

AGENDA ITEM 3

PLANNING AND DEVELOPMENT MANAGEMENT COMMITTEE – 13th July 2017

ADDENDUM TO THE AGENDA:

ADDITIONAL INFORMATION REPORT (INCLUDING SPEAKERS)

1.0 INTRODUCTION

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

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

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

REVISED ORDER OF AGENDA (SPEAKERS)

Part 1 Applications for Planning Permission					
Application	Site Address/Location of Development	Ward	Page	Speakers	
				Against RECOMMENDATION	For REC.
<u>90138</u>	Land at the corner of Manchester Road & Hartington Road, Altrincham, WA14 5LU	Broadheath	1		✓
<u>90220</u>	Sale Football Club, Heywood Road, Sale, M33 3WB	Brooklands	29		
<u>90432</u>	Land at Oakfield Road/Moss Lane, Altrincham, WA15 8EP	Altrincham	42		✓
<u>90481</u>	Simpson Ready Foods Ltd, Stretford Road, Urmston, M41 9WH	Urmston	75	✓	✓
<u>90610</u>	35 Craven Road, Altrincham, WA14 5HD	Broadheath	103		
<u>90678</u>	Brooklands Primary School, Woodbourne Road, Sale, M33 3SY	Brooklands	116	✓	✓
<u>90758</u>	Land North West of the Junction of St Margarets Road & Groby Road, Altrincham	Bowdon	136		

90799	Development Site, Pomona Strand, Old Trafford	Clifford	155		✓
91186	42 - 44 Brook Road, Flixton, M41 5RY	Flixton	202		
91272	47 Southgate, Flixton, M41 9EQ	Flixton	212		

Page 1 90138/FUL/16: Land at the corner of Manchester Road & Hartington Road, Altrincham

SPEAKER(S) AGAINST:

**FOR: Bill Fulster
(Agent)**

REPRESENTATIONS

A further letter of objection has been received following reconsultation with neighbours. The objector has previously made comments which have been reported on the main report to Planning & Development Management committee, additional comments as follows:-

- Surrounding streets are already overburdened with parking from local residents, existing businesses, users of the recreational grounds and the new nursery on Manchester Road. This development will increase the volume of cars and traffic.
- Pedestrian access onto Churchill Road will encourage people to park there, raising concerns over increase in traffic and footfall from a security and safety perspective.
- Rear gardens of 17-23 Churchill Road will be surrounded by parking bays and bin stores with increase in noise, light pollution, waste and fumes. Not sure how a 2.1m high fence will alleviate noise /activity from apartment blocks.
- The buildings are out of both character and scale of the surrounding area and existing buildings. There will be approximately 40 windows that will face towards properties at 17-23 Churchill Road.

OBSERVATIONS

The comments provided by the additional letter of objection have previously been raised and the issues addressed in the main committee report.

RECOMMENDATION

MINDED TO GRANT SUBJECT TO LEGAL AGREEMENT

- A. The application will propose a satisfactory development for the site upon completion of an appropriate legal agreement and such legal agreement be entered into to secure:-

- (i) a contribution of £100,000 (one hundred thousand pounds) towards affordable housing provision, in accordance with Policy L2 of the Trafford Core Strategy.
- (ii) The submission of a further viability review of the scheme at a point to be agreed with the applicant and agreement that an appropriate contribution towards affordable housing and spatial green infrastructure will be made should the review conclude that developer profits will exceed 20%.

B. In the circumstances where the section 106 agreement has not been completed within 3 months of the date of this resolution, the final determination of the application shall be delegated to the Head of Planning and Development.

C. That upon satisfactory completion of the above legal agreement, planning permission be granted subject to the following conditions (subject to any minor drafting amendments).

Page 29 90220/FUL/17: Sale Football Club, Heywood Road, Sale

APPLICANT'S SUBMISSION

The proposed development is described in the report as the part demolition of existing clubhouse, formation of new entrances, installation of first floor balcony and replacement glazing to facilitate a new function room at first floor together with a new fire escape staircase.

OBSERVATIONS

Paragraph 18 of the Committee Report has been amended to read:

In respect to the staircases, the emergency exits are located at the rear of the building facing towards Hazelwell and Brooklands. The fire exits are at first-floor level and thus there is direct line of sight to the first and second floor of dwellings on Hazelwell. To protect the ongoing amenities of neighbouring properties it is considered reasonably necessary to attach a condition requiring that the exits must remain closed and the staircases unused at all times except in emergencies *and drills*.

Condition 8 has been amended to read:

The staircases and emergency doors hereby permitted shall at no time be used or opened unless in emergency and drills.

Reason: To protect the privacy and amenity of the occupants of the adjacent neighbouring properties and having regard to Policy L7 of the Trafford Core Strategy and relevant paragraphs of the NPPF (2012).

RECOMMENDATION: GRANT subject to the conditions set out in the report and amended condition 8 as follows:

8. The staircases and emergency doors hereby permitted shall at no time be used or opened unless in emergency and drills.

Reason: To protect the privacy and amenity of the occupants of the adjacent neighbouring properties and having regard to Policy L7 of the Trafford Core Strategy and relevant paragraphs of the NPPF (2012).

Page 42 90432/RES/17: Land at Oakfield Road/Moss Lane, Altrincham

SPEAKER(S)

AGAINST:

FOR:

**Jon Suckley
(Agent)**

IMPACT ON DESIGNATED HERITAGE ASSETS

Conclusion

Page 60 Paragraph 53

Second sentence to read:

Further to this it is considered that the development would **not** result in harm to the setting of the listed buildings located on Stamford New Road.

ACCESS, HIGHWAYS AND CAR PARKING

Off-Site Highway Works

Page 66 Paragraph 86

Add final sentence:

These works would be secured through a s278 highway agreement.

OTHER MATTERS

Paragraph 111

The following text to be added:

Whilst one of the representations received states that the two companies which have applied for planning permission are insolvent and totally rely on their main shareholder company which is resident offshore in Jersey, the applicants are

keen to ensure that Members are made aware that this statement is untrue and entirely without foundation.

RECOMMENDATION

2. Approved plans to also include:

a1(04) 050 P01, al(04) 051 P01, al (04) 052 P01, al (04) 053 P01, al (04) 054 P01, al (04) 055 P01, al (04) 100 P04, al (101) P05, al (04) 102 P03, al (04) 103 P03, al (04) 104 P03, al (105) P04, al (106) P03, al (04) 107 P03, al (04) 109 P03, al (04) 130 P05, al (04) 131 P04, al (04) 132 P03, al (04) 134 P02, al (04) 200 P02, al (04) 201 P02, al (04) 202 P03, al (04) 203 P04, al (04) 206 P01, al (04) 207 P03, al (04) 208 P01, al (04) 209 P02, al (04) 233 P03, al (04) 235 P03, al (04) 236 P03, al (04) 237 P03, al (04) 300 P02, al (04) 301 P01, al (04) 302 P01, al (04) 303 P01, al (04) 309 P02, al (04) 330 P01, al (04) 332 P01, al (04) 335 P01, al (04) 336 P01, al (04) 400 P02, al (04) 401 P03, al (04) 402 P02, al (04) 403 P02, al (04) 409 P03, al (04) 431 P02, al (04) 433 P02, al (04) 436 P01, al (04) 437 P02.

Further to negotiations with the agent the times in the following condition are changed to allow later opening on Sundays and Bank Holidays.

7. The A1, A3, A4 and A5 premises within Blocks 1 and 3 hereby approved shall only be open for trade or business between the hours of 07:00 and 01:00 Monday to Saturday and 07:00 to 23:00 on Sundays and Bank Holidays with no outdoor consumption of food or drink after the hours of 23:00 and 22:00 respectively.

The A1, A3, A4 and A5 premises within Blocks 2 and 4 hereby approved shall only be open for trade or business between the hours of 07:00 and 02:00 Monday to Saturday and 07:00 to **24:00** on Sundays and Bank Holidays with no outdoor consumption of food or drinks after the hours of 23:00 and 22:00 respectively.

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

Page 75 90481/FUL/17: Simpson Ready Foods Ltd, Stretford Road, Urmston

SPEAKER(S)	AGAINST:	Chris Butt (Neighbour)
	FOR:	Bill Fulster (Agent)

Representations

1 no. further neighbour representation has been received and is summarised below:

- Loss of turning head on Link Avenue will have highway implications
- Would like to see kerb of existing properties dropped in order to allow for rear driveway access in the future

OBSERVATIONS

Delete Para. 32 and replace with:

Presently the sites frontage is formed from numerous adjoining factory buildings at a maximum height of 12m, erected in a staggered footprint. The proposed apartment blocks would be approximately 13m in height. These are also separated with the main access running in between them, adding a large visual break within the sites built form. The apartments would be setback from the front boundary of the site by approximately 2m - 3m, and would also be set in from the sites eastern and western side boundaries for distances of around 5m.

Delete Para. 34. And replace with:

All the dwellings are to be two storeys with maximum ridge heights of between 8.3 and 8.1 meters. The heights and scales of the various house types proposed are also considered to be characteristic of semi-detached and terraced houses within the wider area and are considered appropriate in their context.

Delete Para 52 and replace with:

The ridge heights of the house types proposed range from 8.3 metres to 8.1 metres which is considered characteristic of semi-detached and terraced houses in the immediate area and is not considered to be excessively high. To the sites north distances in excess of 18m would be retained between the proposed dwellings and properties of Humphrey park, considered an adequate distance to avoid any overbearing impacts.

Delete Para. 54 and replace with:

Currently the factory buildings to the southern end of the site, fronting Stretford Road have a height of around 12m and are designed to feature pitched roofs. The eastern most section of this projects rearwards into the site, at this height for a length of 20m, before dropping in height to 6.5m. The current proposals would see the erection of a three storey apartment block, within this location. This would have a ridge height of 13m. Furthermore the proposed apartment block has a projection of 15m, 5m lesser than the existing building on site and is therefore considered to better the existing situation for nearby residents of the site. It should further be noted, where the existing building is built adjoining its neighbouring dwellings to the east of the site, the current proposals would be set 5m away from its eastern side boundary. Therefore, taking the reduction in height

and projection into account, alongside the increased separation distances, it is considered that the development would improve the level of amenity currently enjoyed by neighbouring residential occupiers and not result in any undue overbearing impacts or result in any loss of outlook.

Delete Para. 77 and replace with:

The proposed development would be liable to an affordable housing contribution. This contribution will be secured by way of a 106 Agreement, as discussed within the Affordable Housing section of this report. The 106 Agreement will be used to secure an on-site method of delivery for the proposed affordable housing units. In addition to this, the tenure split should be 50:50 between shared ownership and social/affordable rented housing, in line with policy L2 of the TBC Core strategy,

RECCOMENDATION

Delete and replace with:

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:

- (i) 10% affordable housing, with a 50:50 tenure split of social/affordable rent.
- (ii) To carry out minor drafting amendments to any planning condition.
- (iii) To have discretion to determine the application appropriately in the circumstances where a S106 agreement has not been completed within three months of the resolution to grant planning permission.
- (iv) That upon satisfactory completion of the above legal agreement that planning permission be **GRANTED** subject to the following conditions (unless amended by
 - (ii) above): -

Conditions

Delete condition and replace with:

2. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers: Existing site plan 001, 2B4P AR House type – Rev. B, 2B4P OP ES House type Rev. B, 3B5P ES House type – Rev. B, 3B5P LF ES House type Rev. B, 3B5P OP ES House type – Rev. B, Stretford Road APT01 Rev. D, Stretford Road APT02 Rev. D, Stretford Road/ SK01 Rev. H, Stretford Road/Stretford scene 01 Rev. F, Stretford Road/Stretford scene 02 Rev. D.

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

Add further condition:

- 19.No development shall take place unless and until a scheme for secure cycle storage 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.

Page 116 90678/FUL/17: Brooklands Primary School, Woodbourne Road, Sale

SPEAKER(S)	AGAINST:	Barry Lewis (Neighbour)
	FOR:	Matthew Copping (Applicant)

APPLICANT'S SUBMISSION

The proposed development is described in the report as encompassing alterations to the school to include the demolition of the existing detached kitchen and dining hall; the erection of extensions to the rear to facilitate 7.no new infant and nursery classrooms; extension to the main hall and a new kitchen area; erection of a temporary classroom; extension to the existing car park and hard play area with new hardstanding and landscaping throughout the site.

Additional information has been submitted in the form of a Flood Risk Assessment and Drainage Strategy (CO36800148/01 Rev A) dated June 2017. This document has now been assessed by the Lead Local Flood Risk Authority.

CONSULTATIONS

Lead Local Flood Risk Authority – No objection subject to conditions.

OBSERVATIONS

Climate change and Drainage

Policy L5 of the Core Strategy relates to Climate Change and states that new development should mitigate and reduce its impact on climate change factors,

such as pollution and flooding and maximise its sustainability through improved environmental performance of buildings, lower carbon emissions and renewable or decentralised energy generation.

The site is located within a Critical Drainage Area, therefore the new development must demonstrate that it is not at risk of flooding, and will not increase the existing flooding conditions within the site or elsewhere. The surface water management should aim not to increase any runoff, and where practical reduce the rate of runoff from the site with the Level 2 Manchester City, Salford City and Trafford Councils Level 2 SFRA.

It is considered that the proposed works will not increase flood risk for the development or to the surrounding area and therefore for a development of this size, it would be satisfactory for approval subject to the full drainage scheme being designed in accordance with FRA *Flood Risk Assessment and Drainage Strategy – Brooklands Primary School* document reference: CO036800148 Rev A dated 28/06/2017 submitted as part of any conditions, with a maximum surface water discharge rate of 10.1 l/s discharging to the existing drainage network and a final discharge rate of 56.1 l/s to the United Utilities sewer.

The Lead Local Flood Risk Authority has requested the attachment of conditions relating to the submission of a full drainage design and the incorporation of a Sustainable Drainage Scheme with management plan.

It is also recommend Condition 15 (requiring details of how the basement car park will be ventilated) is amended to require the approved ventilation method to be retained once installed.

Other Matters

The wording of condition 7 for the temporary classroom has been amended to read:

‘The temporary classroom hereby granted is for a limited period expiring on the occupation of the extensions to the school hereby permitted when the building, services and relating to the temporary classroom shall be removed and the land reinstated to its former condition in accordance with a scheme of work which shall be submitted to and approved by the Local Planning Authority before the expiration of the period specified in this condition.

Reason: In the interests of the visual amenities of the area and having regard to the use of the site for sports provision in accordance with Policy L7 of the Trafford Core Strategy and the National Planning Policy Framework.’

RECOMMENDATION: GRANT subject to the conditions set out in the report, amended condition 7 and additional conditions 13 and 14 as follows:

7. The temporary classroom hereby granted is for a limited period expiring on the occupation of the extensions to the school hereby permitted when the

building, services and relating to the temporary classroom shall be removed and the land reinstated to its former condition in accordance with a scheme of work which shall be submitted to and approved by the Local Planning Authority before the expiration of the period specified in this condition.

Reason: In the interests of the visual amenities of the area and having regard to the use of the site for sports provision in accordance with Policy L7 of the Trafford Core Strategy and the National Planning Policy Framework.'

13. No development shall take place unless and until details of the full detailed drainage design and all relevant documents to limit the proposed peak discharge rate of storm water from the development to meet the requirements of the Councils Level 2 Hybrid Strategic Flood Risk Assessment (SFRA) have been submitted and approved in writing by the Local Planning Authority. The development shall not be brought into use until such works, as approved, are implemented in full and they shall be retained and maintained to a standard capable of limiting the peak discharge rate as set out in the SFRA and FRA thereafter.
14. No development shall take place unless and until full details of the Sustainable Drainage Scheme, which shall include maintenance and management plan for the site, have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented during the course of the development, and thereafter managed and maintained in accordance with the approved details.

Those details shall include:

- Verification report providing photographic evidence of construction as per design drawings;
- As built construction drawings if different from design construction drawings;
- Construction photographs;
- Management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime.

It will be necessary to constrain the peak discharge rate of storm water from this development (including hard areas) in accordance with the limits indicated in the Guidance Document to the Manchester City, Salford City and Trafford Councils Level 2 Hybrid Strategic Flood Risk Assessment. No development shall be commenced unless and until full details of the proposals to meet the requirements of the Guidance have been submitted to and approved by the Local Planning Authority and none of the

development shall be brought into use until such details, as approved, are implemented in full. Such works to be retained and maintained thereafter.

Page 136 90758/FUL/17: Land North West of the Junction of St Margarets Road & Groby Road, Altrincham

OBSERVATIONS

PRINCIPLE OF THE DEVELOPMENT

Paragraph 18 should read:

The NPPF paragraph 132 advises that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.

Page 155 90799/FUL/17: Development Site, Pomona Strand, Old Trafford

SPEAKER(S)

AGAINST:

FOR:

**Mark Worcester
(Agent)**

APPLICANT'S SUBMISSION

Since the report was published the applicant has submitted amended plans for the wall adjacent to Pomona Strand and has questioned the need for a sports contribution. The applicant has also requested a number of plans submitted with the application are added to the list of approved plans at Condition 2 (podium elevation to Pomona Strand, detailed elevation treatment, roof plans and floor plan).

CONSULTATIONS

TfGM – Further response received, comments summarised below.

OBSERVATIONS

AFFORDABLE HOUSING AND VIABILITY

The applicant has submitted a Viability Assessment which shows that the development is suffering in viability terms as the output of their appraisal generates a RLV (Residual Land Value) below what they consider to be the benchmark land value for the site and that the total profit is below the minimum required by developers in the local market. The committee report indicates that there may be scope within the scheme to provide a substantive contribution which could be brought forward through planning obligations to secure affordable

housing, but that discussions were ongoing with the applicant with regards to the amount of the contribution.

Further assessment of the Viability Assessment has been undertaken by an independent consultant on behalf of the Council. Further information relating to build costs has also been shared with the consultant to assist with this review. This further assessment and information has unfortunately resulted in a significant change to the position indicated in the committee report that a substantive contribution may be viable. The review accepts that the development proposals are not capable of supporting any contribution to affordable housing provision or any S106 contributions.

SPD1: Planning Obligations confirms that the viability of planning obligations such as affordable housing will be negotiated between the Council and developers on a case by case basis. Where viability is an issue it states that the Council will consider potential benefits of a scheme by weighing these against the resulting harm from the potential under-provision or delayed provision of infrastructure. Based on independent financial viability findings and other evidence, planning obligations may be deferred, phased, or discounted, where this would not make the development unacceptable in planning terms. SPD1 further states that where a viability appraisal has been accepted by the Council, the S106 legal agreement may include provisions for overage and review mechanisms.

Having regard to the conclusions of the independent review it is accepted that a contribution at the present time would not be viable. The scheme will deliver significant benefits that are considered to outweigh no contribution towards affordable housing or sports facilities being provided. The advice provided by the consultant recommends that a viability review is undertaken at a future point to assess the viability of the scheme to determine an appropriate affordable housing commuted sum/S106 contributions payable. The advice suggests this could be applied if the construction of Tower Two (Block B) is delayed beyond 12 months of its anticipated start on site date as per the applicant's current development programme. The advice also states that alternatively a viability review mechanism in a different form could be discussed and agreed between the applicant and the LPA. It is considered the latter is appropriate in this case to ensure a review is undertaken, rather than the former which would not result in a review if the scheme is built as a single phase. A S106 legal agreement will be required to secure this.

It is acknowledged that guidance contained in the National Planning Practice Guidance (NPPG) and RICS Professional Guidance Financial Viability in Planning (2012) notes that such an approach would generally be suitable in cases where a development is phased over the medium and longer term, which is not the case in this instance. However having regard to the advice received from the Council's viability consultant and the Council's adopted SPD1: Planning Obligations, it is considered that the lack of comparable development within the vicinity of this site, the perceived demand for residential development within the local area and the possibility for this to have an impact upon improved sales

values indicates that there may be uncertainty regarding final values associated with the scheme. It is therefore considered reasonable to require the applicant to carry out a viability review at a later stage of the development in order to ensure that an appropriate contribution towards affordable housing and sports facilities is secured should it be concluded that profits from the scheme exceed 20%. Whilst RICS guidance stresses that viability review mechanisms can introduce uncertainty for a developer, it is not considered that it would do in this case. It should not undermine the basis of a competitive return as envisaged by the NPPF by introducing uncertainty post the implementation of the development, nor make funding the scheme difficult or unlikely as any contribution to the Council would only be triggered after the developer has realised a 20% profit, whilst any contribution would be in the form of a commuted sum, and would not include the provision of affordable units on site. At the time of preparing this report this requirement is still being discussed not yet agreed by applicant.

IMPACT ON THE CHARACTER AND APPEARANCE OF THE AREA – WALL TO POMONA STRAND

Amended plans have been received for the treatment of the proposed wall to the car park along Pomona Strand in response to concerns concern over the appearance of the wall and its impact on visual amenity. In summary the balustrade at podium level has been set back from the wall by 2.3m, reducing the height of the wall by approximately 1m to 3.45m. The main length of wall is proposed to comprise a brick plinth, two types of mesh panels, planting to alternate panels trailing down from podium level and brick piers every 7.2 metres and projecting 20mm beyond the plinth. Sections of full height brick wall with brick piers are retained at each end of the site.

It is considered that the reduced height of the wall, variation in materials and the inclusion of planting will result in soften the appearance of the wall and provide sufficient detail and relief to avoid the harsh appearance that was a concern of the originally submitted proposals. It is relevant to take into account that this wall needs to provide ventilation to the car park and security, in addition to having acceptable visual impact, and this has influenced the proposed design and materials. Further details of the mesh and the planting are required and this can be required by condition.

SPATIAL GREEN INFRASTRUCTURE – SPORTS FACILITIES

The committee report (at paragraph 38) sets out the need for this development to contribute towards the provision of sports facilities and that a financial contribution of £191,724 is required. The applicant has questioned this requirement and has referred to the fact this is inconsistent with the approach taken on the application for the apartments currently being built on Pomona Island (ref. 85822/FUL/15) which wasn't required to make such a contribution, despite being for a broadly similar number of apartments, subject to the same policies and approved in the context of an extant permission for 546 apartments on the current application site. The applicant has stated that if the combined effects of 85822/FUL/15 and the extant permission H/58948 on the application

site (710 apartments in total) were deemed insufficient to justify a financial contribution then it must follow that the combined effects of the current application and 85822/FUL/15 (380 apartments in total) must also be insufficient to justify a contribution.

SPD1 states that very large developments in the region of over 300 units will need to provide on-site facilities. The SPD also states that the cumulative impact of smaller schemes being addressed through CIL and that in exceptional circumstances it may be more appropriate to pay a commuted sum towards the provision of outdoor sports facilities. The SPD provides the example of where a commuted sum may be more appropriate as where large development is phased so provision can be delivered as part of a later phase, or where it's appropriate to provide the required provision on land outside of the boundary for planning permission but close to the development.

The committee report explains that although the proposed development is below the 300 unit threshold in SPD1, the cumulative number of units resulting from the proposed development and the apartments currently being built at the north eastern end of Pomona Island would be over 300 units. Whilst the SPD states that the cumulative impact of smaller schemes will be addressed through CIL funded projects, this is not applicable in this case as the Revised CIL Regulation 123 List does not include any named strategic sport and recreation facilities at Pomona Island that can be funded through CIL funds. Any S106 contribution towards sports facilities would not therefore represent 'double dipping' and S106 contributions can be used to fund formal sports land and facilities on large housing sites (of around 300 units). It is therefore considered appropriate for this development to pay a commuted sum towards the provision of outdoor sports facilities having regard to the SPD; development on Pomona Island will be a "*very large development*" (well over 300 units) and will be phased rather than come forward as a single development that includes on-site sports facilities.

In response to the applicant's comments summarised above, the approach adopted is not inconsistent with the assessment of application 85822/FUL/15 for the following reasons:

- Application 85822/FUL/15 was for 164 units and therefore below the 300 unit threshold in SPD1 and in itself would not have justified seeking a contribution. The cumulative number of units in that scheme and the current application is 380 units and therefore exceeds the 300 units referred to in SPD1.
- Although application 85822/FUL/15 was approved in the context of an extant permission for 546 apartments on the application site, that extant permission is subject to a S106 agreement requiring a contribution towards outdoor sports facilities provision in order to make the development acceptable in planning terms. The fallback position is therefore that a S106 contribution would be paid in respect of the extant permission, were it to be built out. If it was sought to vary that S106 on viability grounds that exercise would be mindful of current Council policy

and therefore the outcome would be fundamentally the same as the Council's current approach to the current proposals.

Whilst a contribution towards sports facilities is considered justified, it is also recognised it would need to be viable. As set out above, the outcome of the viability review is that the development proposals are not capable of supporting any contribution. In the event that the viability review as recommended subsequently demonstrates that a contribution is viable, then a proportion of this would go towards sports facilities.

IMPACT ON RESIDENTIAL AMENITY

TfGM has provided further comments in response to further information provided by the applicant relating to noise from the Metrolink line, summarised as follows: -

- TfGM are not entirely satisfied with how the noise assessment has been undertaken and reported, primarily because the predicted noise levels from trams, both presently and in future years when the Trafford Park Line is in operation, have not been clearly assessed and/or reported. As the tram system is not yet in operation it is not possible to comment on whether or not tram noise has been adequately assessed and mitigated in the applicant's design.
- TfGM note however, that the applicant has stated that *"we have specified the necessity for the use of assisted or mechanical ventilation (Figure 7/8) for a majority of façades to the development."* Based on the separation distance of at least around 50 metres, then closed windows (standard thermal glazing) and suitable noise attenuated ventilator, if required, should ensure tram noise levels are suitably controlled inside dwellings.
- If the applicant intends to fit openable windows as part of the design e.g. for comfort cooling, then the applicant and Local Authority should be satisfied that the predicted internal noise levels from trams, presently and in future years, are considered acceptable with windows that open.
- There are no reasonably practicable mitigation options available to TfGM should tram noise levels be complained of in the future. Therefore, provided the applicant is satisfied that they have designed a solution around any tram noise, TfGM would request an appropriate condition to any planning approval.
- TfGM do not take responsibility for any potential noise issues or complaints from future occupants of the project.

In response to the above comments, Conditions 22 and 24 of the report deal with the need for mitigation measures to ensure acceptable internal sound levels for future occupiers of the development and Condition 24 specifically requires further assessment of the impact of noise and vibration from the Metrolink line and to identify any necessary mitigation measures.

DEVELOPER CONTRIBUTIONS

As set out above, the applicant has demonstrated that at the present time the scheme is unable to support any contributions in respect of affordable housing provision or outdoor sports facilities. Given the potential for this to change at the time the development has been completed and the apartments have been sold it is considered a viability review should be carried out to ensure that if the scheme performs better than predicted in the Viability Assessment a contribution could be made in the future (it is considered an appropriate trigger point for this would be when 95% of the units are sold or pre-sold). Any contribution would be divided between affordable housing and outdoor sports in an appropriate way and taking into account CIL Regulation 122 requirements.

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 submission of a viability review of the scheme at a point to be agreed with the applicant and agreement that an appropriate contribution towards affordable housing and outdoor sports facilities provision will be made should the review conclude that developer profits will exceed 20%.
- (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 conditions listed in the committee report (unless amended by (ii) above or the following section).

Condition 2 amended to also include the following plans:

- 03-A-008C – Block A Proposed Roof
- 03-A-010 – Block A: Accessible apartment layout: Level +3 and +4
- 03-B-008B – Block B Proposed Typical Roof
- 05-003B – Podium Elevation Treatment
- 05-004 – Block A/B: Detailed Elevation Treatment

Condition 3 amended to include the need for samples of the brick and mesh panels for the car park elevation to Pomona Strand to be submitted and approved.

Additional condition as follows: No above ground construction works shall take place until a full specification for the car park wall adjacent to Pomona Strand, including full details of the mesh panels and planting shown on drawing no. 05-003B, has been submitted to and approved in writing by the Local Planning Authority. The specification shall identify the plant species, depth of the planting bed/trough, drainage system and include a schedule of maintenance to include watering. Development shall be carried out and maintained in accordance with the approved details prior to the first occupation of the development hereby permitted.

Reason: In order to ensure a satisfactory appearance in the interests of visual amenity having regard to Policies SL1 and L7 of the Trafford Core Strategy and the requirements of the National Planning Policy Framework.

RICHARD ROE, DIRECTOR OF GROWTH AND REGULATORY SERVICES

FOR FURTHER INFORMATION PLEASE CONTACT:

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