it provided in relation to application 103844/HYB/21 should be applied to the current application. In summary, these comments are that in order to ensure that matters of contaminated land are fully addressed, conditions should be attached to any consent issued requiring further site investigation, remediation and verification works. Subject to these recommended conditions, the application is considered to be acceptable in this respect.

## External lighting:

101. The final details of any proposed external lighting have not been provided at this stage. 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.

## EQUALITIES

102. The Equality Act became law in 2010. Its purpose is to legally protect people from discrimination in the workplace and in wider society. The Act introduced the term 'protected characteristics', which refers to groups that are protected under the Act. These characteristics comprise: age, disability, gender reassignment, marriage and civil partnerships, pregnancy and maternity, race, religion or belief, sex/gender, and sexual orientation.
103. As part of the Act, the 'public sector equality duty' came into force in April 2011 (Section 149 of the Act), and with it confirmed (via Section 19 of the Act) that this duty applies to local authorities (as well as other public bodies). The equality duty comprises three main aims: A public authority must, in the exercise of its functions, have due regard to the need to:
  - eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;

- advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
  - foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
104. Case law has established that appropriate consideration of equality issues is a requirement for local authorities in the determination of planning applications, and with this requirement directly stemming from the Equality Act 2010.
105. The applicant has provided an Equality Impact Assessment which sets out how the application has addressed matters associated with the above-mentioned protected characteristics. This identifies that there is no clear relationship or direct impact on equal opportunities from the development proposals with regard to equality groups: gender reassignment; marriage and civil partnership; race; religion or belief; sex/gender; and sexual orientation. This states that there are potential impacts for people from the equality groups: age; disability; and pregnancy and maternity.
106. For the construction phase, it is identified that people from the age (younger and older) and disability (physical and mental) protected groups are likely to be more affected by disturbance, noise, and dust. The effects from demolition and construction are however temporary and have been identified as 'not significant'. In addition, such effects will be minimised and mitigated through a Construction Environmental Management Plan.
107. Once completed, the proposed development is deemed to enhance access, movement and use of the regenerated and enhanced retail and leisure facilities. These are identified as having positive effects for all people, including all groups with protected characteristics. The Assessment concludes that no significant disproportionate or differential negative impacts on groups with protected characteristics have been identified, whilst no options have been missed to promote equality of opportunities.
108. The Design and Access Statement also includes plans relating to inclusive design and access. These note that the proposals have been developed and will be delivered with reference to current standards and guidance, including Building Regulations and Approved Document Part M(2), and relevant British Standards. Level access points are identified to the MSCP and King Street buildings, with lifts also being provide to upper floors of these buildings.
109. Based on the information submitted with the application, Officers are satisfied that no adverse impact on protected groups will arise as a result of the development.

## **PLANNING BALANCE AND CONCLUSION**

- 110. 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.
- 111. 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. Paragraph 11 (c) of the NPPF states that development proposals that accord with an up-to-date development plan should be approved without delay; the development plan is considered to be up-to-date for the purposes of this application.
- 112. The proposed development is considered to accord with the development plan, having been found acceptable in principle and in terms of its design and appearance, its impact on amenity and with regard to highway matters. It has also been found that no harm will result to designated or non-designated heritage assets. These and all other material planning matters have been considered and conditions recommended as necessary.
- 113. The scheme forms the first phase of the wider redevelopment of the Stretford Mall site, improving the appearance and functionality of the town centre of Stretford. This is crucial in providing a town centre which can be successfully integrated with residential and other uses that will come forward in later phases, as well as existing development in the surrounding area. The removal of part of the Mall roof and the enhancement of the MSCP in particular will transform the character of the site, creating a more welcoming and attractive destination for both local residents and visitors from further afield.
- 114. There are no material considerations, either in the NPPF or otherwise which would suggest that permission should be refused. As such, the application is recommended for approval, subject to the conditions listed below.

**RECOMMENDATION:**

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

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

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

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

Plan Number	Drawing Title
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1988-1-FCBS-ZZ-SP-PL-A-0500 (Rev B)	Proposed Site Plan – Ground Floor Plan
1988-1-FCBS-ZZ-SP-PL-A-0501 (Rev B)	Proposed Site Plan – Level 1 Plan
1988-1-FCBS-ZZ-GF-PL-A-0503 (Rev B)	Proposed King Street – Ground Floor
1988-1-FCBS-ZZ-L1-PL-A-0504 (Rev B)	Proposed King Street – Level 1 Plan
1988-1-FCBS-ZZ-RF-PL-A-0505 (Rev B)	Proposed King Street – Roof Plan
1988-1-FCBS-ZZ-GF-PL-A-0506 (Rev B)	Proposed King Street North – Ground Floor Plan
1988-1-FCBS-ZZ-L1-PL-A-0507 (Rev B)	Proposed King Street North – Level 1 Floor Plan
1988-1-FCBS-ZZ-RF-PL-A-0508 (Rev B)	Proposed King Street North – Roof Plan
1988-1-FCBS-ZZ-GF-PL-A-0509 (Rev B)	Proposed King Street South – Ground Floor Plan
1988-1-FCBS-ZZ-L1-PL-A-0510 (Rev B)	Proposed King Street South – Level 1 Floor Plan
1988-1-FCBS-ZZ-RF-PL-A-0511 (Rev B)	Proposed King Street South – Roof Plan
1988-1-FCBS-ZZ-GF-PL-A-0512 (Rev B)	Proposed MSCP – Ground Floor West
1988-1-FCBS-ZZ-GF-PL-A-0513 (Rev B)	Proposed MSCP – Ground Floor East
1988-1-FCBS-ZZ-L2-PL-A-0514 (Rev B)	Proposed MSCP – Level 2 West
1988-1-FCBS-ZZ-L2-PL-A-0515 (Rev B)	Proposed MSCP – Level 2 East
1988-1-FCBS-ZZ-L3-PL-A-0516 (Rev B)	Proposed MSCP – Level 3 West
1988-1-FCBS-ZZ-L3-PL-A-0517 (Rev B)	Proposed MSCP – Level 3 East
1988-1-FCBS-ZZ-RF-PL-A-0518 (Rev B)	Proposed MSCP – Roof Plan West
1988-1-FCBS-ZZ-RF-PL-A-0519 (Rev B)	Proposed MSCP – Roof Plan East
1988-1-FCBS-ZZ-ZZ-PL-A-0703 (Rev B)	MSCP Proposed – Sections
1988-1-FCBS-ZZ-ZZ-PL-A-0706 (Rev A)	Proposed Site Sections 1/2
1988-1-FCBS-ZZ-ZZ-PL-A-0707 (Rev A)	Proposed Site Sections 2/2
1988-1-FCBS-ZZ-ZZ-PL-A-0800 (Rev B)	MSCP Proposed – Elevations
1988-1-FCBS-ZZ-ZZ-PL-A-0801 (Rev B)	MSCP Proposed – Little King Street & King Street Elevations
1988-1-FCBS-ZZ-ZZ-PL-A-0802 (Rev B)	MSCP Proposed – Kingsway & West Elevations
1988-1-FCBS-ZZ-ZZ-PL-A-0803 (Rev B)	NKS – Proposed North and South Elevations
1988-1-FCBS-ZZ-ZZ-PL-A-0804 (Rev A)	NKS – Proposed East and West Elevations
1988-1-FCBS-ZZ-ZZ-PL-A-0805 (Rev A)	SKS – Proposed North and South Elevations
1988-1-FCBS-ZZ-ZZ-PL-A-0806 (Rev A)	SKS – Proposed East and West Elevations

1988-1-FCBS-ZZ-ZZ-PL-A-0807 (Rev A)	Proposed Site Elevations
1988-1-FCBS-ZZ-ZZ-PL-A-0808 (Rev A)	NKS – Proposed Bay Study 01
1988-1-FCBS-ZZ-ZZ-PL-A-0809 (Rev A)	NKS – Proposed Bay Study 02
1988-1-FCBS-ZZ-ZZ-PL-A-0810 (Rev A)	SKS – Proposed Bay Study 02
1988-1-FCBS-ZZ-ZZ-PL-A-0811 (Rev A)	SKS – Proposed Bay Study 02
1988-1-FCBS-ZZ-ZZ-PL-A-0812 (Rev B)	MSCP Proposed – Typical Bay Study – Market Hall
1988-1-FCBS-ZZ-ZZ-PL-A-0813 (Rev B)	MSCP Proposed – Typical Bay Study – Shopfront
1988-1-FCBS-ZZ-ZZ-PL-A-0814 (Rev A)	Proposed MSCP – Cladding Detail
1988-1-FCBS-ZZ-ZZ-PL-A-0815 (Rev A)	MSCP Proposed – Typical Bay Study – Aluminium Cladding
1988-1-FCBS-ZZ-ZZ-PL-A-0816 (Rev A)	NKS – Proposed Bay Study 03
1988-1-FCBS-ZZ-ZZ-PL-A-0817 (Rev A)	NKS – Proposed Bay Study 04
1988-1-FCBS-ZZ-ZZ-PL-A-0818 (Rev A)	SKS – Proposed Bay Study 03
1988-1-FCBS-ZZ-RF-PL-A-1400 (Rev A)	Proposed King Street – Access & Maintenance
2122-EXA-00-XX-DR-L-100 (Rev P01)	Landscape General Arrangement Plan
2122-EXA-00-XX-DR-L-200 (Rev P01)	Planting Plan
2122-EXA-00-XX-DR-L-300 (Rev P01)	Levels Plan
2122-EXA-00-ZZ-DR-L-600 (Rev P01)	Hard Landscape – Paving
2122-EXA-00-ZZ-DR-L-601 (Rev P01)	Hard Landscape – Kerb and Edging
2122-EXA-00-ZZ-DR-L-602 (Rev P01)	Street Furniture – Seating
2122-EXA-00-ZZ-DR-L-603 (Rev P01)	Street Furniture – Other
2122-EXA-00-ZZ-DR-L-700 (Rev P01)	Soft Landscape Details

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

- No development (including demolition) shall take place unless and until details of proposed hours of demolition and construction have been submitted to and approved in writing by the Local Planning Authority. These details shall be accompanied by information as to the nature of demolition/construction work to take place at the proposed times, noise levels of sensitive receptor locations and details of any necessary mitigation measures. The development shall proceed in accordance with the approved details.

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.

- No works of demolition (excluding soft strip) shall take place unless and until a Demolition Method Statement has been submitted to and approved in writing by the Local Planning Authority. The Statement shall provide for:

- (i) the parking of vehicles of site operatives and visitors;
- (ii) the loading and unloading of plant and materials, including times of access/egress;
- (iii) the storage of plant and materials;
- (iv) demolition methods to be used, including the use of cranes and piling;
- (v) measures to control the emission of dust and dirt during demolition;
- (vi) measures to prevent disturbance to nearby dwellings from noise and vibration;
- (vii) measures to protect and stabilise all designated and non-designated heritage assets within or adjacent to the site (including Derby Hall and the former Post Office);
- (viii) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- (ix) wheel washing facilities, including measures for keeping the highway clean;
- (x) a scheme for recycling/disposing of waste resulting from demolition works;
- (xi) information to be made available for members of the public; and
- (xii) contact details of the site manager to be advertised at the site in case of issues arising

The approved Statement shall be adhered to throughout the demolition phase of development.

Reason: To ensure that appropriate details are agreed before works start on site, in the interests of highway safety, heritage protection and to safeguard the amenities of the locality, having regard to Policies L4, L7 and R1 of the Trafford Core Strategy and the National Planning Policy Framework.

5. No clearance of trees or shrubs, or demolition of buildings H or P as identified in the 'Buildings Protected Species Survey Report' – Sensible Ecological Survey Solution Feb 2021 (updated Oct 21), shall take place during the bird nesting season (March-August inclusive) unless an ecological survey has been submitted to and approved in writing by the Local Planning Authority to establish whether the site is utilised for bird nesting. Should the survey reveal the presence of any nesting species, then no development shall take place during the period specified above unless a mitigation strategy has first been submitted to and approved in writing by the Local Planning Authority which provides for the protection of nesting birds during the period of works on site. The mitigation strategy shall be implemented as approved.

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

6. The development hereby approved shall not be carried out except in complete accordance with the submitted Flood Risk Assessment and Drainage Strategy



(Ref. 1524-01, Rev P03, dated 5<sup>th</sup> October 2022, produced by Civic Engineers) and the following mitigation measures detailed within the Strategy:

- Limiting the surface water run-off generated by the development so that it will not exceed 735 l/s (1 in 100yr + 45% CC allowance) and not increase the risk of flooding off-site.
- The provision of permeable paving and rain gardens to provide attenuation on the existing site in accordance with the following drawings:
  - Phase 1 Drainage Design GA Dwg No: 1524-02-CIV-XX-XX-DR-D-3002 Rev. P03
  - Phase 1 Drainage Design East Dwg No: 1524-02-CIV-XX-XX-DR-D-3005 Rev. P04
  - Phase 1 Drainage Design West Part 1 Dwg No: 1524-02-CIV-XX-XX-DR-D-3003 Rev. P04
  - Phase 1 Drainage Design West Part 2 Dwg No: 1524-02-CIV-XX-XX-DR-D-3004 Rev. P04.

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

7. No above-ground construction work (excluding demolition work) shall take place unless and until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning. The Plan shall provide for:
- (i) the parking of vehicles of site operatives and visitors;
  - (ii) the loading and unloading of plant and materials, including times of access/egress;
  - (iii) the storage of plant and materials;
  - (iv) construction methods to be used, including the use of cranes and piling;
  - (v) measures to control the emission of dust and dirt;
  - (vi) measures to prevent disturbance to adjacent dwellings from noise and vibration;
  - (vii) measures to protect and stabilise all designated and non-designated heritage assets within the site;
  - (viii) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
  - (ix) wheel washing facilities, including measures for keeping the highway clean;
  - (x) a scheme for recycling/disposing of waste resulting construction works;
  - (xi) information to be made available for members of the public; and
  - (xii) 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 construction phase of development.

Reason: To ensure that appropriate details are agreed before works start on site, in the interests of highway safety, heritage protection and to safeguard the amenities of the locality, having regard to Policies L4, L7 and R1 of the Trafford Core Strategy and the National Planning Policy Framework.

8. No above-ground construction work (excluding demolition work) shall take place unless and until an investigation and risk assessment in relation to contamination on site (in addition to the phase 1 assessment completed) has been submitted to and approved in writing by the Local Planning Authority. The assessment shall investigate the nature and extent of any contamination on the site (whether or not it originates on the site). The assessment shall be undertaken by competent persons and a written report of the findings submitted to and approved in writing by the Local Planning Authority before any above-ground construction work takes place. 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.

9. No above-ground construction works shall take place unless and until a report detailing all new fixed plant 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 shall include details of noise levels from any necessary external fixed plant installations (including in combination). Noise measurements and assessments

shall 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.

10. Notwithstanding the details submitted, no above-ground construction works shall take place unless and until a scheme for secure cycle storage has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the location and design of cycle storage facilities (including within the multi-storey car park), shall be implemented before the 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.

11. Notwithstanding any description of materials in the application, no above-ground construction works shall take place unless and until:
  - a) Sample panels have been provided on site in agreement with the Local Planning Authority to aid the selection of materials, and shall include the type of joint, the type of bonding and the colour of mortar to be used (where necessary);
  - b) Samples and full specifications of all materials, including paint colours, to be used externally on all parts of buildings to be altered (including the multi-storey car park), including bricks, windows, doors and rainwater goods, 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;
  - c) Sample panels for the materials agreed under (a) and (b) have been provided on site and approved in writing by the Local Planning Authority.

Development shall be carried out in accordance with the approved details and the sample panels required by (c) above shall thereafter be retained on site throughout the construction phase of development.

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

12. Notwithstanding any signage details included within the application, no above-ground construction work shall take place unless and until a detailed signage strategy for the development, has been submitted to and approved in writing by

the Local Planning Authority. The submitted strategy shall be based on the signage principles described in the submitted Design and Access Statement (prepared by Fielden Clegg Bradley Studios/MUTT, dated December 2021). Development shall proceed in accordance with the approved strategy.

Reason: In the interest of ensuring a consistent approach to signage across the site, having regard to Policy L7 of the Trafford Core Strategy and the National Planning Policy Framework.

13. No above-ground construction work shall take place unless and until a statement to demonstrate accordance with the recommendations contained within Section 3.3 of Crime Impact Statement ref. 2015/0350/CIS/03 (insofar as they relate to the application site area), has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In the interest of crime prevention and reduction, having regard to Policy L7 of the Trafford Core Strategy and the National Planning Policy Framework.

14. No above-ground construction work shall take place unless and until a scheme for Biodiversity Enhancement Measures and, where necessary, a maintenance schedule for these measures has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented before the development is brought into use and approved maintenance measures implemented thereafter.

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. These details are required prior to commencement as some measures may need to be incorporated within the building design.

15. No above-ground construction work shall take place unless and until a scheme for the installation of electric vehicle charging points, in accordance with the most up to date local or national guidance, or IAQM guidelines, 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 shall be 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.

16. No above-ground construction work shall take place unless and until a methodology for tree planting has been submitted to and approved in writing by the Local Planning Authority. The methodology shall demonstrate that all trees to be planted will have adequate rooting volume available, so that they can grow for

the whole of their lifespan. Where such rooting volume 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). The development shall be carried out in accordance with the approved methodology.

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.

17. No above-ground construction work shall take place unless and until a schedule of landscape maintenance for the lifetime of the development has been submitted to and approved in writing by the Local Planning Authority. The schedule shall include details of the arrangements for its implementation. 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.

18. No above-ground construction work shall take place unless and until a scheme for any external lighting to be installed on buildings or elsewhere on site has been submitted to and approved in writing by the Local Planning Authority. The scheme 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 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.

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.

19. No development affecting the Multi-Storey Car Park shall take place unless and until a strategy for the timetabling of such works and the availability of the car park for visitors during the demolition/construction phase has been submitted to and approved in writing by the Local Planning Authority. The development shall proceed in accordance with the approved strategy.

Reason: To ensure that satisfactory provision is made within the site for the accommodation of vehicles attracted to or generated by the proposed

development, having regard to Policies L4 and L7 of the Trafford Core Strategy and the National Planning Policy Framework.

20. Notwithstanding the details submitted, no new units shall be brought into use unless and until a Waste Management Strategy has been submitted to and approved in writing by the Local Planning Authority. This Strategy shall provide details of any waste storage facilities and shall include proposed hours for waste and recycling collections from any commercial premises. Thereafter, waste and recycling bins shall be stored and made available for collection and return in accordance with the approved Strategy.

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.

21. No new units/uses hereby approved shall be brought into use unless and until a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation has been submitted to and approved in writing by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan, where required (a 'long-term monitoring and maintenance plan') for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

Reason: To prevent pollution of the water environment and to ensure the safe development of the site in the interests of the health of future occupiers in accordance with Policies L5 and L7 of the Trafford Core Strategy and the National Planning Policy Framework.

22. No new units with uses falling within Use Class E(b) of Schedule 1 of the Town and Country Planning (Use Classes) Order 1987 (as amended), or constituting a public house/drinking establishment (sui generis) shall be brought into use unless and until an Outdoor Eating and Drinking Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Plan shall assess the effects of outdoor eating and drinking on amenity in the vicinity where this is proposed, and shall include mitigation measures as appropriate. The approved Plan shall be implemented at all times following these units being brought into use.

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

23. The development shall be carried out in accordance with the recommendations contained within the submitted Carbon Budget Statement (ref. 1620011392, Issue

No P04, dated 03/12/2021), including the implementation of the energy reduction features set out in Chapter 9.

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.

24. (a) The hard and soft landscaping works shown on the approved plans shall be carried out within the next planting season following the completion of the development permitted.  
(b) 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.

25. The submitted Phase 1 Travel Plan (ref. 1524-01, dated 16 December 2021, prepared by Civic Engineers) shall be implemented for a period of not less than 10 (ten) years from the first date of operation of the development.

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.

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

08.00 – 23.00 Monday to Thursday  
08.00 – 00.00 Friday and Saturday  
10.00 – 23.00 Sunday and Bank Holidays

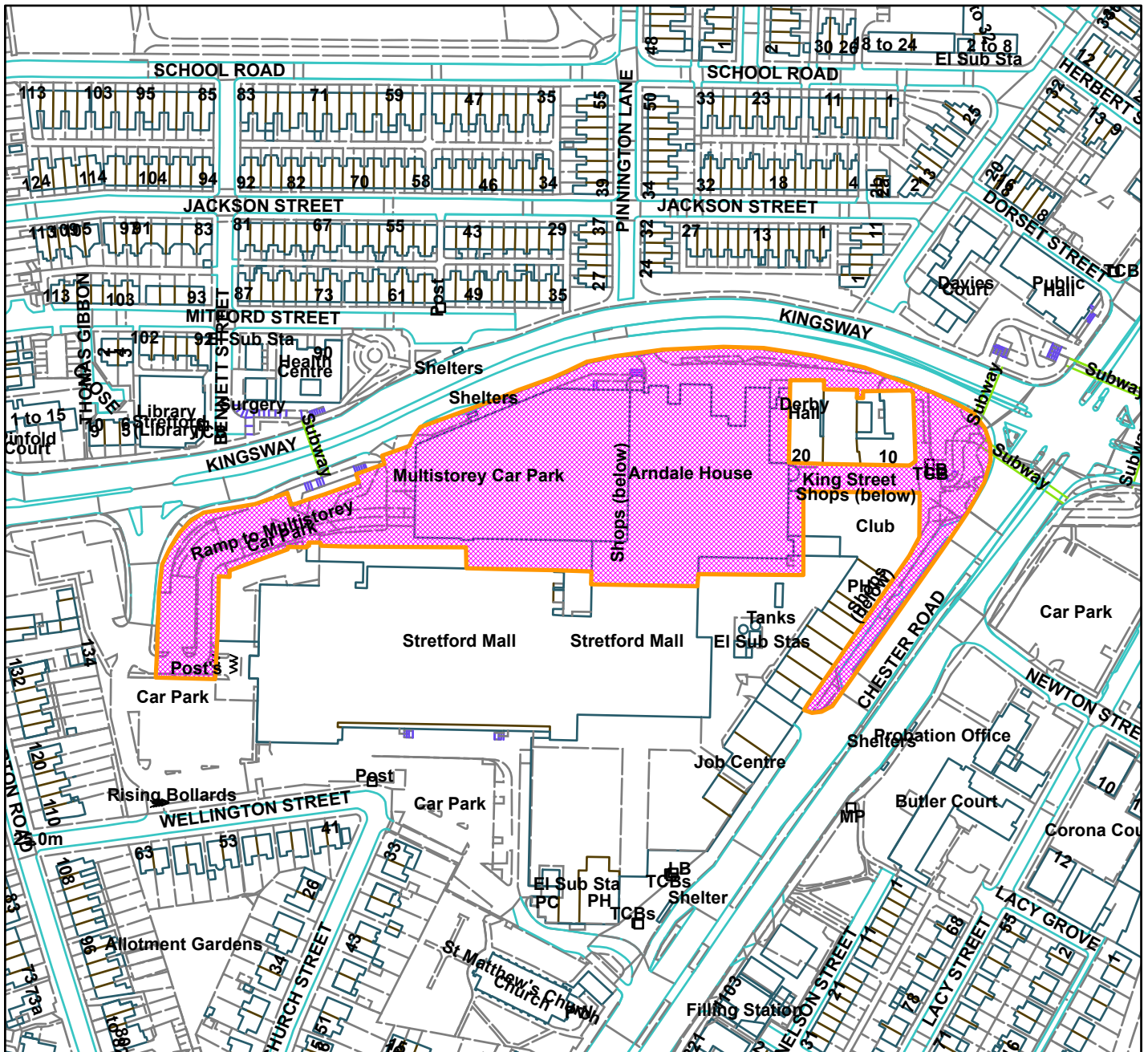
Reason: In the interests of amenity, having regard to Policy L7 of the Trafford Core Strategy and the National Planning Policy Framework.

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JD



Land at Stretford Mall, Chester Road, Stretford (site hatched on plan)



Scale: 1:2,500

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Organisation	Trafford Council
Department	Planning Service
Comments	Committee Date - 10/11/22
Date	01/11/2022
MSA Number	100023172 (2022)



**WARD:** St Marys

**107854/RES/22**

**DEPARTURE: No**

**Application for the approval of reserved matters (appearance, landscaping, layout and scale) for 18 dwellings (Use Class C3) pursuant to outline planning permission 103697/VAR/21 at the Sale West Estate**

Sale West Estate Bounded By Firs Way, Cherry Lane, Woodhouse Lane And Manor Avenue, Sale

**APPLICANT:** Irwell Valley Homes

**AGENT:** Nexus Planning

**RECOMMENDATION: GRANT**

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**The application has been reported to the Planning and Development Management committee due to six or more representations being received contrary to Officer recommendation.**

### **Executive Summary**

This application relates to the approval of reserved matters with regards appearance, landscaping, layout and scale pursuant to planning approval 103697/VAR/21 (Hybrid application including full approval for 79 dwellings (phase 1) and outline approval for the erection of up to 184 dwellings for later phases, with all matters reserved with the exception of access to the site). This reserved matters application relates to 18 dwellings in total along with wider estate landscaping works and play areas and works to parking courts and footpaths. All 18 dwellings will be provided as affordable housing in the form of social rented properties.

The application site comprises eight infill development zones located within the wider Sale West estate. The estate comprises approximately 1,400 dwellings the majority of which is former council housing stock now managed by Irwell Valley Housing. The estate covers an area of approximately 42 hectares.

Works are currently well advanced with regards phase 1, this current application seeks to complement those previously approved works. The applicant has provided a comprehensive package of house type designs, landscaping and highway related details with regards parking courts and footpaths.

All detailed matters have been assessed, including the main areas of consideration with regards appearance, landscaping, layout and scale. The proposal has been found to be acceptable with, where appropriate, specific mitigation secured by planning condition, and the proposal complies with the development plan and guidance in the NPPF.

## **SITE**

The site is referred to collectively as the Sale West Estate and is located at the western extremity of the residential area of Sale. The estate has been arranged in what is referred to as a Radburn layout which is a design concept whereby the back gardens/ yards of properties face the road side and the front of properties face one another across communal areas/footways. The housing stock is predominantly two storey terraced properties with some semi-detached dwellings and a small number of three storey flats and bungalows. The estate includes a community centre with a MUGA which is adjacent to Sale West Park which has children's play facilities, all trees within the park are subject to a Tree Preservation Order (TPO44). A community garden and allotments (Phoenix Gardens) is located close to Sale West Park.

The estate is effectively bound by Manor Avenue to the east, Firs Way to the north and west and Cherry Lane to the South. Brentwood High School and St. Margaret Ward RC Primary School are located to the south side of the estate accessed off Cherry Lane. A convenience store and takeaway are located off Catterick Avenue close to the junction with Firs Way and Cherry Lane to the south-west of the estate.

To the north side of the site is a public house; Firsway Health Centre and Manor Avenue playing field. The areas to the north, east and south of the estate are predominantly residential.

To the west of the site on the opposite side of Firs Way is a large area of open space including Carrington Moss; agriculture land and land used for sport and leisure and is designated Green Belt and Area of Landscape Protection. The land is also allocated with the emerging 'Places for Everyone' Development Plan Document formerly known as Greater Manchester Spatial Framework as land to be removed from Green Belt providing new homes and industrial development.

The application site is allocated as a Priority Regeneration Area within the Local Plan: Trafford Core Strategy (Policy L3.6). A neighbourhood shopping centre is identified on the Local Plan Composite Policies Map opposite the Sale West Community Centre, however the buildings that formed part of the shopping centre designation were demolished a number of years ago and never replaced. The area where the MUGA is located to the rear of the Community Centre and Sale West Park are allocated as Protected Open Space within the Local Plan Composite Policies map. The site and wider estate is located within a Critical Drainage Area within Trafford Councils Strategic Flood Risk Assessment and is within Flood Zone 1 with regards Environment Agency Flood maps (lowest risk of flooding).

## **PROPOSAL**

This application is for the approval of reserved matters for appearance, landscaping, layout and scale pursuant to planning approval 103697/VAR/21 (hybrid approval for

outline planning permission for erection of up to 184 dwellings and full planning permission for the erection of 79 dwellings [Phase 1]).

Planning Ref:103697/VAR/21 was approved in June 2021 and was a Section 73 application submitted to amend the approved plans condition attached to the full planning approval element of the original hybrid approval, Ref:100206/HYB/20 approved June 2020.

The outline element of Planning Permission Ref:103697/VAR/21 relates to the development of up to 184 (maximum) residential dwellings with all matters reserved with the exception of access to the site. A total of 21 conditions were attached to the outline approval and these will be referred to as relevant in the Observations section of this report.

The main elements of this reserved matters application are as follows:-

- Development of 18 residential dwellings for social rent across eight infill plots.
- Improvements and resurfacing works to identified car park courts and pedestrian pathways and realignment works
- Provision of formal and informal play and amenity space with associated landscaping and street furniture.

Amended plans have been received during the course of the application reducing the number of proposed dwellings from 20 to 18 and also to address comments from the Local Highway Authority with regards pedestrian and vehicular access.

## **DEVELOPMENT PLAN**

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

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

## **PRINCIPAL RELEVANT CORE STRATEGY POLICIES**

L1 – Land for New Homes

L2 – Meeting Housing Needs

L3 – Regeneration and Reducing Inequalities

L4 – Sustainable Transport and Accessibility  
L5 – Climate Change  
L7 – Design  
L8 – Planning Obligations  
R2 – Natural Environment  
R3 – Green Infrastructure  
R4 – Green Belt, Countryside and Other Protected Open Land  
R5 – Open space, Sport and Recreation

### Strategic Objectives

SO1 – Meet Housing Needs  
SO2 – Regenerate  
SO5 – Provide a Green Environment

### **PROPOSALS MAP NOTATION**

Priority Regeneration Area  
Protected Open Space  
Neighbourhood Shopping Centre

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

OSR5 – Protection of Open Space  
T8 – Improvements to the Highway Network

### **SUPPLEMENTARY PLANNING GUIDANCE/DOCUMENTS**

Revised SPD1: Planning Obligations  
SPD3: Parking Standards and Design  
PG1: New Residential Development

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

The MHCLG published the revised National Planning Policy Framework (NPPF) on 20 July 2021. The NPPF will be referred to as appropriate in the report.

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

The National Planning Practice Guidance was first published in March 2014, and it is regularly updated, with the most recent amendments made in June 2021. The NPPG will be referred to as appropriate in the report.

### **PLACES FOR EVERYONE (FORMERLY GREATER MANCHESTER SPATIAL FRAMEWORK)**

Places for Everyone (PfE) is a joint Development Plan Document being produced by nine Greater Manchester districts (Bolton, Bury, Manchester, Oldham, Rochdale, Salford, Tameside, Trafford and Wigan). Once adopted, PfE will be the overarching development plan, setting the policy framework for individual district Local Plans. The

PfE was published for Regulation 19 consultation from 9th August 2021 to 3rd October 2021 and was submitted to the Secretary of State for Levelling Up, Housing and Communities on 14 February 2022. Independent Inspectors have been appointed to undertake an Examination in Public of the PfE Submission Plan and the hearings are scheduled to start in November 2022. Whilst PfE is at an advanced stage of the plan making process, for the purposes of this application it is not yet advanced enough to be given any meaningful weight, such that it needs consideration in this report.

## **NATIONAL DESIGN GUIDE**

This document was published by the Government in October 2019 and forms part of the Governments collection of national planning practice guidance.

## **RELEVANT PLANNING HISTORY**

107857/NMA/22 - Application for a Non Material Amendment to alter the wording of Condition 23 (drainage) on 103697/VAR/21 to enable part discharge of the condition by development zone in order that completed dwellings can be occupied – Approved 03.05.2022

106130/FUL/21 (Land adjacent to Chepstow Avenue) - Erection of 4 no. 1 bedroom apartments and associated works including landscaping, work to trees, access and parking – Approved 25.04.2022

106027/NMA/21 - Application for non-material amendment to 103697/VAR/21 to allow minor changes to the wording of conditions 18, 23 and 24 – Approved 26.10.2021

103697/VAR/21 - Application for variation of condition 2 on planning permission 100206/HYB/20 (Hybrid Planning Application for a) Application for outline planning permission including details of access for the regeneration of the Sale West Estate comprising residential development of up to 184 dwellings; replacement sports and community uses; provision of new and improved estate roads; parking; footpath closures; public realm and open space works; play areas; removal of and works to trees; and associated development thereto; and b) Application for full planning permission for the erection of 79 dwellings comprising works to existing and a new internal estate road, landscape works, resurfacing, reconfiguration and new parking provision, footpath closures and associated development thereto.) to allow for minor alterations to approved scheme including external changes to house types and landscaping proposals and minor reconfiguration of properties at Epsom Avenue to plots A1.1 to A1.8; plot A1.9; plots B1.5 to B1.14 and plots IE.1 and IE.2. – Approved 11/06/2021

100206/HYB/20 - Hybrid Planning Application for a) Application for outline planning permission including details of access for the regeneration of the Sale West Estate comprising residential development of up to 184 dwellings; replacement sports and community uses; provision of new and improved estate roads; parking; footpath closures; public realm and open space works; play areas; removal of and works to

trees; and associated development thereto; and b) Application for full planning permission for the erection of 79 dwellings comprising works to existing and a new internal estate road, landscape works, resurfacing, reconfiguration and new parking provision, footpath closures and associated development thereto. – Approved 18<sup>th</sup> June 2020 – Approved 18/06/2020

## **APPLICANT'S SUBMISSION**

The following reports have been submitted with the application and are referred to in the Observations section of this report where necessary:-

- Accommodation Schedule
- Acoustic Statement
- Air Quality Statement
- Arboricultural Impact Assessment (Addendum)
- Phase 2 Indicative Arboricultural Method Statement
- Crime Impact Statement (04.03.20)
- Drainage Strategy (10.02.2021)
- FRA & Drainage Strategy (25.02.2020)
- Energy & Sustainability Statement – Phase 2
- Phase 1 Habitat Survey
- Preliminary Roost Assessment – Phase 2
- Phase 1 Ground Investigation Preliminary Risk Assessment
- Phase 2 Site Investigation
- Phasing Plan
- Transport Assessment (March 2022)

## **CONSULTATIONS**

**Trafford Council Housing Strategy** – No objections

**Lead Local Flood Authority (LLFA)** – No objections

**Transport for Greater Manchester (TfGM)** – No comments to make

**Local Highway Authority (LHA)** – The LHA have no objections in principle but have requested further detail on tracking, surface materials and pedestrian routes dimensions. Further comments are discussed in the Observations section of the report. An update will be provided on the additional information report to Planning Committee on these issues.

**Trafford Council Pollution & Housing (Air)** – No objections

**Trafford Council Pollution & Housing (Nuisance)** – No objections

**Trafford Council Pollution & Housing (Contaminated Land)** – No objections subject to land contamination conditions

**Trafford Council Arboriculturist** – No objections

**Trafford Council Waste Management** – No comments to make

**Trafford Public Health** - No comments received at time of report preparation

**Trafford Clinical Commissioning Group** – No objections

**Trafford Council Education** – No contribution expected for this development

**Trafford Council Asset Management** – No comments received at time of report preparation

**Trafford Council (Highways)** - No comments received at time of report preparation

**National Highways** – No comments to make

**Sport England** – The proposed development does not fall within Sport England's statutory remit. Standing advice provided

**Greater Manchester Fire Authority** – No objections. Standing advice provided that the Fire Service require vehicular access for a fire appliance to within 45m of all points within the dwellings; access road should be a minimum width of 4.5m and capable of carrying 12.5 tonnes; if access road is more than 20m long suitable turning provision for a fire appliance to be provided; maximum length of any cul-de-sac network should be 250m; suitable fire hydrant to be located within 165m of the furthest dwelling. Domestic sprinkler systems are recommended to be provided.

**Manchester Airport (Safeguarding)** – No objections

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

**National Grid** – No comments received at time of report preparation

**Electricity North West (ENW)** – No objections. Development is shown to be adjacent to or affects ENW operational land or distribution assets. Applicant to contact ENW to verify details of development.

**Environment Agency** – No comments received at time of report preparation

**Greater Manchester Archaeological Advisory Service (GMAAS)** – No objections

**Greater Manchester Ecology Unit (GMEU)** - No objections, further comments detailed within the Observations section of this report.

**Greater Manchester Pedestrian Association** – No comments received at time of report preparation

**Greater Manchester Police (Design for Security)** – No objections subject to a condition requiring the development to reflect the layout issues within Section 3 and physical security specifications set out in the Crime Impact Statement (Section 4).

**Health & Safety Executive (HSE)** – No comments received at time of report preparation

**Ramblers Association** – No comments received at time of report preparation

**Peak and Northern Footpath Society** - No comments received at time of report preparation

**United Utilities** – No objections, further comments detailed within the Observation section of this report

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

## **REPRESENTATIONS**

**Neighbours:** - 8 letters of objection have been received in relation to the proposed development (three from the same address), the issues raised as follows:-

- Insufficient school capacity at Firs Road school (The Firs Primary School)
- Lack of green space for children to play
- No plans provided regarding development by Manor Avenue football pitches.
- Proposed works would remove light to front and back garden area of 79 Newbury Avenue and remove car parking spaces. Irwell Valley offered to provide a new driveway to 79 Newbury Avenue but then rescinded the offer.
- Proposed development creating two vehicular entrances for site opposite St Margaret Ward PS (Zone D) will result in danger to school children and an increase of traffic in this area. The situation is already chaos with school traffic.
- Works at Zone E1 will limit sunlight to 103 Hurst Avenue; remove parking spaces and residents will have to park further away with emergency vehicles having less access to existing properties with car park removed.
- The proposed development at Zone G will block light to adjacent properties as they are higher than existing houses and will result in loss of parking, there is currently not enough parking.

## **OBSERVATIONS**

### **PRINCIPLE OF DEVELOPMENT**

#### **Background & Policy Context**



1. S.38 (6) of the Planning and Compulsory Purchase Act 2004 requires applications to be determined in accordance with the development plan unless material considerations indicate otherwise. That remains the starting point for decision making. The NPPF is an important material consideration.
2. Hybrid planning approval 103697/VAR/21 comprised both a full and outline element. The full component relates to the erection of 79 dwellings, these works have commenced and are well advanced on site.
3. The outline element of the hybrid approval related to residential development for up to 184 dwellings including details of access, along with replacement sports and community uses; provision of new and improved estate roads; parking; footpath closures; public realm and open space works; play areas and works to trees. The principle of residential development on the application site is therefore established and this application relates to details of appearance, landscaping, layout and scale only and those details where conditions of the outline permission require these to be submitted with reserved matters.
4. The Council's current housing land supply figure is 3.75 years (less than the 5 year requirement) and the most recent Housing Delivery Test figure (2021) is 79%. This housing supply and delivery position automatically triggers Paragraph 11d) but does not automatically render development plan policies out of date. It is for the decision maker to determine what weight to give to development plan policies and this can take into account the specific characteristics of the housing land supply position such as the extent of the shortfall and the steps being taken to remedy it.
5. The application site is located within the Sale West Priority Regeneration Area as identified within Policy L3.6 of the Core Strategy. The policy states *...that development and redevelopment will be supported in order to regenerate this former Council estate. Development should focus on improvements to the residential mix and quality, the public realm and access to employment opportunities. The Council will seek the net addition of 100 residential units during the plan period as part of the regeneration proposals for Sale West. The new housing will be designed to a high standard, with a particular emphasis on improving the relationship between buildings and the street and the quality of neighbourhood open space.*
6. It is therefore clear that the Core Strategy identifies significant residential growth within this part of the borough over the plan period; and it identifies the application site as a means of delivering this anticipated growth. The policy framework set out in the Core Strategy provides significant support for the development of this site for residential purposes and is consistent with the regeneration aims of the Core Strategy and its development would make a positive contribution towards achieving Core Strategy Strategic Objectives SO1

(Meeting Housing Need); SO2 (Regenerate) and SO5 (Provide a Green Environment) and this has been established within the outline permission.

### Housing Type and Mix

7. The NPPF at paragraph 62 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 as a whole is generally consistent with the NPPF however references to housing numbers and housing land supply are out of date.
8. This application proposes 18 dwellings in total comprising the following dwelling sizes:-  
  
14 x 1 bedroom apartments (8 adaptable/wheelchair accessible designed);  
2 x 2 bedroom apartments  
2 x 2 bedroom dwellinghouses.
9. Core Strategy 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. The proposed range of accommodation is focused on small size units in terms of bedroom provision. However, whilst this provision may not directly accord with the advice contained within Policy L2 it is important to consider the specific requirements in this locality. The Council's Housing Needs Assessment (HNA 2019) identifies that in Sale there is a particular need for 1 & 3 bedroom houses and 2 bedroom flats and an identified need for 1 bedroom apartments. The HNA also identifies that over the plan period (up to 2037) 1,902 dwellings (an increase of 384 from 2019) will require adaptations to facilitate wheelchair use. The current proposal details 8 of the 18 dwellings as being suitable for wheel chair users addressing an identified need. In this particular instance it is considered that the provision of the one bedroom accommodation will contribute to the regeneration aims of the Sale West estate in creating a mixed and balanced community.

### Affordable Housing

10. 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).

11. Core Strategy Policy L2.12 sets out affordable housing requirements. The application site is classed as being within Sale, which is a 'moderate market location', therefore a 20% affordable housing contribution is required under Trafford's good market conditions.
12. All 18 dwellings will be made available for social rent and managed by Irwell Valley Housing. This reflects the 79 dwellings approved under phase 1, all of which are social rented. The Housing Need Assessment (HNA) 2019 identified that the annual net affordable housing need in Sale area is 62 dwellings and the required tenure split of affordable housing in Sale is effectively a 50:50 split affordable/social rented and intermediate tenure. As part of the outline application the applicant stated that for future phases of development it was expected to be provide between approximately 30% and 40% affordable housing as well as suitable older persons accommodation.

#### Conclusion on principle of development

13. The proposal would see the creation 18 new dwellings as part of this first reserved matters application, against the outline of approval for up to 184 residential units, forming the second phase of the development. The Council's housing policies are out of date, the proposed development nevertheless delivers a number of benefits that the Core Strategy seeks to achieve in terms of housing numbers, mix and tenure in a reasonably sustainable location and on a predominantly brownfield site. The site is located within the Sale West Priority Regeneration Area.
14. 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 provision of much needed social rented units. In this regard the proposal is considered to be in accordance with the development and the NPPF.

#### LAYOUT, SCALE AND APPERANCE

15. Paragraph 126 of the NPPF states that "*The creation of high quality beautiful and sustainable 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 134 states that "*Development that is not well designed should be refused*". Paragraph 130 requires planning decisions to ensure that developments, inter alia, will function well, are visually attractive, sympathetic to local character and history, establish a

strong sense of place, optimise the potential of the site and create places that are safe, inclusive and accessible.

16. The publication of the National Design Guide (NDG) in October 2019 emphasises the Government's commitment to achieving high quality places and buildings. The document outlines and illustrates the Government's priorities for well-designed places in the form of ten characteristics. These are identified as: context, identity, built form, movement, nature, public spaces, uses, homes and buildings, resources, and lifespan. These characteristics can be applied to proposals of all sizes, the document sets out, including new buildings, infill developments, major proposals and larger scale developments such as urban extensions. In a well-designed place an integrated design process would bring the ten characteristics together to create an overall character of place, the NDG explains. . The guide states at paragraph 120 that *'Well designed homes and buildings are functional, accessible and sustainable'* and goes on to state at paragraph 122 that *'Successful buildings also provide attractive, stimulating and positive places for all, whether for activity, interaction, retreat, or simply passing by'*.
17. Paragraph 134 of the NPPF urges local planning authorities to refuse development that is not well-designed, especially where it fails to reflect any local design policies and government guidance on design. Conversely – the paragraph continues – significant weight should be given to development which has taken into account local and national design guidance, and/or to outstanding or innovative designs which promote high levels of sustainability or help raise the standard of design in an area (provided that they fit in with the overall form and layout of their surroundings).
18. In taking forward the advice in the NPPF and the NDG, this Council is producing its own Trafford Design Guide, which will be used as supplementary planning guidance. A consultation draft was published between July and September 2022. The document sets out the general design principles and standards that development proposals should follow when having regard to the Borough's local context and characteristics, including allowing for variations in different sub-areas and neighbourhoods. Adoption of the Trafford Design Guide is expected by Spring 2023 (according to current estimates). Following the commissioning of the Trafford Design Guide and as a further display of the commitment to design, in September 2021 the Council made an application to the Government's Design Code Pathfinder Programme in order to receive a share of £3m funding to establish its own design code. In March 2022 it was confirmed that Trafford was one of 25 successful applicants. The document will make various design specifications, including in relation to the layout of streets and the choice of materials, and will apply to the whole of the borough. The Trafford Design Code will also be formally adopted as supplementary guidance. Work is already underway.

19. Core Strategy Policy L7 requires that, in relation to matters of design, development must be: appropriate in its context; make best use of opportunities to improve the character and quality of an area; enhance the street scene or character of the area by appropriately addressing scale, density, height, massing, layout, elevation treatment, materials, hard and soft landscaping works, boundary treatment; and make appropriate provision for open space, where appropriate, in accordance with Policy R5.
20. Policy L7 of the Core Strategy is considered to be compliant with the NPPF and therefore up to date as it comprises the local expression of the NPPF's emphasis on good design and, together with associated SPDs, the Borough's design code. It can therefore be given full weight in the decision making process.
21. The proposed residential units will be located across eight separate development plots throughout the estate, as follows:-
22. Zone A - This zone is located at the southern end of Goodwood Avenue and comprises a parking area (spaces not demarcated)/cul-de-sac turning area located between two rows of terraced properties (51 Goodwood Ave is the end terrace property to the east side of the site and 52 Goodwood Avenue to the west side). To the rear of the site (south side) is a public footway leading to the Manor Avenue playing fields, this path is separated from the site by an approximately 1.8m high brick wall. The development proposals for Zone A comprise of one pair of semi-detached dwellinghouses, house type B, both of which are 2x bedroom properties. The building would retain a distance of approximately 1m from the side gable elevation of 52 Goodwood Avenue. Four new parking spaces would be formed to the front of the building, two spaces for the new properties and two for wider use by other residents. Each property would have a shed and rear garden area including space for bin storage. A pathway would be provided adjacent to the side of 51 Goodwood Avenue to allow access from those adjacent occupiers rear garden side gate.
23. House type B measures approximately 7.5m in height and 5m to eaves, with a dual pitched roof. The adjacent properties measure approximately 6.7m to ridge height and 5m eaves height, the proposed house type is similar in scale and height to the existing housing stock. This house type will be constructed in red brick with grey concrete interlocking tile; grey UPVC windows (with 100mm reveal depth); fascias, soffits, bargeboards UPVC grey with black UPVC rainwater goods. Solar panels will be located on the rear roof elevation. Surrounding properties in this part of the estate are characterised as constructed in a variety of red brick tones with areas of dark cladding at first floor level and grey roof tiles, the proposed external materials are considered in keeping with the surrounding properties. Surrounding properties are predominantly terraced, the proposed semi-detached properties are located close to the end terrace property 52 Goodwood Avenue so do not appear in isolation.
24. Zone B1 - Is located adjacent to 81 & 82 Newbury Avenue in an area currently used for car parking (five demarcated spaces) with a grassed landscape strip

surrounding and comprising two medium sized Norway Maples, one of which will be removed to facilitate development. The proposed property is a detached building, house type R, which incorporates a 1x bedroom apartment at both ground and first floor. Seven new parking spaces will be provided in the adjacent car-park court area to account for the loss of the five spaces and to provide two spaces for the new apartments. A wild cherry and ash tree are detailed to be removed to facilitate development. The apartments will each have a shed, communal bin storage area and garden area to the rear. The entrance to the adjacent car park will be realigned with works to the pavement.

25. House type R measures approximately 7.5m to the highest section of ridge line and 7m to a lower section with a 5m high eaves height. The design of the building incorporates dual pitched roofs and gables. The surrounding house types measure approximately 6.7m in height and 5m to eaves, therefore the proposed house type is similar in scale to the surrounding properties. This house type will be constructed in buff brick with grey concrete interlocking tile; grey UPVC windows (with 100mm reveal depth); fascias, soffits, bargeboards UPVC grey with black UPVC rainwater goods. Solar panels will be located on the rear roof elevation. The first floor apartment for this house type has a recessed balcony area which will have a composite timber effect cladding, a section of the side elevation will also have a small area of this cladding. Surrounding properties in this part of the estate are characterised as constructed in a buff brick tone with areas of grey and dark cladding at first floor level and grey roof tiles, the proposed external materials are considered in keeping with the surrounding properties. Surrounding properties are predominantly terraced, the proposed detached building is located close to the gable elevations of 81 & 82 Newbury Avenue and seeks to infill the space formed from the perpendicular arrangement of both properties and so do not appear in isolation. The new building would project beyond the front elevations of both the adjacent properties, however given the staggered formation of the properties along the Newbury Avenue this arrangement is considered acceptable.

26. Zone B2 - This plot is located adjacent to 79 & 80 Newbury Avenue and comprises a car parking court with no demarcated spaces. A pedestrian path extends along the southern side of the parking court serving the rear of 66-79 Newbury Avenue, this path access would remain following the proposed development. The same building as nearby Zone B1 is proposed at Zone B2 (House R, 2x 1 bedroom apartments). Each apartment will have a shed and communal bin storage area to the rear with front and rear garden area. A larger parking court is located beyond the southern of this Zone and it is proposed to provide two new parking spaces for this development within that existing car parking court by extending the car parking court into a low quality area of low level landscaping near the roadside and amending the vehicular access and pedestrian path. A Whitebeam tree is to be removed to facilitate these works and a new better quality tree to be replanted.

27. House type R is also proposed at Zone B2 and therefore the comments for B1 above also apply with regards external appearance and layout in relation to the two adjacent properties 79 & 80 Newbury Avenue.
28. Zone D – Is located in the parking court beside 187 Hurst Avenue, there are 18 demarcated parking spaces within the parking court. The proposed building is a detached property, House Type R, which incorporates a 1x bedroom apartment at both ground and first floor level. These apartments will also have a shed and dedicated bin storage area along with a communal garden area to the side and rear of the building. To the west side of the car parking court is a raised area of land with low quality soft landscaping. It is proposed as part of the Zone D works to form a new parking court within this landscaped area with ten car parking spaces formed (two of which are accessible spaces) and a new vehicular access provided from Hurst Avenue to the west side of the raised landscaped area. An additional seven parking spaces will be formed following realignment works to the grass verge and areas of hardstanding that can be better utilised to form new parking.
29. House type R is proposed at Zone D and as stated the house type measures approximately 7.5m in height to ridge and 5m to eaves. Surrounding properties on Hurst Avenue measure approximately 6.5m to ridge and 5m eaves, so the proposed house type is similar in scale to the surrounding properties. The surrounding properties in this part of the estate are constructed in buff brick with sections of first floor grey coloured cladding and red hanging tile arrangements and grey roof tiles. House type R is proposed to be constructed in buff brick with grey interlocking concrete tiles. Solar panels will be located on the front roof elevation. Surrounding properties are predominantly terraced, the proposed building is located close to the end terrace property 187 Hurst Avenue so would not appear in isolation.
30. Zone E1 – This development plot is located adjacent to 96 Hurst Avenue and comprises an existing car parking court which can accommodate approximately 10 parking spaces none of which are demarcated. The proposed development comprises a detached building, House Type S, which comprises a 1 bedroom apartment at both ground and first floor level, with garden space to the front, side and rear of the plot. A shed is provided for each property along with a dedicated bin storage area. These are located to the east side of the building which is effectively the front of the dwelling. However the arrangement of the surrounding terrace which has an irregular footprint, is such that the rear garden areas face into this area. The remainder of the parking plot would be resurfaced and demarcated to show six parking spaces (two of which would be accessible spaces). A pathway currently extends alongside the gable elevation of 96 Hurst Avenue parallel with the parking court connecting to a wider network of paths to the west/north. It is proposed to stop up this path and incorporate it within the plot layout, pedestrian connectivity would be unaffected to the wider path system as, albeit the residents of the terrace 96–107 would have to walk around the new plot and revised car park layout.

31. House type S which is proposed for Zone E1 measures approximately 7.6m to ridge height at the highest point (7.1m to the lower section of ridge line) and has a 5m high eaves level. This property incorporates dual pitched roofs with gables. Surrounding properties in this part of Hurst Avenue measure approximately 6.5m to ridge height with 5m high eaves, the scale of the proposed house type is considered acceptable in this location. The house type will be constructed in buff brick with grey concrete interlocking tiles; grey UPVC windows, fascias, soffits bargeboards and black UPVC rainwater goods. Solar panels will be located on the side roof elevation. Surrounding properties in this area are constructed in buff brick, with sections of dark cladding to first floor elevations, roof tiles are predominantly grey. The building will be located at the end of a terrace adjacent to 96 Hurst Avenue and would not appear in isolation.
32. Zone E2 – Is located adjacent to 129 Hurst Avenue and was previously the side garden area of the adjacent property. The development proposals for this plot include the provision of a detached building, House Type R with a 1 x bedroom apartment provided at both ground and first floor level. A shed and bin storage area are provided within the communal garden area to the side and rear of the building. Further works to this zone include the resurfacing and demarcation of the existing car parking court to the west side of the site which is currently not demarcated with associated improvement works to pavements and the parking court entrance. Twenty four parking spaces are shown to be provided (four of which are accessible spaces). A further two parking spaces to the north side of the new building are also provided, formed from an underutilised area of grassed verge, one of these spaces will also be an accessible space.
33. House type R is proposed in this location, the detail of which has been referred to earlier in this section with regards building heights and external materials. This building is located adjacent to a pair of semi-detached dwellings (129 & 130 Hurst Avenue) and a number of smaller terraces and is considered appropriate in its context.
34. Zone F – This development plot is located on an area of grassed amenity space and part of a car parking court adjacent to 27 Ascot Avenue. The proposed development as originally submitted included an apartment block with three ground floor 1xbedroom flats and three first floor 2x bedroom flats. The applicant has subsequently reduced the number of residential units proposed in this location to a two storey detached apartment building with two ground floor 1x bedroom apartments and two first floor 2x bedroom apartments (Apartment Block Type T). The building has also been moved further away from the adjacent property 27 Ascot Drive. Bin and shed storage has been provided within the side and rear garden area. A large car park court is located to the north-west side of the site with no demarcated spaces. The applicant has indicated that it is their intention to resurface and demarcate parking spaces across this parking court which would however be subject to future funding. Six parking spaces are shown on the site plan as marked out for the proposed new apartments with one



accessible space. A large Ash tree which had originally been proposed to be removed to the east side of the plot will now be retained.

35. Apartment Block Type T measures approximately 7.8m to ridge height and 5m to eaves and incorporates dual pitched roofs with gables. Surrounding properties measure approximately 6.5m to ridge and 5m to eaves. The proposed building would be constructed in a red brick similar to surrounding properties. Other external materials include grey interlocking tiles; grey UPVC windows fascias, soffits bargeboards and black UPVC rainwater goods. Solar panels will be located on the rear roof elevation. The building will be located at the end of a terrace adjacent to 27 Ascot Avenue and would not appear in isolation.
36. Zone G – Is located beside 136 & 137 Ascot Avenue and comprises a parking court with no demarcated spaces which can accommodate approximately 10 cars. The proposed works involve the erection of a detached building to accommodate two 1x bedroom apartments one at both ground floor and first floor level, House Type S. A dedicated bin store and a shed for each property is provided within the side garden area. The remaining area of the car parking court will be realigned and seven demarcated spaces provided. A further two spaces are provided for the new development. The existing vehicular access to the car parking court will be realigned with improvements to the public footpath.
37. House type S which is proposed for Zone G measures approximately 7.6m to ridge height at the highest point (7.1m to the lower section of ridge line) and has a 5m high eaves level. This property incorporates dual pitched roofs with gables. Surrounding properties in this part of Ascot Avenue measure approximately 6.5m to ridge height with 5m high eaves, the scale of the proposed house type is considered acceptable in this location. The house type will be constructed in redbrick with grey concrete interlocking tiles; grey UPVC windows, fascias, soffits bargeboards and black UPVC rainwater goods. Solar panels will be located on the side roof elevation. Surrounding properties in this area are constructed in red brick, with sections of dark cladding to first floor elevations, roof tiles are predominantly grey. The building will be located with its side elevation facing towards Ascot Avenue. This arrangement is not uncommon throughout the estate and follows the layout of the adjacent terrace to the north side of the site with front and rear elevations facing east and west.
38. The house types located at development zones B,D, E & G as detailed above all have side gable elevations facing either towards a car parking courts or the highway. These elevations comprise the balcony opening at first floor and a single window at ground floor level. Officers are generally satisfied with the overall design approach undertaken by the applicant which reflects the phase 1 house types. Notwithstanding this the applicant has been requested to amend the side gable elevations at the development zones listed to include additional fenestration in order to better reflect the adjacent existing properties which comprise conventional openings to main front elevations and allow for better turn of the corners on which these plots sit. An update will be provided within the additional information report on receipt of the amended elevations.

39. The apartments and the two dwelling houses all meet the nationally described space standards.

Conclusion on layout, scale and appearance

40. The proposed house types incorporate attractive architecture detailing and proportions that reflect the different house types approved as part of phase 1 of the wider estate redevelopment proposals. The development of the individual infill plots as part of this particular phase will complement the wider redevelopment works creating a distinct sense of place and secure significant regenerative benefits.

RESIDENTIAL AMENITY

41. In addition to ensuring that developments are designed to be visually attractive paragraph 130 of the NPPF advises that planning decisions should create places that provide a high standard of amenity for existing and future users.
42. Policy L7.3 requires new development to be compatible with the surrounding area and not to prejudice the amenity of the future occupiers of the development and/or occupants of adjacent properties by reason of overbearing, overshadowing, overlooking, visual intrusion or noise and/or disturbance.
43. The Council's adopted SPG for new residential development (PG1) sets out more detailed guidance and specific distances to be retained between buildings and window to window distances. The SPG refers to buildings of three or more storeys and states where there would be major facing windows; buildings should retain a minimum distance of 21m across public highways and 27m across private gardens (an additional 3m added to these figures for 3 or more stories). Distances to rear garden boundaries from main windows should be at least 10.5m for two storey houses and flats and 13.5m for house or flats with three storeys or more in order to protect privacy. With regards overshadowing, in situations where this is likely to occur a minimum distance of 15m should normally be provided between a main elevation and a blank two storey gable.
44. The Council are currently in the process of producing a Design Guide which will include updated guidance in relation to residential amenity. However until such time as the Design Guide is adopted the LPA would still revert to the advice within SPG1. The LPA will adopt a flexible approach with regards applying the above parameters in the interim particularly within new development layouts in order to encourage high quality schemes in terms of layout and design.
45. The relationship of the proposed dwellings to nearby residential properties is summarised as follows:-
46. Zone A – The proposed pair of semi-detached dwellings would be located in an existing parking court at the southern end of Goodwood Avenue. To the west side of the site is the blank gable elevation of 52 Goodwood Avenue an end terrace property, the new building would retain a distance of approximately 1m to

the shared boundary with No. 52. The front elevation of the new building would project forward by approximately 1.7m beyond the front elevation and approximately 1.3m beyond the rear of No.52. This relationship is considered acceptable and would not result in any overshadowing to habitable room windows. A distance of approximately 10m is retained from the side elevation of the new building to the side elevation of 51 Goodwood Avenue which is an end terrace property with a blank gable elevation. The proposed development is not considered to result in any impact with regards amenity of these neighbouring occupants.

47. To the rear of Zone A is a public footpath, beyond which (south west direction) is the narrow side and rear garden area of 5-8 Aintree Ave (two storey terraced properties) with an approximate 4m Laurel hedge along the side boundary facing the application site. The side gable elevation of 5-8 Aintree has no windows facing towards the application site. A distance of approximately 16m would be retained from the rear elevation of the new dwellings to the side gable elevation.
48. Also to the rear of Zone A (south east direction) is 25-27 Beenham Close two storey apartments). The new dwellings would retain a distance of approximately 10m to the rear garden boundary with 25-27 Beenham Close and approximately 26m between rear elevations.
49. The proposed pair of semi-detached properties at Zone A are not considered to result in any adverse impact towards neighbouring properties.
50. Zone B1 – This development plot is located adjacent to 81 & 82 Newbury Avenue, both properties have blank gable elevations (in a perpendicular arrangement to each other) facing the development plot. The new building (2 x apartments) would retain a distance of 4.5m from its rear elevation to the side gable elevation of No.82. The floor plans for the ground floor apartment indicate obscure glazing to the two windows on the elevation facing towards No.82, one of which serves an all through kitchen and lounge area and the second one to a bedroom which is a secondary window. The first floor apartment plans have three windows facing No.82, two serving a landing area and one serving an all through kitchen/lounge area which benefits from two further windows on the side and front elevations. These windows would be obscured glazed by condition.
51. Zone B2 – This development plot is located adjacent to 79 & 80 Newbury Avenue, both these properties have blank gable elevations (also in a perpendicular arrangement to each other). The new building, which also comprises 2x apartments, will retain a distance of approximately 7m to the side elevation of 80 Newbury Avenue, with no side windows proposed facing towards No.80. A distance of approximately 3m will be retained from the rear elevation of the new building to the gable elevation of 79 Newbury Avenue. As this apartment block is the same proposed at Zone B1, there is a similar window arrangement facing towards neighbouring properties where sufficient privacy distances are not achieved and therefore the same windows would be conditioned to be obscured glazed as detailed above for Zone B1.

52. Both apartment blocks at Zones B1 and B2 are not considered to raise any other impacts towards residential amenity other than the requirement for obscured glazing to the relevant windows as detailed to sensitive elevations.
53. Zone D – This development plot will feature a two storey building incorporating two apartments. The site comprises a car parking court, the new building would retain a distance of approximately 5.6m to the blank gable elevation of 187 Hurst Avenue to the east side of the plot. There are no side windows proposed facing towards No.187. To the north side of the plot is a footpath serving the rear of the terraced properties 179 – 186 Hurst Avenue. The new building will retain a distance of approximately 19m from its rear elevation to the rear elevation of the terraced properties. The proposed development at Zone D is not considered to raise any adverse impacts with regards residential amenity.
54. Zone E1 – This plot is currently used as a parking court. The development proposal involves a detached two storey apartment block comprising two apartments. The building would be located to the south side of 96 Hurst Avenue and end terrace property. A distance of approximately 2.1m will be retained between both properties, there are no windows on the gable elevation of No.96 nor are there any windows proposed on the side elevation of the new building. A distance of approximately 23m will be retained from the front elevation of the new building to the front elevation of 106 Hurst Ave to the east side of the site. The intervening distance comprises a public footpath and front garden area. 96 Hurst Avenue retains a distance of approximately 25m to the front elevation of 105 Hurst Avenue so the proposed distance retained is not dissimilar to the existing arrangement of properties in this ‘U’ shaped arrangement of terraced properties.
55. A distance of approximately 15m would be retained from the rear elevation of the new property to the blank gable end of 95 Hurst Avenue to the west side of the site. The new property will have two first floor landing windows facing towards the rear garden area of 95 Hurst Avenue and with a distance of approximately 3.7m retained to the rear garden boundary of 95 Hurst Avenue. It is therefore appropriate to condition the two windows to be obscured glazed. In addition the building will incorporate a recessed first floor balcony along the south facing elevation facing towards the roadside. The balcony is open ended therefore the west side should include a screen no higher than 1.8m high to prevent undue overlooking towards 95 Hurst Avenue. An appropriate condition to be included for submission of a suitable balcony screen.
56. Zone E2 – This plot was formerly a side garden to 129 Hurst Avenue. A two storey building incorporating two apartments is proposed. The buildings front elevation would face northwards towards Hurst Avenue. A distance of approximately 4.1m would be retained from its rear elevation to the side gable elevation (and side boundary) of 129 Hurst Avenue. It is proposed to obscure glaze the first floor windows facing towards No.129 to prevent overlooking towards the rear garden area. This would include two landing windows and a secondary kitchen window. The east side elevation of the new building has no windows and would retain a distance of approximately 13.3m to the rear

elevation of 128 Hurst Avenue, 15m are normally required in these situations, the applicant has confirmed they will amend the layout to achieve that distance and an amended plan to follow, an update will be provided on the additional information report. The development proposals for both Zone e plots are not considered to raise any other issues with regards residential amenity other than the requirement for obscure glazing where stated.

57. Zone F – The applicant has amended the proposed number of units on this plot from a six unit apartment block to four units. This has meant reducing the size of the proposed building and moving it further away from the adjacent property 27 Ascot Avenue (end terrace property). A distance of approximately 6m will now be retained between the side elevations of both properties (previously approximately 2.2m retained). There are no side windows proposed on the elevation facing towards 27 Ascot Avenue. A distance of approximately 10.4m is retained from the rear elevation to the back of pavement beyond the rear of the development plot.
58. Beyond the rear public path is 10 Kingston Close an end terrace property which has its gable elevation facing towards the application site. This property has a first floor obscured glazed window on its side elevation. The property also has a 2m high brick wall and 1m high section of closed board fencing above the wall along its boundary with the public path, this boundary is located at least 1m from the side elevation of 10 Kingston Close. It is unclear if there is a ground floor window on this elevation, however given the height of the boundary treatment with the buildings proximity to the boundary and the distance retained to the rear elevation of the new building it is considered that there would not be any undue overlooking. 9 The Willows is a detached property whose rear garden backs on to 10 Kingston Close. A distance of 10.4m is retained from the rear elevation new properties to the side garden boundary of 9 The Willows, which also has a 2m high side boundary wall and a substantial conifer hedge within its garden offering complete screening of its garden area.
59. To the north east side of the site is the gable and return elevation of terraced properties 23 to 26 Ascot Avenue. Two habitable room windows are located at ground and first floor on the gable. The new building will be positioned at a juxtaposition to this gable elevation with diagonal views from the new building towards the adjacent property, retaining approximately 11.2m. The nearest first floor window on the new building will be a secondary kitchen/lounge window. It is considered appropriate to condition this window to be obscure glazing. The development proposals at Zone F are considered not to raise any adverse impact with regards residential amenity other than the requirement for obscured glazing as stated.
60. Zone G – This development plot comprises an existing car parking court. To the north side is the blank gable elevation of 136 Ascot Avenue and end terrace property, to the east side is the blank gable elevation of 137 Ascot Avenue which is also an end terrace property. The proposed building is a detached two storey property comprising two apartments. The building would be positioned with its

rear elevation facing towards 137 Ascot Avenue and retain a distance of approximately 2.2m between both properties. The new property will have two first floor landing windows and a ground floor kitchen and secondary bedroom window facing towards the rear garden area of 137 Ascot Avenue and given the distance retained, it is considered appropriate to condition these windows to be obscured glazed. In addition the building will incorporate a recessed first floor balcony along the south facing elevation facing towards the roadside. The balcony is open ended therefore the east side should include a screen no higher than 1.8m high to prevent undue overlooking towards 137 Ascot Avenue, which although would be the front garden area of that property the distance retained is limited and therefore offers a greater degree of being overlooked. An appropriate condition to be included for submission of a suitable balcony screen. There are no windows proposed on the north facing elevation towards 136 Ascot Avenue. The development proposals at Zone G are considered not to raise any adverse impact with regards residential amenity other than the requirement for obscured glazing and a balcony screen as stated.

#### Amenity Space

61. SPG1: New Residential Development sets out the Council's standards and states that most new dwellings should provide some private outdoor space and that this is necessary for a variety of functional requirements such as sitting out and children's play. The guidance provides details of recommended garden sizes and advises that for 3-bedroom semi-detached houses 80sq.m of garden size will normally be considered acceptable but for smaller houses this figure can be reduced. For flats/apartments it states that 18 sq.m of suitably screened communal area is considered generally sufficient for the stated requirements.
62. The submitted plans for the proposed development details provision of garden areas to the front, rear and side of properties, the majority of properties being apartments. The maisonette flats have been provided with communal garden areas and in line with the recommended sizes within the SPG and all first floor apartments, with the exception of Zone F, have balcony areas. In relation to the 2x two-bedroom dwellings at Zone A, one of the properties has approximately 55m<sup>2</sup> garden area the second approximately 85m<sup>2</sup>, the level of provision is considered acceptable for two bedroom dwellinghouses. In addition to the garden areas within development plots, the wider estate will be subject to improvements to the public amenity space through provision of the activity zones and enhancement to landscaping. In addition the estate is also served by Sale West Park which includes a refurbished children's play area. It is therefore considered that the amenity space provided across new development plots is acceptable and in accordance with PG and the development plan.

#### Noise, Air Quality and Contaminated Land

63. Noise – Condition 42 of the outline approval requires the submission of an updated acoustic assessment for any reserved matters applications for layout or

appearance. The applicant has provided a statement from their acoustic consultant which advises that since the granting of outline approval (June 2020) there has been no significant changes to the external noise environment in the vicinity of the site. The Councils Pollution team have confirmed that the original acoustic report submitted by the applicant is sufficient in scope and detail for the purposes of this reserved matters application and they also accept that there has been no significant changes in the conditions present within the neighbourhood to trigger any revision.

64. Air Quality – An updated air quality assessment is required to be submitted as part of any reserved matters application for layout or appearance as per condition 41 of the outline approval. The applicant has submitted an updated statement in relation to air quality. The statement confirms that the previous air quality assessment approved at outline stage remains robust and representative of current local air quality. The Councils Pollution team have reviewed the statement and accept its conclusions.
65. Contaminated Land – Condition 36 of the outline approval requires any reserved matters applications to include an updated investigation and risk assessment in relation to contaminated land. The applicant has provided an updated Phase 2 land contamination site appraisal which the Councils Pollution team has considered. The report confirms that contamination is present and in order to prevent any harm to site users a suitable remediation strategy is required. A condition is therefore recommended for a remediation strategy for the site along with a condition requiring a verification report which demonstrates completion of the remediation works. Condition 37 of the outline approval already requires the submission and approval of a verification report prior to the occupation of any units and therefore it is not necessary to repeat that condition on this application should planning permission be granted.
66. Condition 38 of the outline approval requires the submission of a Construction Environmental Management Plan (CEMP). The submitted CEMP has been reviewed by the Pollution section who have raised no objections.

#### Conclusion on residential amenity

67. In conclusion, the proposed new dwellings are not considered to result in a level of harm to the living conditions of occupiers of neighbouring properties as to warrant a refusal of planning permission. Nor is it considered the amenity of future occupants will be adversely impacted upon with regards the location of the proposed residential accommodation. For the foregoing reasons the impact of the proposed development on residential amenity is considered to be compliant with Policies L5 and L7 of the Trafford Core Strategy and the NPPF.

#### ACCESS, HIGHWAYS & PARKING

68. Paragraph 105 of the NPPF states ‘...significant development should be focused on locations which are or can be made sustainable, through limiting the need to

travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions, and improve air quality and public health.

69. Paragraph 111 of the NPPF states that 'Development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe'.
70. Policy L4.7 states that 'The Council will not grant planning permission for new development that is likely to have a significant adverse impact on the safe and efficient operation of the Strategic Road Network, and the Primary and Local Highway Authority Network unless and until appropriate transport infrastructure improvements and/or traffic mitigation measures and the programme for the implementation are secured'.
71. Policy L7 states that 'In relation to matters of functionality, development must: Incorporate vehicular access and egress which is satisfactorily located and laid out having regard to the need for highway safety; and provide sufficient off-street car and cycle parking, maneuvering and operational space.
72. The outline planning approval (103697/VAR/21) included access with all other matters reserved. The principle of the development of these zones was accepted as part of the wider parameters plan and which included the development on a number of parking courts, the loss of which were accepted based on a sufficient level of parking across the estate.
73. Condition 31 of the outline approval requires details of highway works to be submitted as part of any reserved matters applications. This included details relating to 'stopping up' of the highway; parking arrangements; swept paths; junction visibility and road surfacing materials as well as other highway related considerations relevant to the development plots. The applicant has submitted a package of supporting information to address the requirements of the condition including 'stopping up' plans; external works plans; surfacing and edging plans; swept path plans and visibility plans.
74. Each development zone has its own unique arrangements in terms of parking, highway and car parking surfacing works and improvements to pedestrian footpaths. In brief these include:
75. Zone A: New and improved (widened) pedestrian footpaths including resurfacing works. Provision of four demarcated parking spaces for the 2x 2 bedroom dwellings (accords with Councils parking standards). An area of the highway is realigned to facilitate the development this will be resurfaced and will include a strip of block paving across the highway to delineate the development zone. Adjacent car parking courts are highlighted for future resurfacing works subject to funding.



76. Zone B1: Works in this zone will include the provision of seven demarcated parking spaces (replacing those lost to development and two for the development, accords with the Council's parking standards). Widened and resurfaced pedestrian footpaths and the access to existing parking courts realigned and resurfaced. The existing adjacent parking court highlighted to be resurfaced as part of future works dependant on future funding.
77. Zone B2: Access to adjacent parking court realigned and resurfaced along with provision of two new parking spaces for this zone, which accords with Council's parking standards. The adjacent parking court highlighted for future resurfacing works.
78. Zone D – This zone will see the provision of a new parking court and vehicular access (to replace those spaces lost to facilitate this development, 18 spaces) providing 10 parking spaces, two of which accessible spaces. An additional area of parking is also provided to the front of the new building which will incorporate a further seven spaces. There would therefore be a net loss of one parking space, plus the new development will generate requirement for two spaces. This level of parking provision is considered acceptable as surplus capacity across the estate as detailed at outline stage. An adjacent parking court is highlighted for future resurfacing works. Works proposed at the zone also include pathway widening and resurfacing.
79. Zone E1: Remainder of parking court, which is being developed for the new apartment building, will be resurfaced demarcating six parking spaces (approximately 10 spaces existing, not demarcated), two of the marked out spaces will be accessible spaces. Sufficient levels of parking in this area to accommodate net reduction in four spaces and two required for the development. Existing surrounding pavements to the zone will be resurfaced. Adjacent parking courts proposed for future resurfacing works dependant on funding.
80. Zone E2: Two new parking spaces provided for the development which complies with Council's parking guidance (one of which is an accessible parking space). Adjacent to the zone is a parking court area with unmarked parking spaces. Twenty four parking spaces will be demarcated following resurfacing works, four of which will be accessible spaces). Parking court accesses and pavements realigned and resurfaced.
81. Zone F: Resurfacing to surrounding footpaths and realigned footpaths to accommodate development. Parking provision for this zone (four spaces in total) to be located in existing parking court to the north-west side of the zone, currently not demarcated. Resurfacing works proposed to the highway in front of the new development. The parking court will be partly resurfaced as part of these works marking six spaces out with one accessible space. A further twenty one spaces

to be marked out as part of future works subject to funding, five of which will also be accessible spaces.

82. Zone G: - The existing parking court is not marked out but can accommodate circa. 10 spaces. Following development the remainder of the parking court will be resurfaced to provide seven demarcated spaces, two of which are accessible spaces. Two new spaces are to be created to serve the development accessed from the south side of the new building, parking provision acceptable for the development. Existing surrounding pavements to be resurfaced.
83. The LHA have reviewed the submitted information and have no objections in principle to the proposals. They have requested further information in relation to surface materials, tracking detail for Zone A and details on pedestrian pathway improvement works, an update on these matters will be included on the additional information report.
84. Condition 32 of the outline approval requires the submission of an updated Transport Assessment with the first reserved matters application. An updated Transport Assessment has been submitted as part of the application submission, there are no objections from the LHA. TfGM and National highways have also been consulted on the application proposals and have no comments to make.
85. Condition 33 of the outline approval requires details of secure cycle parking to be provided. The applicant has provided a summary of the cycle parking provision for each development zone which will involve the provision of a shed for each individual residential unit at each zone which can accommodate a minimum of two bikes securely. There are no objections from the LHA regarding the cycle provision.
86. Condition 38 of the outline approval required submission of a Construction and Environmental Management Plan. The LHA have reviewed the submitted document and have no objections to the detail therein.
87. Condition 39 requires the submission, as part of any reserved matters application, of a scheme detailing the closure of any alleyways and footpaths. The applicant has provided plans detailing 'stopping up' details of highways as part of the proposed works. The LHA have raised no objections to the submitted details.

#### Conclusion on access, highways and parking

88. There are no adverse impacts identified with regards traffic generation, parking and wider access for both pedestrian and vehicular traffic. It is concluded that the proposed development would have an acceptable highway impact having regard to Core Strategy Policies L4 and L7 and the NPFF.

## DRAINAGE & FLOODING

89. The Policy L5.13 of the Trafford Core Strategy states that *'Development that has the 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'*. The policy goes on to state at L5.16 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 159 has similar aims, seeking to ensure that development in high risk areas of flooding is safe without increasing flood risk elsewhere.
90. The application site is located within a Critical Drainage Area as specified within Trafford Council's Strategic Flood Risk Assessment. Reference to the Environment Agency Flood Zone maps would suggest the majority of the site is within Flood Zone 1.
91. Condition 44 of the outline approval requires submission of a sustainable surface water drainage scheme and foul water drainage proposals. The applicant has provided an updated drainage strategy with associated drainage plans for each development zone. The LLFA have considered the proposals and have raised no objection.
92. United Utilities have been consulted on the drainage proposals. They had initially raised objections to Zone A proposals as there was no control unit for surface water discharge rate. The applicant has subsequently provided the relevant information regarding the discharge rate and revised plan for Zone A which is now acceptable to United Utilities.

## TREES & LANDSCAPING

93. Policy R3 of the Core Strategy seeks to protect and enhance the Boroughs 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.
94. Each of the development zones will be subject to both soft and hard landscaping works. The applicant has submitted individual landscaping plans for each zone, which involves consistent details of soft and hard landscaping to be replicated across the zones.
95. In terms of soft landscaping proposals the applicant has provided planting schedules for each zone, which include at least one tree at each zone which will include Wild Cherry; Rowans and Empress trees (some with additional trees) and

shrub and ornamental planting along with privet hedge planting mainly to the front of properties with lawned areas as detailed on plans. Hard landscaping proposals will include textured concrete paving around the buildings and side and rear boundary fencing close comprising board timber with trellis top (2.1m in height). A number of the plots have indicated that 2.1m high fencing would be proposed adjacent to public footpaths/parking courts. The applicant has been advised that these areas should include boundary walls constructed in brick rather than timber fencing. In addition some low level fencing has been proposed to the front of dwellings, the applicant has been advised this should be omitted in lieu of low level railings all of which reflects boundary treatments as approved as part of phase 1 works. The applicant has agreed to these changes and will provide updated plans to reflect this accordingly. An update will be provided on the additional information report.

96. Condition 35 of the outline approval requires details of play and seating areas with associated landscaping works.
97. The applicant has provided details of a new play area to be located in an area of existing grassed amenity space located to the rear of 20-23 Haydock Avenue, the area was indicated on the parameters plan approved at outline as an area for new play space. Details of the play equipment have been provided and are relatively low-key but include stepping logs; balance beams timber logs; an embankment slide and wobble boards to name but a few.
98. The submitted plan for this area (Lingfield and Haydock Neighbourhood) also details wider landscaping improvements to existing areas of mainly low quality landscaping. These improvements would include tree planting (carried out by City of Trees) and includes Silver Birch, Rowan Wild Cherry and other native broadleaves); mixed bulb and ornamental planting, wildflower meadow mixes and a new pedestrian footpath connection onto Haydock Ave (near to 28 Haydock Ave) from an area of grassed amenity space. New privet hedging is proposed to some of the garden boundaries of properties facing towards the area of play. The applicant has also provided an open space and play area maintenance strategy.
99. Similar tree planting and soft landscaping works are proposed around the Catterick Avenue area and will also include some low level fencing around a car parking court and new public seating/benches.
100. Towards the north end of the estate the same soft landscaping proposals are detailed throughout various areas of existing low quality grassed areas. Three new public benches are located along the main pedestrian footpath which extends from adjacent to the Brigadier Public House on Firs Way to the car parking area beside Sale West Community Centre.

101. Condition 45 of the outline approval requires the submission of an updated arboricultural impact assessment and statement. The applicant has provided an updated plan and statement for Zone F which had detailed the removal of a large Ash tree (T396). Subsequent changes to the development proposed at this plot means that this tree can now be retained. A further tree at this zone is to be removed as it is dead (T390).
102. The Councils tree officer has been consulted on the proposal and has raised no objections.

#### Conclusion on trees & landscaping

103. Having regard for the site specific landscaping proposals and the wider landscaping, tree planting and environmental improvements throughout the estate it is considered the proposals are appropriate and will deliver green infrastructure compliant with policies R3 and R5 of the Core Strategy.

#### ECOLOGY & BIODIVERSITY

104. Policy R2 of the Core Strategy seeks to protect and enhance the landscape character, biodiversity, geodiversity and conservation value of its natural urban countryside assets and protect the natural environment throughout the construction process. Policy R2 is considered to be compliant with the NPPF and therefore up to date as it comprises the local expression of the NPPFs emphasis on protecting and enhancing landscapes, habitats and biodiversity. Accordingly, full weight can be attached to it in the decision making process.
105. Paragraph 174 of the NPPF identifies that planning decisions should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity. Paragraph 180 of the NPPF advises that if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated or, as a last resort, compensated for, then planning permission should be refused.
106. The applicant as part of the estate wide application (100206/HYB/20) had submitted an Extended Phase 1 Habitat Survey which covered phase 1 and phase 2 of the development. In summary the survey established that there were no protected species identified throughout the wider site. Suitable trees across the site were noted which could accommodate nesting birds. If any trees were to be removed during bird nesting season then a suitable survey must be undertaken.
107. The habitat survey report had recommended that to increase bio-diversity of the site that where practical, native tree and shrub species should be planted and that a sensitive lighting scheme be implemented along the adjacent woodland

(Sale West Park) in order to protect the potential bat foraging and commuting habitat.

108. GMEU have considered the current proposals and have raised no objections. They recommend a condition in relation to nesting birds, securing replacement planting and an informative regarding removal of identified invasive species which was included on the original estate wide approval will also be included on this application.

#### Conclusion on ecology and bio-diversity

109. Given the low ecological value of the estate site the proposed comprehensive landscaping improvements and tree planting across the wider site will result in a biodiversity net gain, compliant with Policy R2 of the Core Strategy and the NPPF.

#### EQUALITY ASSESSMENT

110. Policy L7.5 of the Core Strategy requires that development should be fully accessible and usable by all sections of the community and Paragraph 130 of the NPPF reinforces this requirement by requiring planning decisions to ensure that developments create places that are safe, inclusive and accessible.
111. Under the provisions of the Equality Act 2010, specifically Section 149 Public Sector Equality Duty (PSED), all public bodies are required in exercising their functions to eliminate discrimination, advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and foster good relations. Having due regard for advancing equality involves: removing or minimising disadvantages suffered by people due to their protected characteristics; taking steps to meet the needs of people from protected groups where these are different from the needs of other people; and encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low. The relevant protected characteristics of the PSED include age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex and sexual orientation. The PSED applies to Local Planning Authorities in exercising their decision making duties with regards planning applications.
112. The applicant has been approached regarding the provision of lifts in the proposed apartments. The applicant has advised that the provision of lift access in these apartments would present difficulties with regards adequate space for their installation. They advise, this would impacting upon living space within the dwellings all of which currently meet NDSS and that the size of the buildings are restricted given the nature of these infill sites. Further to this viability has been flagged as an issued given that all units are granted funded to provide a Social Rent tenure. The apartments are small buildings, the majority only comprising

two residential units one on each floor. Proposals for the ground floor apartments aims to provide accessible apartments for wheelchair users

113. The proposals for phase 2 will deliver new residential development with new dwellings having level access, gently sloping or ramped access where necessary on approach. The application as submitted detailed that the ground floor areas of the apartments would achieve building regulations Approved Document M4(2) Category 2 'Accessible and Adaptable Dwellings'. Following discussions with the applicant, they are currently considering making the ground floor apartments M4(3) Category 3 'Wheelchair user Dwellings' an update on this matter will be provided on the additional information report. The landscaping improvements throughout the estate will improve surfaces to pavements and access throughout for all users.
114. Accessible parking spaces have been detailed at five of the eight development zones, with future works dependant on funding for improvements to car parking courts including demarcating further accessible spaces. Following discussions with the applicant they are now reviewing the three development zones with no accessible parking demarcated, in order to make the provision, an update on this will be provided on the additional information report. No dwelling houses are being demolished to facilitate the development and therefore no residents are being decanted from accommodation. The development will deliver modern residential accommodation with significant improvements to the estate in the form of landscaping and infrastructure that will be accessible to all. There have been no objections received from any protected group regarding the proposed development.
115. It is considered therefore on balance that the development will provide satisfactory provision for protected groups and the requirements of Policy L7.5 would be met.

#### Other Matters

116. Condition 29 of the outline approval requires submission of a phasing scheme which details the sequence in which various land parcels will be developed/brought forward. The applicant has provided a phasing plan which details five phases of development. Phase 1 79 homes is currently under construction 2020-2023; Phase 2 which comprises this application 18 homes 2022-2024; Phase 3 60x bed extra care facility, 18 unit apartment block, 11 individual dwellings, 1 bungalow 2023-2025). Phases 4 & 5 relate to redevelopment of the Sports & Community Centre and other estate works with a timeframe to be confirmed, with discussions currently underway with Trafford Council who would be involved with these works. The submitted details are considered satisfactory for the purposes of condition 29.

117. Condition 43 of the outline approval requires the submission of a waste management strategy with any reserved matters applications that include layout and/or landscaping. The applicant has provided details of bin storage areas within each development zone and that bins would be presented street side on collection days. The Councils waste management section have raised no objections to the proposals.
118. Energy Efficiency - The applicant has provided details of an Energy Strategy which it suggests that through a combination passive design and energy efficiency measures the development will fully comply with Part L of the Building Regulations. The measures adopted include: solar photovoltaic panels (south facing elevation) and a mixture of sustainable building design, a fabric first approach and renewable/low carbon energy systems will deliver thermally efficient accommodation that will reduce demand for energy and resist heat loss through conduction. As such the development is considered to be compliant with the provisions of Policy L5 of the Core Strategy and the NPPF.
119. Permitted Development Rights – Under the original planning approval for the site redevelopment a number of permitted development rights were removed which included extensions to dwellinghouses under Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended). Although only 2 x dwellinghouses are proposed as part of this application it is considered appropriate to include the same condition. The proposed apartment blocks do not benefit from works under Schedule 2, Part 1 (i.e extensions and alterations). It will be necessary however to ensure no inappropriate boundary treatments are erected within the curtilage of the site or additional vehicle accesses to ensure consistency with the initial planning approval across the wider estate. Therefore it is proposed within the same condition to prevent the erection of any boundary treatments and other means of access to a highway under Schedule 2, Part 2 (Minor Operations) as such works are not restricted by virtue of the site containing an apartment block.

## DEVELOPER CONTRIBUTIONS

120. This proposal is subject to the Community Infrastructure Levy (CIL) and is located in the moderate zone for residential development, consequently private market houses will be liable to a CIL charge rate of £40 per square metre and £0 for Apartments in line with Trafford's CIL charging schedule and revised SPD1: Planning Obligations (2014).
121. However developments that provide affordable housing can apply for relief from paying CIL on those affordable units. Subject to the relevant criteria being met, relief from paying CIL can be granted and there the CIL payments will be reduced according.



122. There are no other developer contributions required as part of these proposals. Matters relating to developer contributions were assessed at outline planning application stage and the viability case advanced by the applicant at that stage (which stated the redevelopment works at the estate would not be viable if contributions sought) was accepted.

## PLANNING BALANCE & CONCLUSION

123. 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.
124. As the application relates to new housing development (and the Councils housing related policies are out of date), it is necessary to assess the development against paragraph 11 d)(i) of the NPPF. It is considered that there are no protected areas or assets of particular importance related to this site which provides a clear reason for refusing the development. The proposed development will complement the wider estate redevelopment works for Sale West and will contribute towards the current housing land supply shortfall.
125. The proposed development is considered to be in accordance with the outline planning approval whereby details of access was submitted for approval and the principle of development in the specific development zones was accepted. The details that have been submitted with regards appearance, landscaping, layout and scale are considered to result in a scheme that will enhance the character of the area, create a pleasant area to live attracting new residents to Sale West in line with the phase 1 development. The development will include improvements to public areas of open space including an equipped play area along with improvements to public footpaths and existing parking courts. Additional landscaping is also proposed within the estate to enhance the built environment of the new dwellings and wider area.
126. The applicant has detailed that the provision of lifts within the apartments would have significant impacts on the living space provided within the proposed apartments. The nature of the sites as infill plots limits the amount of buildable floorspace within each plot. The applicant is committed to, as a minimum, providing M4(2) accessible and adaptable dwellings but as detailed above are now considering making all the ground floor apartments M4(3) standard making the apartments suitable for wheelchair users. It is preferable in most circumstances to achieve lift access to apartment buildings. However on balance it is considered that given the small size of these apartment buildings most of which only house two units, which are designed to assimilate into the street scene and sit along-side traditional two storey dwellings, the omission of lifts in this situation whilst not ideal is considered acceptable. Viability has also been raised with grant funding in place to provide social rented units. This also takes

into consideration the provision of the ground floor apartments to be accessible and adaptable dwellings as a minimum for wheelchair users.

127. All other planning matters have been assessed, including design, highways, amenity, landscaping, ecology, trees, drainage and contamination. No conflict with the development plan or the NPPF have been found in respect of any of these issues, which have been found to be acceptable, with, where appropriate, specific mitigation to be secured by planning condition. The application is therefore recommended for approval.

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

1. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans:-
  - Drwg No: 11284-AEW-XX-XX-DR-A-0710 Rev.9 – Phase 2 Location Plan
  - Drwg No: 11284-AEW-XX-XX-DR-A-0713 Rev.P4 – Zone A - Proposed Site Plan
  - Drwg No: 11284-AEW-B-XX-DR-A-0566 Rev.P2 – Zone A - House Type B – 2B4P - Elevations & Floor Plans
  - Drwg No: 11284-AEW-XX-XX-DR-A-0714 Rev.P2 – Zone A - Proposed Street Elevations
  - Drwg No: 11284-AEW-XX-XX-DR-A-0723 Rev.P8 – Zone B - Proposed Site Plan
  - Drwg No: 11284-AEW-R-XX-DR-A-0564 Rev.P3 – Zone B - House Type R – 1B2P – GA Plans
  - Drwg No: 11284-AEW-R-XX-DR-A-0565 Rev.P2 – Zone B – House Type R – 1B2P – GA Elevations
  - Drwg No: 11284-AEW-XX-XX-DR-A-0724 Rev.P4 – Zone B - Proposed Street Elevations
  - Drwg No: 11284-AEW-XX-XX-DR-A-0733 Rev.P10 – Zone D Proposed Site Plan
  - Drwg No: 11284-AEW-R-XX-DR-A-0567 Rev.P3 – Zone D – House Type R - 1B2P – GA Plans
  - Drwg No: 11284-AEW-R-XX-DR-A-0568 Rev.P2 – Zone D – House Type R – 1B2P – GA Elevations
  - Drwg No: 11284-AEW-XX-XX-DR-A-0734 Rev.P2 – Zone D – Proposed Street Elevations
  - Drwg No: 11284-AEW-XX-XX-DR-A-0743 Rev.P7 – Zone E - Proposed Site Plan
  - Drwg No: 11284-AEW-S-XX-DR-A-0569 Rev.P3 – Zone E Block 1 – House Type S – 1B2p – GA Plans
  - Drwg No: 11284-AEW-S-XX-DR-A-0570 Rev.P2 – Zone E Block 1 – House Type S – 1B2P – GA Elevations
  - Drwg No: 11284-AEW-R-XX-DR-A-0571 Rev.P3 – Zone E Block 2 – House Type R – 1B2P – GA Plans

- Drwg No: 11284-AEW-R-XX-DR-A-0572 Rev.P2 – Zone E Block 2 – House Type R – 1B2P – GA Elevations
- Drwg No: 11284-AEW-XX-XX-DR-A-0744 Rev.P3 – Zone E – Proposed Street Elevations
- Drwg No: 11284-AEW-XX-XX-DR-A-0753 Rev.P10 – Zone F – Proposed Site Plan
- Drwg No: 11284-AEW-T-XX-DR-A-0580 Rev.P4 – Zone F – Apartment Block Type T – 1B2P/2B4P – GA Plans
- Drwg No: 11284-AEW-T-XX-DR-A-0581 Rev.P4 – Zone F – Apartment Block Type T – 1B2P/2B4P – GA Elevations
- Drwg No: 11284-AEW-XX-XX-DR-A-0754 Rev P4 – Zone F – Proposed Street Elevations
- Drwg No: 11284-AEW-XX-XX-DR-A-0763 Rev P5 – Zone G – Proposed Site Plan
- Drwg No: 11284-AEW-S-XX-DR-A-0574 Rev.P3 – Zone G – House Type S – 1B2P – GA Plans
- Drwg No: 11284-AEW-S-XX-DR-A-0575 Rev.P3 – Zone G – House Type S – 1B2P – GA Elevations
- Drwg No: 11284-AEW-XX-XX-DR-A-0764 Rev.P2 – Zone G – Proposed Street Elevations

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

2. The residential apartments hereby approved shall only be used for the purposes of providing affordable housing within the social rented tenure (as defined by the National Planning Policy Framework Annex 2: Glossary, or such relevant policy of the Council adopted at the time) to be occupied by households or individuals who have a local connection to Trafford and are in housing need and shall not be offered for sale or rent on the open market. Provided that this planning condition shall not apply to the part of the property over which:- (i). a tenant has exercised the right to acquire, or any similar statutory provision and for the avoidance of doubt once such right to acquire has been exercised, the proprietor of the property, mortgagee and subsequent proprietors and their mortgagees shall be permitted to sell or rent the property on the open market.

Reason: To comply with Policies L1, L2 and L8 of the Trafford Core Strategy and the Council's adopted Supplementary Planning Document 1: Planning Obligations and the National Planning Policy Framework.

3. Notwithstanding any description of materials in the application, no above-ground construction works shall take place until samples and full specifications of all materials to be used externally on all part of the buildings hereby approved have been submitted to and approved in writing by the Local Planning Authority. The specifications shall include the type, colour and texture of the materials. The

samples shall include constructed panels of all proposed brickwork illustrating the type of joint, the type of bonding and the colour of the mortar to be used, with these panels available on site for inspection, and retained for the duration of the build. Development shall be carried out in accordance with the approved details.

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

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

Development shall proceed in accordance with the approved detailed façade schedule.

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

5. (a) The landscaping works shall be carried out in accordance with the approved details (either prior to the first occupation of the development hereby approved or within the next planting season following final occupation of the development), as specified on the submitted plans:-
  - Drwg No:2045-EXA-00-GF-DR-L-120 – Zone A General Arrangement
  - Drwg No:2045-EXA-00-GF-DR-L-110 Rev.A – Zone B General Arrangement
  - Drwg No:2045-EXA-00-GF-DR-L-130 Rev.A – Zone D General Arrangement
  - Drwg No:2045-EXA-00-GF-DR-L-140 Rev.A – Zone E General Arrangement
  - Drwg No:2045-EXA-00-GF-DR-L-150 Rev.E – Zone F General Arrangement
  - Drwg No:2045-EXA-00-GF-DR-L-160 Rev.A – Zone G General Arrangement
  - Drwg No:2045-EXA-00-GF-DR-L-220 Rev.A – Zone A Planting Plan
  - Drwg No:2045-EXA-00-GF-DR-L-210 Rev.A – Zone B Planting Plan
  - Drwg No:2045-EXA-00-GF-DR-L-230 Rev.A – Zone D Planting Plan
  - Drwg No:2045-EXA-00-GF-DR-L-240 Rev.A – Zone E Planting Plan
  - Drwg No:2045-EXA-00-GF-DR-L-250 Rev.D – Zone F Planting Plan
  - Drwg No:2045-EXA-00-GF-DR-L-260 Rev.A – Zone G Planting Plan
  - Drwg No:2045-EXA-00-GF-DR-L-620 – Zone A Details – Surface and Edging

- Drwg No:2045-EXA-00-GF-DR-L-610 – Zone B Details – Surface and Edging
- Drwg No:2045-EXA-00-GF-DR-L-630 – Zone D Details – Surface and Edging
- Drwg No:2045-EXA-00-GF-DR-L-640 – Zone E Details – Surface and Edging
- Drwg No:2045-EXA-00-GF-DR-L-650 – Zone F Details – Surface and Edging
- Drwg No:2045-EXA-00-GF-DR-L-660 – Zone G Details – Surface and Edging
- Drwg No:2045-EXA-00-GF-DR-L-621- Zone A Details - Boundaries
- Drwg No:2045-EXA-00-GF-DR-L-611 Rev.B – Zone B Details - Boundaries
- Drwg No:2045-EXA-00-GF-DR-L-631 – Zone D Details - Boundaries
- Drwg No:2045-EXA-00-GF-DR-L-641 – Zone E Details – Boundaries
- Drwg No:2045-EXA-00-GF-DR-L-651 – Zone F Details – Boundaries
- Drwg No:2045-EXA-00-GF-DR-L-661 – Zone G Details – Boundaries
- Drwg No:2045-EXA-00-GF-DR-L-710 – Zone B Details – Tree Pit
- Drwg No:2045-EXA-00-GF-DR-L-730 – Zone D Details – Tree Pit
- Drwg No:2045-EXA-00-GF-DR-L-740 – Zone E Details – Tree Pit
- Drwg No:2045-EXA-00-GF-DR-L-750 – Zone F Details – Tree Pit
- Drwg No:2045-EXA-00-GF-DR-L-760 – Zone G Details – Tree Pit
- Drwg No:2045-EXA-00-GF-DR-L-721 – Zone A Details - Planting
- Drwg No:2045-EXA-00-GF-DR-L-711 – Zone B Details - Planting
- Drwg No:2045-EXA-00-GF-DR-L-731 – Zone D Details - Planting
- Drwg No:2045-EXA-00-GF-DR-L-741 – Zone E Details - Planting
- Drwg No:2045-EXA-00-GF-DR-L-751 – Zone F Details - Planting
- Drwg No:2045-EXA-00-GF-DR-L-761 – Zone G Details – Planting
- Ridge Drwg No:SWP2-RDG-ZZ-00-DR-C-03002 Rev.P01 – External Works GA Zone “A”
- Ridge Drwg No: SWP2-RDG-ZZ-00-DR-C-03003 Rev.P01 - External Works GA Zone “B”
- Ridge Drwg No: 5017608-RDG-ZZ-00-DR-C-03004 Rev.P01 – External Works GA Zone “D”
- Ridge Drwg No: SWP2-RDG-ZZ-00-DR-C-03005 Rev.P01 – External Works GA Zone “E”
- Ridge Drwg No: SWP2-RDG-ZZ-00-DR-C-03006 Rev.P02 – External works GA Zone “F”
- Ridge Drwg No: SWP2-RDG-ZZ-00-DR-C-03007 Rev.P01 – External Works GA Zone “G”
- Ridge Drwg No: SWP2-RDG-ZZ-00-DR-C-03001 Rev.P01 – External Works GA Overview of Zones
- Drwg No:1987-EXA-00-XX-DR-L-606 Rev.P01 - Neighbourhood Hard Landscape Details
- Drwg No:1987-EXA-00-XX-DR-L-702 Rev.P01 – Neighbourhood Soft Landscape Details
- Drwg No:1987-EXA-01-XX-DR-L-119 Rev.C – Catterick Neighbourhood Plan
- Drwg No:1987-EXA-00-XX-DR-L-120 Rev.C – Haydock and Lingfield Neighbourhood Plan
- Drwg No:1987-EXA-XX-XX-DR-L-121 Rev.P01 – Northern Pedestrian Route Plan

- Play Equipment Document – Irwell Valley Housing Association – Sale West Play Areas (Playdale playgrounds) Scheme No: 23877/GTM.
- Irwell Valley Homes – Open Space/Play Area Maintenance Strategy

(b) Any trees or shrubs planted or retained in accordance with this condition which are removed, uprooted, destroyed, die or become severely damaged or become seriously diseased within 5 years of planting shall be replaced within the next planting season by trees or shrubs of similar size and species to those originally required to be planted.

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

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

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

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 Schedule 2, Part 2 (or any equivalent Order following the amendment, re-enactment or revocation thereof) (i) no gates, railings, walls, fences or other boundary treatments shall be erected within the curtilage of the approved building and (ii) no means of vehicular access shall be constructed within the curtilage of the approved building other than those expressly authorised by this permission, unless planning permission for such development has first been granted by the Local Planning Authority.

Reason. To protect the residential and visual amenities of the area having regard to Policy L7 of the Trafford Core Strategy and the National Planning Policy Framework.

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any equivalent Order following the amendment, re-enactment or revocation thereof) upon first installation the following windows:

- Zone B1: Ground floor kitchen and bedroom window and first floor 2x landing windows and kitchen on south-west facing elevation;

- Zone B2: Ground floor kitchen and bedroom window and first floor 2x landing windows and kitchen on south-west facing elevation;
- Zone E1: First floor 2x landing windows west facing elevation;
- Zone E2: First floor 2x landing windows and kitchen window, south facing elevation;
- Zone F: First floor kitchen window on north facing elevation (most eastern extremity) [Apartment T2.1 on floor plan Drwg No:11284-AEW-T-XX-DR-A-0580 Rev.P4];and
- Zone G: Ground floor kitchen and bedroom window and first floor 2x landing windows on east facing elevation

shall be fitted with, to a height of no less than 1.7m above finished floor level, textured glass which obscuration level is no less than Level 3 of the Pilkington Glass scale (or equivalent) and retained as such thereafter.

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

9. Prior to the first occupation of the development hereby approved, details of a balcony/privacy screen (no higher than 1.8m) to be installed at the following properties:-

- Zone E1: First floor west elevation; and
- Zone G: First floor east elevation

Shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details and thereafter retained.

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

10. No development or works of site preparation shall take place until all trees that are to be retained within or adjacent to the site have been enclosed with temporary protective fencing in accordance with BS:5837:2012 'Trees in relation to design, demolition and construction. 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.

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

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

12.The drainage for the development hereby approved shall be carried out in accordance with the following drainage strategy and plans:-

- Drainage Strategy - Ridge Job No: 5017608 – Drainage Planning Conditions Discharge – Application 100206/HYB/20 (10/02/2021).
- Ridge Drwg No: SWP2-RDG-ZZ-00-DR-C-01001 Rev.P02 – Drainage General Arrangement Zone A.
- Ridge Drwg No: SWP2-RDG-ZZ-00-DR-C-01002 Rev.P01 – Drainage General Arrangement Zone B
- Ridge Drwg No: SWP2-RDG-ZZ-00-DR-C-01004 Rev.P01 – Drainage General Arrangement Zone D
- Ridge Drwg No: SWP2-RDG-ZZ-00-DR-C-01005 Rev.P01 – Drainage General Arrangement Zone E
- Ridge Drwg No: SWP2-RDG-ZZ-00-DR-C-01006 Rev.P02 – Drainage General Arrangement Zone F
- Ridge Drwg No: SWP2-RDG-ZZ-00-DR-C-01007 Rev.P01 – Drainage General Arrangement Zone G

Prior to occupation of the proposed development, the drainage scheme shall be completed in accordance with the approved details and retained thereafter for the lifetime of the development.

Reason: To ensure a satisfactory form of development and to prevent an undue increase in surface water run-off and to reduce the risk of flooding having regard to Policy L5 and L7 of the Trafford Core Strategy and the NPPF.

13.The development hereby shall be carried out in accordance with the approved waste management strategy for each development zone as detailed in the following plans:

- Drwg No: 11284-AEW-XX-XX-P-A-522 – Zone A



- Drwg No: 11284-AEW-XX-XX-P-A-520 – Zone B
- Drwg No: 11284-AEW-XX-XX-DR-A-0735 Rev.P4 – Zone D
- Drwg No: 11284-AEW-XX-XX-P-A-524 – Zone E
- Drwg No: 11284-AEW-XX-XX-DR-A-0755 Rev.P3 – Zone F
- Drwg No: 11284-AEW-XX-XX-DR-A-0765 Rev.P3 – Zone G

The approved facilities shall be made available for use prior to the first occupation of the buildings within the relevant phase and shall be retained thereafter.

Reason: To ensure that satisfactory provision is made for refuse and recycling storage facilities, having regard to Policy L7 of the Trafford Core Strategy and the National Planning Policy Framework.

14. The development hereby approved shall be carried out in accordance with the details as contained within the Seddon Construction Ltd *Construction & Environmental Management Plan July 2022* and the details therein shall be adhered to for the duration of construction works across all development zones.

Reason: In order to minimise disturbance and nuisance to occupiers of nearby properties and users of the highway, having regard to Policy L4 and L7 of the Trafford Core Strategy and the National Planning Policy Framework.

15. The development hereby approved shall be designed and constructed in accordance with the recommendations contained within section three four of the submitted Crime Impact Statement Version B:04.03.20 2019/0744/CIS/01 and these measures shall be retained and maintained thereafter.

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

16. Other than the demolition of buildings and structures down to ground level, and site clearance works, no development shall take place until a remediation strategy in relation to contamination on site (in addition to the assessment provided with the planning application) has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be undertaken by competent persons and shall be submitted to and approved in writing by the Local Planning Authority before any development takes place other than the excluded works listed above. The submitted report shall include:

- i) an appraisal of remedial options and proposal of the preferred option(s) to form a remediation strategy for the site.
- ii) a remediation strategy giving full details of the remediation measures required and how they are to be undertaken
- iii) a verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy are complete and

identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

The development shall thereafter be carried out in full accordance with the approved remediation strategy before the first occupation of the development hereby approved.

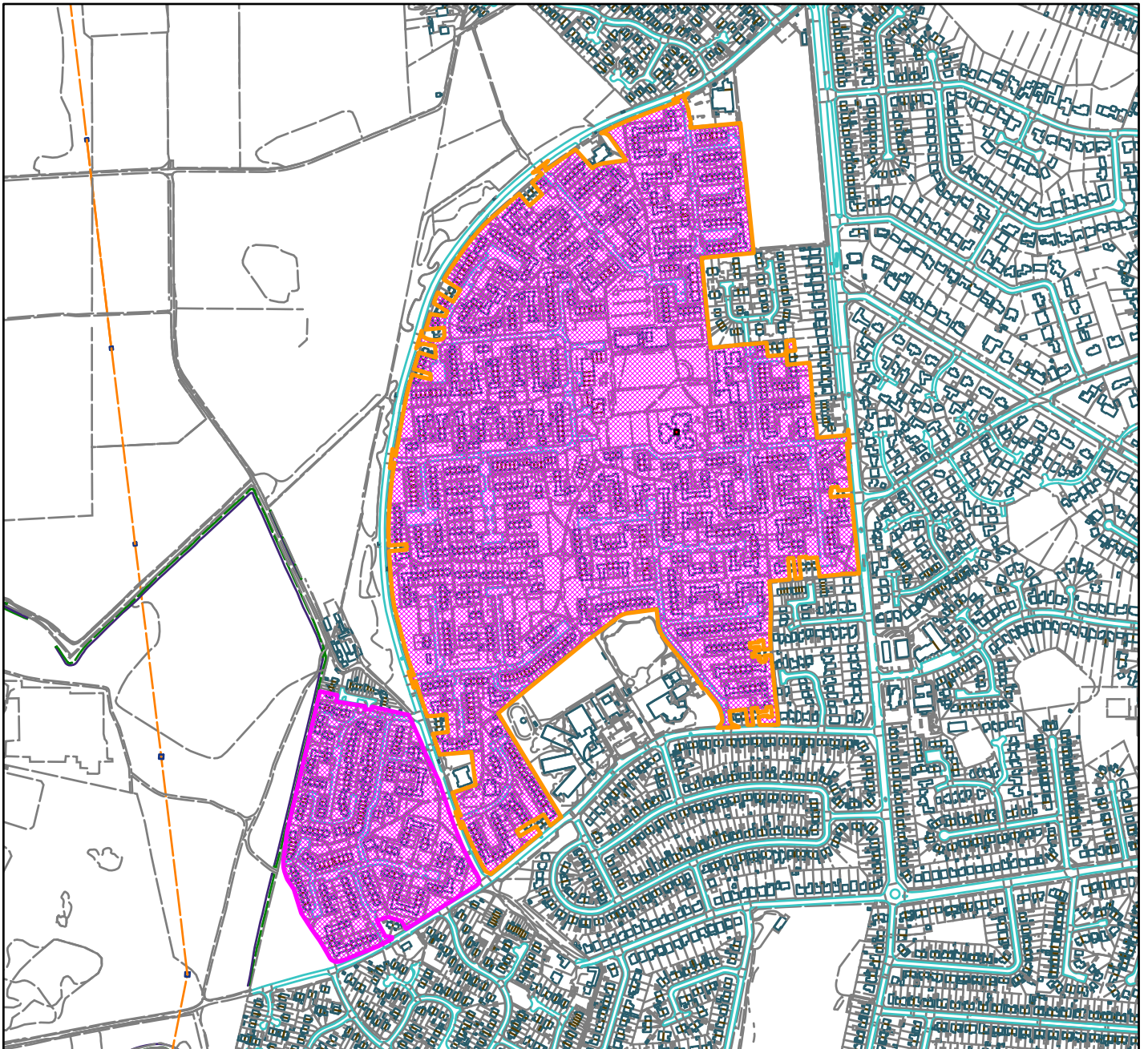
Reason: To prevent pollution of the water environment and to ensure the safe development of the site in the interests of the health of future occupiers in accordance with Policies L5 and L7 of the Trafford Core Strategy and the National Planning Policy Framework. The assessment is required prior to development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

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CM



Sale West Estate Bounded By Firs Way, Cherry Lane, Woodhouse Lane And Manor Avenue(site hatched on plan)



**Scale:** 1:8,234

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Organisation	Trafford Council
Department	Planning Service
Comments	Committee Date - 10/11/22
Date	31/10/2022
MSA Number	100023172 (2022)

**WARD:** Hale Central

**108288/FUL/22**

**DEPARTURE: No**

**Retrospective application for external seating area at roof level, glazed balustrade and associated structures**

Cibo Hale , 6 - 10 Victoria Road, Hale, WA15 9AF

**APPLICANT:** Mr Sejdiu

**AGENT:** Savills (UK) Limited

**RECOMMENDATION: REFUSE**

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**The application has been reported to the Planning and Development Management Committee as six or more representations from separate addresses have been received contrary to officer recommendation.**

**Executive Summary**

The application relates to a two / three storey Victorian building, which is situated on the eastern side of Victoria Road, on the southern corner of the junction with Lisson Grove. The site is located just within the boundary of Hale Village and lies within the Hale Station Conservation Area, where the building is classified as a 'positive contributor' within the Hale Station Conservation Area Appraisal. The site is also located within the setting of the Grade II Listed Hale Station buildings.

The application seeks retrospective planning permission for the creation of an external roof terrace to the front elevation, forming an extended dining area of the restaurant. The roof terrace comprises of a 3.11m high glazed canopy with steel framework and 1.1m high glass balustrade.

The proposal is considered to appear unduly prominent and significantly obscure the upper level of the building and therefore detract from the historical characteristics of the building and the significance that it plays within the conservation area. The proposal would therefore result in less than substantial harm to the aesthetic and historic significance of the landmark positive contributor building and the contribution that the site makes to the setting of the Hale Station Conservation Area. It is considered that there is no clear and convincing justification for this harm as required by paragraphs 200, 202 and 203 of the NPPF. Furthermore there are no heritage benefits arising from the proposals.

Considerable importance and weight has been given to the desirability of preserving the Hale Station Conservation Area and this character of the landmark positive contributor within it. The applicant has failed to identify public benefits of the proposals that would outweigh the “less than substantial” harm identified, of which it is considered to be in the “moderate” range of less than substantial (para 202 of the NPPF). The application of policies in the Framework that protect areas or assets of particular importance provide a clear reason for refusing the development proposed. The proposal would be contrary to Policies L7 and R1 of the Trafford Core Strategy and the Hale Station Conservation Area Appraisal and Management Plan. It is therefore recommended that the application is refused.

## **SITE**

The application relates to a two / three storey Victorian building, which is situated on the eastern side of Victoria Road, on the southern corner of the junction with Lisson Grove. The site is located just within the boundary of Hale Village (with Lisson Grove lying outside of the village centre boundary) and is located within the Hale Station Conservation Area. The building is classified as a ‘positive contributor’ within the Hale Station Conservation Area Appraisal. The site is also located within the setting of the Grade II Listed Hale Station buildings, which lie on the western side of Victoria Road. The surrounding area is mixed in character with commercial properties on Victoria Road and residential properties on Lisson Grove.

The application building was originally built as a residential property and is now occupied as a restaurant over two floors. The building was extended to the front at single storey in the early 20<sup>th</sup> Century and a single storey extension with a retractable roof to the side was recently constructed in 2020 (ref: 101313/FUL/20). There are further extensions to the ground floor of the premises which do not benefit from planning permission and are the subject of a more recent planning application, ref. 108807/FUL/22, which remains under consideration.

## **PROPOSAL**

The application seeks retrospective planning permission of the creation of an external seating area above the existing single storey flat roof to the front of the building. The proposal includes the provision of a 1.1m high glass balustrade along the front and 3.11m high glazed canopy with power coated steel framework over the resulting roof terrace. Access to the roof terrace has been created through the replacement of three existing windows with patio doors at first floor level.

The roof canopy structure has been decorated with driftwood style timber, moss and artificial leaves and flowers.

The roof terrace comprises of 10 tables. The applicant states that 40 covers are provided on the roof terrace.

### Floorspace

The increase in floor space of the proposed development would be 48m<sup>2</sup>. The increase in floor area would be external.

## **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

L7 – Design

R1– Historic Environment

W2 – Town Centres and Retail

## **OTHER LOCAL POLICY DOCUMENTS**

SPD5.11 Hale Station Conservation Area Appraisal (July 2016)

SPD5.11a Hale Station Conservation Area Management Plan (July 2016)

## **PROPOSALS MAP NOTATION**

Hale Station Conservation Area

Development in Town & District Shopping Centres

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

None

## **GREATER MANCHESTER SPATIAL FRAMEWORK**

Places for Everyone (PfE) is a joint Development Plan Document being produced by nine Greater Manchester districts (Bolton, Bury, Manchester, Oldham, Rochdale, Salford, Tameside, Trafford and Wigan). Once adopted, PfE will be the overarching development plan, setting the policy framework for individual district Local Plans. The PfE was published for Regulation 19 consultation from 9th August 2021 to 3rd October 2021 and was submitted to the Secretary of State for Levelling Up, Housing and

Communities on 14 February 2022. Independent Inspectors have been appointed to undertake an Examination in Public of the PfE Submission Plan and the hearings are scheduled to start in November 2022. Whilst PfE is at an advanced stage of the plan making process, for the purposes of this application it is not yet advanced enough to be given any meaningful weight, such that it needs consideration in this report.

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

The DCLG published the latest version of the National Planning Policy Framework (NPPF) on 20 July 2021. The NPPF will be referred to as appropriate in the report.

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

DCLG published the National Planning Practice Guidance on 6 March 2014, and was updated on 5<sup>th</sup> April 2022. The NPPG will be referred to as appropriate in the report.

### **RELEVANT PLANNING HISTORY**

There have been various applications relating to the site, the most recent and relevant to this application are: -

**108807/FUL/22** - Retrospective application for proposed use of ground floor area for external seating area, including associated structures – This application is currently under consideration.

**103732/FUL/21** - Application for the proposed use of the roof for external seating area, including ancillary development – Approved with Conditions 25.08.2021.

**101313/FUL/20** - Removal of 2no. parasols to the external terrace and replace with a "flat" retractable roof system formed from a steel framed structure, removal of existing timber fence and clad with a living wall inclusive of integrated irrigation system to the elevations of both Victoria Road and Lisson Grove – Approved with conditions 21.10.2020.

**99989/FUL/20** - Erection of a single storey side extension to encapsulate the existing outdoor terrace area works also include removal of the existing timber fence to Lisson Grove, and set back the fence line, to facilitate a new hedge to be planted to a height of 2m. Creation of a retractable roof over the current external area, to replace the existing parasols. Formation of a frontage to the retracting roof, and a slightly raised planting bed – Withdrawn 08.07.2020.

**99849/FUL/20** - Alterations to the roof to incorporate 3no. dormer windows to the front, and 2no. dormer windows to the rear roof slope. Extension to existing external emergency escape stairwell connecting the second floor to the first floor. Erection of a new rear glass canopy to the lift access door at ground floor level and erection of a new rear stone clad wall at ground floor – Withdrawn 08.07.2020.

**97046/FUL/19** - Erection of a single storey side extension to encapsulate the existing outdoor terrace area – Refused 09.08.2019 and dismissed on appeal 28.01.2020.

**95133/FUL/18** - Installation of bi-fold doors to replace existing shopfront and awnings – Approved with conditions 16.10.2018.

**95132/ADV/18** - Advertisement consent sought for 2no. matching internally illuminated fascia signs and 1 no. non-illuminated valance signage to run along awnings - Approved with conditions 16.10.2018.

**83484/VAR/2014** - Variation of condition 2 of planning approval H/46267 (change of use of ground floor from a mixed use of retail/hot food takeaway (Classes A1 & A3) to a use within Class A3 (restaurant/hot food takeaway) to allow earlier opening hours - Approved with conditions 03.10.2014.

**83170/FULL/2014** - Alterations to shopfront including new entrance doors, relocation of awnings and installation of external wall lights - Approved with conditions 12.08.2014.

**83222/AA/2014** - Advertisement consent for display of 2 no. internally illuminated fascia signs, new branding to relocated awnings, menu box and vinyl sign applied to glazing - Approved with conditions 12.08.2014.

**H/67888** - Variation of conditions 4 and 5 of planning approval H/64520 to allow amendment to car park access and layout and the provision of acoustic fencing on the rear, side and front boundaries of the car park and side patio area – Approved on appeal 28.01.2009.

**H/64520** - Erection of single storey rear restaurant and kitchen extension, extension to basement, external escape staircase to rear, three storey lift shaft and new bin store and compound to rear – Approved with conditions 25.07.2006.

**H/50167** - Change of use of first floor from offices to a restaurant - Approved with conditions 07.12.2000.

**H46267** - Change of use of ground floor from a mixed use of retail/ hot food takeaway (classes A1 & A3) to a use within class A3 (restaurant/hot food takeaway) - Approved on appeal - 09.03.1999.

### **APPLICANT'S SUBMISSION**

The applicant has submitted a supporting planning policy and heritage statement. The information within this document is discussed where relevant within this report.

In response to Officer's concerns about the proposal, the applicant has also submitted a further statements, which are summarised below: -



## Economic Impact

- If the application is not supported, the restaurant would need to close. The closure of a business that is a positive contributor to the District Centre would be detrimental to its vitality and viability, community, social and economic indicators that the planning system seeks to support.
- Cibo commenced its operations from the site in 2018 and whilst it was a popular venue, in 2020 it was considering closing the operation as a consequence of not being able to deliver sufficient covers to enable a viable business. In late 2020 an opportunity arose for Cibo to acquire the premises. Part of the rationale to purchase the building was for Cibo to reduce its direct monthly overheads in terms of rental payments, bring its headquarters to the premises further reducing its overheads and to enable it to expand the offering by converting office space at first floor in the building into restaurant space and converting the roof into a customer terrace. Significant investment has gone into the building.
- Conversion of the first floor alone would have only provided limited covers, providing a low quality dining experience, thus not attracting sufficient diners, resulting in insufficient covers for a viable business. The increase in covers from the terrace has allowed for a 40% increase in business. An additional 10% of covers arises from the use of the first floor.
- Since the terrace has opened, approximately 90% of guests request its use when booking. The terrace accommodates 840 covers per week, a significant contribution to the business and has resulted in the turnover of the site increasing by approximately 37.5% to ensure that there is now a viable business operation.
- If the roof terrace is not approved, resulting in the closure of the business, they would have to sell the property, which would not be easy and may not be able to bring the sale forward for at least three years due to commercial property values, further tarnishing the site as a failed contributor to the vitality, viability and prosperity of the District Centre and ensuring a long-term vacancy within it.
- The removal of the terrace and closure of the business would result in the loss of employment of 67 employees.
- The proposal is contained wholly on brownfield land within a highly sustainable and accessible location.

## Heritage

- The Conservation Area only exists because of the growth of centre as a place of commerce, service and community facilities. The proposal is a continuation of the requirements of commerce and service uses to ensure that vibrancy of the District Centre.
- Note that the building is a positive contributor in the Hale Station Conservation Area, however the overwhelming majority of buildings within the Conservation Area are also identified as positive contributors and thus it is the group of buildings that form the designation of the of the Conservation Area and not the individual buildings.

- The proposal has a positive impact on the heritage asset and creative response to support and expanding the operation of a local business, supporting the vitality and viability of the Hale District Centre.
- The proposal is near some Listed Buildings, but does not harm these heritage assets.
- The proposal ensures the optimal viable use of the building.
- The appearance of the design ties in well with surrounding green infrastructure and lessens the impact of built-form within the Conservation Area.
- The proposal will ensure the building maintains its prominence, to the benefit of the overall Conservation Area.
- Do not consider that the public benefits of the proposal are engaged, there are clear public benefits that arise from the proposal. There is strong support from the local community and a Ward Councillor.

### Design

- The proposal provides contemporary design, which also provides strong greenery features to fit in with the street scene as well as generating activity that contributes positively to place-making and the enhancement of centres. The proposal is refurbishment that delivers a high quality, beautiful and sustainable building.
- The host building is not very distinctive and does not have any historical significance. The building is 'hidden' on the approach along Ashley Road to the District Centre from the north west by the station building and is not visible until passing the station and its associated infrastructure that the building comes into view.
- Prior to the construction of the roof terrace, the building line was inconsistent with that of adjacent buildings, which is not a characteristic typically endorsed in urban design terms on low level buildings. The set back of the top floor means that it does not contribute to the activity of the streetscene and creates a 'dead' top frontage.
- The materials used are minimal and thus the proposal is not significant development intervention and does not create new gross external building space.
- The proposal re-uses the existing building, which reduces the environmental impact.

### Social Impact

- There are clear social benefits, promoting social interaction and promoting a strong neighbourhood centre and active street frontage; in turn creating a safe and well used urban area.
- The refusal would result in a boarded up location that would likely attract anti-social behaviour due to loss of natural surveillance and activity.

### **CONSULTATIONS**

**Heritage** – Full comments are discussed in the Observations section of this report. The key comments made are: - *“The current development comprises of a cantilevered glazed canopy supported on a black powdered coated steel frame. The canopy sits under the main eaves and extends slightly beyond the main gables. It is unclear from the submitted drawings how the structure is supported on existing masonry therefore further details are required. The terrace includes fixed seating with impermanent landscaping surrounded by a glazed balustrade on two sides.*

*The canopy, seating and landscaping obscure the upper floor of the landmark positive contributor. Whilst the landscaping softens the impact of the canopy, it does have the adverse effect of obscuring the upper floor of the positive contributor. The installation of the glazed balustrade will have a visual impact at first floor level. As demonstrated by the existing balustrade this has a reflective and distracting quality. These works in conjunction with the ground floor alterations diminish the landmark quality of the building and the contribution it makes to the street scene and wider Conservation Area. In accordance with para 195 NPPF; LPAs must take the significance of a heritage asset into account “when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset’s conservation and any aspect of the proposal”. It is noted that a scheme to provide a first floor terrace with a less harmful impact was approved under application 103732/FUL/21. Furthermore, an external terrace with a "flat" retractable roof system formed from a steel framed structure has already been approved under application 101313/FUL/20 which provides a covered outdoor seating area at ground floor.*

*The proposed development would cause moderate harm to the aesthetic and historic significance of 6- 10 Victoria Road and the contribution the site makes to Hale Station Conservation Area. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance (NPPF 199). LPAs are also required to avoid or minimise any conflict between the heritage asset’s conservation and any aspect of the proposal (para 195:NPPF). The applicant has not provided a clear and convincing justification for this harm as required by NPPF 200. It should therefore be weighed against the public benefits of the proposal in accordance with NPPF 202.”*

**Environmental Protection: Nuisance** - The applicant has not submitted an acoustic report or any noise mitigation measures to support the application proposals. They have concerns about the impact of noise from the elevated external seating area on residents of Millfield Court and possibly further afield. Request that the applicant looks into options such as a barrier / wall / fence on the Millfield Court / Lisson Grove side to protect occupants of Millfield Court in particular. Providing an acceptable scheme is provided, they request conditions relating to: hours of use, prohibition of music, the closure of windows and doors, restriction of numbers of seating to the external area, restriction to customers who are seated and waiter/waitress service, and the submission

of a noise management plan. Full comments are discussed in the Observations section below.

**LHA** – No objections subject to appropriate provision of refuse / recycling storage and cycle parking spaces. Full comments are discussed in the Observations section below.

## **REPRESENTATIONS**

54 representations of support have been received, of which 30 are from residents of Trafford and 5 from residents outside of Trafford. 16 of the representations received did not provide an address and/or a name. 6 of the representations are from addresses residents close to the application site, on Lisson Grove and Millfield Court, with all other representations made from people who are not directly impacted by the operations of the development. A summary of the comments received is provided below: -

- Adds a new dimension to the Hale District Centre.
- Adds new never seen before angles of the conservation area and will allow Hale to flourish.
- The materials used look fabulous and enhances the appearance of the building.
- The works are of a high standard and in keeping with the look and feel of the village.
- It is more of a new decoration and design, the image of the building has remained unchanged.
- The terrace compliments the other planting by Cibo on Lisson Grove and sympathetic to the Village appearance.
- It is well designed and respectful to the appearance of the village.
- Parasols and umbrellas in our climate would have quickly become damp and discoloured and look cheap. What we have is a clever and subtle use of glass and greenery that not only looks fantastic, but it allows the business to be carried on without any adverse noise affecting the residents of Lisson Grove.
- It has made Cibo a real destination venue, offering local constituents a vibrant and exciting location that is supportive of the village's rich heritage.
- Brings value to Hale, which is need as noticeable decline in footfall.
- It is currently the only gem in Hale village.
- The restaurant brings local people together.
- The previous building was tired and becoming an eye sore.
- It serves an impressive entrance to the village from Victoria Road or the station and is key to attracting people to the village.
- Do not want to see more units boarded up and empty.
- The restaurant is always busy, to remove the use of the roof dining area during cold/wet weather would really impact the business at a time when local establishments are already struggling.
- It creates an enjoyable area to sit, including those with sensory needs.
- The trees soften the look and help with privacy and noise reduction.
- We had an issue with diners looking down into our front garden, which has been resolved with some trees being put on the balcony.

- Residents of Lisson Grove have been in discussion with the applicant to ensure noise is kept to a minimum and privacy is maintained.

Not all representations provided reasons for their support.

A representation has been received from Councillor Young, supporting the application, which provide the following comments: -

- The design brings vibrancy to the Hale District Centre and is entirely appropriate in its setting.
- The treatment to the site is definitely different to other establishments in Hale and have noticed significant local support.
- Cibo is a well organised and reliable local business that supports employment within the local area and endeavours to improve the attractiveness of Hale.
- Cibo has turned a site that really struggled for years into a substantial contributor to the prosperity of the centre. This is particularly welcome at this moment when some other establishments in Hale are struggling to survive.
- The design is of high quality and address to the appearance of the local area and its conservation.
- It is a relief to look at the exuberant area of vegetation and understand it does not damage or alter the actual building other than the conversion of the first floor window into a door.
- The design does not conflict with objectives to support centres and provides good quality imaginative and attractive design and enhances and preserves our heritage.

1 letter of objection has been received from a resident of Hale, though a full address has not been provided. They state that they do not support the terrace for the following reasons: -

- They have not maintained the original look and style of the building, which is what they originally loved about Hale.
- They have not taken into consideration the residents who live close by.
- The excessive noise has increased due to the open terrace and it is quite disruptive.

## **OBSERVATIONS**

### **BACKGROUND**

1. In August 2021 planning permission was granted (reference: 103732/FUL/21) for the creation of a roof terrace above the existing single storey roof to the front elevation, including the erection of a 1.1m high glass balustrade, which would be situated behind a planting bed ranging between 0.64m and 0.93m deep. The application also approved the replacement of an existing window with patio doors that would provide access out onto the terrace. The roof terrace would accommodate up to 6 tables, providing 30 covers.

2. Following the granting of this consent, a roof terrace was erected on the site in April 2022, which did not comply with the approved plans of the extant consent. The resulting roof terrace is now the subject of this planning application.
3. The images below are extracts from the approved planning permission 103732/FUL/21 and the current proposed application to provide a visual comparison of the extent of the changes.

Approved



Proposed



4. The application site is also the subject of a second planning application (reference 108807/FUL/22), which has only recently been validated and is currently out to public and statutory consultation. That application is seeking retrospective planning permission for the use of the ground floor area of external seating, including the erection of a 3.4m high powder coated steel and glazed canopy and 1.52m high glazed fencing.

#### PRINCIPLE OF DEVELOPMENT

5. S38(6) of the Planning and Compensation Act 1991 states that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF at Paragraphs 2 and 47 reinforces this requirement and at Paragraph 12 states that the presumption in favour of sustainable development does not change the statutory status of the development plan as a starting point for decision making, and that where a planning application conflicts with an **up to date** (emphasis added) development plan, permission should not normally be granted.
6. 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 2021 NPPF, particularly where that policy is not substantially changed from the 2012 version.

7. 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.
8. Paragraph 11 c) of the NPPF indicates that plans and decisions should apply a presumption in favour of sustainable development which means approving development proposals that accord with an up-to-date development plan without delay.
9. Policies protecting designated heritage assets are considered to be 'most important' for determining this application when considering the application against NPPF Paragraph 11 as they determine the principle of the development. Policy R1 of the Core Strategy, relating to the historic environment, does not reflect case law or the tests of 'substantial' and 'less than substantial harm' in the NPPF. Thus, in respect of the determination of planning applications, Core Strategy Policy R1 is out of date in this respect. However, its primary focus, which is the protection of heritage assets, is aligned with the NPPF.
10. Although Policy R1 of the Core Strategy can be given limited weight, no less weight is to be given to the impact of the development on heritage assets as the statutory duties in the Planning (Listed Buildings and Conservation Areas) Act 1990 are still engaged. Heritage policy in the NPPF can be given significant weight and is the appropriate means of determining the acceptability of the development in heritage terms.
11. The application site lies within Hale Village Centre and as such the proposal is also considered against Policy W2 of the Core Strategy. Policy W2 of the Core Strategy is considered to be compliant with the NPPF and therefore up to date as it is generally consistent with the NPPF in supporting the growth of town centres and the role they play in local communities.
12. Policy W2.7 states that within Hale District Centre that *"there will be a focus on convenience retailing or an appropriate scale, plus opportunities for service uses and small-scale independent retailing of a function and character that meets the needs of the local community."* The proposal relates to a restaurant, which is set out as a town centre use in the NPPF. The proposed extension would provide an enhanced dining experience for part of the restaurant and therefore complies with the aims of Policy W2.

## IMPACT ON HERITAGE ASSETS AND DESIGN



13. The application site is within the Hale Station Conservation Area and within the setting of the Grade II listed Hale Station buildings, which are on the opposite side of Ashley Road.
14. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires Local Planning Authorities to pay, “special attention in the exercise of planning functions to the desirability of preserving or enhancing the character or appearance of a conservation area” in the determination of planning applications.
15. 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.”
16. A number of paragraphs with the NPPF under section 16 are relevant to this application, the most relevant are outlined below:
17. *“In determining applications, local planning authorities should take account of:  
a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;  
b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and  
c) the desirability of new development making a positive contribution to local character and distinctiveness.”* (Para 197)
18. *“When considering the impact of a proposed development on the significance of a designated heritage asset, **great weight should be given to the asset’s conservation** (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.”* (Para 199)
19. *“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”.* (Para 202)
20. *“The effect of an application on the significance of a non-designated heritage asset should 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”.* (Para 203)

21. *“Local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably”.* (Para 206)
22. Policy L7 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.* Policy L7 is up to date in NPPF terms.
23. Policy R1 states that: *All new development must take account of surrounding building styles, landscapes and historic distinctiveness. Developers must demonstrate how the development will complement and enhance the existing features of historic significance including their wider settings, in particular in relation to conservation areas, listed buildings and other identified heritage assets.*
24. The application site is situated within the Hale Station Conservation Area and so should be considered against the guidance set out in the Hale Station Conservation Area Appraisal (SPD5.11) and the Hale Station Conservation Area Management Plan (SPD5.11a). Policies 15, 31, 32 and 33 within the Plan are relevant in the consideration of this application, though Policies 6, 62 and 65 are considered to be the most important and relevant as it states:-

*Policy 6 - Ensure that adaptations to 21st century uses are sensitive to the historic character and appearance of the building; balancing the need for new facilities with the retention of original features, detailing and decorative materials.*

*Policy 62 - Any new development should be of high quality and should take inspiration from the established architectural styles within the Conservation Area. Appropriate features, materials and detailing are to be integrated into the design ... Modern design is not prohibited within the Conservation Area but should be: sympathetic to its historic context; have regard to appropriate siting; be of a high standard; of an appropriate scale and proportions; and use appropriate, high-quality materials.*

*Policy 65 - Buildings identified as positive contributors are not to be demolished, partially-demolished or substantially altered in any way that dilutes their contribution to the Conservation Area.*

## The Significance of the Designated Heritage Assets

25. Significance (for heritage policy) is defined in the NPPF as: *The value of a heritage asset to this and future generations because of its heritage interest. The interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset's physical presence, but also from its setting.*
26. Setting of a heritage asset: *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.*
27. The conservation area is formed around the area of Hale Station, which is a collection of Grade II listed buildings and the application site lies within the setting of these buildings. The buildings comprise:
- Passenger Footbridge
  - East Platform, waiting rooms and canopy
  - West platform building, canopy and (now defunct) signal box.
28. The listing descriptions for the above buildings are as follows:
- a) *Footbridge over railway line. 1880's for Cheshire Lines Committee Wrought and cast iron. Single-span bridge with flights of steps at right-angles to it. The bridge and steps rest on sets of 4 cast iron columns with crocket capitals. The bridge itself has structural wrought iron lattice work parapet walls, the walkway being timber. It was originally enclosed by a roof. (Listing NGR: SJ7698186938)*
- b) *Waiting rooms and platform canopy. 1880's for Cheshire Lines Committee Polychrome brick with stone dressings and slate roof: cast iron canopy with glazed roof. 3-bay single- storey waiting room, 7-bay hipped roof canopy. Stone plinth and eaves band and decorative brick eaves and window impost band. Doors in bays 1 and 4 and sash windows in the others all with brick arched heads. Cast iron canopy columns with crocketed capitals, spandrel brackets with arabesque decoration, hipped glazed roof and pierced wooden valance. (Listing NGR: SJ7698886913)*
- c) *Station. 1862 and 1880's for Cheshire Lines Committee Polychrome brick with stone dressings and slate roof. 5 bays, single-storey the gable taking the angle of Ashley Road and accommodating the signal box. The platform canopy extends 3 bays further to the north. Stone plinth band, advanced central doorway with shouldered lintel opening and jamb colonnettes. 4 windows each with brick arched heads, stone sills and sash windows. Fine ironwork canopy has columns with crocketed capitals, brackets with arabesque spandrel decoration, hipped glazed roof and pierced timber valance. (Listing NGR: SJ7697486907)*

29. The application site lies within Character Zone A: Central Retail Area of the Hale Station Conservation Area. The boundary of the Character Zone is drawn around the site and includes adjacent premises on Victoria Road. The application site adjoins Character Zone C: Suburban Villas, east which includes Lisson Grove and Millfield Court.
30. The application building is identified in the Conservation Area Appraisal as both a positive contributor and landmark building and is therefore identified as a non-designed heritage asset. SPD5.11 considers the building to be in good condition, and that it was likely to have been a 1900s residential dwelling that was converted to retail use as early as the 1930s. Stating “*The original house is of five bays with projecting double-height bays at either end, with large six over six sash windows and a rendered rear exterior. The ground floor shop projects out to the pavement edge and is in keeping with the character of the Conservation Area*” (section 5.2). Section 4.8.5 of SPD5.11 also states “*The bank and restaurant (Carluccio’s) on the corner of Victoria Road and Ashley Road just east of the station are strong visual landmarks when travelling each along Ashley Road*”. A vista looking south along Victoria Road including the site is also recognised in section 3.4 of SPD5.11. A former late 19<sup>th</sup> century residence (built as a pair of interlocking Cheshire semis), the building was extended with a single storey addition to the principal elevation during the interwar period. The extension links to 159 Ashley Road. Together the group of buildings address Ashley Road and Victoria Road in the heart of the Conservation Area. There is symmetry to the principal elevation of the building both at ground floor and first floor levels, this along with the orientation of the building results in a strong relationship with Victoria Road and the junction with Ashley Road. The upper floor and gable facing Lisson Grove provide some evidence of the former residential use.

#### Proposal and Impact on Significance and Character and Appearance

31. The application proposes the retention of a partially enclosed roof terrace, providing external seating above the existing single storey flat roof to the front elevation of the building. The roof terrace includes a 1.1m high glass balustrade (as measured from the floor level of the terrace) along the front elevation and 3.11m high glazed canopy over the resulting roof terrace. Access to the roof terrace has been created through the replacement of three existing windows with patio doors at first floor level.
32. The canopy structure comprises of a powder coated steel framework with glazed panels forming a roof over the seating area. The canopy has been decorated with driftwood style timber, moss, artificial leaves and flowers.
33. The application site has extant planning permission for the creation of a first floor roof terrace to provide an outside seating area for 30 covers (ref: 103732/FUL/21). The principle of a roof terrace to the building has thus been established and the main areas for consideration are therefore the impact of the

proposed larger roof terrace, including the erection of the canopy and siting of the glass balustrades and screens.

34. The proposed canopy in situ over the roof terrace has a maximum height of 3.11m from the floor level of the roof terrace and measures 6.63m deep and 14.8m wide. The canopy extends 1.25m beyond the northern first floor side elevation of the original building. The canopy therefore forms a significant structure that substantially obscures views of the original first floor architectural details of the front elevation of the building.
35. The extant planning permission (103732/FUL/21), includes the siting of a 1.1m high glass balustrade to the front and sides of the roof terrace. Unlike the glass balustrade proposed under the current planning application, it would be set back from the front parapet wall, with a planting bed ranging between 0.64m and 0.93m deep in front of it. It was considered under the previous application that the provision of landscaping in front of the glazed screens would help to soften their appearance and reduce the risk of reflection. This mitigation planting has not been provided under the current application and the balustrade is not set back from the front elevation, preventing such planting from being provided. The resulting effect is that the glazing is fully visible from the front, which has a reflective nature, particularly on bright days and six sets of seating areas and tables are fully visible from outside of the site, making the terrace more prominent.
36. It is noted that the framework of the canopy, which includes four supporting posts, has been substantially decorated on the posts and underside of the roof by driftwood style timber, moss and artificial leaves and flowers, which are positioned to give the appearance of trees. Whilst this decoration partially screens some of the supports and framework, they are not an integral part of the structure and could be easily removed, particularly as styles and fashion change and if the premises changed hands. The removal and also degradation of this decoration to the framework would result in the roof terrace and canopy appearing even more unduly prominent on the building, further increasing the harmful impact of the structure on the host building and the setting of the conservation area. The Council's Heritage Officer also notes that whilst the landscaping helps to soften the appearance of the canopy, it does have the adverse effect of obscuring the upper floor of the positive contributor. It is therefore considered that the planting and artificial planting to the canopy, whilst providing an attractive environment to sit in (as noted by representations received from customers), it does not mitigate against the harmful impact of the canopy to this positive contributor (non-designated heritage asset) and landmark building and the setting of the designated conservation area.
37. Notwithstanding the identified harm to heritage assets, the canopy is inappropriate on the grounds of its design alone. It is prominent in the street scene and out of character with the existing building and the surrounding area. It

is not appropriate in its context and conflicts with Policy L7 of the Core Strategy and guidance in the emerging Trafford Design Guide.

38. The applicant states that the business would have to close if the roof terrace was not permitted, which would have a detrimental economic and visual impact on the building and the vitality of the Conservation Area. This matter is addressed elsewhere in the report and will be addressed further in the Additional Information Report if further information is submitted to support this claim. Currently, however, only negligible weight can be given to the applicant's assertions that the business will need to close if planning permission is refused.
39. It is also recognised that the site has an extant planning permission for a roof terrace, which would have a significantly reduced visual impact on the building and the setting of the conservation area than the current proposals. The applicant states that parasols were not successful as they kept blowing over as well as not being visually attractive. The extant consent permits the use of parasols / umbrellas for up to 50% of the tables, which were then required to be removed during periods of when the roof terrace was not in use. This restriction was put in place in order to minimise the visual impact of the development on the building and the conservation area. The applicant has not provided evidence to show that parasols could not be sufficiently secured on the roof terrace. There are plenty of examples of parasols being used and effectively secured in windy locations, for example on the coast.
40. The National Planning Practice Guidance states that harmful development can be justified in realising the optimum use of a heritage asset, providing that harm is minimised. The approved proposal was also considered to cause limited harm, but to an extent where this harm was minimised and where the public benefits outweighed the harm. This proposal does not make any attempt to minimise the harm, and goes beyond the harm necessary to enable the continued use of the building as a restaurant.
41. A minimum distance of approximately 32m lies between the roof terrace and associated canopy and Hale Station, which comprises of a collection of Grade II listed buildings. This distance is across Victoria Road and the car park to the station. Officers, including the Council's Heritage Officer, consider that whilst the development does comprise of a large structure, which has a harmful impact on the appearance of the host building and key views along Victoria Road and Ashley Road, the development does not adversely impact on the appreciation of the group of listed buildings at Hale Station and would not cause harm to the designated heritage assets.
42. The proposed development also includes the replacement of three windows, positioned centrally on the front elevation at first floor level with patio doors, providing access out on to the proposed roof terrace. The proposed doors are of the same design as the windows they have replaced, maintaining the same

width as the existing window openings. It is also acknowledged that the central door was approved under the extant planning permission (103732/FUL/21). It is therefore considered that the replacement of the windows with patio doors is acceptable and does not substantially detract from the character of the appearance of the positive contributor as the original bay windows would remain.

43. Furthermore, Officers do not agree with the applicant's argument that the use of parasols would not be visually attractive. It is considered that the use of a limited number of parasols to the roof terrace would have a substantially less visual impact on the building than the proposed canopy as they are a temporary feature that would be closed and removed at certain times, unlike the canopy which is a solid permanent structure.
44. Representations from neighbouring residents and customers of the restaurant which support the appearance of the terrace and canopy are noted. Officers do not agree that the structure is in keeping with the character of the Hale Village centre and conservation area as a whole. The predominant character of the conservation area is of brickwork at first floor level, with some buildings also containing areas of painted render. A large metal structure with extensive glazing at first floor level is therefore not reflective of or in keeping with the character of the conservation area.
45. A number of public benefits arising from the proposal have been identified by the applicant and by those writing in support of the application as follows:-
- Ensures that the restaurant can remain open, thus retaining 67 jobs.
  - It attracts visitors to Hale, which in turn benefits other local businesses.
  - It has made Cibo a real destination venue, offering local people a vibrant and exciting location.
  - It generates activity that contributes positively to place-making and the enhancement of centres.
  - A refusal, resulting in the closure of the restaurant would result in a boarded up location that would likely attract anti-social behaviour due to loss of natural surveillance and activity
  - The proposal will ensure the building maintains its prominence, to the benefit of the overall Conservation Area.
  - It creates social benefits through promoting social interaction and a strong neighbourhood centre and active street frontage; in turn creating a safe and well used urban area.
  - The restaurant brings local people together.
  - It creates never seen before angles of the conservation area.
  - It creates an enjoyable area to sit, including those with sensory needs.

46. Officers have weighed these public benefits against the harm caused to designated and non-designated heritage assets. The NPPF and the statutory heritage duties require great weight to be given to a heritage asset's conservation. It is considered that the harm caused to heritage assets significantly outweighs the public benefits of the proposal, which are not nearly as compelling, particularly given the negligible weight which can be afforded to the potential closure of the business.
47. It is recognised that a substantial number of representations have been received in support of the proposal, including a petition provided by the agent with over 100 hundred included. However, local opposition or support for a proposal is not in itself a ground for refusing or granting planning permission, unless it is founded upon valid material planning reasons. It is not the number of representations in support which is critical to the weight to be given to them but their content. Letters of support do not in themselves demonstrate public benefits. It is also noted that many of the letters of support have been submitted late in the consideration of the application, following a social media campaign.
48. The proposed development would therefore be contrary to Policies L7 and R1 of the Trafford Core Strategy, the Hale Station Conservation Area Appraisal and Management Plan and advice contained within the National Planning Policy Framework. .

#### VITALITY AND VIABILITY OF THE DISTRICT CENTRE

49. The site is within Hale District Centre. Hale District Centre is the largest of the three district centres in Trafford. It features a number of independent retailers and the centre is focused around leisure service with convenience and comparison goods provision also catered for.
50. Policy W2.7 of the Core Strategy identifies Hale as a district centre within which there will be a focus on convenience retailing of an appropriate scale, plus opportunities for service users and small scale independent retailing of a function and character that meets the needs of the local community.
51. Paragraph 85 of the NPPF states that planning policies decisions should support the role that town centres play at the heart of local communities by taking a positive approach to their growth, management and adaptation.
52. A survey on existing retail provision within Hale was undertaken in October 2018. The survey results identified that there are 109 units located within Hale district centre which accounts for 15,624sq.m of commercial floorspace. The vacancy rate was recorded as being 12.4% of total commercial floorspace and 11% of all units. The survey identified 12 vacant units, which had increased from the 5



vacant units out of a total of 100 units in 2007 (Previous Trafford Retail and Leisure Study 2007).

53. Despite the impacts of the pandemic, there has been little change to the vacancy rate in Hale District Centre since 2018 and it remains a diverse and well used centre with a number of high-end leisure uses. It is acknowledged that some premises, such as the former Cheshire Midland PH, have closed down, but others have opened, such as Gupshup. The current vacancy rate is considered not to be as a result of any underlying issue in respect of vitality and viability of Hale District Centre. The vacancy rate is not especially high, and there are other factors, such as the range of businesses, the existence of an evening economy, and the balance between independents and multiples which also contribute to a centre's vitality and viability.
54. The applicant has stated that if planning permission is not granted for the roof terrace then this will make the business unviable and it will be forced to close. This is based on information in the updated Planning Statement that the terrace accommodates 40 covers and the introduction of the terrace increased turnover by 37.5%. In planning terms, the potential closure of the business needs to be considered in terms of its impact on the vitality and viability of Hale District Centre, not any personal impact that might have on the applicant, or inconvenience to his customers.
55. The submitted plans show a total of 28 covers on the external terrace and a further 28 covers inside the first floor of the restaurant, whereas the Planning Statement references 40 covers on the external terrace and a further 10% inside (officers are clarifying whether this is 10% of the total covers, or 10% of the terrace). In planning terms, officers would not normally be concerned with the specific number of covers in a restaurant, and would take any internal layout as indicative. However, this becomes relevant and material once the applicant states that a certain number of covers are required to make the business viable, and that the closure of the business would be necessary if planning permission were refused. The number of covers on the submitted plans and the number of covers the applicant states are on the external roof terrace are contradictory. The fewer covers on the submitted plans would have proportionally less impact on the viability of the restaurant. The applicant has been asked to clarify this point.
56. The updated Planning Statement further makes a number of un-evidenced statements about closure, and where figures are given they cannot be meaningfully compared to any benchmark in terms of profitability or turnover so that it is extremely difficult to come to a conclusion on whether there would be a real threat to the viability of the business. It also uses as a baseline for comparison of viability of the business a position where the terrace cannot be used at all – which is not the correct baseline as there is an extant permission for the use of the outdoor terrace. Currently, on the information submitted, officers cannot have any confidence at all that the business will not be viable without the roof terrace and will be forced to close. There are numerous restaurants in the

area which operate viably and successfully with 100 covers or fewer. The applicant's reference to the potential closure of the business can therefore only be given negligible weight in the planning balance. Nevertheless, further information has been requested from the applicant and this matter will be revisited in the AIR.

57. However, regardless of whether further information is submitted to support the statements about closure of the business, there is an important principle to be considered. Subject to clarification, it is understood that there are 140 covers in the restaurant, of which a number (c.60) rely on unauthorised development, including the area on the ground floor which is subject to the recent further application under consideration. If the applicant's business plan assumes a greater number of covers than could be lawfully accommodated at the site, with the necessary consents, then this is a risk that he has chosen to take. The Local Planning Authority should not be held to ransom over or be expected to mitigate a developer's risk through a grant of planning permission for otherwise unacceptable development. This is an argument that could be repeated by every business as a means of trying to secure a planning permission that might not otherwise be forthcoming.

#### IMPACT ON RESIDENTIAL AMENITY

58. Policy L7 requires new development to be compatible with the surrounding area and not to prejudice the amenity of the future occupiers of the development and/or occupants of adjacent properties by reason of overbearing, overshadowing, overlooking, visual intrusion or noise and/or disturbance.

59. 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.

60. Residential houses and apartments lie to the north of the site on Lisson Grove and within Millfield Court, which overlook the northern side elevation and boundary of the site. Residential houses on Lisson Grove also lie to the rear (east) of the site.

61. A minimum distance of approximately 23m lies between the proposed roof terrace and Millfield Court. This distance is across the highway of Lisson Grove. Whilst it is noted that the Council's Environmental Health Officer (EHO) has recommended that options such as a barrier/wall/fence is provided on the northern-elevation of the proposed roof terrace is provided to protect the occupants of Millfield Court, it is considered that such an addition would have a significant visual harmful impact on the building, which is a landmark positive contributor within the conservation area and would be harmful to the setting of the conservation area overall. It is noted that no letters of objection have been received from the residents of Millfield Court or Lisson Grove. It is considered that through the implementation of conditions (should Members chose to approve

the application) restricting the hours of use of the roof terrace to between 09:00 and 20:00 on any day, restricting the number of tables and covers and preventing external music and restricting music levels from within the restaurant whilst the roof terrace is in use, in line with the EHO's recommendations, the proposed development would not result in undue noise and disturbance to neighbouring residents. Further in line with the EHO's recommendations, a condition could also be attached requiring the submission of a noise management plan.

62. It is noted that such conditions, including hours of use, are in line with the conditions previously attached to the planning permission relating to the existing single storey extension, which includes a fully retractable roof that lies to the northern side elevation adjacent to Lisson Grove.

63. It is noted that the EHO also recommended that the tables on the roof terrace where restricted to use by customers who are seated with waiter/waitress service only. It is considered that a planning condition of this nature would not meet the tests of lawfulness as it would be unenforceable. It is also recognised that the restaurant also benefits from external seating at ground floor, which is not restricted in this way and that through the conditions outlined above, it is also considered that such a condition is not necessary.

64. The EHO also recommended a condition restricting doors and windows at first floor level to be closed outside the hours of 09:00 and 19:00 daily. It is considered that this condition would not be reasonable or necessary in this instance as the existing restaurant at first floor level is not restricted in this way. Additionally, the proposed first floor door would have limited use outside of the hours of 09:00 and 20:00 as the roof terrace would not be open and it is noted that the windows to the seating area at first floor would be on the front elevation, facing out towards the commercial area of Hale and not the residential street of Lisson Grove and neighbouring Millfield Court.

65. It is therefore considered that with appropriate conditions in place, should Members decide to grant planning permission for the proposed roof terrace, that the proposal would not result in undue noise and disturbance to neighbouring residents.

## HIGHWAYS AND PARKING

66. Core Strategy Policy L4 states: [The Council will prioritise] the location of development within the most sustainable areas accessible by a choice of modes of transport. Maximum levels of car parking for broad classes of development will be used as a part of a package of measures to promote sustainable transport choices.

67. In regards to cycle and car parking standards, Policy L4 is considered to be consistent with the NPPF in making efficient use of land and providing sustainable development.
68. Core Strategy Policy L7 states: In relation to matters of functionality, development must incorporate vehicular access and egress which is satisfactorily located and laid out having regard to the need for highway safety; and provide sufficient off-street car and cycle parking, manoeuvring and operational space.
69. SPD3: Parking Standards and Design for Trafford states that the proposal would generate the need for an additional six car parking spaces. The application does not include the creation of any additional car parking provision within the site, however, the site is located within a sustainable location, a short walking distance from Hale train station, close to public car parks and bus stops. The LHA therefore raises no objections to this shortfall in car parking provision.
70. SPD3 also states that the proposal would generate the need for the provision of two cycle parking spaces. It is considered that the site could accommodate this within the rear car parking / service area and should planning permission be granted, a condition could be attached requiring the provision of a minimum of two additional secure cycle parking spaces within the site.
71. Whilst the LHA notes that details of servicing arrangements have not been submitted with the application, the proposal relates to the creation of an external seating area at first floor level above the existing single storey extension. The proposal would not impede the storage or movement of the refuse / recycling arrangements on the site or deliveries to the site.
72. It is therefore considered that the proposed development is acceptable on highways grounds.

## EQUALITIES

73. The Equality Act became law in 2010. Its purpose is to legally protect people from discrimination in the workplace and in wider society. The Act introduced the term 'protected characteristics', which refers to groups that are protected under the Act. These characteristics comprise: age, disability, gender reassignment, marriage and civil partnerships, pregnancy and maternity, race, religion or belief, sex/gender, and sexual orientation.
74. As part of the Act, the 'public sector equality duty' came into force in April 2011 (Section 149 of the Act), and with it confirmed (via Section 19 of the Act) that this duty applies to local authorities (as well as other public bodies). The equality duty comprises three main aims: A public authority must, in the exercise of its functions, have due regard to the need to:

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

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

76. The premises has a lift serving the first floor, with access to the lift coming from the car park to the rear of the building. At ground floor there is a step into the main entrance, however given the design of the ground floor there is alternative level access into the ground floor, with an accessible toilet provided at ground floor as well. It is considered that the premises provides a good level of accessibility for all, with no other specific benefits or disbenefits have been identified to any other protected group.

77. The equalities impacts of the proposals are considered to be acceptable

## OTHER APPLICATIONS

78. Other planning applications that are located near to the site that are relevant to the consideration of this application are: -

### 169-171 Ashley Road (Victors)

**91975/FUL/17** - Erection of first floor extension following removal of existing roof and replacement of fixed glazing and retractable roof with external raised terrace to rear.

This application was withdrawn by the applicant in December 2017. The proposal included the erection of a first floor glazed enclosure to the front elevation. The proposal was not considered acceptable by Officers on design grounds and viewed to detract from the setting of the conservation area.

### 199 Ashley Road (Gupshup)

**94319/FUL/18** - Change of use from a Bank (Use Class A2) to a Restaurant (Use Class A3). Erection of a part single/part two storey rear extension following demolition of the existing brick store. Creation of an external seating area to the front with planters. Creation of a first floor front terrace area with glass balustrade. External alterations to include new windows alongside new ventilation and condenser units.

This application was approved by the Planning Committee with conditions in August 2018. The proposal included the creation of an external seating area at first floor level to the front elevation, including the installation of a 0.18m high glass balustrade, which would be situated above a 0.38m high sandstone wall, atop the existing sandstone parapet wall. The roof terrace did not include any roof coverings (including parasols) and so was considered to be sensitively designed, incorporating traditional designs and materials and thus would have an acceptable impact on the host building, street scene and the setting of the conservation area.

79. Officers have therefore been taking a consistent approach to the consideration of roof terrace proposals in Hale Village and the Hale Station Conservation Area, balancing the harm to the street scene and conservation area with the desire of restaurateurs to maximise covers. It is also noted that both Victors and Gupshup continue to trade well.

#### DEVELOPER CONTRIBUTIONS

80. The proposed development would generate an additional floor area of less than 100m<sup>2</sup> and therefore is not CIL liable.
81. The proposed development does not require any developer contributions having regard to Policy L8 of the Core Strategy and advice contained within SPD1: Planning Obligations.

#### **PLANNING BALANCE AND CONCLUSION**

82. The development has been assessed against the development plan, policy in the NPPF and SPD5.11 Hale Station Conservation Area Appraisal and SPD5.11a Hale Station Conservation Area Management Plan. The retention of the proposed roof terrace, with associated canopy and balustrade would significantly obscure the upper level of the building and thus detract from the historical characteristics of the building and the significance it plays within the conservation area. The proposal would therefore result in less than substantial harm to the aesthetic and historic significance of the landmark positive contributor building and the contribution that the site makes to the setting of the Hale Station Conservation Area. It is considered that there is no clear and convincing justification for this harm as required by paragraphs 200, 202 and 203 of the NPPF. Furthermore there are no specific heritage benefits arising from the proposals.
83. Considerable importance and weight has been given to the desirability of preserving the Hale Station Conservation Area and this character of this landmark positive contributor within it. The public benefits of the proposals identified by the applicant and those in support of the proposals do not outweigh the “less than substantial” harm identified to Hale Station Conservation Area and

the moderate harm to the non-designated heritage asset. The proposal conflicts with heritage policy in the NPPF and therefore the application of policies in the Framework that protect areas or assets of particular importance provide a clear reason for refusing the development proposed. The proposal would also represent poor design, out of character with the surrounding area and detrimental to the street scene. The proposal would be contrary to Policies R1 and L7 of the Trafford Core Strategy, the Hale Station Conservation Area Appraisal and Management Plan and the emerging Trafford Design Guide. It is therefore recommended that the application is refused.

**RECOMMENDATION: REFUSE for the following reason:**

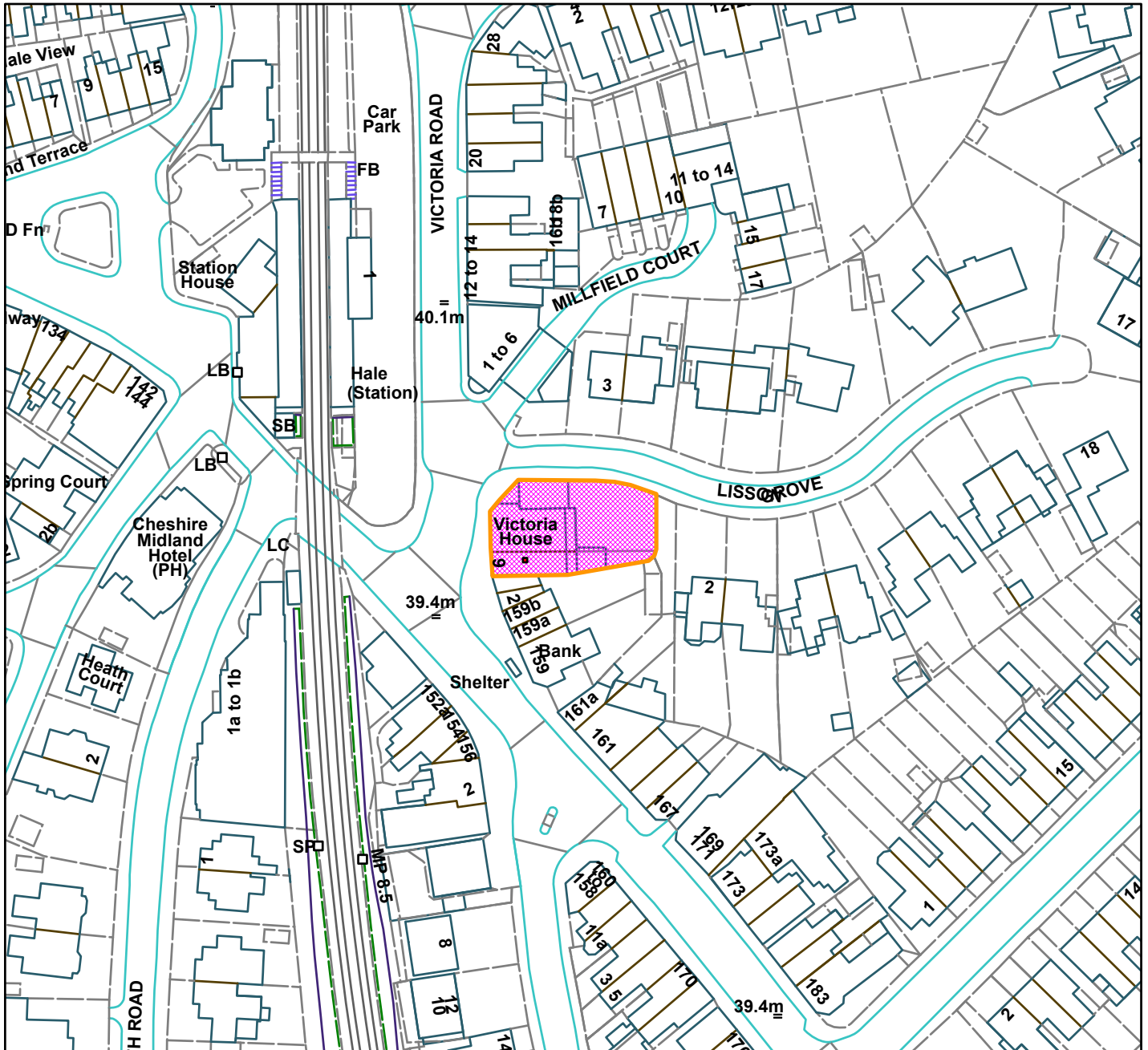
1. The proposed development, by reason of the size, siting and materials of the roof canopy and positioning of the balustrade would be at odds with the character, appearance and architectural style of the building, obscure the architectural features at first floor level and would result in "less than substantial" harm to Hale Station Conservation Area, and moderate harm to the significance of a landmark positive contributor to the Conservation Area, which is itself a non-designated heritage asset. The public benefits of the development do not outweigh this harm and, as such, the proposal is contrary to Policies R1 and L7 of the Trafford Core Strategy, the Hale Station Conservation Area Appraisal and Management Plan and policy contained within the National Planning Policy Framework.
2. The proposed canopy, by reason of its height, size, elevated position on the front elevation and projection beyond the side elevation of the existing building, results in an unsympathetic addition that detracts from the appearance of the host building and appears unduly prominent within the existing street scene. As such the proposal is contrary to Policy L7 and R1 of the Trafford Core Strategy, the emerging Trafford Design Guide and the National Planning Policy Framework.

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VW



Cibo Hale , 6 - 10 Victoria Road, Hale (site hatched on plan)



**Scale:** 1:1,250

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Organisation	Trafford Council
Department	Planning Service
Comments	Committee Date - 10/11/202
Date	31/10/2022
MSA Number	100023172 (2022)



**WARD:** Village

**108435/HHA/22**

**DEPARTURE: NO**

**Erection of a single storey rear and side extension along with retrospectively planning permission sought for the erection of fences to the front driveway and grass verge.**

209 Kentmere Road, Timperley, WA15 7NT

**APPLICANT:** Mr Ferguson

**AGENT:** Cube Design Solutions

**RECOMMENDATION: GRANT**

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### **SITE**

The application site is located to the east of Kentmere Road, within a residential area of Timperley. The property is part of a row of 4 modern dwellings which are set back from Kentmere Road on a private access drive. The application property is the last in the row (close to the junction with Aimson Road East) and as such, its side elevation faces the rear of the properties along Aimson Road East.

The property has a front driveway with space for 4 cars with an adjoining garage to the south side and a rear garden.

The properties in the row are all of a modern design and similar materials, but have varying design features including different roof designs and porch canopies, render and tile detailing.

The application property itself has a pitched roof, with decorative gable over the two-storey front bay windows. It features white render at first floor, decorative tiles over the bay windows and a pitched porch canopy.

### **PROPOSAL**

The proposal is for the erection of a single storey rear and side extension, along with retrospectively seeking permission for two stretches of fencing at the front of the property.

The side/rear extension would infill the corner between the existing side and rear extensions. It would have a 4.6m projection from the rear wall of the existing garage/utility and project 4.1m from the side wall of the main dwelling. The extension would have a hipped roof which would join onto the existing side and rear extensions, with a maximum ridge height of 4.1m and eaves height of 2.6m. One window is proposed in the rear elevation, over 12m from the rear boundary fence.

Also included in the application are two sections of fencing: the one along the front boundary of the property (along the grassed area behind the pavement) is approx. 0.91m high and the section which runs along the boundary between the driveways of 209 and 207 Kentmere Road is approx. 1.2m high. The fences have concrete posts and timber panels and have already been erected and therefore permission is sought retrospectively.

## **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**

L7- Design

In relation to paragraph 11 of the NPPF Policy L7 of the Core Strategy is considered up to date and full weight should be given to this policy.

## **PROPOSALS MAP NOTATION**

NONE

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

SPD4- A guide for designing householder extensions

SPD 3 – Parking Standards and Design

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

The DCLG published the latest version of the National Planning Policy Framework (NPPF) on 20 July 2021. The NPPF will be referred to as appropriate in the report.

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

DCLG published the National Planning Practice Guidance on 6 March 2014, and was updated on 5<sup>th</sup> April 2022. The NPPG will be referred to as appropriate in the report.

## **PLACES FOR EVERYONE (FORMERLY GREATER MANCHESTER SPATIAL FRAMEWORK)**

Places for Everyone (PfE) is a joint Development Plan Document being produced by nine Greater Manchester districts (Bolton, Bury, Manchester, Oldham, Rochdale, Salford, Tameside, Trafford and Wigan). Once adopted, PfE will be the overarching development plan, setting the policy framework for individual district Local Plans. The PfE was published for Regulation 19 consultation from 9th August 2021 to 3rd October 2021 and was submitted to the Secretary of State for Levelling Up, Housing and Communities on 14 February 2022. Independent Inspectors have been appointed to undertake an Examination in Public of the PfE Submission Plan and the hearings are scheduled to start in November 2022. Whilst PfE is at an advanced stage of the plan making process, for the purposes of this application it is not yet advanced enough to be given any meaningful weight, such that it needs consideration in this report.

## **RELEVANT PLANNING HISTORY**

97637/HHA/19: Erection of a single storey side and front extension  
Approved with Conditions 5 June 2019

81453/HHA/2013: Erection of single storey rear/side extension incorporating infill between garage and dwelling.  
Approved with conditions 8 November 2013

H33606: Aimson Rd/Shafsbury Ave - Land Off - Timperley  
Erection of 53 detached houses - amendments to previously approved plans (substitution of house type). use of double garage as temporary sales office.  
Approved with condition 17 July 1991

## **APPLICANT'S SUBMISSION**

N/A

## **CONSULTATIONS**

**LHA** – Raise no objection to either fence on the grounds of highway / pedestrian safety.

## **REPRESENTATIONS**

13 representations have been received in total: 9 objections have been received from residents of the local area and 4 from residents outside Trafford. The grounds of the objections are summarised below:

- The fences are making the area congested and causing issues with parking.
- The fence obstructs the view

- The fence is not in keeping with the area
- The fence is making it difficult to get in and out of the car on the drive of number 207 / restricts the space in front of the properties
- The fence makes vehicle manoeuvring difficult for residents /visitors to the houses on this part of Kentmere Road.
- The front fence blocks the view when reversing onto Kentmere Road
- The proposal would be contrary to the requirements of the transfer deeds for the properties which state:

*“Not to erect or maintain or suffer to be erected or maintained on such part of the Property as is situate between the front and any side Building Line of the Property and the abutting road any building erection or structure whatsoever whether moveable or immovable or gate gatepost wall fence hedge or other partition except with the written consent of the appropriate Local Planning Authority and not to park or allow to be parked thereon commercial vehicles over Eight feet in height or any similar vehicle or any caravan or moveable dwelling or any boat or trailer or any other unsightly article and this part of the Property shall at all times be left open and unbuilt upon and (other than any road footpath or drive) be laid out as a garden and kept in neat and tidy condition and free from rubbish”*

## **OBSERVATIONS**

### **Principle of Development**

1. The proposal is for an extension and alterations to an existing residential property and plot, within a predominantly residential area. Therefore, the proposed development needs to be assessed against the requirements and limitations of Policy L7 of Trafford’s Core Strategy and SPD4.

### **Design and Appearance**

2. Paragraph 126 of NPPF states ‘The creation of high quality, beautiful and sustainable 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.’
3. Policy L7 of the Core Strategy requires that development is appropriate in its context; makes best use of opportunities to improve the character and quality of an area by appropriately addressing scale, density, height, layout, elevation treatment, materials, landscaping; and is compatible with the surrounding area.
4. The proposed extension is of a small scale and, although when combined with the existing extensions is not insignificant in size, it is not considered excessive in relation to the residential plot.

5. The extension would have a hipped roof which would join on from the existing extension roofs. The window design is in keeping with the host property. The extension is not visible from the street scene and is not considered to have any detrimental impact on the character of the property or wider area.
6. The fencing along the front boundary of the site (along Kentmere Rd) is below 1m in height and as permitted development rights have not been removed for the property, is therefore permitted development. The other section of fencing, along the driveway at the front of the property is approx. 1.2m high and as such requires planning permission. Both sections of fencing are minimal in height and the materials (timber boarded fencing with concrete posts) are considered appropriate, being commonly found within residential estates of this type. As such, the fencing is considered to be in keeping with the character of the area and has no detrimental impact on visual amenity.
7. With the above in mind, it is considered that the proposed extension and existing fencing would be in keeping with the scale and character of the property and would have no detrimental impact on the street scene in line with SPD4 and Policy L7.

### **Residential Amenity**

8. With regard to impacts on residential amenity, the proposal should meet with the requirements Policy L7 of the Core Strategy and with SPD 4 and be acceptable in terms of its impacts on privacy, light and outlook of neighbours.

### **Impacts on the property of number 207 Kentmere Road (to the north)**

9. The proposed extension would not be visible from number 207. As such there would be no impact on the light, outlook or privacy of the neighbours. One section of the fencing runs along the shared boundary with number 207. The fencing is not considered to impede on the driveway or access of number 207 Kentmere Road given that it runs parallel with the outer wall of no. 209. The fencing is also not considered to have a harmful impact on the outlook from windows of number 207 or result in unacceptable overshadowing to number 207.

### **Impact on numbers 93 – 97 Amison Road East (to the south)**

10. The proposed single storey rear extension would not project any further out beyond the existing side extension. It is considered that given the separation to the boundary and height of the extension it would not have a detrimental impact on the light or outlook of these properties. No new windows are proposed facing the properties on Amison Road East and as such there would be no impact on privacy either.

### **Impacts on property to rear (east) Cartmel Drive**

11. The proposed extension would have one window in the rear elevation. This window would be sited over 12m from the rear boundary fence and as such is in line with SPD4 recommended separation distance and would not have a detrimental impact on the privacy of dwellings to the rear.

#### Impact on properties opposite (west)

12. The proposed fences will have no detrimental impact on the light outlook or privacy of the properties opposite.

#### Summary

13. Overall the proposal complies with relevant policy and SPD4 guidance in respect of its impact on residential amenity.

#### **OTHER MATTERS**

14. Comments received regarding restrictions in the property deeds are noted, however this is not a material planning consideration. The grant of planning permission does not confer any other consent that may be required for development to take place; these matters lie outside of the Council's jurisdiction.

#### **PARKING**

15. The property currently has a driveway and garage with space for 4 cars to park off road. The proposed extension and alterations will have no impact on this and as such parking provision remains acceptable / in line with SPD3.
16. Given the siting and height of the fencing it is not considered to impact on viability splays for vehicles entering or existing the site and the LHA have raised no objection to the proposal.

#### **DEVELOPER CONTRIBUTIONS**

17. The proposed development will increase the internal floor space of the dwelling by less than 100m<sup>2</sup> and therefore will be below the threshold for charging.

#### **PLANNING BALANCE AND CONCLUSION**

18. The proposed extension and existing fencing is considered not to cause harm to the character and appearance of the dwelling and street scene by reason of its design, scale and materials and therefore it is considered appropriate within its context. In addition, the proposed development will have no significant impact in terms of any overbearing, overshadowing or overlooking impact to surrounding

properties. Furthermore it is not considered the fencing causes harm or restrict highway safety or parking.

19. All relevant planning issues have been considered and representations taken into consideration in concluding that the proposal comprises an appropriate form of development for the site. The application is therefore compliant policy L7 of the Trafford Core Strategy, SPD4 and government guidance contained within the NPPF recommended for approval.

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

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

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

2. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers 1259/03 received 6<sup>th</sup> October 2022 and 1259/04 received 22<sup>nd</sup> June 2022.

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

3. The materials used in any exterior work to the extension hereby approved must be of a similar appearance to those used in the construction of the exterior of the existing building.

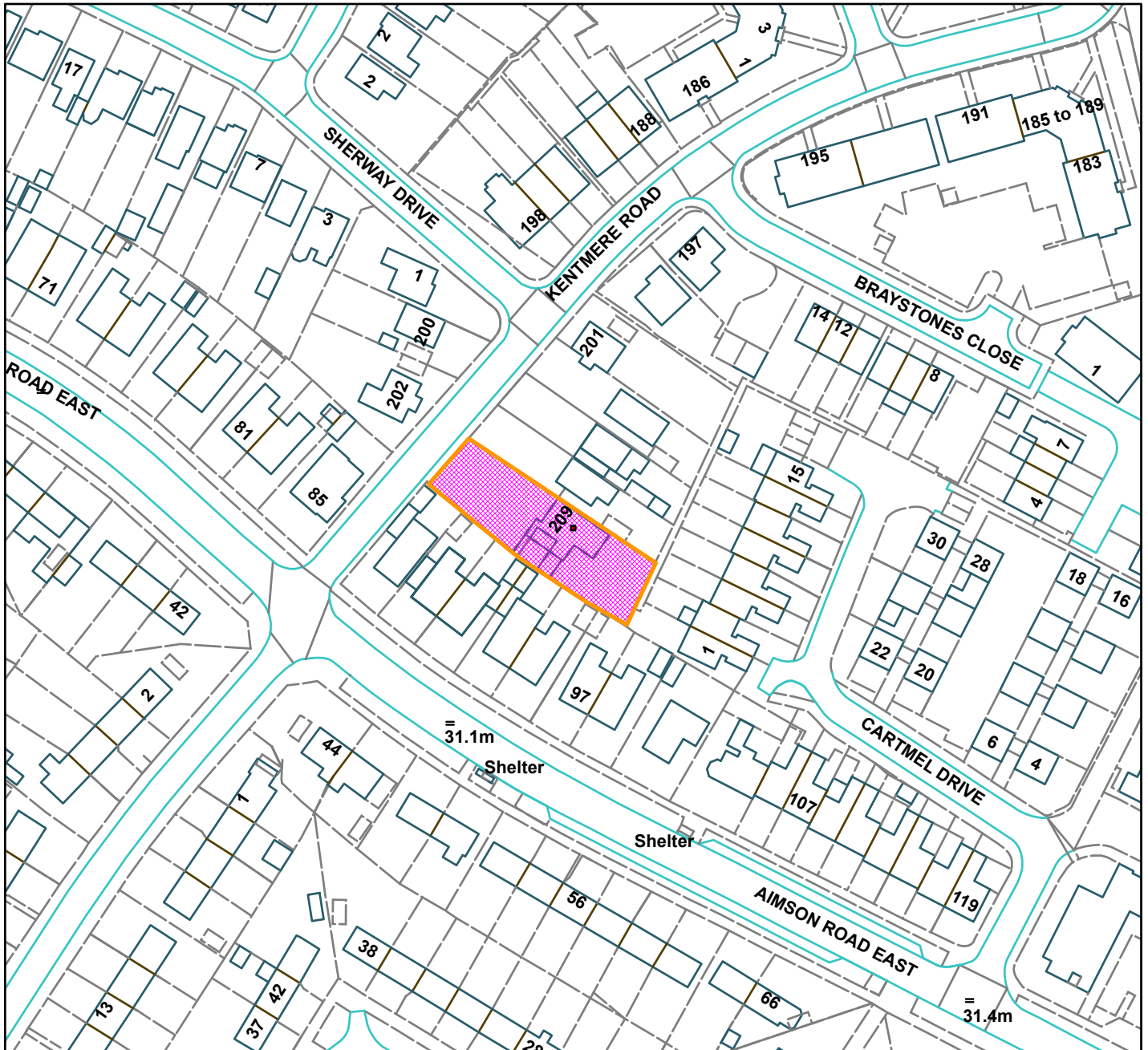
Reason: In order to ensure a satisfactory appearance in the interests of visual amenity having regard to Policy L7 of the Trafford Core Strategy, the Council's adopted Supplementary Planning Document 4: A Guide for Designing House Extensions and Alterations and the requirements of the National Planning Policy Framework.

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JM



209 Kentmere Road, Timperley (site hatched on plan)



**Scale:** 1:1,250

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Organisation	Trafford Council
Department	Planning Service
Comments	Committee Date - 10/11/22
Date	31/10/2022
MSA Number	100023172 (2022)



**WARD:** Sale Moor

**108516/FUL/22**

**DEPARTURE: No**

**Erection of single storey extension to existing nursery building along with alterations including addition of solar panels, ventilation stacks and alterations to existing windows. Reconfiguration and extension of nursery playground, erection of secure covered play area structure and realignment of existing school running track. Alterations to main school building to include demolition of existing storage and replacement with a single storey hall extension with improvements to front entrance and new canopy. Alterations to existing car park to increase car parking spaces by 4.**

Templemoor Infant School, Nursery Close, Sale, M33 2EG

**APPLICANT:** Trafford Council

**AGENT:** Bowker Sadler Architecture

**RECOMMENDATION: MINDED TO GRANT SUBJECT TO CONDITIONS**

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## **SITE**

The application site is located within a residential area of Sale and is bounded on all sides by houses. The school site comprises the main infant school building which is located at the northern end of the site and a separate nursery building which is located to the south of the main school, more or less centrally within the site. The two buildings are separated by a tarmac play area and to the south and west of the nursery building is a large playing field. The nursery building currently has a small dedicated play area for the younger children which is fenced off. The main access to the site car park and infant school building is from Nursery Close, a small residential cul-de-sac to the east of the site.

There is another secondary access on the west side of the school building accessed from Sycamore Street.

## **PROPOSAL**

The proposal is for extensions and alterations to the school resulting in an additional 239m<sup>2</sup> gross internal floorspace across the school, along with the internal configuration of the main building, to enable the school to expand from 2 FE to 3 FE, which will cater for an additional 90 pupils (3 years x 30 pupils per class x 1-form entry). The proposals include:

- 1) The erection of a single storey extension to the existing nursery building and reconfiguration of existing nursery playground. This extension would sit on the east side of the existing building. With the extension, minor alterations to the existing building are also proposed including reconfiguration of some doors and

windows on the north and east elevations. Changes to the nursery playground would include additional hard landscaping and trike track and the installation of a small canopy structure along the west boundary of the site. The increase in the size of the nursery play area, will also necessitate the sight re-alignment of the existing school running track.

- 2) Alterations to main building to include demolition of existing storage and replacement with a single storey hall extension, with improvements also to the front entrance and the erection of a new entrance canopy.
- 3) Alterations to the existing car park, to increase car parking spaces by 4.

Value added: The original scheme included the creation of a new pedestrian access from James Street to the south of the site. Following concerns over highway and pedestrian safety, this entrance has now been removed from the proposal.

## **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.

## **Places for Everyone**

Places for Everyone (PfE) is a joint Development Plan Document being produced by nine Greater Manchester districts (Bolton, Bury, Manchester, Oldham, Rochdale, Salford, Tameside, Trafford and Wigan). Once adopted, PfE will be the overarching development plan, setting the policy framework for individual district Local Plans. The PfE was published for Regulation 19 consultation from 9th August 2021 to 3rd October 2021 and was submitted to the Secretary of State for Levelling Up, Housing and Communities on 14 February 2022. Independent Inspectors have been appointed to undertake an Examination in Public of the PfE Submission Plan and the hearings are scheduled to start in November 2022. Whilst PfE is at an advanced stage of the plan making process, for the purposes of this application it is not yet advanced enough to be given any meaningful weight, such that it needs consideration in this report.

## **PRINCIPAL RELEVANT CORE STRATEGY POLICIES**

L4 – Sustainable Transport and Accessibility

L7 – Design

R2 – Natural Environment

R5 – Open Space, Sport and Recreation

For the purpose of the determination of this planning application, the above policies are considered 'up to date' in NPPF Paragraph 11 terms.

## **PROPOSALS MAP NOTATION**

Part of the school site is allocated as Protected Open Space OSR 5

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

OSR5 – Protected Open Space

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

The DCLG published the latest version of the National Planning Policy Framework (NPPF) on 20 July 2021. The NPPF will be referred to as appropriate in the report.

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

DCLG published the National Planning Practice Guidance on 6 March 2014, and was updated on 5<sup>th</sup> April 2022. The NPPG will be referred to as appropriate in the report.

## **RELEVANT PLANNING HISTORY**

**H35577** -Nursery Close - Templemoor Infant School - Sale ERECTION OF A SINGLE STOREY NURSERY CLASSROOM UNIT. PROVISION OF 4 ADDITIONAL CAR PARKING SPACES - Deemed Consent 26 August 1992

**H/53986** - Templemoor Infant School, Nursery Close, Sale - Erection of glazed play area within existing recess on north east elevation. Approved with Conditions 10 June 2002

**H/55587** - Templemoor Infant School, Nursery Close, Sale - Erection of a steel storage shed Approved with Conditions 5 February 2003

**H/71399** - Templemoor Infant School, Nursery Close, Sale, M33 2EG - Courtyard infill to provide new staff facilities and improved circulation. Approved with Conditions 13 July 2009

**83006/FULL/2014** - Templemoor Junior School, Nursery Close, Sale, M33 2EG - Erection of a single storey extension to annexe to provide an extension to the existing nursery and formation of additional car parking spaces Approved with Conditions 6 August 2014

## **APPLICANT'S SUBMISSION**

- **Planning Statement**
- **DAS**

## **CONSULTATIONS**

**LHA** – The LHA objected to the original plans which showed an additional pedestrian access from James Street on the grounds that this would have a detrimental impact on highway / pedestrian safety. Following the removal of this access from the scheme the LHA confirm they now have no objection to the proposal. They request that a condition

is added to ensure development is constructed in accordance with the submitted construction management plan.

**LLFA** – The site is not within the flood map for surface water 1 in 100-year outline and the LLFA have no records of flooding within 20m or Ordinary Watercourses within 5m. There will be no significant change to the impermeable area and so little change to the surface water runoff generated by the site. Following UU's comments (see below) LLFA suggest a condition requiring a final drainage scheme to be submitted for approval prior to commencement of development.

**United Utilities** – Following submission of the revised FRA, UU had some concerns about the addition of land drains to the proposed drainage plans and requested that a condition is added requiring further information on drainage to be submitted to and approved by the LPA.

**Cadent Gas** – Sent standard advice regarding development in vicinity of their assets.

**GMEU** – No objection to the proposals but offer the following guidance:

- *The buildings on site were judged to have negligible potential to support roosting bats, and none of the trees surveyed were identified as having potential roost features for bats.*
- *No evidence of protected species on the site were found. However there is potential for nesting birds to be present on the site.*
- *Work that will impact on habitats where nesting birds may be present (for example building demolition, works to trees and other vegetation including undergrowth like bramble), should not be undertaken in the main bird nesting season (March – August) unless suitable checks for active bird nests have been undertaken.*
- *Planning policy encourages enhancements and net gains for biodiversity to be delivered through the planning system. Wherever possible measures to enhance the site for biodiversity should be secured as part of this planning application.*
- *Protected species can turn up in unexpected places and the granting of planning permission does not negate the need to abide by the laws which are in place to safeguard biodiversity. An informative should be used so that the applicant is aware that they must seek ecological advice should they find or suspect that the proposals will impact on protected species.*

**Sport England** – State that: *'The proposed development does not fall within either our statutory remit (Statutory Instrument 2015/595), or non-statutory remit (National Planning Policy Guidance (PPG) Par. 003 Ref. ID: 37-003- 20140306), therefore Sport England has not provided a detailed response in this case, but would wish to give the following advice to aid the assessment of this application.'* The advice given includes: *'If the proposal involves the loss of any sports facility then full consideration should be given to whether the proposal meets Par. 99 of National Planning Policy Framework (NPPF), link below, is in accordance with local policies to protect social infrastructure*

*and any approved Playing Pitch Strategy or Built Sports Facility Strategy that the local authority has in place’.*

**Contaminated Land** - The contaminated land investigation confirms that ground contamination risks to potential receptors should be considered low although, it should be required that contractors remain vigilant during construction due to the asbestos fibres detected in made ground at the site. If ground contamination is found or is suspected then specialist advice should be sought. To ensure that the advice contained within the ground investigation is adhered to, it is recommended that a condition is added to any approval, requiring any contamination suspected / found during development must be reported immediately to the Local Authority.

**GMPDS** – No objection to the scheme subject to the physical security measures within Section 4 of the Crime Impact Statement are conditioned.

**Tree Officer** - . No objection to the proposal as the trees to be removed are of low value and mostly of small stature and can easily be replaced within a mitigation scheme which should be required by condition, should the application be approved.

**Environmental Health (Nuisance)** – No objection subject to addition of conditions including:

- Works to be carried out in line with revised Construction Management Plan (CMP)
- Condition to ensure works are carried out in line with submitted Noise Impact Assessment and additional noise information in document ref P4673/L03/PJK to ensure noise from any external plant is acceptable.
- Condition requiring a lighting scheme to be submitted should external lighting be proposed

## **REPRESENTATIONS**

13 no. representations have been received to the application from nearby residents.

One objection was received from Woodall Close – The resident was concerned the proposed extension to the school building will impact on the views at the end of Woodall Close. They have suggested that the proposed plastic screening would not be needed and that the trees should be retained as natural screening. Natural screening of the trees is adequate – no need for proposed plastic green screening.

The original plans included the addition of a new pedestrian access to the school, from the northern end of James Street. 10 no. letters of objection were received from residents of James Street, 1no. from a resident of Alice Street and also 1no. from a resident of Hampson Street, who all had concerns about this proposed access on the following grounds:

- The street will be busy with parents’ vehicles dropping off / picking up and residents will have insufficient space to park and manoeuvre at these times.

- Additional vehicles and pedestrians at pick up / drop off times would result in a detrimental impact on highway safety.
- The additional comings and goings to the nursery school will result in additional noise and general disturbance for residents.
- Additional comings and goings could result in damage to cars / property.

The proposed additional pedestrian access from James Street has since been removed from the proposal.

## **OBSERVATIONS**

1. Section 38(6) of the Planning and Compensation Act 1991 states that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF at Paragraphs 2 and 47 reinforces this requirement and at Paragraph 12 states that the presumption in favour of sustainable development does not change the statutory status of the development plan as a starting point for decision making, and that where a planning application conflicts with an ***up to date*** (emphasis added) development plan, permission should not normally be granted.
2. The Council's Core Strategy was adopted in January 2012, prior to the publication of the 2012 NPPF, but drafted to be in compliance with it. It remains broadly compliant with much of the policy in the 2019 NPPF, particularly where that policy is not substantially changed from the 2012 version. It is acknowledged that some policies, including those controlling the supply of housing are out of date, not least because of the Borough's lack of a five year housing land supply. However, other relevant policies remain up to date and can be given full weight in the determination of this application. Whether a Core Strategy policy is considered to be up to date or out of date is identified in each of the relevant sections of this report and appropriate weight given to it.
3. The NPPF is a material consideration in planning decisions, and as the Government's expression of planning policy and how this should be applied, should be given significant weight in the decision making process.

## **Principle of Development**

1. The proposal is for the erection of extensions to the existing school / nursery buildings along with improvements / alterations to the playground and car park layout within the site. The alterations are to facilitate the schools expansion from 2FE to 3 FE (90 additional pupils in total).
2. Paragraph 95.of the NPPF states that: *"It is important that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education."* And that LPAs should: *"give great weight to the need to create,*

*expand or alter schools through the preparation of plans and decisions on applications;”*

3. Part of the site is allocated as protected open space (OSR5). This allocation covers most of the southern part of the site encompassing the playing field and the western part of the existing nursery building and playground. Policy R5 seeks to protect and enhance indoor and outdoor sports facilities across the borough, with R5.2 setting out the following objectives of specific relevance to the application:
  - *Protecting existing and securing the provision of areas of open space and outdoor sports facilities;*
  - *Protecting and improving the quality of open space and outdoor sports facilities so they are fit for purpose;*
4. The proposed extension to the nursery building has been sited on the east side of the existing nursery building and as such would not encroach on the protected open space allocation. This extension would however result in the nursery play area being shifted slightly into the open space allocation. The nursery playground would still be used as open space however with a slight increase in the area of structured / hard landscaping and the creation of a trike track on a small section of what is currently playing field. The overlap of the nursery play area into the protected open space is however, minimal and would not interfere with the existing sports facilities / use of the playing field within the school site. NPPF paragraph 99. states that *“Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless ...b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location;”* It is considered that in this instance the very slight loss of grassed area to be incorporated into the early years structured playground is required to provide more useable provision for the evolving needs of the school.
5. In addition it is proposed to slightly realign the existing AstroTurf running track around the outside of the playing field, to ensure this is still functional. In conclusion it is considered that the proposal would result in an improvement of outdoor play facilities for early years provision and would not result in an unacceptable loss of outdoor play space for the school. For these reasons the proposal is considered to be in line with the principles of policy R5.
6. The application is therefore considered to be acceptable in principle as it will assist in enhancing existing school facilities to meet the needs of the community and will be acceptable in terms of impact on open space.

### **Design and Appearance**

7. Paragraph 126 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 to make development acceptable to communities.” Paragraph 130 states that decisions should ensure that developments: “will function well and add to the overall quality of the area...are visually attractive as a result of good architecture, layout and appropriate and effective landscaping...are sympathetic to local character and history, including the surrounding built environment and landscape setting.”*

8. **Policy L7** of the Core Strategy sets out requirements which development must meet in terms of its design quality, functionality, protecting amenity, security and accessibility. The structures would be ancillary structures to enhance the schools facilities and would not generate any additional trips to the site or result in any increase in pupils or staff, as such the parts of the policy relating to functionality and car parking etc. are not relevant to this application. The proposal is therefore assessed against the relevant parts of policy L7, below:

***Design Quality***

*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.*

9. The proposal comprises built extensions / alterations in three locations across the school site which will be assessed in turn.

Extension and alterations to nursery building and erection of outdoor cover structure

10. This extension will wrap around the east and south elevations of the existing building. While the extension is not insignificant in scale (approximately doubling the size of the nursery building), it has been contained within the existing nursery site and does not appear excessive in scale in relation to its setting and the wider school site.
11. The height of the proposed extension is considered appropriate with the eaves and ridge height matching the existing building. The roof has also been designed to be pitched / partly hipped so as to be in keeping with the host building. Window design is contemporary with a mix of window sizes and heights which both serve the internal layout and add visual interest externally.
12. Alterations are also proposed to the existing part of the nursery building including solar panels, sun pipes and the installation of ventilation stacks. These are considered to be minor structures which do not have any significant impact on the appearance of the building and would not be particularly visible from outside



the school site. These additions are therefore considered acceptable. It is also proposed to make some alterations to some of the windows / openings within the existing part of the building. These include: insertion of a small above eye-level window, blocking up of an existing door and creation of a new access door on the north elevation, facing into the school site and main school building; increase in the size of the windows on the east elevation facing the school field, from above eye-level to full length. It is not considered that any of these minor alterations would have any detrimental impact on the appearance of the building or the wider site.

13. With regard to the small external structure this would be a simple, wooden canopy structure in 3 bays, two of which would be open to the playground one would have doors which would allow storage. The structure would sit very close to the existing 1.5m high fence and would measure 2.2m high along the fence line, with the roof angled up slightly into the site, reaching a maximum 2.38m on the east side of the structure. A 2.2m high 'pre-grown green screen' panel is proposed (a panel covered in climbing plants which provides an instant natural screen / hedge like structure). This would provide a natural screen to along the back of the proposed covered play structure, within the existing boundary fence. It is considered that while the structure and green panel would be taller than the existing boundary fence, the structure is not excessive in height, would not be aligned close to any main habitable room windows of the closest residential properties and that the green panel would create a soft screen to the structure limiting any visual impact in the street scene.
14. The remodelling of the nursery play area would incorporate the use of different ground cover / external flooring including an outdoor carpet area some hard surfacing, benches, scooter storage rack and a trike track. These would all be minor structures with no detrimental impact on the appearance of the site.
15. There are some trees to be removed to facilitate these changes, however the Council's Tree Officer has no objection to the removal of these trees subject to a mitigation / landscaping scheme being submitted. Indeed the proposed site layout plan indicates areas of proposed new tree planting to mitigate this loss.

#### Extensions and alterations to main school building

16. A small extension is proposed to the north elevation of the main school building. While this is described as an extension, it would not actually project horizontally from any part of the school building, rather it would replace an existing storage area which currently sits within the school building. This would be adapted into a permanent extension of the hall area. Externally the roof height of this extension would be raised slightly from 2.6m (existing) to 3.2m high. Externally the existing door and shutter area would be altered to glazed double doors and row of full length windows measuring 7.8m wide across in total. It is considered that this minor alteration to the north elevation would have no detrimental impact on visual

amenity, indeed it would represent an improvement on the utilitarian appearance of the current storage area entrance which consists of a single door and perforated shutters.

17. The other alterations to the main building are located on the eastern elevation and comprise:
- The installation of a replacement front door of similar dimensions to the existing.
  - The removal of the existing small canopy over the front entrance and its replacement with a slightly larger
  - Cladding to the existing meter housing (brick built structure to the immediate north of the front entrance).
18. It is considered that the replacement door would be a very minor change and would have no impact on visual amenity. The proposed new roof canopy would be slightly smaller than the existing canopy, projecting no further than the existing meter housing structure and would result in an improvement on the existing canopy which has aged.
19. It has been indicated that Cedar lap fencing would be used for the cladding to the meter housing, as shown on the submitted visualisations, this is considered to be acceptable, dependent on the precise material and colour proposed.
20. With the above in mind it is considered that the proposal meets the relevant policy criteria in respect of its design quality and would comply with Policy L7 of the Core Strategy and guidance in the NPPF in this respect.

### **Impact on Amenity**

21. With regard to protecting amenity Policy L7 has the following relevant criteria:

#### **Protecting Amenity**

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.
22. The proposed alterations to the main building would be minor in scale and are set well within the site and as such would have no impact on the light, outlook or privacy of surrounding residents.
23. The extension to the nursery building and erection of the external covered play structure would be partially visible from the closest residential properties on

Woodhall Close and Nursery Close and some trees along the boundary are to be removed / pruned as part of the development.

24. The proposed extension will wrap around the east and south elevations of the existing building. The projection from the west elevation of the nursery building would be approx. 3.6m and would leave a minimum of a 4.6m gap between the proposed extension and the outer west side boundary of the site which attaches to the properties on Woodhall Close. The ridge height of the extension would not exceed the existing ridge height and the roof would slope away from the closest residential properties to the west, with an eaves height of approximately 2.6m rising to 4.6m at the ridge. It is considered that the proposed single storey extension would be far enough from the shared boundary with these residential properties, and low enough in height so as not to result in any unacceptable overbearing effect or overshadowing.
25. The erection of the covered play structure along the shared boundary with the properties at the end of Woodhall Close, would be 2.2m high and screened by 2.2m high, natural green screen panelling, which would appear as a green hedge. This would result in a similar outlook for the closest neighbour as the existing screening provided by a high conifer hedge and would have no unacceptable impact in terms of outlook or overshadowing.
26. Collectively, the extensions and alterations proposed would not result in any change in the nature of the uses which take place at the school. As such it is considered that subject to the development being undertaken and operated in line with the submitted Noise Impact Assessment and additional details submitted in document ref. P4673/L03/PJK which further clarifies information on external plant, the proposal would result in no additional, unacceptable impact on neighbour amenity in terms of noise or disturbance.
27. It is acknowledged that while the development is under construction there may be some level of noise and disturbance which may impact neighbours, as such a condition is recommended to ensure that the development is carried out in line with the submitted Construction Management Statement, which includes measures to mitigate the impact of construction on amenity.
28. On balance, it is considered that the proposal will overall have no unacceptable impact on the amenity of the surrounding residents and would comply with Policy L7 of the Core Strategy in this respect.

### **Trees and ecology**

29. The proposal includes the removal of selected trees. The Council's Tree Officer has confirmed that the trees on the site are not covered by TPO nor are they within a Conservation Area so they are not currently protected. Trees within the northern half of the site are mostly confined to the boundaries of the site, and

while some have low value others have moderate value and provide screening. The trees within the southern half of the site are situated in and around the grassed play area. There are no trees of particular merit here and the majority of the trees have low Arboricultural value. As set out in the submitted Arboricultural Survey, trees to be removed are Group G3, one tree within group G2 - both to be removed to facilitate the construction of the new extension and trees T4, T5, T6 and G4 are to be felled to create the construction compound. The Council's Tree Officer has no objection to these proposals, because the trees to be removed are of low value and mostly of small stature. It is however recommended that these trees are replaced with a tree mitigation scheme. A condition is proposed requiring the submission of a landscaping scheme which should include details of these replacement trees.

30. The proposals have also been assessed by Greater Manchester Ecological Unit. While GMEU agree with the submitted ecological survey findings that:
- *the buildings on site were judged to have negligible potential to support roosting bats, and none of the trees surveyed were identified as having potential roost features for bats.*
  - *No evidence of protected species on the site were found. However there is potential for nesting birds to be present on the site.*
31. GMEU state that construction work may still impact on habitats where nesting birds may be present and should not be undertaken in the main bird nesting season (March – August) unless suitable checks for active bird nests have been undertaken. They also advise general caution in during development to ensure no protected species are harmed.

### **Highways and parking**

32. There are no changes proposed to existing vehicle or pedestrian access. It is proposed to add four additional parking spaces within the existing car park, to the northern end of the site, for the use of 4 new staff members associated with the pupil increase. Three of these spaces, while standard in dimension, would be tandem parking i.e located in two rows where the three cars at the front would block the 3 behind, so the users of these spaces would have to coordinate car movements. It is considered appropriate for a condition to be added to require a staff travel plan to be submitted to ensure the effective use of these spaces.
33. There is no increase in accessible spaces proposed. The existing accessible space by the school entrance will be retained. There is no SPD3 parking standard for disabled spaces at schools and this is considered on a case by case basis. There are 17 parking spaces in total with 1 accessible space included. While this is less than 10% of the overall spaces, considering the site constraints, with no space to extend the car park area, it is considered that on balance the lack of increase in accessibility spaces would not in itself justify a refusal of the scheme, given the wider community benefits.

34. It is proposed to provide cycle storage for 20 bikes and storage for 32 scooters, which is below SPD3 standards. It is considered however that there is ample space within the site to provide more cycle parking and it is considered appropriate to add a condition which requires a cycle parking strategy to be submitted with the target of increasing cycle parking on site.
35. The LHA have no objection to the scheme, subject to the measures proposed in the Construction Management Statement being carried out during the construction phase and subject to submission of a revised travel plan.

### **Security**

36. Issues of security have been assessed in a Crime Impact Statement produced by Greater Manchester Police Design Service. Following an initial response from GMPDS, the applicant has submitted specific security measures proposed. GMPDS have reviewed these measures and have no objection to the proposal, subject to works being carried out in line with the measures set out in section 4 of the CIS.

### **Equalities**

4. The Equality Act became law in 2010. Its purpose is to legally protect people from discrimination in the workplace and in wider society. The Act introduced the term 'protected characteristics', which refers to groups that are protected under the Act. These characteristics comprise: age, disability, gender reassignment, marriage and civil partnerships, pregnancy and maternity, race, religion or belief, sex/gender, and sexual orientation.
5. As part of the Act, the 'public sector equality duty' came into force in April 2011 (Section 149 of the Act), and with it confirmed (via Section 19 of the Act) that this duty applies to local authorities (as well as other public bodies). The equality duty comprises three main aims: A public authority must, in the exercise of its functions, have due regard to the need to:
- eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
  - advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
  - foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
6. Case law has established that appropriate consideration of equality issues is a requirement for local authorities in the determination of planning applications, and with this requirement directly stemming from the Equality Act 2010.

7. The proposed extensions are single storey and will all have level access and new doors would be building regulations Part M compliant. The proposal also includes provision of an accessible toilet within the nursery extension.
8. As set out in the highways section above, no additional accessible parking spaces will be provided, however having due regard to the proposal as a whole and considering the site constraints, the amount of parking available and ratio of accessible parking is considered on balance to be acceptable.
9. No other specific benefits or disbenefits have been identified to any other protected group.
10. The equalities impacts of the proposals are considered to be acceptable

### **PLANNING BALANCE AND CONCLUSION**

37. The proposed development is considered to be acceptable and would result in appropriate alterations to the school site, preserving the visual amenity of the area and facilitating improvements to the school which would have wider benefits to the community in line with NPPF policy. The proposal is not considered to result in harm to the local highway network or to the residential amenity of the neighbouring and surrounding residential properties and would be in accordance with policy L7 of the Core Strategy and the NPPF.

38. Having weighed all the material considerations of the proposal within the balance, including the equalities considerations it is considered the proposed development complies with the development plan when taken as a whole, and it is therefore recommended that the application is approved subject to conditions.

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

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

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

2. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers:
  - Amended proposed site plan ref 1210 Rev D - received 21<sup>st</sup> September 2022
  - Additional details and elevations showing covered play area - 2200 Rev A received 6<sup>th</sup> October 2022
  - Proposed elevations main school building 1212 Rev B received 11<sup>th</sup> October 2022

- Proposed Entrance canopy plans and elevations 1213 Rev B received 11<sup>th</sup> October 2022
- Proposed Plans and elevations showing hall extension 1214 Rev B received 28<sup>th</sup> June 2022
- Proposed early years elevations 1222 Rev B received 28<sup>th</sup> June 2022
- Proposed early years floorplan 1220 rev B 28<sup>th</sup> June 2022
- Proposed early years roof plan 1221 rev B 28<sup>th</sup> June 2022
- Proposed early years section 1223 rev B received 29<sup>th</sup> June 2022

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

3. Notwithstanding any description of materials in the application no works involving the use of any materials listed below shall take place until samples and / or full specification of materials to be used externally on the buildings, including walls, roof, windows and doors, cladding and canopy materials have been submitted to and approved in writing by the Local Planning Authority. Such details shall include the type, colour and texture of the materials. Development shall be carried out in accordance with the approved details.

Reason: In order to ensure a satisfactory appearance in the interests of visual amenity having regard to Policy L7 [and R1 for historic environment] of the Trafford Core Strategy and the requirements of the National Planning Policy Framework.

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

Reason: To ensure that the site is satisfactorily landscaped having regard to its location, the nature of the proposed development and having regard to Policies

L7, R2 and R3 of the Trafford Core Strategy and the National Planning Policy Framework.

5. If during any works on site, contamination is suspected or found, or contamination is caused, the Local Planning Authority shall be notified immediately. Where required, suitable investigations and risk assessments shall be carried out. Any remedial works shall be carried out in accordance to an agreed process and within agreed timescales to the approval of the Local Planning Authority.

Reason: 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.

6. The proposed development shall achieve the Secured by Design standards as set out in section 4 of the CIS submitted with this application (by GMPDS ref: 2022/0225/CIS/01 dated 25<sup>th</sup> May 2022), for all aspects throughout the build and once the building works have been completed, to future proof the security of the development.

Reason: To ensure crime and disorder, and the fear of crime do not undermine the quality of life or community cohesion in accordance with the National Planning Policy Framework

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

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

8. No development shall take place unless and until a final drainage scheme has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in line with the approved scheme and maintained thereafter.



Reason: To ensure satisfactory drainage from the site having regard to Policies L4, L5 and L7 of the Trafford Core Strategy and the National Planning Policy Framework.

9. Development will be carried out in line with the Noise Impact Assessment by AEC ref. P4673/R01/PJK dated 21st September and further information in document P4673/L03/PJK by AEC dated 21/10/22.

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.

10. Development will be carried out in line with the submitted Construction Method Statement Ref: 1055 Rev 5 dated 20th September 2022. Construction working hours should be limited to those set out in the CMS i.e.:  
Monday – Friday start 7:30am and finish at 6pm  
Saturday – start at 8am and finish at 1pm  
Sundays and Bank Holidays – no works permitted  
Any noisy operations are restricted from commencing until after 8am

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.

11. Any proposed lighting scheme shall comply with the criteria described within the Institution of Lighting Professionals (ILP) Guidance Note GN01/21 'The Reduction of Obtrusive Light' for zone E3 so as not to cause nuisance/ disamenity to residential occupiers.

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.

12. Within 3 months of the date of this permission, a revised Travel Plan, which should include measurable targets for reducing car travel, shall be submitted to and approved in writing by the Local Planning Authority. 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 approval.

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.

13. Within 3 months of the date of this permission, a Cycle Parking Strategy, which should include plans for increasing cycle parking provision within the school site, shall be submitted to and approved in writing by the Local Planning Authority.

The strategy shall then be implemented within a timescale agreed by the LPA and shall be retained thereafter.

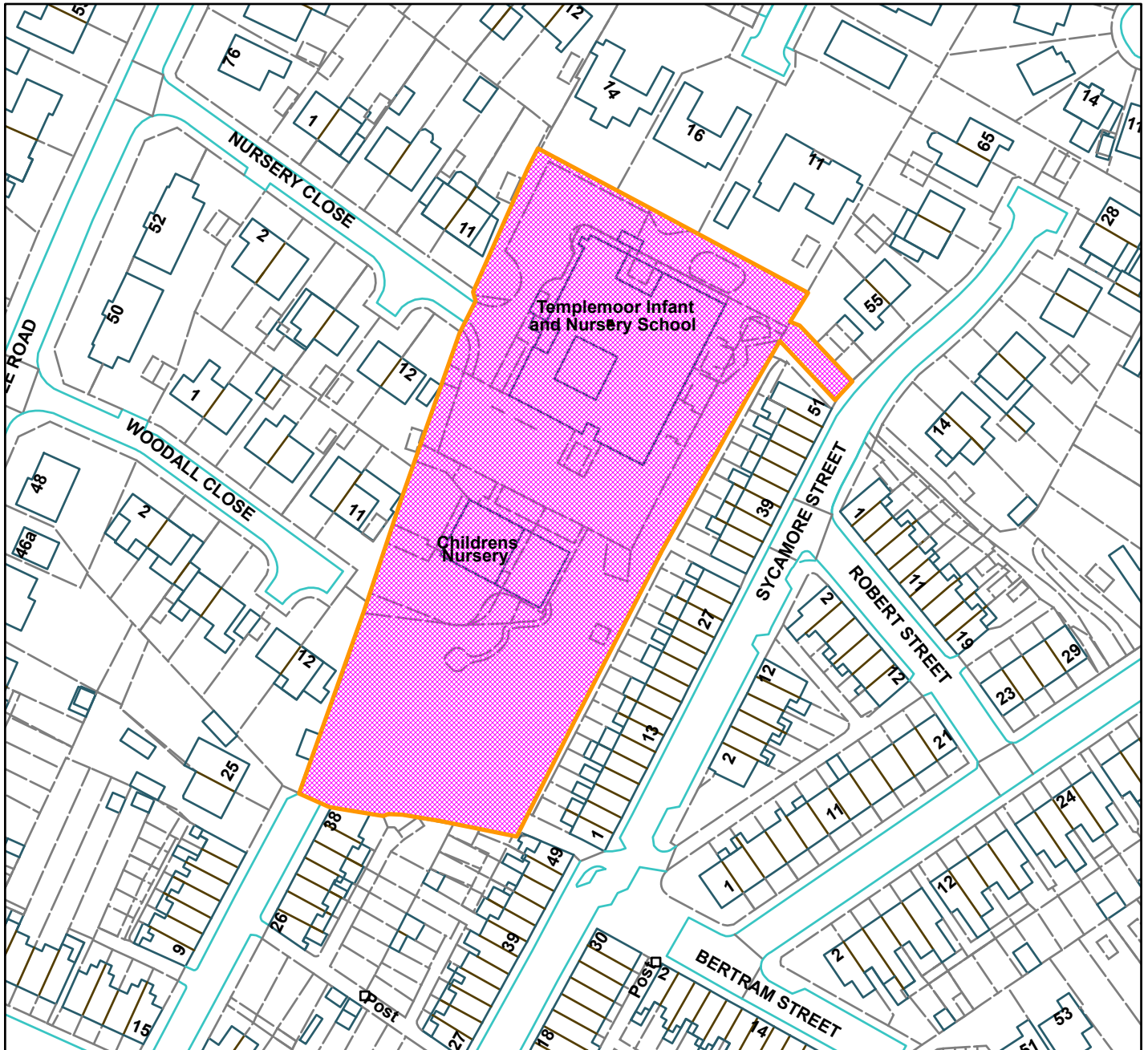
Reason: To reduce car travel to and from the site in the interests of sustainability and highway safety, having regard to Policies L4 and L7 of the Trafford Core Strategy and the National Planning Policy Framework.

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JM



Templemoor Infant School, Nursery Close, Sale (site hatched on plan)



Scale: 1:1,250

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Organisation	Trafford Council
Department	Planning Service
Comments	Committee Date - 10/11/22
Date	31/10/2022
MSA Number	100023172 (2022)

**WARD:** Longford

**108872/VAR/22**

**DEPARTURE:** No

**Application for variation of conditions 2 and 13 on planning permission 100270/FUL/20 (Erection of a residential development (Use Class C3) for 367 units comprising five blocks between 6 and 10 storeys with associated access, parking and landscaping) to allow for amendments to design, landscaping, layout and drainage and variation to legal agreement to amend affordable housing tenure.**

Land Bound By Elsinore Road And Skerton Road, Stretford, M16 0WF

**APPLICANT:** CJM Investments Ltd

**AGENT:** Zerum

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

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**The application has been reported to the Planning and Development Management Committee as the Council has a potential interest in the proposed development.**

**EXECUTIVE SUMMARY**

The application relates to a 1.3 ha roughly triangular shaped site at the junction of Skerton Road and Elsinore Road in Stretford formerly occupied by various industrial buildings but now cleared. The character of the area is mixed, comprising residential, commercial, transport, office and industrial uses.

The site lies within the setting of two designated heritage assets: Trafford Town Hall (Grade II) and the Entrance Portal and Lodges to former White City Greyhound Track (Grade II). The site also lies within the setting of several non-designated heritage assets: Old Trafford Bowling Club; Trafford Bar Station; Trafford Hall Hotel and No's 30, 46, 52 - 64 Talbot Road.

This application seeks to vary the approved plans (under condition 2 of the previous approval) and also the approved drainage scheme under condition 13 of planning permission 100270/FUL/20 which was granted in in May 2021 for the erection of a residential development (Use Class C3) for 367 units comprising five blocks between 6 and 10 storeys with associated access, parking and landscaping. The permission was subject to section 106 agreement which related to affordable housing provision, an education contribution, funding of parking surveys and retention of a design certifier.

The proposed changes to the approved plans relate primarily to an amendment to the access road and some design changes to the elevations of the blocks and the drainage layout has also been updated.

It is also proposed to change the affordable housing tenure from 37 on-site shared ownership units to 37 on-site discounted market rent housing units. The principle of the housing development on the site has been established through the recent grant of planning permission 100270/FUL/20 which is still extant.

Two objections have been received in relation to the proposed change to the affordable housing tenure and the proposed amendments to the design. These representations have been duly noted and considered as part of the appraisal.

The Heritage and Urban Design Manager has concluded that the development would result in minor harm to the setting of Old Trafford Bowling Club and negligible harm to the setting of Trafford Bar & Trafford Hall Hotel, all of which are identified as non-designated heritage assets.

Detailed consideration is given in this report to the impacts of the changes on the design and nearby heritage assets, amenity, highways and parking issues, drainage and other relevant matters.

The proposal has been found to be acceptable with, where appropriate, specific mitigation secured by planning condition, and the proposal complies with the development plan and guidance in the NPPF in relation to these matters.

The Council cannot demonstrate a five year housing land supply thus the presumption in favour of sustainable development applies and the tilted balance is engaged. When the tilted balancing exercise is carried out the benefits of the scheme significantly outweigh any harm which would arise. The application is therefore recommended for approval, subject to appropriate conditions and legal agreement.

## **SITE**

The application relates to a 1.3 ha roughly triangular shaped site at the junction of Skerton Road and Elsinore Road in Stretford. The site was until recently occupied by various industrial buildings and silos associated with the site's former use as a producer of ingredients for bakery products. Originally known as Arkady Soya Mills the former buildings housed a factory, offices, laboratory and test bakery facilities for the marketing of the product, Arkady a bread improver. The site has now been largely cleared and predominantly comprises hardstanding enclosed by palisade fencing.

Immediately adjoining the site to the south is the site of CSM Bakery Solutions which produces bread and confectionary ingredients and used to form part of the wider Arkady site. This site is accessed off Elsinore Road to the north and down the western extent of the application site and contains manufacturing and warehousing space, silos and offices. Further south are two storey, semi-detached, terraced and detached residential properties on Lime Grove with further residential areas beyond.

The site is bounded to the north by Elsinore Road, beyond which is the Metrolink line extending out from Trafford Bar station to the northeast. Further north is Trafford Hall Hotel and its curtilage beyond which is on Talbot Road. To the northwest is Old Trafford Bowling Club and grounds.

To the west the site is bounded by a strip of land under separate ownership extending north-south from Elsinore Road and terminating close to the western end of Lime Grove. Beyond this land is a vegetated buffer to the Metrolink line and to the southwest, the Metrolink Trafford Depot.

The site is bounded to the east by Skerton Road. To the east of the northern corner of the application site are two storey residential properties. Opposite the majority of the eastern boundary of the site are commercial units (Iceland, Superdrug and Worldwide Foods) and associated yard areas. Beyond this is a local shopping parade fronting Seymour Grove. Opposite the south-eastern corner of the site is Grove House which is a nine storey former office building which has been extended and converted into residential apartments situated at the junction of Skerton Road and Tennis Street.

The character of the area is mixed, comprising predominantly commercial, transport, office and industrial uses to the north, west and east. This includes the Worldwide Foods Store, Iceland and the Seymour Grove local shopping centre to the east. The character to the south, beyond the bakery building, is predominantly residential in nature.

The nearest listed buildings are Trafford Town Hall and White City Entrance Portal and Lodges although there are a number of non-designated heritage assets to the north of the site on Talbot Road.

At the time of the site visit for the application, no material start had been made on site in connection with the previous planning approval.

## **PROPOSAL**

Planning permission 100270/FUL/20 was granted subject to a section 106 agreement by the Planning and Development Management Committee on 15<sup>th</sup> October 2020 for the erection of a residential development (Use Class C3) for 367 units comprising five blocks between 6 and 10 storeys with associated access, parking and landscaping. The section 106 agreement was completed and the decision issued on 5<sup>th</sup> May 2021.

The applicant is now applying to vary the approved plans (under condition 2 of the previous approval) and also the approved drainage scheme under condition 13. The main design changes are as set out below and this is elaborated on with accompanying images, under the 'Design' section of the report.

### **Road Layout, Parking and Landscaping**

- The realignment of the access road to the adjacent bakery that runs along the southern edge of the site to allow the road to tie in with the current bakery access and allow an increased landscape buffer to be created between the access road and the ground floor units facing onto it.
- Six car parking spaces formerly located adjacent to the western boundary would be repositioned off the internal access roads and a stand-alone substation that was also adjacent to the western boundary would be relocated to sit internally within the northern corner of Block C.

### Ground Floor Townhouses

- The brick piers on the corner of the angled bay at first floor level of the townhouses would be brought down to the ground
- The small areas of glazed tiling above the townhouse door and below the bay window to be removed
- The slim angled stone band to the top of the bay ground floor window and front door is replaced by a protruding linear strip of brickwork
- Slim integrated louvres are proposed to the top of all windows across the scheme to avoid the need for air bricks

### Internal Courtyard Elevations

- The ground and first floor of block C, D and E are pushed back by 1350mm so that the external brickwork line is flush with the brickwork above;
- Horizontal bands of feature alternative brick recess soldier course banding will be introduced to allow a strong definition between top, middle and bottom to be retained. It is proposed that this detailing will be used across the scheme for consistency
- The top floor recesses to the 4 internal courtyard elevations only are pulled forward by 1 brick width; these areas would no longer be balconies but would be deep window cills. As a result the parapets in front of the cills no longer step down between the angled recess and the step back elevation
- The angled porch canopy over the front doors of the ground floor internal courtyard units is to reduce in depth slightly to assist in buildability as it would reduce the potential dead load that it will need to support.

### Block A – Internal Courtyard Elevation

- One of the rows of bolt on balconies to the end apartment of block A is to be removed. This apartment currently has two bolt on balconies so would still retain one external balcony.

## Other Changes

The design and siting of some of the doors and windows across the scheme have altered as have the angles of one corner of Blocks D and E and these changes are considered in more detail under the 'Design' section of the report.

## Drainage

Changes are proposed to the drainage scheme approved under 100270/FUL/20. The drainage consultants for the application have confirmed that the amount of blue roof and cellular storage has gone up since the original approval as the current application modelling info is based on RIBA Stage 3 design which is a lot more advanced than the planning drawings which were Stage 2. This is considered further under the 'Observations' section of the report.

## Affordable Housing Tenure

The application also seeks to vary the section 106 legal agreement for 100270/FUL/20 specifically in relation to the on-site affordable housing provision to change the tenure from shared ownership to discounted market rent.

There is also a slight change to the mix of housing units overall. This relates only to the mix of housing types and is as follows: 167 one bed apartments (166 in previous scheme) 119 two bed apartments (118 in previous scheme) and 40 three bed apartments (42 in the previous scheme). The number of one, two and three bed 'townhouses' would remain as previously approved - 9 one bed townhouses, 25 two bed townhouses and 7 three bed townhouses.

The total floorspace of the proposed development would be approximately **29,334 m<sup>2</sup>**. The approximate floorspace figure provided for 100270/FUL/20 was 29,883 m<sup>2</sup>.

## **DEVELOPMENT PLAN**

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

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



## **PRINCIPAL RELEVANT CORE STRATEGY POLICIES**

L1 - Land for New Houses  
L2 - Meeting Housing Needs  
L3 – Regeneration and Reducing Inequalities  
L4 – Sustainable Transport and Accessibility  
L5 – Climate Change  
L7 – Design  
L8 – Planning Obligations  
W1 - Economy  
R1 – Historic Environment  
R2 – Natural Environment  
R3 – Green Infrastructure  
R5 – Open Space, Sport and Recreation

## **PROPOSALS MAP NOTATION**

Old Trafford Priority Area for Regeneration  
Main Industrial Area

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

None relevant

## **SUPPLEMENTARY PLANNING GUIDANCE/DOCUMENTS**

SPG1 New Residential Development (2004)  
Revised SPD1: Planning Obligations (2014)  
SPD3: Parking Standards and Design (2012)

## **GREATER MANCHESTER SPATIAL FRAMEWORK**

Places for Everyone (PfE) is a joint Development Plan Document being produced by nine Greater Manchester districts (Bolton, Bury, Manchester, Oldham, Rochdale, Salford, Tameside, Trafford and Wigan). Once adopted, PfE will be the overarching development plan, setting the policy framework for individual district Local Plans. The PfE was published for Regulation 19 consultation from 9th August 2021 to 3rd October 2021 and was submitted to the Secretary of State for Levelling Up, Housing and Communities on 14 February 2022. Independent Inspectors have been appointed to undertake an Examination in Public of the PfE Submission Plan and the hearings are scheduled to start in November 2022. Whilst PfE is at an advanced stage of the plan making process, for the purposes of this application it is not yet advanced enough to be given any meaningful weight, such that it needs consideration in this report.

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

The MHCLG published the revised National Planning Policy Framework (NPPF) on 20 July 2021. The NPPF will be referred to as appropriate in the report.

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

The National Planning Practice Guidance was first published in March 2014, and it is regularly updated, with the most recent amendments made in June 2021. The NPPG will be referred to as appropriate in the report.

## **NATIONAL DESIGN GUIDE**

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

## **RELEVANT PLANNING HISTORY**

108184/NMA/22 - Application for a Non-Material Amendment to 100270/FUL/20 to amend the wording of Condition 26 to allow for the submission of relevant information to be prior to any above ground construction taking place rather than prior to any development taking place – Approved 20.06.2022

108097/CND/22 - Application for approval of details reserved by conditions of grant of planning permission 100270/FUL/20. Condition numbers: 11 (contamination) and 19 (CMS) – Currently under consideration

100270/FUL/20 – Erection of a residential development (Use Class C3) for 367 units comprising five blocks between 6 and 10 storeys with associated access, parking and landscaping – Approved subject to conditions and a section 106 agreement - 05.05.2021

## **APPLICANT'S SUBMISSION**

The following documents have been submitted in support of the application and are referred to as appropriate in the report:

- Design and Access Statement
- Summary Document
- Daylight and Sunlight Amenity Statement
- Affordable Housing Statement
- Drainage Strategy Addendum

## **CONSULTATIONS**

**GM Ecology Unit** – No comment to make.

**Lead Local Flood Authority** - No objection in principle. Comments are discussed in more detail in the Observations section of the report.

**Local Highway Authority** – No objection in principle. Comments are discussed in more detail in the Observations section of the report.

**Trafford Council, Arboriculturist** – No objection in principle. Comments are discussed in more detail in the Observations section of the report.

**Trafford Council, Heritage and Urban Design Manager** – Considers that the development would not result in harm to any designated heritage assets but would result in minor harm to the setting of Old Trafford Bowling Club and negligible harm to the setting of Trafford Bar & Trafford Hall Hotel, all of which are identified as non-designated heritage assets. Therefore the conclusion reached on Heritage harms on the previous permission 100270/FUL/20 is unchanged. Comments are discussed in more detail in the Observations section of the report.

**Trafford Council, Housing Strategy and Growth** – No objection in principle. Comments are discussed in more detail in the Observations section of the report.

**Trafford Council, Waste Management** – No objection in principle. Comments are discussed in more detail in the Observations section of the report.

## **REPRESENTATIONS**

The application was publicised via neighbour letters, site notice and press advertisement.

**Neighbours:** Two objections have been received in relation to the publicity carried out which are summarised below.

- Object to changing the affordable housing from shared-ownership to discounted market rent. No explanation has been given for the need to make this amendment and the Trafford Core Strategy states that the affordable housing should be split evenly between intermediate and social/affordable rented units unless there are exceptional circumstances. What are the exceptional circumstances? Truly affordable housing that enables people to own or part own a property is what is desperately needed locally. Discounted market rent can still be up to 80% of the current rental rate and the average rental rate in Old Trafford has more than doubled in recent years which means that even at a discounted rate it will still be unaffordable and only add to the current housing crisis. The only serious reason to have approved such an unsightly development was to create genuinely affordable housing.
- The proposed changes, particularly to Blocks C, D and E are of even worse architectural merit than the approved plans and the new designs are ugly high rises that the Council should reject.

## **OBSERVATIONS**

### **BACKGROUND**

1. Planning application Ref. 100270/FUL/20 for the erection of a residential development (Use Class C3) for 367 units comprising five blocks between 6 and 10

storeys with associated access, parking and landscaping was previously considered at the Planning and Development Management Committee in October 2020, where the Committee resolved to grant planning permission subject to a section 106 legal agreement and conditions, in accordance with officer recommendation.

2. The legal agreement was completed and the decision issued in May 2021. The legal agreement covered the following matters as set in the application presented to Committee in 2020:-
  - The provision of 37 shared ownership affordable housing units on site
  - A financial contribution of £573,678 towards off-site primary education facilities;
  - 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
  - The retention of Tim Groom Architects in the role of design certifier throughout the construction period, or alternatively to secure a commuted sum to cover the professional fees required to enable the local planning authority and developer to work together to secure the involvement of an architectural practice of their choice in the role of design certifier
3. The principle of the housing development has been established through the recent grant of planning permission 100270/FUL/20 which is still extant.
4. The current application proposes changes to the approved plans, drainage layout and also to the affordable housing tenure to 37 discounted market rent housing units on site.

#### THE DECISION MAKING FRAMEWORK

5. This application seeks approval under Section 73 of the Town and Country Planning Act (1990) (as amended) for minor-material amendments following a grant of planning permission and if approved grants a new planning permission in its own right. In terms of decision taking, regard should be had to any changes to national and development plan policies and other material considerations which may have changed significantly since the original grant of permission. The NPPG states “in deciding an application under Section 73, the local planning authority must only consider the disputed condition/s that are the subject of the application – it is not a complete re-consideration of the application’ (paragraph 031)
6. Para 015 of the NPPG also states that ‘If the original permission was subject to a planning obligation then this may need to be the subject of a deed of variation.’
7. In the period since planning permission was originally granted (May 2021), it is not considered that there have been any material changes in planning policy which would justify a different approach being taken in respect of any planning matter relevant to this development. In addition, there has been no significant change to the

site or surrounding area.

8. This report will only assess the acceptability of the proposed amendments to the scheme and the change to the legal agreement. There is no requirement to revisit other issues through the determination of this application and this report will only assess the acceptability of the amendments as proposed.
9. When assessing section 73 applications the LPA does not only have the option of either approving or refusing the proposed varied condition wording, but also has the power to impose an amended condition, the wording of which has not been requested by the applicant, as well as the option of imposing additional conditions should this be deemed necessary.
10. 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. That remains the starting point for decision making. The NPPF is an important material consideration.
11. 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 2021 NPPF, particularly where that policy is not substantially changed from the 2012 version.
12. 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. The NPPF sets out a presumption in favour of sustainable development. 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.
13. The Council's current housing land supply figure is 3.75 years and the most recent Housing Delivery Test figure (2021) is 79%. This housing supply and delivery position automatically triggers Paragraph 11(d) but does not automatically render development plan policies out of date. It is for the decision maker to determine what weight to give to development plan policies and this can take into account the

specific characteristics of the housing land supply position such as the extent of the shortfall and the steps being taken to remedy it.

14. The footnote to paragraph 11(d)(i) explains that the policies of the NPPF referred to include those which relate to designated heritage assets. The assessment of the scheme on this (set out later in this report) 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 engaged.
15. 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.

## HERITAGE IMPACT

16. 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."*
17. 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. As indicated above this policy does not reflect case law or the tests of 'substantial' and 'less than substantial harm' to the significance of heritage assets in the NPPF. As Policy R1 of the Core Strategy is inconsistent with the NPPF, the requirements of Paragraph 11 of the NPPF are engaged. In view of this heritage policy in the NPPF can be given significant weight and is the appropriate means of determining the acceptability of the development in heritage terms.
18. Paragraph 202 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"*.
19. Paragraph 203 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.

20. There are no heritage assets included within the application site. The site is not in the vicinity of any Conservation Areas and GMAAS have confirmed in relation to the original application that they consider the development would not impact on any remains of archaeological significance.
21. The site does however lie within the setting of two designated heritage assets: Trafford Town Hall (Grade II) and the Entrance Portal and Lodges to former White City Greyhound Track (Grade II). The site also lies within the setting of several non-designated heritage assets: Old Trafford Bowling Club; Trafford Bar Station; Trafford Hall Hotel and No's 30, 46, 52 - 64 Talbot Road.
22. The conclusion on the heritage impacts of the development in relation to 100270/FUL/20 were that it would cause no harm to the Grade II Listed Buildings identified above. This is mainly due to their significant distance from the application site and the presence of a number of intervening buildings. Similarly the development would cause no harm to No. 30 Talbot Road or the eight Victorian Villas on Talbot Road identified above.
23. However at the time of the consideration of the original application the Heritage Development Officer did conclude that the development would result in minor harm to the setting of Old Trafford Bowling Club and negligible harm to the setting of Trafford Bar & Trafford Hall Hotel, all of which are identified as non-designated heritage assets. With regard to the impact on Old Trafford Bowling Club, the response stated that it was appreciated that the proposal is replacing a series of large industrial buildings and that Old Trafford Bowling Club currently sits within a fragmented urban landscape. Nevertheless, the full extent of the development is clearly visible in views of this non-designated asset from Talbot Road and due to the proposed height, massing and form it will result in a visual impact on Old Trafford Bowling Club and its appreciation from the street scene. [N.B. Old Trafford Bowling Club is currently being assessed for statutory listing by Historic England, however until the listing is confirmed it remains a non-designated heritage asset].
24. The minor harm to the significance of non-designated heritage assets identified above required the development to be assessed against paragraph 197 (now para 203) of the NPPF and it was concluded that the numerous public benefits of the scheme clearly and demonstrably outweighed the minor harm to the non-designated heritage asset.
25. The Council's Heritage and Urban Design Manager has been consulted on the current application. As set out in more detail under the 'Design' section of the report the siting, scale and massing of the blocks within the development remains materially the same as the previous permission. This application seek to make some changes to the road access and parking and drainage layout together some elevational changes to the design of the development. The Heritage and Urban Design Manager has considered the amended plans and considers that in Heritage terms some of the changes are beneficial, such as the setting back of the ground

and first floor of block C, D and E, whereas others are detrimental to the scheme (the slimline louvres and loss of tiling detail over door to townhouses) but that overall the scale of the proposed amendments is such that it would not alter the Heritage conclusion reached in relation to 100270/FUL/2 that the development would result in minor harm to the significance of non-designated heritage assets.

### Heritage Conclusion

26. Therefore the Heritage and Urban Design Manager has concluded that the proposed amendments would not change the level of harm identified previously and set out above in relation to heritage assets. Under paragraph 203 of the NPPF a balanced judgement is required having regard to the scale of any harm or loss and the significance of the heritage asset. It is still concluded that the numerous public benefits of the scheme clearly and demonstrably outweighed the minor harm to the non-designated heritage asset and this is set out under the 'Planning Balance' section of this report.

### DESIGN

27. Paragraph 126 of the NPPF states: *"The creation of high quality, beautiful and sustainable 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."*

28. 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.

### PROPOSED CHANGES TO APPROVED PLANS

29. The supporting documents state that the majority of the changes proposed are to assist with the buildability and delivery of the scheme. The changes are detailed below:

#### 30. Access Road Alignment, Parking and Landscape

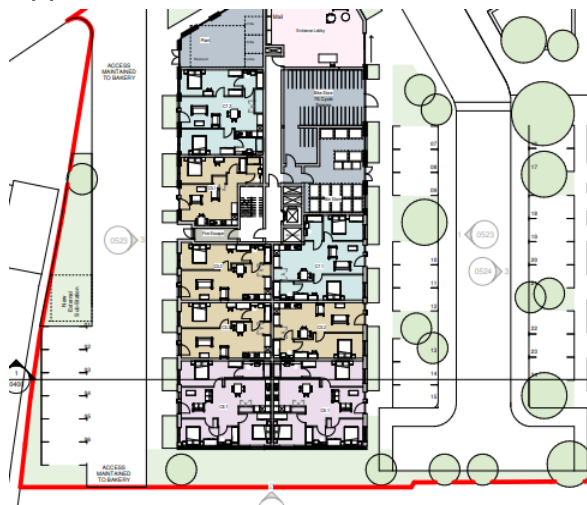
- The realignment of the access road to the adjacent bakery that runs along the southern edge of the site to allow the road to tie in with the current bakery access



and allow an increased landscape buffer to be created between the access road and the ground floor units facing onto it.

- Six car parking spaces formerly located adjacent to the western boundary would be repositioned off the internal access roads and a stand-alone substation that was also adjacent to the western boundary would be relocated to sit internally within the northern corner of Block C.

Approved



Proposed



31. It is considered that the realignment of the access road and creation of a landscape buffer between the access road and residential units is an improvement from a visual amenity perspective. In addition the relocation of the substation from an external location to internally within Block C is also considered beneficial to the appearance of the development. The relocation of the six car parking spaces off the internal access roads is considered to have a neutral impact on the design of the development. The comments of the LHA and Waste Management in relation to this element of the current application are set out in subsequent sections of this report.

### 32. Ground Floor Townhouses

- the brick piers on the corner of the angled bay at first floor level of the townhouses are brought down to ground
- The small areas of glazing tiling above the townhouse door and below the bay window to be removed;
- the slim angled stone band to the top of the bay ground floor window and front door is replaced by a protruding linear strip of brickwork;

The above changes are to assist with buildability issues

- Slim integrated louvres are proposed to the top of all windows across the scheme.

This is to remove the need for each unit to have a minimum of two airbricks on the external elevations

Approved



Proposed



33. The architect has commented that the brick pier and protruding linear strip of brickwork features can be seen on the existing housing stock in the area and it is agreed that these changes do not impact negatively on the development. The proposed removal of the glazed tiling is unfortunate however this is not considered to have a significant impact on the appearance of the townhouses.

34. The inclusion of slimline louvres across the development is not ideal however this does need to be balanced against the number of airbricks that would have been required across the scheme without the louvres. In addition, the agent has cited an example of the successful use of this type of slimline louvre on the 'Botanica' development and subject to a condition requiring the details and colouring of the final louvre design it is considered that this change would be acceptable.

### 35. Internal Courtyard Elevations

- To assist in buildability and increase amenity space the ground and first floor of Block C, D and E are pushed back by 1350mm so that the external brickwork line is flush with the brickwork above;
- Horizontal bands of feature alternative brick recess soldier course banding will be introduced to allow a strong definition between two, middle and bottom to be retained. It is proposed that this detailing will be used across the scheme for consistency
- The top floor recesses to the 4 internal courtyard elevations only are pulled forward by 1 brick width; these areas would no longer be balconies but would be deep

window cills. The parapets no longer step down between the angled recess and the step back elevation due to buildability and waterproofing concerns

- The angled porch canopy over the front doors of the ground floor internal courtyard units is to reduce in depth slightly to assist in buildability as it would reduce the potential dead load that it will need to support.

36. The setting back of the ground and first floor of Blocks C, D and E is considered to result in a positive impact on the scheme and the use of the horizontal bands of feature brick retain strong definition between the levels. The main benefit of this change is the resultant larger and more usable landscaped garden areas to the front of the blocks. The alterations to the design of the porch canopies is considered to result in a minor impact only.

37. As a result of the proposed refinement of the top floor set back, the associated units would still benefit from Juliet style double windows and the gain in private external areas and green landscaping created at ground level would be far greater than the loss in external area due to the loss of these balconies. In design terms the angles and depth retained means that the interest of the variation in roofline is largely maintained and the proposed design of the blocks, as shown below, is still considered to be of a high quality (see image below).



### 38. Block A – Internal Courtyard Elevation

- One of the rows of bolt on balconies to the end apartment of block A is to be removed. This apartment currently has two bolt on balconies so would still retain one external balcony.

39. In design terms the loss of a row of bolt on balconies is not considered to have a negative impact and the affected apartments would still retain one external balcony area for private amenity.

40. Changes are proposed to some of the doors and windows across the scheme. This includes minor changes to the design of individual windows and doors and in some areas the removal of windows or doors and in other areas the addition of them. The angles of one corner of Blocks D and E have also altered. However these changes do not impact on the cohesiveness of the design across the five blocks and overall these changes are not considered to materially impact on the appearance of the development due to the limited scale of the changes relative to the size of the scheme.

### Conclusion section

41. It is considered that the overall design intent of the proposal remains in line with the original planning permission and that the changes are minor overall, with some having a neutral impact on the scheme, some have a minor detrimental impact and some changes considered beneficial. Overall however the scheme remains of high design quality. It is considered that the development would meet the requirements of Policy L7 and the NPPF. In order to ensure that the design intent and quality of the external appearance of the buildings is retained the requirement set out in the original section 106 legal agreement for a design certifier to be retained throughout the construction period would remain as previously agreed.

### RESIDENTIAL AMENITY

42. In addition to ensuring that developments are designed to be visually attractive Para 130 of the NPPF advises that planning decisions should ensure that developments:-

*f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users*

43. Policy L7.3 of the Trafford Core Strategy states that development must not prejudice the amenity of occupants of adjacent properties by reason of overbearing, overshadowing, overlooking, visual intrusion, noise and/or disturbance, odour or in any other way. As previously stated, L7 is considered to be up to date for decision making purposes and full weight can be attached to it.

44. SPG1 New Residential Development sets out the guidelines that relate to all forms of new residential development.

45. The siting of the blocks, height and overall massing of the development remains unchanged and therefore an updated wind microclimate assessment is not required. All units would still meet national space standards.

#### Impact on Existing Offsite Properties

46. A detailed analysis of the residential amenity impacts of the development in relation to both existing adjacent properties and future occupiers of the development was carried out in relation to the original application 100270/FUL/20. This concluded that in relation to overlooking, overshadowing and outlook impacts the only residential units in close proximity to the external elevations of the proposed development were at the junction of Skerton Road and Elsinore Road to the northeast and at Grove House to the southeast. Residential properties on the northern side and eastern end of Lime Grove would have views of the development across the yard and parking areas a CSM Bakery Solutions but the distances are significant (approximately 90 metres). This remains the case. The nature of the proposed changes to the scheme are such that they would have negligible impact on the properties at the junction of Skerton Road and Elsinore Road to the northeast and at Grove House to the southeast. The residential amenity impacts on any existing properties in the vicinity of the site therefore remain compliant with policy.

#### Impacts on Amenity of Occupiers of Proposed Units

47. A number of design changes to the previously approved scheme have the potential to impact on overlooking, outlook and daylight and sunlight amenity. These changes are as follows:

- Elevational alterations to windows, doors and balconies to align with changes to internal room arrangements
- Depth of block C, D & E reduced at ground and first floor level, allowing greater space between buildings and increased area of public realm

#### Overlooking and Outlook

48. As stated under the 'Design' section of the report, some changes are proposed to some of the windows and doors across the development. This includes minor changes to the design of individual windows and doors and in some areas the removal of windows or doors and in other areas the addition of them. However where new windows or doors are introduced these are on elevations where glazed openings were previously shown on the plans for 100270/FUL/20 and the resultant relationships between properties within the site were concluded to be acceptable. Additionally the siting of the building elevations remains almost entirely as previously approved. As a result the windows and doors would be no closer to adjacent elevations within the site than on the original permission. Therefore the changes do not introduce any relationships between properties that are worse than previously approved under 100270/FUL/20.

## Daylight and Sunlight

49. Gray Scanlan Hill were the authors of the Internal Daylight and Sunlight Amenity Report Rev.03 used for the consideration of the original permission 100270/FUL/20. They have used the same Building Research Establishment Guidelines methodology to provide a Daylight and Sunlight analysis of the amended proposed development so that a direct comparison of the impacts of the two schemes can be made, given that the original scheme is still extant. The BRE Guidelines have been revised since the grant of planning permission 100270/FUL/20 but given the extant permission the previous guidelines still provide the most useful way of assessing this S73 application.
50. It is important to note that the guidelines are there to inform site layout and design. They are not mandatory, nor do they form part of the development plan in Trafford and their interpretation may be treated flexibly depending on the specifics of each site. The targets within the BRE Guide are based on low rise, suburban development and the guide recommends a more contextual approach and setting alternative target values for city centres, urban environments and historic locations. It is not proposed to incorporate the BRE guidelines into the emerging Trafford Design Guide or Code.
51. The consultants note at the outset that in general terms, the proposed development will retain the design principles and overall appearance of the submitted design and that in massing terms, the general arrangement of the development footprint will remain as per the previous submission.
52. The Rev.03 Daylight and Sunlight Report (original application) appraised the inward facing habitable rooms and windows of the proposed development. Windows and rooms on the outward facing facades of the proposed development are expected to be adequately daylit and sunlit due to the general low rise nature of the surrounding area and broad spacing to height ratios between the site and its surroundings.
53. The assessment results are as follows:-

### Daylight

- 100% of bedrooms would achieve the 1% ADF target;
- 45% of LKDs (Living/Kitchen/Diners) appraised would achieve the 1.5% target. This figure was 71% under the previous permission. A further 33% (21% under the previous permission) achieve ADF values considered to be within an “acceptable tolerance” of the 1.5% target.
- In total 78% of LKDs appraised achieve ADF values considered to be of Acceptable Tolerance or better. This figure was 97% under the previous permission
- 22% of LKDs appraised would achieve <1.2% ADF. Of these LKDs, the majority of these are located within Blocks A and B where the buildings are in close proximity. More than half of these LKDs would achieve values of at least 1% ADF.

54. Overall, 92% of rooms appraised (compared to 97% previously) would achieve acceptable levels of daylight amenity which is, and remains, a very high majority degree of design guidance compliance.

55. The consultant for the application has stated that it is important to note that this relates to rooms appraised (inward facing windows only), which is circa half of the LKDs of the development as whole. The outward facing rooms are not included in the statistics for the reasons set out above, however if considering the scheme as a whole, which includes 367 LKDs -- then 89% of LKDs will be adequately daylit or within acceptable tolerance of the targets. This is still overall a well daylit scheme with the proposed design changes.

56. Therefore the LKD rooms which do not achieve the ADF target account for 11% of all LKDs in the proposed development (inclusive of those outward facing LKDs); or 4% of all habitable rooms in the proposed development which the consultants consider to be a statistical minority.

57. Notwithstanding this, the daylighting consultant was asked for further commentary in relation to the 22% of LKDs appraised that would achieve <1.2% ADF - in particular those that would achieve <1% ADF. This was to establish whether the levels of daylighting amenity that the occupiers of these units would experience would be acceptable. The response was as follows:

58. Of the LKDs achieving <1% this comprises the following:

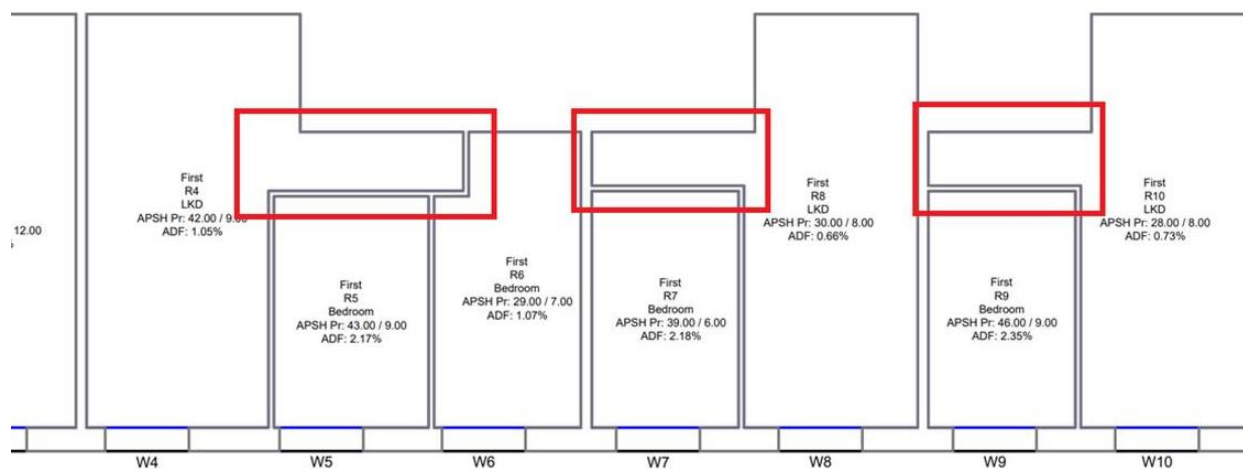
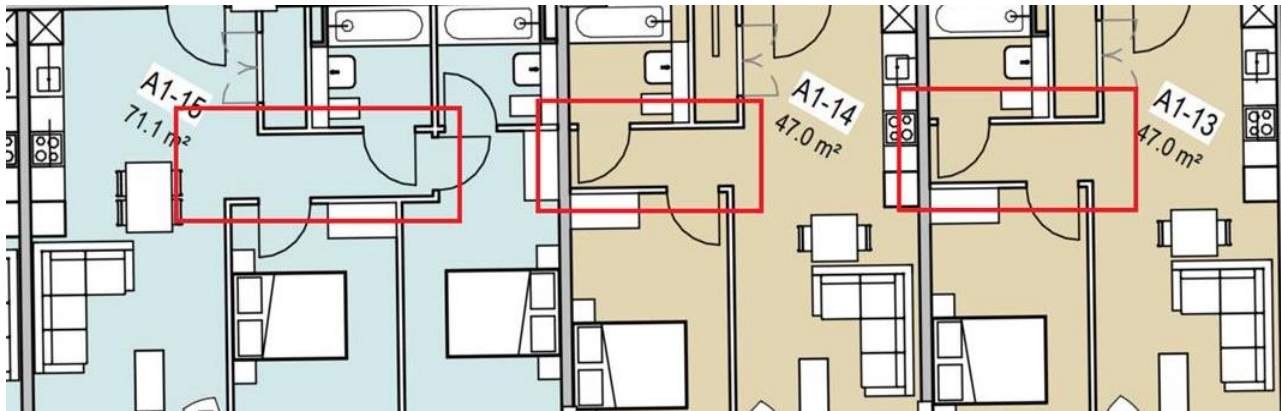
- 19 LKDs total (10% of 186 'inward-facing' appraised; 5% of 367 total scheme LKDs)
- Average ADF of these 19 LKD rooms is 0.8%

These can be grouped as follows:

- ADF of at least 0.9% - 3 LKDs
- 0.8% < 0.9% - 8 LKDs
- 0.7<0.8% - 5 LKDs
- 0.6<0.7% - 3 LKDs

59. The alteration to the LKD internal layout is a significant factor in the statistics that, at face value, appear to present a scheme that is less well daylit than previously approved. However when this is considered in more detail it is the case that the daylighting consultants have modelled the daylighting exactly as shown on the architect's plans. Below is an extract of the architect's first floor plans (with red boxes added by Gray Scanlan Hill the daylighting consulted) which they have then modelled as shown below with red boxes retained for direct comparison.





60. GSH explain that these boxed parts of the LKDs are effectively ‘corridor’ use, leading towards the bedroom and bathroom. This portion of the LKD room has no view whatsoever of a window. But it also isn’t really ‘living’ space – it is circulation (albeit within the boundary of the LKD as analysed).

61. This layout means that these red-boxed areas of LKD rooms – including those achieving <1% ADF noted above – have no view of the window and they receive no direct daylight. The consequence is the ADF of that ‘corridor area’ is likely to be close to 0%. This in turn lowers the average of the full room. If these circulation areas of the LKD are removed, and the boundary of the room drawn at the entrance of the ‘corridor’, then the ADF of each room with this feature will improve.

62. In general, given the overall high proportion of habitable rooms of the current proposals that achieve the aspirational targets or come within an acceptable tolerance of them, and the inclusion/addition of circulation space as part of these updated apartment arrangements, it is concluded that the changes proposed would not be significant.



## Sunlight

63. Under the amended scheme all LKDs appraised except one would achieve both the Annual and Winter sunlight targets. The single remaining LKD, located on the GF of Block B, would achieve the winter sunlight target, and an Annual Sunlight value that is within an acceptable tolerance of the BRE target.
64. Under the previous approval only 61% of LKDs appraised would achieve the BRE Winter and Annual APSH targets; 14% of LKDs were considered to be within an Acceptable Tolerance of the BRE Winter and Annual Sunlight targets; 5% of LKDs appraised were considered to be Partially Compliant, achieving either the BRE Winter or Annual APSH targets and 20% of LKDs appraised would achieve neither the Winter nor Annual sunlight targets.

## Amenity Areas

65. The amendments proposed would result in the loss of small areas of balcony in Blocks C, D and E but this would be more than offset by additional landscaping created at ground level. This would also improve light levels to the ground floor units and provide a more meaningful front garden and increase greenspace across the site. It is also proposed to remove one of the rows of bolt on balconies to the end apartment of Block A. However this apartment type had two bolt on balconies in the originally approved scheme and would still retain one external balcony. Therefore overall the proposed changes to the amenity areas across the site are considered acceptable.

## Conclusion

66. Overall, the commentary on the daylight and sunlight analysis demonstrate that the proposed design changes will not have a significant adverse effect on the daylight amenity within the proposed development as a whole, and in the case of sunlight amenity would represent an improvement compared to the previous permission. Whilst the ADF figures have changed from the previous submission, overall the scheme remains predominantly well to adequately daylit. The small minority of rooms that are below the aspirational and acceptable tolerance targets continue to be a small minority of a high density development that is not materially different from the planning approved scheme.
67. Paragraph 125c of the NPPF states: *local planning authorities should refuse applications which they consider fail to make efficient use of land, taking into account the policies in this Framework. In this context, when considering applications for housing, authorities should take a flexible approach in applying policies or guidance relating to daylight and sunlight, where they would otherwise inhibit making efficient use of a site (as long as the resulting scheme would provide acceptable living standards).*

68. Although a detailed breakdown of the impacts on individual flats has been undertaken, collectively, it is considered by the Local Planning Authority that the vast majority of the proposed residents would still benefit from good levels of daylight and sunlight and that no units would experience poor amenity levels. Overall this is a well-lit scheme and this is compliant with the advice set out in NPPF in relation to high density development.
69. The footprint, massing and height of the development remains largely unchanged and it is considered that the changes proposed to the external appearance of the scheme will still have an acceptable impact on the amenities of existing occupiers of residential properties in the vicinity.
70. It is acknowledged that there remain some shortfalls in the guidelines set out in SPG1 in relation to the amenity of future occupiers of the development. However these shortfalls would not result in poor living conditions and the properties have been designed to provide adequate levels of privacy, daylight and sunlight. This is still overall the case as demonstrated by the Daylight and Sunlight Amenity Statement submitted in support of this section 73 application.
71. Given the approach of creating a high density development in a sustainable location, the residential amenity impacts are still considered to be acceptable.

#### HIGHWAYS, PARKING AND SERVICING

72. 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”*.
73. Paragraph 111 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.
74. Core Strategy Policy L7 states: In relation to matters of functionality, development must incorporate vehicular access and egress which is satisfactorily located and laid out having regard to the need for highway safety; and provide sufficient off-street car and cycle parking, manoeuvring and operational space.
75. The LHA have been consulted and have commented that the only changes that impact on highways issues are the proposed realignment of the access road to the adjacent bakery and subsequent repositioning of the substation internally within

Block C and the six parking spaces which are all proposed to be repositioning off the internal access roads.

#### Access, Circulation and Servicing

76. It is proposed to amend the approved Elsinore Road access arrangements as set out above and it is noted that neither access will be gated, and thus service vehicles will be able to enter and leave the site without restriction. Vehicle swept path analysis indicates both points of vehicle access would be expected to be able to accommodate HGVs (in particular a Trafford Council refuse vehicle).

77. Additional plans submitted for the application confirm the adopted footways will be improved to provide dropped kerb vehicle crossovers to accommodate driveways fronting the highway, in addition to uncontrolled dropped kerb pedestrian crossing at each access.

78. It is proposed to relocate the standalone substation to accommodate the retained bakery access internally in Block C and the LHA have no objection to this. It is considered that if no parking was available to the front of the substation, an operative undertaking work here would be able to park on Elsinore Road or alternatively the management team would be able to provide parking within the development for example, within the proposed flexible/floating event spaces.

79. A comparison of the approved and proposed drawings shows the originally proposed bin collection areas have been relocated to outside the bin stores, to the rear of the car parking spaces. It is observed access will be available via what are understood to be smooth, at grade footpaths. The LHA requested that the views of the Waste Management section on the proposed refuse collection arrangements are sought and these are set out in a subsequent section of the report and are acceptable.

#### Car Parking and Accessible Car Parking

80. It is proposed to relocate six approved spaces for the apartments to within the two main parking courtyard areas of the development. Confirmation has been provided by the agent for the application that all parking spaces will be a minimum 2.4m wide x 4.8m long, with an additional 1.2m hatched transfer zone provided for the proposed accessibility spaces - the number of which would remain unchanged from the original approval at five spaces. The LHA have confirmed that the amended parking arrangement is acceptable.

#### Parking Surveys

81. The requirement set out in the original section 106 legal agreement for the developer to commit 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 will remain as previously agreed.

#### Waste Management

82. The supporting information states that the separate blocks will house a recycling and refuse area in a dedicated bin store at ground floor, which is accessible from the circulation cores. The building management will be responsible for the rotation of bins within the refuse store to ensure access to empty bins. The refuse vehicle will reverse into the development to the designated points and the bins from the proposed building will be taken out from the access door and wheeled along to the loading area on collection day by the management company for easy collection. Smooth, level access will be provided between the bin store and the public highway with drop kerbs provided adjacent to the loading bay. Doorways from the refuse store onto the public highway will have a minimum clear width of 1.3m. Appropriate access will be provided within the bin store for people with disabilities.
83. The Waste Management section have been consulted and have stated that access to the site for refuse vehicles remains acceptable and that the location for presenting the bins for collection is appropriate for servicing requirements. They are also satisfied with the indicative details of the design and number of bins within the stores provided and the waste management condition attached to the original permission will be carried forward to ensure the provision remains adequate.

## OTHER MATTERS

### Drainage

84. 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 167 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.
85. The surface water discharge from the site is to be limited to calculated greenfield run-off rates using a flow control device prior to discharge into the site wide system and connection into the public sewer. Attenuation will be provided using blue roofs and cellular storage beneath the public realm area. The surface water system will accommodate flows on-site up to and including the 1 in 100-year critical duration event, with an allowance for climate change.
86. A total storage capacity of approximately 365m<sup>3</sup> Blue Roof and 270m<sup>3</sup> cellular storage will be provided and the system will have a flow control device limiting surface water discharge to 26.5l/s, equivalent to the 1:100 greenfield run-off rate. The drainage consultants for the application have confirmed that the amount of blue roof and cellular storage has gone up since the original approval as the current application modelling info is based on RIBA Stage 3 design which is a lot more advanced than the planning drawings which were Stage 2.

87. The Lead Local Flood Authority (LLFA) has been consulted on the section 73 application and have commented that they have no objection subject to the relevant condition being updated to reflect the amended details.

### Landscaping, Trees and Ecology

88. 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.

89. In line with Core Strategy Policy R3, measures should be included aimed at mitigating the direct impact of the development on the immediate environment and also contributing towards climate change adaptation.

90. The Council's Arboriculturist has commented that there are no trees on site currently and therefore no impact to assess on existing trees. Some changes were requested to the landscaping and tree planting in relation to the landscaping plans submitted for this application and amended plans were provided in accordance with the Arboriculturist's comments. It is now considered that the submitted landscaping scheme is appropriate and the layout provides adequate rooting space and physical space for the proposed trees to establish and their crowns to spread which will assist in ensuring their longevity.

91. Policy R2 of the Trafford Core Strategy seeks to ensure that all developments protect and enhance the Borough's biodiversity. 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.

92. Paragraph 180 d) of the NPPF states: "*opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.*"

93. The GM Ecology Unit (GMEU) have been consulted on the current section 73 application and have no objections or comments to make on the current proposals.

### **EQUALITIES**

94. The Equality Act became law in 2010. Its purpose is to legally protect people from discrimination in the workplace and in wider society. The Act introduced the term 'protected characteristics', which refers to groups that are protected under the Act.

These characteristics comprise: age, disability, gender reassignment, marriage and civil partnerships, pregnancy and maternity, race, religion or belief, sex/gender, and sexual orientation.

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

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

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

97. The agent for the application has provided written confirmation that the proposed changes to the plans do not alter the principles of the original scheme. The design and layout of the proposals have been developed from first principles with an inclusive approach to allow easy and safe and secure access throughout the buildings.

98. In relation to the accessibility of the development, all apartments would conform to M4(1) "Visitable dwellings" with all apartments having lift access. In addition there are five dedicated accessible spaces, all located to be a short distance to the main residential entrances and this is the same number as previously approved under 100270/FUL/20.

99. The measures in place to provide a facility accessible to all, including those with a protected characteristic, are considered to be, on balance, an appropriate, practical and reasonable response to the equalities impacts of the scheme.

## **DEVELOPER CONTRIBUTIONS**

### Community Infrastructure Levy (CIL)

100. This proposal is subject to the Community Infrastructure Levy (CIL) and is located in the cold charging zone for residential development, consequently private market houses will be liable to a CIL charge rate of £20 per square metre, and apartments will be liable to a CIL charge rate of £0 per square metre, in line with Trafford's CIL charging schedule and revised SPD1: Planning Obligations (2014).

101. However developments that provide affordable housing can apply for relief from paying CIL on those affordable units. Subject to the relevant criteria being met, relief from paying CIL can be granted and there the CIL payments will be reduced according.

### Affordable Housing

102. 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. Following Counsel advice and the outcome of the B&Q Public Inquiry, it is now the case that any high density scheme coming forward in Old Trafford should be tested against the limb of Policy L2.12 which states that 'the affordable housing contribution will be determined via a site specific viability study, and will not normally exceed 40%'. However there is an extant permission relating to this site and there is no intention to reduce the previously approved affordable housing numbers as part of this application, rather the change relates only to the tenure. Therefore it is not considered reasonable or necessary to revisit viability in this case.

103. Under planning permission 100270/FUL/20 this was stated to be provided in the form of 37 shared ownership affordable housing units on site. It is now proposed that the 37 affordable housing units would be provided for discounted market rent.

104. It is noted that objections have been received in relation to the proposed change in tenure. However the Housing Strategy and Growth Manager has raised no objection to the proposed change to the legal agreement in relation to affordable housing tenure, provided that the discounted market rent is provided in line with the affordable rent criteria which is set at 80% of market rent. The original permission did not include a split evenly between intermediate and social/affordable rented units, rather it proposed only shared ownership units with no social / affordable rent.

105. The Trafford Housing Need Assessment 2019 confirmed an annual affordable housing need in the borough of 545 units. In Old Trafford there is the greatest need for affordable 2 or more bedroomed flats with 40% being intermediate/shared ownership and 60% for affordable rent. Given the greater demand for affordable rent in this location it is considered that the change proposed to the tenure meets the identified housing needs for this area better than the original approval and the proposed change to the tenure is therefore supported.

### Education

106. The financial contribution of £573,678 secured under the original section 106 agreement relating to 100270/FUL/20 towards off-site primary education facilities remains unchanged.

## **PLANNING BALANCE AND CONCLUSION**

107. Section 38(6) of the Planning and Compulsory Purchase Act requires applications to be determined in accordance with the development plan unless material considerations indicate otherwise. That remains the starting point for decision making. The NPPF is an important material consideration.
108. In terms of NPPF paragraph 11 d) i), the proposed development does not have any impact on areas or assets of particular importance as defined by footnote 6 of the NPPF. As such, there would be no clear reason for refusal of permission in terms of this paragraph. The proposal therefore needs to be considered in relation to the test in paragraph 11 d) ii) and the tilted balance is engaged.
109. The proposed changes to certain design elements of some of the buildings and the alteration to the road layout and landscape buffer are considered to maintain a coherent aesthetic to the overall development. The proposed amendments to the approved scheme are therefore considered acceptable and would not fundamentally change the scale and form of the development as originally approved and would not result in any adverse impact in relation to residential amenity or highways and drainage issues subject to appropriate conditions. The conclusion reached on the original application was that 'minor harm to the significance of non-designated heritage assets' would arise. However the numerous, significant public benefits identified in the original application assessment were considered to outweigh that harm, and they are still applicable.
110. 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**

111. The following adverse impacts of granting permission have been identified:
- Minor harm to the setting of Old Trafford Bowling Club, a non-designated heritage asset.
  - Lack of contributions towards off-site open space, play space and sports provision
  - Amenity impacts on future occupiers of the development are not fully compliant with the guidelines set out in SPG1 resulting in minor harm
112. These adverse impacts must be assessed as to whether they outweigh the benefits of granting permission when assessed against the policies in the NPPF as a whole.



## Scheme Benefits

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

- The delivery of 367 no. new homes on a brownfield site in a highly sustainable location. The proposals would contribute significantly towards addressing the identified housing land supply shortfall and the Council's policy aspiration to maximise the use of previously developed land for housing. Substantial weight has been given to this benefit and the contribution of the development to the regeneration of the area.
- 10 per cent of the total number of dwellings will be delivered as affordable units for discounted market rent on-site and substantial weight is afforded to this.
- Provision of the full contribution required towards the improvement of off-site primary education facilities.
- Delivery of a well-designed, high quality development for future occupiers
- The proposals would maximise the benefits associated with a brownfield site in a highly accessible location, re-using significant areas of previously developed land, for housing which will contribute positively to the Council's policy aspiration to maximise the use of previously developed land for housing.
- Biodiversity improvements and tree planting
- Social and environmental benefits associated with the provision of on-site publicly accessible open space and public realm
- Improved pedestrian and cycle connectivity
- Economic benefits that will flow from construction and occupation. Additional expenditure into the local economy will support existing services in the area.

114. 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.

115. Given that permission granted under section 73 takes effect as a new, independent permission, to carry out the same development as previously permitted subject to new or amended conditions, decision notices for the grant of such

permissions are required to set out all the conditions required to be imposed on the new permission, and restate any conditions imposed on the original consent that continue to have effect. A section 73 application cannot be used to vary the time limit for implementation, this condition must remain unchanged from the original permission in terms of the time period for implementation.

116. In addition conditions 2 (Approved Plans) and 13 (Drainage) will need to be updated to reflect the changes to the approved plans and drainage scheme. In addition, since the original approval in May 2021, an NMA has been submitted and approved as set out under the 'Planning History' section of this report to make a minor change to the wording of condition 26 and this condition is also amended accordingly.

### **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 10 per cent affordable housing on site in the form of 37 no. housing units for discounted market rent to be set at not more than 80% of market rent
  - A financial contribution of £573,678 towards off-site primary education facilities;
  - 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.
  - The retention of Tim Groom Architects in the role of design certifier throughout the construction period, or alternatively to secure a commuted sum to cover the professional fees required to enable the local planning authority and developer to work together to secure the involvement of an architectural practice of their choice in the role of design certifier;
- (ii) To carry out minor drafting amendments to any planning condition.
- (iii) To have discretion to determine the application appropriately in the circumstances where a S106 agreement has not been completed within three months of the resolution to grant planning permission.
- (iv) That upon satisfactory completion of the above legal agreement that planning permission be GRANTED subject to the following conditions (unless amended by (ii) above):

1. The development must be begun not later than 05.05.2024

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

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

Ground Floor Site Plan – 1006-TGA-XX-00-DR-A-0300 Rev P12 (received on 20.10.22)

First Floor Plan - 1006-TGA-XX-01-DR-A-0301-P7 (received on 13.09.22)

Second Floor Plan - 1006-TGA-XX-02-DR-A-0302-P7 (received on 13.09.22)

Third Floor Plan - 1006-TGA-XX-03-DR-A-0303-P7 (received on 13.09.22)

Fourth Floor Plan - 1006-TGA-XX-04-DR-A-0304-P7 (received on 13.09.22)

Fifth Floor Plan - 1006-TGA-XX-05-DR-A-0305-P7 (received on 13.09.22)

Sixth Floor Plan - 1006-TGA-XX-06-DR-A-0306-P8 (received on 13.09.22)

Seventh Floor Plan - 1006-TGA-XX-07-DR-A-0307-P8 (received on 13.09.22)

Eighth Floor Plan - 1006-TGA-XX-08-DR-A-0308-P8 (received on 13.09.22)

Ninth Floor Plan - 1006-TGA-XX-09-DR-A-0309-P8 (received on 13.09.22)

Tenth Floor Plan - 1006-TGA-XX-10-DR-A-0310-P8 (received on 06.09.22)

Landscape General Arrangement UG\_384\_LAN\_GA\_DRW\_01 Rev P13

Soft Landscape Plan – UG\_384\_LAN\_SL\_DRW\_03 Rev P13

Hard Landscape Plan – UG\_384\_LAN\_HL\_DRW\_02\_P10

Townhouse Front Garden Typical Detail - UG\_384\_LAN\_DET\_DRW\_06\_P02

Elevations Block A - 1006-TGA-XX-XX-DR-A-0520-P6

Elevations Block B(1) - 1006-TGA-XX-XX-DR-A-0521-P8

Elevations Block B(2) 1006-TGA-XX-XX-DR-A-0522-P7

Elevations Block C - 1006-TGA-XX-XX-DR-A-0523-P7

Elevations Block D - 1006-TGA-XX-XX-DR-A-0524-P7

Elevations Block E - 1006-TGA-XX-XX-DR-A-0525-P7

North and South Elevations - 1006-TGA-XX-00-DR-A-0502-P8

Site Section AA and BB - 1006-TGA-XX-00-DR-A-0400-P6

Site Section CC and DD - 1006-TGA-XX-XX-DR-A-0401-P6

East and West Elevations Skerton Road - 1006-TGA-XX-00-DR-A-0500-P8

Eastern Elevation - Internal Street Elevation - 1006-TGA-XX-00-DR-A-0501-P8

Detailed Strip Elevations - 1006-TGA-XX-00-DR-A-0510-P4

Town House Types - 1006-TGA-XX-00-DR-A-0511-P4

Below Ground Drainage Plan - TBT-REN-00-FN-DR-C-01000 P04

Existing and Proposed Waiting Restrictions - SK21975-301

Swept Path Analysis Delivery Vehicle - SK21975-302

Swept Path Analysis Refuse Collection Vehicle- SK21975-303

Swept Path Analysis Bakery Access – SK21975-304

Proposed Access Arrangement Elsinore Road - SK21975-305

Proposed Access Arrangement Skerton Road - SK21975-306  
Proposed Highway Stopping Up Proposals SK21975-307

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

3. Notwithstanding any description of materials in the application, no above-ground construction works shall take place until samples and full specifications of all materials to be used externally on all parts of the buildings hereby approved have been submitted to and approved in writing by the Local Planning Authority. The specifications shall include the type, colour and texture of the materials. The samples shall include constructed panels of all proposed brickwork illustrating the type of joint, the type of bonding and the colour of the mortar to be used, with these panels available on site for inspection, and retained for the duration of the build. Development shall be carried out in accordance with the approved details.

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

4. No above-ground construction works shall take place unless and until a detailed façade schedule for all elevations of the building has first been submitted to and approved in writing by the local planning authority. The schedule shall be provided in tabulated form with cross referencing to submitted drawings, include the provision of further additional drawings and the building of sample panels on site as necessary and shall include:
  - (i) All brickwork detailing
  - (ii) All fenestration details and recesses
  - (iii) All entrances into the buildings
  - (iv) The siting of any equipment on the roofs of the development
  - (v) The means of dealing with rainwater and any necessary rainwater goods that may be visible on the external façade of the building
  - (vi) The siting of any external façade structures such as meter boxes

Development shall proceed in accordance with the approved detailed façade schedule.

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

5. a) Notwithstanding the details shown on the approved plans, the development hereby permitted shall not be occupied until full details of both hard and soft landscaping works including green / brown roofs have been submitted to and approved in writing by the Local Planning Authority. The details shall include a full specification of all boundary treatments across the site, details of street

furniture and play equipment, the formation of any banks, terraces or other earthworks, hard surfaced areas and materials, planting plans, specifications and schedules (including planting size, species and numbers/densities), existing plants / trees to be retained and a scheme for the timing / phasing of implementation works. 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 shall be carried out in accordance with the approved scheme for timing / phasing of implementation or within the next planting season following final occupation of the development hereby permitted, whichever is the sooner.

(c) Any trees or shrubs planted or retained in accordance with this condition which are removed, uprooted, destroyed, die or become severely damaged or become seriously diseased shall be replaced within the next planting season by trees or shrubs of similar size and species to those originally required to be planted.

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

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

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

7. No above ground construction works shall take place unless and until a Movement, Parking and Servicing Management Strategy for the development has been submitted to and approved in writing by the Local Planning Authority. This shall include plans showing details of the areas for the movement, loading, unloading and parking of vehicles. 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. The approved Strategy shall be implemented upon first occupation of the development 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.

8. Notwithstanding the details shown on the approved plans no dwellings shall be occupied unless and details of the proposed secure cycle storage for each block has first been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented before the development is brought into use and shall be retained at all times thereafter.

Reason: To ensure that satisfactory cycle 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.

9. No above-ground construction works shall take place unless and until detailed plans and a schedule of necessary highway works (including a timetable for the works) have been submitted to and approved by the Local Planning Authority. The works shall include:
  - reinstatement of redundant vehicular crossovers to adoptable standard
  - relocation of street lighting columns
  - provision of new vehicular crossovers to adoptable standards

Development shall be carried out in accordance with the approved details and timetable and retained thereafter.

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

10. Within 6 months of the first date of occupation of the development hereby permitted a full Travel Plan, shall be submitted to and approved in writing by the local planning authority. The plan shall include :
  - Realistic and quantifiable targets to reduce car travel and increase use of non-car modes;
  - Targets to be continuously reviewed and monitored against the baseline which will be established within 3 (three)-months of the first date of occupation;
  - Effective measures and incentives to promote sustainable transport options for residents and visitors;
  - Residents travel surveys to be completed every 12 months from the date of first occupation.

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

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

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

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

The development shall thereafter be carried out in full accordance with the approved remediation strategy before the first occupation of the development hereby approved.

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.

12. The development hereby permitted shall not be occupied until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation has been submitted to and

approved in writing by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan, where required (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

Reason: To prevent pollution of the water environment and to ensure the safe development of the site in the interests of the health of future occupiers in accordance with Policies L5 and L7 of the Trafford Core Strategy and the National Planning Policy Framework.

13. The development hereby permitted shall only be carried out in accordance with the approved Site Wide Drainage Strategy Rev 02 (issue dated 07/04/20) by Renaissance and Technical Addendum ref. TB-REN-ZZ-ZZ-RP-C-0001 Rev 01 dated 04.10.22 by Renaissance and the following mitigation measures detailed within the Drainage Strategy:

- Limiting the surface water run-off to: 1:1 - 14.7 l/s  
1:30 - 24.4 l/s  
1:100 - 26.5 l/s
- Provision of attenuation flood storage on the site to a 1:100 year plus climate change standard:  
365m<sup>3</sup> Blue Roof Storage  
270m<sup>3</sup> Cellular Storage
- In accordance with the Drawing Number:  
TBT-REN-00-FN-DR-C-01000 Rev. P04 (Below Ground Drainage Plan Stage 3)

The development shall thereafter be carried out in full accordance with the approved details before the first occupation of the development hereby approved and retained thereafter.

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site having regard to Policy L5 and Policy L7 of the Trafford Core Strategy and the National Planning Policy Framework.



14. Prior to first occupation of the development hereby permitted, a management and maintenance plan for the sustainable drainage scheme for the lifetime of the development shall be submitted to and approved in writing by the Local Planning Authority. The plan shall include the arrangements for adoption by an appropriate public body or statutory undertaker, management and maintenance by a Residents' Management Company or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime.

Reason: To prevent increased risk of flooding; to improve and protect water quality; to improve habitat and amenity; and to ensure the future maintenance of the sustainable drainage structures having regard to Policy L5 and Policy L7 of the Trafford Core Strategy and the National Planning Policy Framework.

15. The site shall be drained via separate systems for the disposal of foul and surface water.

Reason: To secure a satisfactory system of drainage and to prevent pollution of the water environment, having regard to Policy L5 and Policy L7 of the Trafford Core Strategy and the National Planning Policy Framework.

16. Prior to any above ground construction work first taking place, a scheme detailing the Biodiversity Enhancement Measures proposed on the site, which shall include bat and bird boxes / bricks and bug hotels, shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to first occupation and retained thereafter.

Reason: In order to enhance the biodiversity of the site and to mitigate any potential loss of habitat having regard to Policy R2 of the Trafford Core Strategy and the National Planning Policy Framework.

17. The development hereby approved shall not be occupied or brought into use until full details of the provision of at least one electric vehicle (EV) charge point (minimum 7kWh) for every residential dwelling with dedicated parking or one electric vehicle (EV) charge point (minimum 7kWh) for every 10 car parking spaces for unallocated parking has been submitted to and approved in writing by the Local Planning Authority. The EV charging facilities shall thereafter be installed in accordance with the approved details before the development is first occupied or brought into use and retained thereafter in working order.

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

18. The development hereby approved shall be designed and constructed in accordance with the recommendations contained within sections 3.3 of the submitted Crime Impact Statement Version B: 28/02/20 Reference: 2020/0054/CIS/01 and the physical security specifications set out in section 4 of

that document. The approved measures shall be retained and maintained thereafter.

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

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

- i. the parking of vehicles of site operatives and visitors (all within the site)
- ii. loading and unloading of plant and materials (all within the site) including times of access/egress
- iii. storage of plant and materials used in constructing the development
- iv. the erection and maintenance of security hoardings including decorative displays and information for members of the public, including contact details of the site manager
- v. wheel washing facilities, including measures for keeping the highway clean
- vi. a scheme for recycling/disposing of waste resulting from demolition and construction works
- vii. proposed days and hours of demolition and construction activity (in accordance with Trafford Councils recommended hours of operation for construction works)
- viii. measures to prevent disturbance to adjacent dwellings from noise and vibration and details as to how this will be monitored, including the impact of any piling activity and plant such as generators,
- ix. measures to control the emission of dust and dirt throughout the demolition, earthworks and construction phases of the development and procedures to be adopted in response to complaints of fugitive dust emissions. The measures shall reflect the Fugitive Dust Emission Mitigation Measures detailed the Air Quality Assessment prepared by Redmore Environmental Ltd. (Ref: 2932 r3, 25th February 2020)

Reason: To ensure that appropriate details are agreed before works start on site and to minimise disturbance and nuisance to occupiers of nearby properties and users of the highway and in the interests of air quality having regard to Policies L4, L5 and L7 of the Trafford Core Strategy and the National Planning Policy Framework. The details are required prior to development taking place on site as any works undertaken beforehand, including preliminary works, could result in adverse residential amenity and highway impacts.

20. Prior to the development being brought into use, a waste management strategy shall be submitted to and approved in writing by the Local Planning Authority. The submitted plan shall include hours for collection or disposal and details of bin stores for both the gym, clubhouse and residential units, which shall include

accommodation for separate recycling receptacles in addition to other household waste. The details / measures set out in the approved scheme shall be implemented and adhered to thereafter.

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

21. No above ground construction works shall take place until a full external lighting scheme and a Lighting Impact Assessment has been submitted to and approved in writing by the Local Planning Authority in respect of exterior lighting installations. The assessment should demonstrate that the impact of proposed exterior lighting into habitable windows, either within or off-site, would be within acceptable margins, in compliance with the Institution of Lighting Professionals' Guidance Note 01/20 'Guidance notes for the reduction of obtrusive light'. The approved details, including any necessary mitigation measures, shall be implemented in full before the development hereby permitted is first occupied and shall be retained thereafter in working order.

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

22. No above ground construction works shall take place until a strategy for energy efficiency and low/zero carbon technologies for the development has been submitted to and approved in writing by the Local Planning Authority. 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 shall be implemented in full prior to first occupation of the development hereby permitted or in accordance with a phased approach that has first been submitted to and agreed in writing by the Local Planning Authority and shall be retained thereafter.

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.

23. No works to the superstructure above ground floor slab (excluding the core) or to the envelope of the residential apartments shall take place until an external noise mitigation scheme for the residential apartments has been submitted to and approved in writing by the Local Planning Authority. The scheme shall, as a minimum, demonstrate the following:

- Detailed (1/1 and 1/3 octave band) sound reduction performance specifications for the external walls, windows and exterior doors

- Calculations to demonstrate compliance with the internal noise level criteria of section 9.2 of the Noise Impact Assessment (NIA) prepared by Hann Tucker Associates Ltd. (ref: 26911/NIA1, date: 13 May 2020)
- Calculations to demonstrate that external industrial noise ingress to the residential apartments will not exceed an internal noise limit derived from a subtraction of 5 dB from Noise Rating curve NR25 in each 1/1 octave band spectrum
- A strategy for the alternative means of ventilation of the residential apartments and mitigation measures to address the possibility of overheating, where windows and doors are required to remain closed, in order to achieve compliance with the above internal noise criteria and having regard to the ANC / IOA Acoustics Ventilation and Overheating Residential Design Guide (January 2020 Version 1.1)
- Details of measures to protect outdoor living areas, including apartment balconies intended to be used by residents for relaxation and recreation, from excessive noise impact

All mitigation measures shall be installed in accordance with the approved scheme, and a verification report providing sufficient information to demonstrate compliance with this requirement, shall be submitted to and approved in writing by the Local Planning Authority before any of the residential apartments hereby approved are occupied.

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

24. Prior to the first occupation of the development hereby permitted, a report shall be submitted to and approved in writing by the Local Planning Authority to demonstrate how the noise level (L<sub>A</sub>) from all external fixed plant and machinery, when rated in accordance with BS 4142: 2014, will not exceed 44dB between 07:00-23:00 hrs and 38dB between 23:00-07:00 hrs at 1m from residential windows. Any mitigation measures required to achieve compliance with this requirement shall be retained thereafter in working order.

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

25. Prior to the first operation of the 'Clubhouse' at the development hereby permitted, a Clubhouse Operator's Management Plan shall be submitted to and approved in writing by the Local Planning Authority. This plan shall detail controls to protect local residential amenity (including hours of use) from undue impact, including from any entertainment, organised activities and events, the use of external areas by users and from servicing, waste collections and deliveries. The operation of the Clubhouse shall be carried out in accordance with the approved Operator's Management Plan thereafter.

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

26. No above ground construction shall take place until details of the ground floor slab for the gym/amenity space have been submitted to and approved in writing by the Local Planning Authority. The submitted information shall demonstrate that the slab will be sufficiently isolated from the remaining structure in order to suitably restrict the transfer of structural-borne noise from the operation of the gym/amenity space to adjoining dwellings. Development shall thereafter be carried out in accordance with the approved details.

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

27. Prior to any works taking place to the superstructure above ground floor slab (excluding the core), an assessment of the noise impact from the operation of the gym/amenity space into adjoining and adjacent dwellings shall be submitted to and approved in writing by the Local Planning Authority. The assessment shall detail a scheme of mitigation measures to suitably address any potential for adverse noise impact. The approved mitigation scheme shall be implemented prior to the first operation of the gym/amenity space and retained thereafter in working order.

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

28. The use of parts of the development as a Clubhouse and Gym shall remain ancillary to the main residential use of the wider development hereby permitted and shall not be occupied or operated independently of the main residential use of the site.

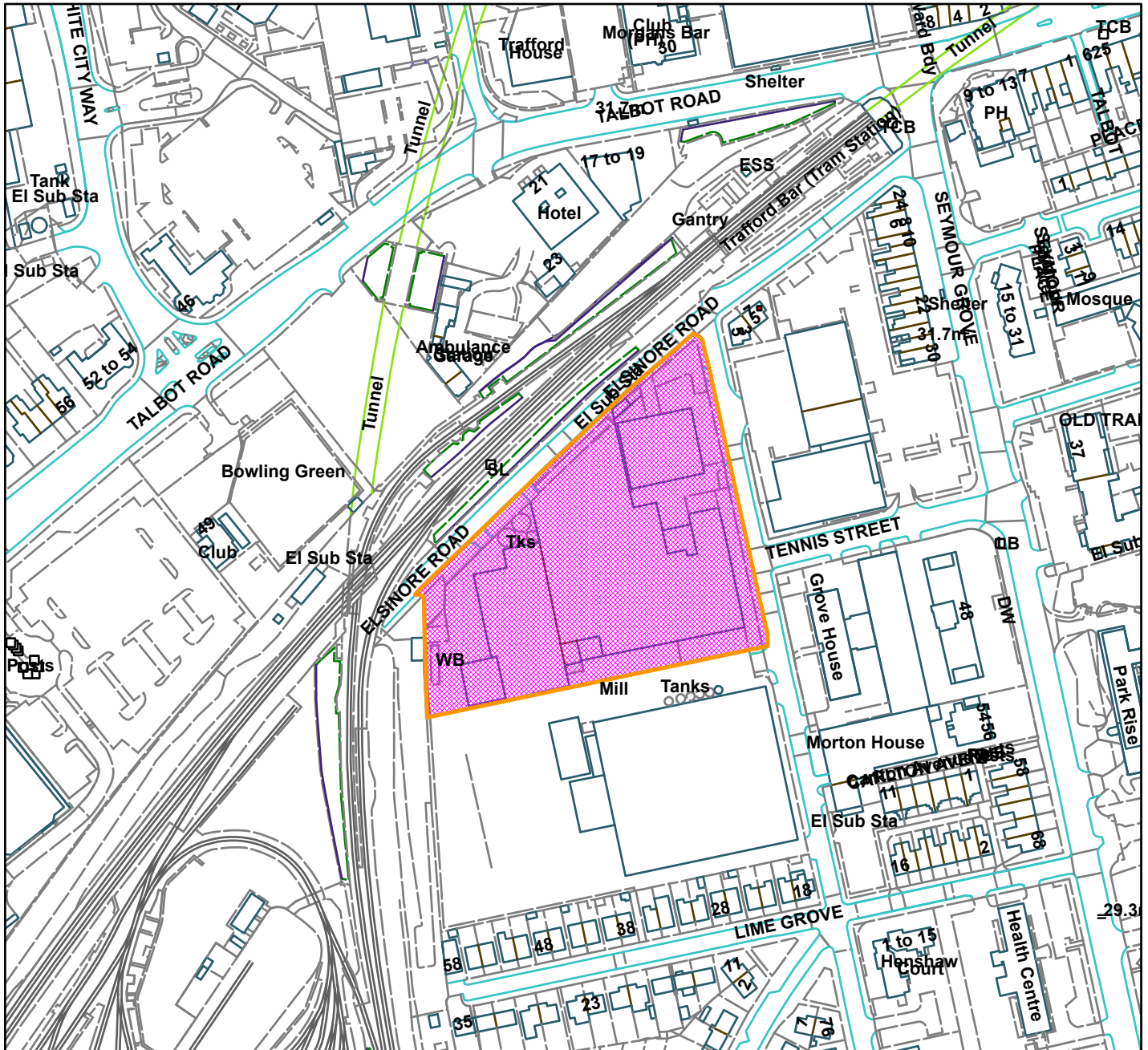
Reason: To prevent the establishment of a separate Clubhouse or Gym operation in the interests of the residential amenities of the area, having regard to Policy L7 of the Trafford Core Strategy and the National Planning Policy Framework.

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Land Bound By Elsinore Road And Skerton Road, Stretford (site hatched on plan)



Scale: 1:2,500

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Organisation	Trafford Council
Department	Planning Service
Comments	Committee Date - 10/11/22
Date	31/10/2022
MSA Number	100023172 (2022)