

**Retrospective planning consent for: Remodelling of existing dwelling to include alterations to roof line, erection of 6no. dormer windows and conversion of existing roof space to form additional habitable living accommodation. Erection of single storey and two storey front extensions, single storey and two storey rear extensions alongside the insertion of velux windows to roof elevations. Alterations to window and door openings throughout, alongside the removal of 3no. chimney breasts. Erection of rear patio, with wall surround and steps dropping to garden level. Alterations to basement openings, with external stair access to western elevation of dwelling.**

26 Hill Top, Hale Barns, WA15 0NN

**APPLICANT:** Mr Majid

**AGENT:** PIN Property Consultancy LTD

**RECOMMENDATION: GRANT**

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**The following application is presented before the Planning and Development Management Committee as a result of receiving in excess of six objections, contrary to officer recommendation.**

### **SITE**

The application relates to No. 26 Hill Top, a large 2 storey detached dwelling sited to the western side of Hill Top Drive, Hale Barns. It is situated within a large suburban residential area, the site has other large scale detached housing sited to all sides. From historic mapping of the wider Hale area, it is evident that the application dwelling dates back to around 1910. The application dwelling is an early Edwardian building and is situated within an extensive sized plot. The site comprises the three storey dwelling to the eastern side of the site with large garden areas to its west. An outbuilding, presently under construction, is sited to the sites north-eastern side with a small drive leading up from Hill Top Drive.

The application dwelling has been erected with a gabled roof design and features projecting bays to its front, rear and side elevations. This has undergone major renovation works, following the granting of planning consent: 85816/HHA/15.

The site itself falls steeply from the east to the west and remains sited within Sub Area C, of the South Hale Conservation Area and is recognised as being a positive contributor, within the recently adopted South Hale Conservation Area Appraisal (2015).

It should be noted that building works are continuing on site, following the grant of former planning permissions on site references:

- 85816/HHA/15,
- 88560/HHA/16, and
- 87498/HHA/16.

## **PROPOSAL**

The current application seeks to gain part retrospective planning consent for various works which have taken place on site. It should be noted that a large amount of these works were previously approved under the application references above. The development does not fully comply with the previous consents and this current application seeks to gain formal planning consent for the works as a whole. The main changes to the previous approvals are summarised below and set out in detail further within the report:

- Alterations to the main dwelling's roof line
- Erection of 6no. dormer windows to the dwellings north facing front and south facing rear elevations, together with the conversion of existing roof space to form additional habitable living accommodation.
- Erection of single storey and two storey front extensions.
- Erection of single storey and two storey rear extensions and the insertion of Velux windows to roof elevations.
- Alterations to window and door openings throughout,
- Removal of 3no. chimney breasts
- Erection of rear patio, with wall surrounds and steps dropping to garden level.
- Alterations to basement openings, with external stair access to western elevation of dwelling.

It should be noted that this application has been submitted alongside a second application for the application site, reference: 95760/HHA/18. This seeks: "Retrospective planning application for a detached garage with reinstatement of boundary wall, gates and gate posts". This is reported elsewhere on this agenda.

## **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 – Transport and accessibility

L7 – Design

R1 – Historic environment

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

ENV 21 – Conservation Areas

## **PROPOSALS MAP NOTATION**

South Hale Conservation Area

## **GREATER MANCHESTER SPATIAL FRAMEWORK**

The Greater Manchester Spatial Framework is a joint Development Plan Document being produced by each of the ten Greater Manchester districts and, once adopted, will be the overarching development plan for all ten districts, setting the framework for individual district local plans. The first consultation draft of the GMSF was published on 31 October 2016 with a further period of consultation anticipated later in 2018.

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

The DHCLG published the National Planning Policy Framework (NPPF) on 24 July 2018. The NPPF will be referred to as appropriate in the report.

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

DCLG published the National Planning Practice Guidance on 6 March 2014, which replaced a number of practice guidance documents. The NPPG will be referred to as appropriate in the report.

## **OTHER RELEVANT LEGISLATION**

Planning (Listed Buildings and Conservation Areas) Act 1990

## **RELEVANT PLANNING HISTORY**

95760/HHA/18 – Retrospective planning application for a detached garage with reinstatement of boundary wall, gates and gate posts – reported elsewhere on this agenda.

88560/HHA/16 - External alterations to existing dwelling involving the removal of render to expose existing brickwork – Approved with conditions – 30.08.2016.

87498/HHA/16 - Erection of a two storey rear extension and detached garage/outbuilding, following demolition of existing detached garage/outbuilding – Approved with conditions - 25.04.2016.

85816/HHA/15 – Remodelling of existing house to include a single storey and two storey front extension, a single storey rear extension, conversion of existing roof space into habitable living accommodation and insertion of 6 dormer windows, together with alterations to elevations to include rendering – Approved with conditions - 24.09.2015.

H/REN/61471 - Erection of seven dormer window extensions on front and rear elevations in association with conversion of loft space into living accommodation (renewal of planning permission H/49103) – Approved with conditions - 29/03/2015.

## **APPLICANT'S SUBMISSION**

- Supporting statement

## **CONSULTATIONS**

Local Highways Authority:

Raises no objections to the development proposals

## **REPRESENTATIONS**

A total of eight separate letters of representation were received in response to the development proposals. These raise the following areas of concern:

- The dwelling has been increased in height
- Overbearing impact from the development works
- Loss of light impacts
- Development has not been built in accordance with former approvals
- Development is out of keeping with the character of the wider area
- Extensions have been erected higher/longer than former approvals
- Trees and hedges have been removed without consent from the Council

- Application does not include works to the garage/outbuilding which have also not been built in accordance with their former planning consent
- Applicant has paid no regard to former planning consents
- Serious breaches of planning consent on site
- Development now more visible from the street-scene
- Approval has set a precedent for unlawful work within the area
- Large increase in hardstanding to the front of the site – not in keeping with the wider area
- Incorrect plans were submitted as part of the former planning applications on site

## **OBSERVATIONS**

### **BACKGROUND:**

1. In September 2015, the Council granted planning consent for various works to the application site, under planning reference: 85816/HHA/15, this granted consent for the *“Remodelling of existing house to include a single storey and two storey front extension, a single storey rear extension, conversion of existing roof space into habitable living accommodation and insertion of 6 dormer windows, together with alterations to elevations to include rendering”*.
2. This application was then followed by a further planning consent by the Council in 2016, under application reference: 88560/HHA/16, this granted consent for: *“External alterations to existing dwelling involving the removal of render to allow for the erection of a new outer leaf of brick across all four elevations”*.
3. Following the above consents, the applicants then submitted a further application for planning consent in 2016, under application reference: 87498/HHA/16, this sought consent for: *“Erection of a two storey rear extension and detached garage/outbuilding, following demolition of existing detached garage/outbuilding”*. This application was approved on 24<sup>th</sup> April, 2016.
4. Following the above consents, the Council was contacted in late 2016/early 2017 regarding possible breaches of planning control. These were either deviations from the above planning approvals or were works taking place on site which remained unauthorised.
5. Officers made several visits to the site over the coming months and a Planning Contravention Notice was issued in November 2017.
6. Following several meetings between the applicants and Officers, the current application was submitted. This seeks to regularise all development works that have since taken place on site.
7. A second application with reference to the outbuilding, garage and the sites boundaries, landscaping and hardstanding works has also been submitted separately for consideration by the Council; application reference 95760/HHA/18.

## DESIGN AND IMPACT ON THE SOUTH HALE CONSERVATION AREA:

8. 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.
9. The relevant sections of the NPPF state 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. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.
10. This then goes on to say 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 securing its optimum viable use.
11. 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.
12. The significance of the South Hale Conservation Area stems from its residential nature and the marriage of its built and natural environments. The buildings within the Conservation Area are characteristically of a high architectural quality and level of integrity. Features such as prominent gables and the use of brick coupled with render and bay windows are repeated across buildings. Development in the area took place between the 1840s and the 1930s, providing a fascinating spectrum of substantial properties, which provides both visual stimulation and harmony. In addition to this the retention of the generously-proportioned original plots is especially notable and, together with the mature planted boundaries and tree-lined streets, is one of the driving forces behind the characteristic greenness of the Conservation Area.
13. The application dwelling has undergone significant external and internal alterations over the past three years since building works first commenced on

site. It should be noted however that much of this work consisted of various elements approved under the previous planning consents. .

14. The current application seeks to incorporate both these works which have been implemented in part accordance with the previous approvals on site and those which at present remain unauthorised. For the purpose of ease and clarity all of the changes from earlier consents which have been carried out on site are set out below. These are set out in accordance to the elevation to which they relate:

15. Front elevation:

- Two storey front extension – this now features a lesser degree of glazing and features a timber erected arched doorway opening with a stone surround.
- Single storey front extension – this now features a hipped roof design, with central Velux openings. The main window opening for this extension has also been extended to extend the full width of the extension.
- The ground floor and first floor window openings have been altered and are now smaller than previously approved.
- The northern most dormer windows, erected at second floor level are now sited much closer together than previously approved.

16. Rear elevation:

- Two storey rear extension – this now features dividers within its rear elevation full height window opening, allowing for a more even ratio between stonework and glazing.
- The ground floor rear extension now has an increased ridge height of 1.1m.
- This now has three door openings as opposed to five as previously approved.
- The extension further features a lantern within its flat roof, which is partly screened with a parapet.
- The first floor window openings have been erected at a smaller scale than previously approved.
- The rear facing dormer windows are not sited as approved, in terms of their positioning are sited closer together than originally approved.

17. Western side facing elevation:

- Window and door locations and size/scales have been altered and are now sited in different locations compared with the original approval.

18. Eastern side facing elevation:

- Window and door locations and size/scales have been altered and are now sited in different locations compared with the original approval.

19. The majority of the deviations from the former planning consents on site relate to the extended dwellings window and door openings. These differ from the previous approvals on site in terms of their siting within the dwellings various elevations and are either smaller or larger in their size and scale. It should be noted that all of the dwelling's window and door openings carry a consistent rhythm of design within them and have been installed using acceptable materials and are considered to be of a high quality finish. These are further considered to have been installed to an acceptable size and scale and do not appear visually intrusive or dominant. The openings are not considered to conceal or compete with any of the dwellings original historical or architectural features and as such, in this instance are considered to be acceptable.
20. The proposed rear extension, although higher in its height to the originally consented extension, has been erected at single storey level and is largely out of view from any clear public vantage point. There is a minimal impact upon visual amenity. The extension does not step out to either side of the dwelling and as such has minimal impact upon the dwellings existing sense of space and openness. The added lantern feature, although adding to the overall height of the extension and being a more modern addition to the dwelling is considered to be acceptable.
21. It is also considered that the alterations to the roof line and the dormer windows have not materially impacted upon the dwellings overall ridge height, scale, size or massing and have been finished to a high quality. The number of dormer windows has not increased and their overall finish and form remains as previously approved. As such this element of the works is considered to be acceptable.
22. The current application also proposes an external staircase and patio to the rear of the site. This would be erected from stone and would remain in keeping with the materials used for the finish on the main dwelling. The size, scale and siting of the patio is considered to be acceptable and such features are common for dwellings of this size/scale within the Conservation Area. This is considered to be proportionate to the size/scale of the wider application site.

#### ALL OTHER WORKS:

23. All other works, which have not been referenced individually above, including the removal of the dwellings chimney breasts, the removal of the external render and the erection of the various front and rear extensions all otherwise remain as previously approved under the various planning applications as referenced above. Notwithstanding that the works carried out have been looked at as a whole and it is considered that they are acceptable.



## OTHER MATTERS:

24. A number of representations make reference to the loss of trees and other landscaping works on site. These elements of the unauthorised works are noted, however these are not being considered as part of this application and instead form part of application reference 95760/HHA/2018.
25. Representations have also made reference to an increase in the level of hard standing within the site; this element is also to be considered within application reference 95760/HHA/2018.
26. Various representations have made reference to an increase in the ridge height of the application dwelling. The applicants have submitted a supporting statement which details that the dwellings height remains unaltered. The statement goes on to say that the overall ridge height of the dwelling has remain unaltered throughout the course of the development and that any increase in the appearance of the dwelling has arisen due to changes in the ground levels of the site, which provide this with a “taller” appearance, due to works to the front of the site. The submitted plans and documents do not show any changes to the ridge height of the dwelling and this has remained the case throughout the course of the sites planning history. Officers have not been presented with any clear evidence which would suggest otherwise. As such it is considered that on the balance of probability, the dwellings ridge height has remained unaltered and that any change is likely to be minimal and non-material. As such this application is found to be acceptable in this regard.

## CONCLUSION:

27. The proposed works will alter and extend the property and although the scale of the extensions is notable they are considered to be proportionate to the scale of the existing property and plot on which it is sited. It is therefore considered that in this instance, given the acceptable nature of the proposed works, as discussed above, the development proposals would have a neutral impact upon the application site and therefore would not have an impact upon the sites significance or, the contribution it makes to The South Hale Conservation Area. The proposals are therefore not considered to cause any harm to the Heritage asset and are considered to preserve the character and appearance of the Conservation Area in accordance with the relevant sections of the NPPF.
28. For these reasons, subject to the attachment of a condition requiring the development to be carried out in accordance with the approved plans, the proposal is considered to be in accordance with policies L7 and R1 of the Trafford Core Strategy and the thrust of the NPPF.

## **RESIDENTIAL AMENITY**

29. Policy L7 of the Core Strategy states that in relation to matters of amenity protection development must not prejudice the amenity of future occupiers of the development and/or occupants of adjacent properties by reason of overbearing, overshadowing, overlooking, visual intrusion, noise or disturbance, odour or in any other way.

### OVERLOOKING/IMPACT ON PRIVACY:

30. The application site occupies a large plot, with substantial sized garden areas to its rear. The proposed new openings within the dwellings front (north), rear (south) and side (east) facing elevations would be sited in excess of 24m away from the nearest neighbouring dwelling and as such are not considered to result in any new amenity issues.

31. To the dwellings western elevation, a number of new openings are proposed at both ground and first floor level. These are sited at a distance of around 7m away from the sites western side boundary, which is formed from a mixture of mid-level planting and a brick boundary wall. As such the new openings at ground floor level are not considered to result in any new undue amenity concerns. At first floor level, these openings are as previously approved under previous planning approvals on site and as such are not considered to raise any new undue amenity concerns above and beyond the previous approvals on site.

### OVERBEARING IMPACT:

32. The applicants have submitted a supporting statement which details that there has been no increase in ridge height for the application dwelling as a result of the development works. The submitted plans also show no such increase and subsequent visits by officers have not been able to find any substantive evidence to support the claims made within the representations received in response to the development proposals. As such it is not considered that the works as set out would result in any new undue overbearing harm for the sites existing neighbouring occupiers above and beyond the previous approvals on site.

33. It is noted that the rear extension has been erected with an increase in its ridge height by just in excess of 1m. Although a deviation from the previous approval on site, this increase is not considered to result in any new significant overbearing harm to the sites existing neighbouring occupier to its west which would warrant the refusal of this application and as such the proposals are considered to be acceptable in this regard.

### LOSS OF LIGHT:

34. Given the siting and nature of the proposed works, as set out above, it is considered that they would not lead to any new undue loss of light for

neighbouring land users above and beyond the previous grants for planning consent on site.

### **VISUAL INTRUSION:**

35. Given the nature of the proposed works, as set out above, it is considered that they would not result in an unduly intrusive form of development which would be to the detriment of residential amenity for the sites existing neighbouring occupiers.

### **PARKING AND HIGHWAY SAFETY**

36. Policy L4 of the Trafford Core Strategy which relates to sustainable transport and accessibility, seeks to ensure that all new developments do not adversely affect highway safety.
37. The proposals would not impact upon the sites existing parking provision and as such the development proposals are not considered to result in any new parking or highway safety concerns. There is no objection from the Local Highway Authority.

### **DEVELOPER CONTRIBUTIONS**

38. As the development will comprise more than 100 sq. m of new build floorspace it is liable for the Community Infrastructure Levy (CIL). However as the development is for a residential extension / home improvements it is exempt and therefore not chargeable for CIL.

### **CONCLUSION:**

39. The proposed development works, as set out above, are considered to be appropriate within the site itself and the wider street-scene and as such are considered acceptable. In arriving at this decision, considerable importance and weight has been given to the asset's conservation. The significance of the site to the character of the conservation area can be seen through its large spacious plot and appropriately scaled and position dwelling. Although the dwelling will increase in scale, the spaciousness of the plot is retained, therefore preserving the South Hale Conservation Area in which the site is located. The proposals have been found to lead to no harm to this designated Heritage Asset and are therefore considered to be in compliance with the relevant sections of the NPPF and alongside the relevant section of the South Hale Conservation Area Management Plan and Appraisal.

**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, numbers: PPC44\_014, PPC44\_015, PPC44\_016, PPC44\_017, PPC44\_010, PPC44\_011, PPC44\_012, PPC44\_000 and PPC44\_008.

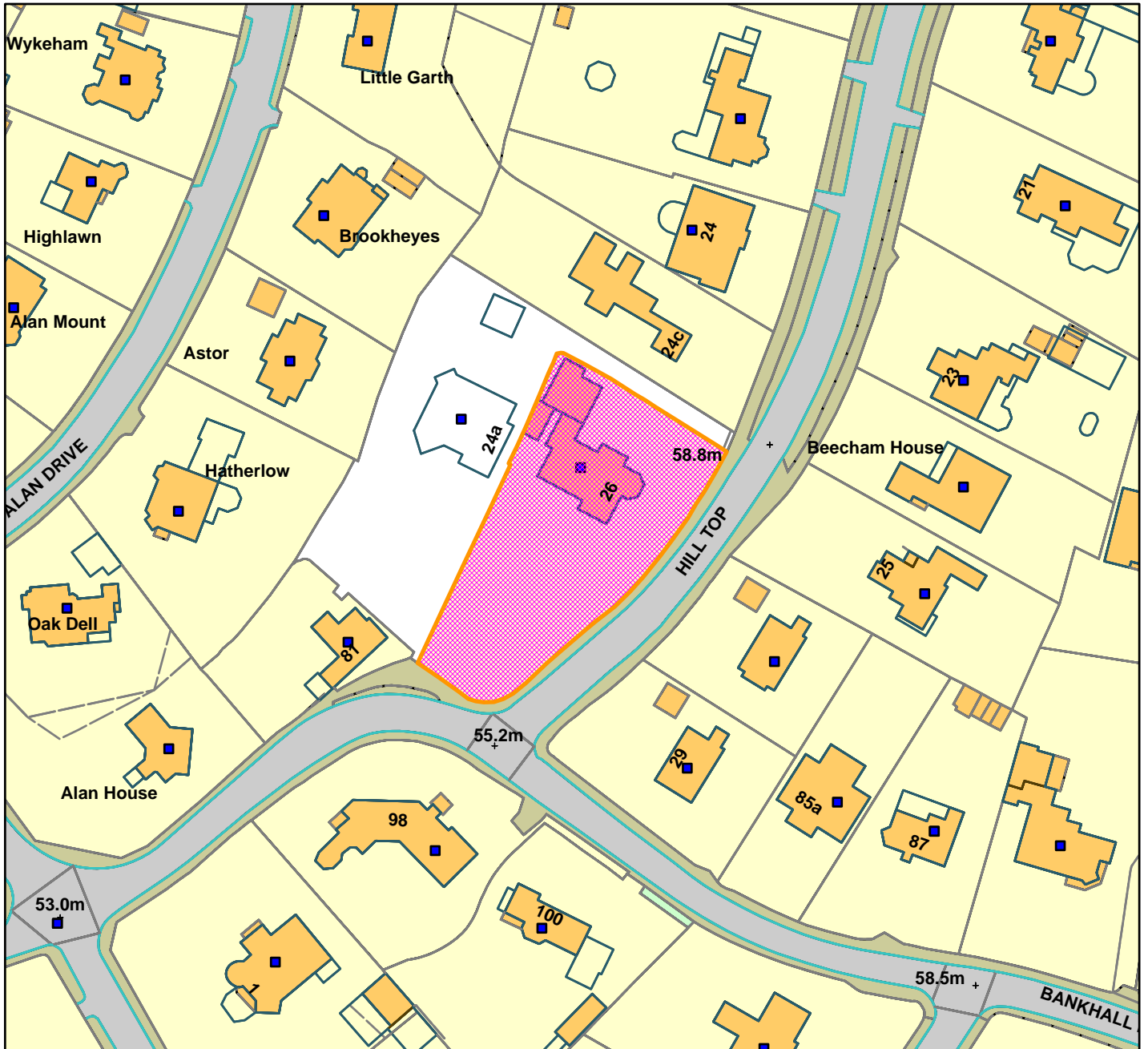
Reason: To clarify the permission, having regard to Policy L7 of the Trafford Core Strategy and the National Planning Policy Framework.

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26 Hill Top, Hale Barns, WA15 0NN



Scale: 1:1,250

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Organisation	Trafford Council
Department	Planning Service
Comments	Committee Date: 10/01/2019
Date	02/01/2019
MSA Number	100023172 (2012)

**Erection of three residential blocks providing a total of 526 no. one, two and three bedroom residential apartments (Block C, Block D and Block E will comprise 15, 17 and 19 storeys respectively) with parking, landscaping and associated works.**

Development Site Phase 2, Pomona Strand, Old Trafford

**APPLICANT:** Vermont / X1 Manchester Waters

**AGENT:** Turley

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

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## **SITE**

The site forms part of the wider Pomona Island site, a predominantly vacant strip of land between the Manchester Ship Canal/River Irwell to the north west and the Bridgewater Canal to the south east. The Pomona Island site extends to approximately 15 hectares.

The application site extends to approximately 1.3 hectares and is situated at the south western end of Pomona Island, adjacent to the Manchester Ship Canal/River Irwell. The site extends from the recently commenced Phase 1 scheme (comprising 216 apartments in 2 blocks) up to Pomona Lock that links the Manchester Ship Canal to the Bridgewater Canal. An elevated section of the Metrolink, the Bridgewater Canal and the Manchester-Warrington railway line are to the east of the site. The site is vacant and comprises predominantly vegetation (rough grassland with scattered shrub). The site is generally level although there is a steep bank on the Pomona Strand side of the site as the road rises over Pomona Lock north east of the site. Vehicle access is via Pomona Strand that is a private road extending through the Pomona Island site from Trafford Road to the south west to Cornbrook Road to the north east, although a gate currently prevents access between Pomona Strand and Cornbrook Road. The application site includes the section of Pomona Strand parallel to the development site. There is pedestrian access along both Pomona Strand and a towpath alongside the canal. The wider development of Pomona Island, of which this application forms a part, has been named 'Manchester Waters' by the landowner.

The site was formerly part of Pomona Docks, a set of five docks on the Manchester Ship Canal. Three of the former docks have since been infilled, one has been partly infilled and one remains (Dock 3). This application relates to land at the south western end of the former docks and previously comprised part of Dock 4 (since infilled), a large building alongside the dock associated with the former use and railway sidings

associated with the former use. The former southern dock wall is still visible and runs adjacent to Pomona Strand.

To the north east and south west of the site Pomona Island is predominantly vacant land and comprises vegetation (grassland and shrub) with some areas of hard standing. Development has commenced on the adjacent site that has planning permission for two blocks of apartments (10 and 12 storey). Further north east on Pomona Island, the development at Pomona Wharf comprises two blocks of apartments (10 and 11 storey). To the south east is an elevated section of the Metrolink line, behind which is the Bridgewater Canal, railway line and the A56 (Bridgewater Way).

The surrounding area is mixed in terms of land use, although predominantly commercial in the immediate vicinity. To the south west of the site on Pomona Strand is a 4 storey office building. On the opposite side of the Ship Canal there are 2 and 3 storey commercial units at Waters Edge Business Park and a cluster of office buildings at Exchange Quay including 4 storey offices at the Soapworks. Pomona Metrolink Station is south west of the site and Cornbrook Metrolink station is north east of the site, both within walking distance.

## **PROPOSAL**

Permission is sought for the erection of three apartment blocks providing a total of 526 apartments as follows: -

- Block C - 15 storeys and 190 units
- Block D - 17 storeys and 178 units
- Block E - 19 storeys and 158 units

The overall development is proposed to provide 216 x 1-bed units (55 studio apartments and 161 one bedroom), 274 x 2-bed units and 36 x 3-bed units. Each building includes an entrance lobby and reception, cycle store and refuse store on the ground floor. The proposals include 238 car park spaces with access from Pomona Strand. The car park will be at ground level with a podium constructed over comprising hard and soft landscaping, seating and footpaths. Vehicle access is from Pomona Strand and is the same access that has been approved to serve the apartments in Phase 1. An upgrade of the towpath alongside the dock to provide a footpath and a separate two way cycle path is also proposed.

Additional plans and further information has been submitted in response to comments made by officers and issues raised during consultation. An updated viability assessment and supporting information relating to viability, Transport Assessment Addendum, further drawings and images in support of the scheme and amended details for the footpath and cycle path along the waterfront have been submitted.

Planning permission was granted in 2007 for 5 blocks providing 546 apartments on the application site and the adjacent site (3 blocks on the application site and 2 blocks on

the adjacent site). This permission remains extant. The main differences between the current proposal and extant permission are as follows: -

- The previous scheme had a curved and stepped elevation to the canal, cantilevering out above the canal. The current scheme retains a curved frontage but steps out to a far lesser extent and would not oversail the canal.
- Amended palette of materials, including the use of rainscreen aluminium cladding instead of white render.
- Car parking is proposed at ground level only whereas the previous scheme had car parking on three levels below the apartments.
- Reduced ratio of car parking (previously 1 space per apartment which included undercroft parking and a car park on the opposite side of Pomona Strand).
- Increase in the number of apartments in these three blocks. The previous permission included 373 units on this part of the site, therefore the proposals would result in 153 additional units on this part of the site compared to the extant permission.

The total floorspace of the proposed development would be 39,178 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**

SL1 – Pomona Island  
L1 – Land for New Homes  
L2 – Meeting Housing Needs  
L3 – Regeneration and Reducing Inequalities  
L4 – Sustainable Transport and Accessibility  
L5 – Climate Change  
L7 – Design  
L8 – Planning Obligations  
W1 - Economy  
R1 – Historic Environment  
R2 – Natural Environment



R3 – Green Infrastructure  
R5 – Open Space, Sport and Recreation

### **PROPOSALS MAP NOTATION**

Strategic Development Site  
Large Sites Released for Housing Development  
Priority Regeneration Area  
Mixed Use Development  
Wildlife Corridor (River Irwell and Bridgewater Canal)

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

TP2 – Pomona Strategic Development Area  
E13 – Strategic Development Sites  
H3 - Large Sites Released for Housing Development (HOU5 Land at Pomona)  
H10 - Priority Regeneration Area: Old Trafford  
ENV10 – Wildlife Corridors

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

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

### **OTHER RELEVANT DOCUMENTS**

Pomona Island Masterplan (2008)  
Planning Guidance Irwell City Park (2008)  
Cornbrook Hub Regeneration Framework (2014)

### **GREATER MANCHESTER SPATIAL FRAMEWORK (GMSF)**

The Greater Manchester Spatial Framework is a joint Development Plan Document being produced by each of the ten Greater Manchester districts and, once adopted, will be the overarching development plan for all ten districts, setting the framework for individual district local plans. The first consultation draft of the GMSF was published on 31 October 2016 with a further period of consultation anticipated in 2019.

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

The DCLG published the revised National Planning Policy Framework (NPPF) on 24 July 2018. The NPPF will be referred to as appropriate in the report.

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

DCLG published the National Planning Practice Guidance on 6 March 2014, which replaced a number of practice guidance documents. The NPPG will be referred to as appropriate in the report.

## **RELEVANT PLANNING HISTORY**

### **Applications affecting the application site**

**H/58948** - Erection of residential development comprising 5 blocks (varying from 8 to 16 storeys height) to provide 546 apartments with ancillary car parking, landscaping and amenity areas. Approved 04/05/07. This permission has technically been implemented (through the construction of a drainage channel), although the building of the apartment blocks has not commenced. This technical implementation means that the planning permission is extant.

**H41606** – Engineering works to prepare the site for future development comprising piled wall enclosing dock, extension of Cornbrook culvert, demolition of existing and construction of new Canal Bridge at Cornbrook Road, removal of concrete bases, construction of new road, provision of services and reclamation works. Approved 23/02/96

**H36228** - Demolition of buildings and erection of nine buildings to comprise themed attractions, restaurants, bars, two nightclubs, souvenir shops, a five storey 200 bedroom hotel, a 5,000 seat arena, administrative and customer reception buildings, a monorail, a rocket ship attraction, provision of ancillary car parking and landscaped areas and means of access from Throstle Nest Lane and Cornbrook Road. Approved 10/12/92

### **Adjacent site (Manchester Waters Phase 1)**

**90799/FUL/17** - Erection of two residential blocks providing a total of 216no. one, two and three bedroom residential apartments (Block 1 and Block 2 will comprise 10 and 12 storeys respectively) with parking, landscaping and associated works. Approved 05/12/17 and development has commenced.

### **Land at the north east end of Pomona Island (Pomona Wharf)**

**85822/FUL/15** - Erection of 11 storey building of 86 apartments and 10 storey building of 78 apartments with ground floor link, provision of car parking, access from Hulme Hall Road, new landscaping and refurbishment of footpath alongside Manchester Ship Canal/River Irwell. Approved 27/11/15

### **Other applications on Pomona Island**

**H42269** - Building and engineering works associated with the alignment of Throstles Nest Lane bridge over the Manchester Ship Canal, with the diversion of the cycle and footways and the surface level car park for Adamson House to enable the construction of the Metrolink Tramway and the provision of a station stop. Approved 16/05/96

**H39494** – Change of use of dock to a marina and the erection of a building for boat sale and repairs. Approved 15/09/94

## **APPLICANT'S SUBMISSION**

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

- Planning Statement
- Design and Access Statement
- Transport Assessment and subsequent Addendum
- Interim Travel Plan
- Preliminary Ecological Assessment Survey and subsequent Botanical Survey
- Arboricultural Impact Assessment
- Flood Risk Assessment and Drainage Management Strategy
- Preliminary Risk Assessment (Ground Conditions)
- Heritage Statement
- Air Quality Assessment
- Carbon Budget Statement
- Crime Impact Statement
- Noise Planning Report
- Daylight and Sunlight Report
- Preliminary Refuse Collection Strategy
- Education Assessment
- Health Impact Assessment
- Viability Assessment and subsequent further information

Key points from the Planning Statement in support of the proposed development are summarised as follows: -

- The application seeks permission for a new high quality residential development on an area of previously developed land within the Regional Centre which benefits from planning permission for a similar scheme.
- The previous consent on the site has established the principle of residential development and principles around site layout, building height and architectural form. The approval of Phase 1 of the Manchester Waters scheme in December 2017 further reinforced the Council's position on providing high quality residential development in this location.
- The application promotes a higher density scheme, with a mix of apartment types and sizes that better reflect current market conditions.
- The application will help enable the delivery of an appropriate mix of dwelling sizes.
- The additional apartments are accommodated within broadly the same building volume whilst the treatment of external elevations has been updated to deliver a more striking and contemporary design that reflects its prominent waterfront location. In particular the use of render to the external elevations has been replaced with contemporary rainscreen cladding.

- The scheme will contribute to the delivery of much needed housing in the Borough, helping to address the identified shortfall in delivery from previous years.
- The scheme will deliver the second phase of a high quality landmark development that will help to revitalise and regenerate a long-term vacant site and contribute towards the creation of a sustainable urban neighbourhood.
- The proposals accord with the relevant and up-to-date Development Plan policies and thus planning permission should be granted without delay.
- The proposals will deliver positively against the Framework's three dimensions of sustainable development.
- The scheme will make a positive contribution to the continued regeneration of the Regional Centre and the Council's vision for new residential development on Pomona Island which will contribute towards improving the economic, social and environmental conditions of the area.
- The development will support additional economic growth along this key route in Old Trafford.
- Consultation with the local community has been undertaken prior to submission of the application.

## **CONSULTATIONS**

**Bridgewater Canal Company** - No comments received

**Education** – No comments received

**Environment Agency** – No objection in principle subject to conditions requiring a remediation strategy to be submitted and approved to deal with any contamination not previously identified and a verification report demonstrating completion of works set out in the remediation strategy.

**Greater Manchester Archaeological Advisory Service** – Note that in line with NPPF paragraph 128 [now paragraph 189] the application is accompanied by a Heritage Statement and the Greater Manchester Historic Environment Record has been consulted. GMAAS are satisfied there is no reason to seek to impose any archaeological requirements upon this application.

**Greater Manchester Cycling Campaign** – No comments received

**Greater Manchester Ecology Unit** – Further survey work should be carried out in April-May to inform the landscaping plans for the site. The site could meet the criteria to be classified as the Habitat of Principal Importance 'Open Mosaic Habitats on Previously Developed Land'. This value is not reflected in the Landscape Plans for the site and recommend further details be provided of features to be provided for public recreation, in particular waterfront landscape features and facilities. Recommend updated botanical surveys and the results used to inform updated Landscape Plans that

reflect the character and context of the site, acknowledge the wildlife corridors and reference the wider landscape plans for the Pomona site. Consideration should be given to the incorporation of ecological enhancement features into the development. If the dock walls are to be directly affected at any time during construction the presence of sand martin nests should be borne in mind and nesting provision should be retained or new nesting provision offered.

**Greater Manchester Police (Design for Security)** – No objections and recommend that all the same principles in the submitted Crime Impact Statement would apply with regards to the development being constructed to Secured By Design standards.

**Lead Local Flood Authority** – The proposed works will not cause flood risk to the development or the surrounding area and the application is acceptable, subject to the drainage scheme being designed in accordance with the submitted Flood Risk Assessment and Drainage Management Strategy, with max surface water discharge of 5.4 l/s. Recommend conditions requiring details of the full detailed drainage design to limit the proposed peak discharge rate of storm water to meet the requirements of the Council's Level 2 Hybrid SFRA and full details of the Sustainable Drainage Scheme, including maintenance and management plan for the site.

**LHA** – No objection. The LHA accepts the level of traffic shown in the TA will not have a severe impact on the surrounding network. The existing Pomona Strand junction off Trafford Road to access the development is considered appropriate. The proposed level of car parking is accepted taking into account the development is close to Pomona and Cornbrook Metrolink Stations, provides a high number of cycle parking facilities and a Travel Plan Coordinator will be appointed. Conditions are recommended to require additional traffic management measures to ensure the emergency access is maintained and kept clear from any traffic; the further development, submission, implementation and monitoring of a Full Travel Plan; and a Construction Management Plan.

**Manchester Ship Canal Company** - No comments received

**NHS Trafford Clinical Commissioning Group** – No comments received

**Network Rail** – The applicant shall submit information regarding where the crane will be located on site to ensure that the railway boundary is outside the collapse radius.

**Pollution and Licensing (Air Quality)** – Additional traffic generated by the proposed development will have a negligible and therefore acceptable impact at existing receptors along the local road network. The impact of local air quality on the future occupants of the development is judged to be not significant, with relevant pollutant concentrations expected to be well below national objectives. Recommend the developer confirms a commitment to the provision of electric vehicle charging points in line with IAQM guidelines.

**Pollution and Licensing (Contaminated Land)** – The contaminated land phase I assessment has identified existing and potential sources of contamination across the site which could present a risk to future site users and also to controlled waters. Recommend a condition requiring an investigation and risk assessment to be submitted and approved prior to commencement of development. Where unacceptable risks are identified an appraisal of remedial options, the remediation strategy for the site and a verification report shall be submitted.

**Pollution and Licensing (Nuisance)** – The submitted noise assessment concludes that environmental noise should not cause undue impact for new occupants providing a scheme of sound insulation, glazing and ventilation is installed to the specifications detailed in the report. Details of the final scheme including the ventilation strategy should be submitted for approval to demonstrate compliance with the report's recommendations. Conditions are also recommended to control noise from fixed plant and to require a Construction Environmental Management Plan and Lighting Impact Assessment in respect of exterior lighting.

**Salford City Council** – No objection

**Sport England** - No objection but strongly advise the LPA to consider the impact the increase in demand for sport the development will have on existing sports facilities within Trafford. Details of the likely demand generated by the development for playing pitches and sports facilities and indicative costs are provided and are set out in the Observations below.

**Trafford Public Health** – No comments received

**TfGM** - Disagree with the approach to the assessment of traffic in the TA and recommend that detailed junction analysis is undertaken. Insufficient evidence is presented to conclude the development does not have any impact on the Key Route Network. Also the existing pedestrian facilities at the junction are sub-standard. Note the accessibility of the site to Metrolink services; the pedestrian and cycling environment should be designed to be as safe, attractive and convenient as possible; recommend 1:1 cycle parking provision; and a condition requiring a Travel Plan.

**TfGM Metrolink** – Recommend a condition requiring a scheme to assess the impact of noise and vibration from the adjacent Metrolink and railway lines and which shall identify any necessary mitigation measures to ensure an acceptable level of amenity can be achieved and a verification report be approved before the apartments are occupied. Recommend a condition to ensure the developer delivers a high quality, well lit, attractive, safe and secure pedestrian access routes to the stop entrances.

**United Utilities** – No objection subject to conditions requiring the foul and surface water to be drained on separate systems; a surface water drainage scheme based on the hierarchy of drainage options in the NPPG with evidence of an assessment of the site

conditions to be submitted and approved; and management and maintenance regime of any Sustainable Drainage System.

**Waste Management** – No comments received

## **REPRESENTATIONS**

**Neighbours** – One letter of objection received summarised as follows: -

- The proposal makes no effort to animate the area around it with ground floor retail/restaurant provision. It sits at a strategic location on the Pomona waterfront in what should be a well-planned area but is turning into a graveyard of piecemeal Peel developments.
- The proposal makes no effort to accord with Policy SL1 which seeks a mixed use commercial and residential district with small scale retail and bar/restaurant uses.
- The Core Strategy requires "high quality" development. The proposed rainscreen and aluminium cladding are cheap materials which will weather badly and are not high quality building materials.
- There is no master plan for Pomona Island despite being a strategic location in the regeneration of the borough and Manchester. The Council has failed to produce an SPD to secure a high quality, well-planned waterside district.
- There is no effort in this proposal to improve pedestrian and cycle movements and the development is completely car-orientated.
- The Pomona Wharf development has its gates locked constantly with no public access so question whether this development will open up public links at all. Public access all the way up the waterfront has to be secured if this area is to develop successfully.

## **OBSERVATIONS**

### PRINCIPLE OF DEVELOPMENT

1. S38(6) of the Planning and Compensation Act 1991 states that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF at Paragraphs 2 and 47 reinforces this requirement and at Paragraph 12 states that the presumption in favour of sustainable development does not change the statutory status of the development plan as a starting point for decision making, and that where a planning application conflicts with an **up to date** (emphasis added) development plan, permission should not normally be granted.
2. The Council's Core Strategy was adopted in January 2012, prior to the publication of the 2012 NPPF, but drafted to be in compliance with it. It remains broadly compliant with much of the policy in the 2018 NPPF, particularly where that policy is not substantially changed from the 2012 version. It is acknowledged that policies controlling the supply of housing are out of date, not least because

of the Borough's lack of a five year housing land supply, but other policies relevant to this application 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.
4. Paragraph 11 d) of the NPPF indicates that where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date, planning permission should be granted unless:
  - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
  - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
5. Policies controlling the supply of housing and for the Pomona Island Strategic Location are considered to be 'most important' for determining this application when considering the application against NPPF Paragraph 11 as they control the principle of the development. The Council does not, at present, have a five year supply of immediately available housing land and thus Policies L1 and L2 of the Core Strategy are 'out of date' in NPPF terms. Policy SL1 of the Core Strategy is out of date insofar as it refers specifically to housing on the site but otherwise this policy is considered to be compliant with the NPPF.
6. Policies in the NPPF relating to designated heritage assets and areas at risk of flooding are specifically identified in footnote 6 of Paragraph 11 of the NPPF as those which protect areas or assets of particular importance. Nevertheless, the assessment later in this report of the impact of the proposals on heritage assets (paragraphs 55-61) and flood risk (paragraphs 82-89) demonstrate that it is not appropriate to conclude heritage or flood risk policies within the NPPF provide a clear reason to refuse this development. Paragraph 11 c) of the NPPF therefore does not apply in this case. Accordingly, NPPF paragraph 11 d) indicates that permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.



## Trafford Core Strategy Policy SL1

7. Pomona Island is a substantial area of previously developed land that has been vacant for over 20 years following its remediation. It is one of the largest vacant sites in the Regional Centre and has been identified as a significant opportunity for development. The area was first established as a redevelopment site at the time of the Trafford Park Development Corporation and was identified as such in the Trafford Unitary Development Plan. Its potential for redevelopment is continued in the adopted Trafford Core Strategy where it is designated a Strategic Location.
8. Policy SL1 of the Core Strategy states that a new mixed-use commercial and residential district will be created to complement the offers of the city centre and Salford Quays / Mediacity:uk. It will be a new destination for business, residential and leisure combining significant commercial and recreational development for people living in the Location and for communities in the city centre and Old Trafford. Policy SL1 states the Council considers that this Location can deliver:
  - 10 Ha of employment activity;
  - 800 residential units;
  - New commercial leisure facilities, including an hotel;
  - Small scale ancillary retail and bar/restaurant uses;
  - Appropriate new community facilities to support those people using the development;
  - A substantial new area of open space for informal recreation; and,
  - New and improved pedestrian links.

## Draft Land Allocations Plan Policy POM1

9. The Draft Land Allocations Plan (LAP) is at a very early stage in its preparation and has been put on hold, pending the production of the Greater Manchester Strategic Framework, therefore has limited material weight in the determination of this application. Although the LAP has not been adopted and is currently on hold, this remains the most recent statement of policy published by the Council (2014) in respect of this site.
10. The Draft LAP states that the Pomona Island Strategic Location provides a unique opportunity to create a high quality, high density mixed use sustainable community on a significant area of brownfield land within the Regional Centre. Policy POM1 states the Council will grant planning permission for a mix of residential, offices, hotel and a range of supporting commercial and/or community uses to serve the needs of the proposed communities within the Strategic Location and identifies the following: -
  - A minimum of 1,100 residential units at densities of between 230 and 320 dwellings per hectare in the form of high-rise apartment blocks;

- Approximately 20,000sqm B1a/b office floorspace and similar appropriate uses;
- Office floorspace on approximately 2ha adjacent to Cornbrook Metrolink stop;
- A new hotel;
- A mix of uses including a range of retail, commercial leisure and community facilities at a scale to serve the needs of the proposed communities;
- Approximately 2.5 Hectares of new open space / green infrastructure will be provided, of which approximately 2 hectares will be delivered as a new Neighbourhood Park. The Neighbourhood Park should be located in the centre of Pomona Island Strategic Location immediately adjacent to the Ship Canal and should incorporate formal and informal recreation/green space;
- Appropriate levels of high quality amenity space between development blocks.

11. The proposed increase from 800 residential units as set out in the Core Strategy to 1,100 units in the Draft LAP is explained in the justification to Policy HO1 which states this *'reflects the aspirations of the land owner and its location within the Regional Centre'*. The increase in the number of units also takes into account that since the Core Strategy was adopted, the Environment Agency's Flood Risk Map has been revised. This resulted in a number of areas adjacent to the Manchester Ship Canal, including most of Pomona, now being identified as being within Flood Zone 2 rather than Flood Zone 3.

#### Housing Land Supply, Housing Mix and Affordability

12. Policy L1 of the Core Strategy seeks to release sufficient land to accommodate a minimum 12,210 new dwellings (net of clearance) over the plan period up to 2026. Policy L1 is out of date in so far as the calculation of housing need should be based on the more up to date 2014 'Local Housing Need' figures. Using the 2014 LHN calculations, this is 1,335 net homes per annum required. Given Trafford's historic under delivery of housing a 20% buffer is used within the calculation. Moreover, with the introduction of the Government's own figures for housing need, albeit these are yet to be confirmed, the 2019 assessment is now likely to be far in excess of the figures set out in the Core Strategy.

13. Regular monitoring has revealed that the rate of building is failing to meet the housing land target and the latest monitoring (based on 2014 LHN) suggests that the Council's supply is in the region of only two and a half years. Additionally, the Council is required to demonstrate how many new homes it is actually delivering in the Government's Housing Delivery Test. Therefore, there exists a significant need to not only meet the level of housing land supply identified within Policy L1 of the Core Strategy, but to meet the more up to date LHN figure and also to make up for a historic shortfall in housing completions.

14. The absence of a continuing supply and delivery of housing has significant consequences in terms of the Council's ability to contribute towards the government's aim of significantly boosting the supply of housing. Significant weight should therefore be afforded in the determination of this application to the scheme's contribution to addressing the identified housing shortfall, and meeting the Government's objective of securing a better balance between housing demand and supply.
15. Policy SL1 of the Core Strategy indicates that the 800 residential units will be delivered between 2011 and 2021, with the phasing as follows:

	2008/9 – 2010/11	2011/12 – 2015/16	2016/7 – 2020/1	2021/2 – 2025/26	TOTAL
<b>Residential</b>	0	350	450	0	800

It is clear from this phasing schedule that 350 dwellings were expected to have been built in the Strategic Location by 2015/16 and a further 450 dwellings by 2020/21. The total number of units approved to date is 380, comprising 216 units in the commenced Phase 1 scheme and 164 units in the completed Pomona Wharf scheme. The Pomona Island Strategic Location has therefore significantly under-delivered against the above schedule.

16. The proposed development would take the cumulative total number of units in the Strategic Location to 906, which is in excess of the 800 units identified in the Core Strategy to be delivered within the plan period. The 800 units however, forms part of the *minimum* (emphasis added) 12,210 new dwellings identified in Policy L1 as being delivered up to 2026, therefore the Core Strategy does not necessarily limit the number of units in the Strategic Location to 800. It is also relevant to note the Draft LAP, although it carries only limited weight, proposes to increase the total to a minimum of 1,100 units. The Draft LAP further states that the Pomona Island Strategic Location has capacity beyond the Plan period with the potential to deliver approximately 1,500 units in total. The reference to 800 units in the Core Strategy was also taking into account flood risk at the time it was adopted, which pre-dates subsequent changes to flood zones in this location as referenced above.
17. The NPPF at paragraph 61 requires local planning authorities to plan for an appropriate mix of housing to meet the needs of its population and to contribute to the achievement of balanced and sustainable communities. This approach is supported by Policy L2 of the Core Strategy, which refers to the need to ensure that a range of house types, tenures and sizes are provided.

18. Policy L2 of the Core Strategy indicates that the proposed mix of dwelling types and sizes should contribute to meeting the housing needs of the Borough as set out in the Council's Housing Strategy and Housing Market Assessment. Policy L2 sets out that the Council will seek to achieve a target split of 70:30; small:large (3+ beds) with 50% of the "small" homes being accommodation suitable for families. For the Pomona Island Strategic Location, Policy SL1 of the Core Strategy states residential development will be largely apartments, appropriate to its Regional Centre Location and that a proportion should be suitable for families, either in terms of size or type, having regard to Policy L2.
19. The proposed development would provide for a mix of 216 x 1-bed apartments, 274 x 2-bed apartments and 36 x 3-bed apartments. This equates to a split of 93:7 small:large units and a significantly higher proportion of small units than the target set out in Policy L2. As such the proposed mix of units is a departure from the development plan. Nevertheless the mix of apartment sizes is considered appropriate for this location given that the target split of 70:30 is a Borough-wide target and high density apartment schemes in the Regional Centre would be expected to provide a higher proportion of smaller units. Of the small units, 56% would be 2-bed and suitable for families which is generally in accordance with the 50% requirement set out in Policy L2. Overall the mix of units will provide a range of new homes for families and smaller households and is considered appropriate for this Regional Centre location.
20. Policy L2 of the Core Strategy states that in order to meet the identified affordable housing need within the Borough, the Council will seek to achieve a target split of 60:40; market:affordable housing. The NPPF states that for major development involving the provision of housing, at least 10% of the homes should be available for affordable home ownership. For the proposed development this would be 53 affordable units. The position set out in the Core Strategy in Policy L2 for this location and type of development is the affordable housing contribution will be determined via a site specific viability study, and will not normally exceed 40%. For the proposed development this would be up to 210 affordable units. No affordable units are proposed within the scheme, although a contribution of £1,353,906 would be made towards the provision of off-site affordable housing (and public open space). This equates to approximately 24 affordable units (4.6%) if the full contribution went towards affordable housing. The provision of affordable housing and this contribution is considered in the Developer Contributions and Viability section of this report.
21. The NPPF requires policies and decisions to support development that makes efficient use of land; including giving substantial weight to the value of using suitable brownfield land within settlements for homes and to support the development of under-utilised land, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively (paragraph 118). The application site is vacant and under-utilised. Although it currently comprises vegetation it is clear that as part of the

former Pomona Docks it has been previously been developed land. Historic mapping and photographs confirm a building on part of the site adjacent to the docks (a large warehouse/fruit shed) and railway sidings on parts of the site, with the remainder being the former dock basin that was infilled in the 1980's and 1990's. Furthermore the Core Strategy refers to Pomona Island as a significant area of long-term vacant *brownfield* land. Whilst there are no longer any buildings or structures on the land, having regard to the above it is considered the site constitutes previously developed land as defined in the NPPF and development will contribute towards the 80% target proportion of new housing to use brownfield land as set out in Policy L1.

22. The site is located within a highly sustainable location given it lies within the Regional Centre and in close proximity to both Pomona and Cornbrook Metrolink stops Policy L2 requires development to be appropriately located in terms of access to existing community facilities to ensure the sustainability of the development.
23. With regards density the NPPF seeks to ensure that developments make optimal use of the potential of each site where there is an existing or anticipated shortage of land for meeting identified housing needs and should avoid homes being built at low densities (paragraph 123). Policy SL1 of the Core Strategy requires a "high density, high-rise built form" in this location. The density of the proposed development is 405 dwellings per hectare which is considered to make effective use of this site and is appropriate in this highly sustainable location.
24. Having regard to the above, residential development in this location and in the form of high density apartments is in accordance with the Core Strategy and acceptable in principle. Furthermore, the extant planning permission for 546 apartments on the application site and adjoining site further establishes the principle of residential development on this site. This application would contribute towards the delivery of the Council's objectives for this key strategic location and make a significant contribution towards addressing the current shortfall in the supply of land for new housing.

### Public Open Space

25. Policy SL1 of the Core Strategy states that the Pomona Island Strategic Location can deliver a substantial new area of open space for informal recreation and that provision of a new informal recreation facility, centred around the canal basin will be a requirement for development to be acceptable. The Draft LAP further states that approximately 2.5 Hectares of new open space / green infrastructure will be provided, of which approximately 2 hectares will be delivered as a new Neighbourhood Park. The Neighbourhood Park should be located in the centre of Pomona Island Strategic Location immediately adjacent to the Ship Canal and should incorporate formal and informal recreation/green space.

26. To date the completed and approved developments on Pomona Island have not provided or contributed towards this substantial new area of open space. In combination with the commenced Phase 1 scheme and completed Pomona Wharf scheme the proposed development would result in 906 units in the Pomona Island Strategic Location, with a total population of around 1,500 residents. This will exceed the 800 units indicated in the Core Strategy for which Policy SL1 identifies a substantial new area of open space for informal recreation being delivered and this being a requirement for development to be acceptable. There is therefore a clear requirement for a substantial area of open space to be provided.
27. The scheme includes areas of open space and soft landscaping at podium level surrounding the buildings and the Design and Access Statement confirms that these areas will be public. Access would be provided via a set of steps and a ramp both connecting the towpath to the podium level. The proposed areas of open space and soft landscaping amount to approximately 0.53ha in total, inclusive of areas of lawn, shrub and ornamental grass planting, tree planting and hard surface areas. It is considered that these areas would not constitute the *'substantial new area of open space for informal recreation'* or *'new informal recreation facility, centred around the canal basin'* required by Policy SL1. These areas are situated between the apartment blocks at podium level and comprise three separate but linked areas of lawn, wildflower planting and paving rather than a 'substantial' area of 'open' space suitable for play and recreation. The size and nature of these areas is such that they would not provide adequate amenity space to support the entire community on Pomona Island and satisfy the requirement in Policy SL1, having regard to the standard in Policy R5 of the Core Strategy (considered below). Furthermore and although public access would not be restricted, it is considered these areas are more likely to function as private amenity space for residents of the development rather than public open space given their location and arrangement.
28. Notwithstanding the strategic requirement for open space to be provided on Pomona Island, it is also considered that the open space proposed on site would be insufficient for a development of this scale. Policy R5 of the Core Strategy requires all development to contribute on an appropriate scale to the provision of the standards set out in the policy either by way of on-site provision, off site provision or by way of a financial contribution towards improving quantity or quality of provision. SPD1: Planning Obligations further states large residential developments of approximately 100 units or that provide homes for 300 people or more will need to provide new open space as part of the site design. The proposed development exceeds this threshold and based on the standard in Policy R5 (1.35ha per 1000 population) and the residential capacity of the development (calculated as 864 people), the development requires 1.17ha of open space. The proposed areas of open space are approximately half this size and the development would therefore fail to provide a level of on-site open space in accordance with Policy R5 and SPD1. In the case of the Pomona Island

Strategic Location the requirements of the site specific Policy SL1 to deliver a substantial new area of open space takes precedence over Policy R5, rather than expect each phase of development to necessarily meet the quantity standard set out in Policy R5. However, until such time as the area of open space required by Policy SL1 has been provided, Policy R5 at least indicates the amount of public open space normally expected for development of this scale.

29. Based on the standards in SPD1 and the residential capacity of the proposed development, a Locally Equipped Play Area (LEAP) should also be provided on-site. No play area is proposed as part of this scheme. The adjacent Phase 1 scheme includes a playground area in the south west corner of the site and future residents of the proposed development would have access to this facility, however this play area does not meet the standards for a LEAP due to its size and facilities/equipment having regard to the criteria in SPD1. As such it is considered this facility would not be sufficient to cater for the combined demand of both phases (calculated as 1,233 residents). It is also considered relevant to take into account that including the completed Pomona Wharf development, the total population will be around 1,500 residents which would justify a Neighbourhood Equipped Area for Play (NEAP) being provided on Pomona Island (SPD1 refers to a NEAP being able to provide for a population of 1,062 whereas for a LEAP the population provided for is 450). It is acknowledged it would be appropriate for a NEAP to be provided within the substantial area of open space on Pomona Island as required by Policy SL1 where it could benefit all developments, rather than for each residential scheme to provide its own play area. At this stage however, there is no certainty over whether such a facility will be provided in future and where, when and how it will be provided.

### Masterplan

30. The Council could potentially seek S106 contributions from developments towards the strategic provision of local open space and play facilities on Pomona Island rather than require on-site provision, however in the absence of an outline planning permission or Masterplan for the wider site, or any other kind of strategy to deliver these facilities there is considerable uncertainty over when, where and how this would be delivered. There is concern that bringing forward this further significant proposal for apartments without such a framework in place is resulting in the piecemeal development of Pomona Island rather than development in a comprehensive manner, with concern that the site as a whole will not then deliver the infrastructure, community, leisure and other facilities and requirements set out in the Core Strategy (and Draft LAP). Clearly, as individual applications are approved without a masterplan or outline permission in place, each representing a smaller quantum of development than is anticipated across the site as a whole in the Core Strategy, it becomes increasingly difficult to be able to deliver a coherent and cohesive plan for the site in its entirety on the remaining undeveloped land. In particular the requirements for a substantial new area of

open space for informal recreation as specified in Policy SL1 of the Core Strategy and detailed further in Policy POM1 of the Draft LAP.

31. This concern was recognised in both previous applications on Pomona Island (the completed Pomona Wharf scheme and the approved Manchester Waters Phase 1 scheme). However it was considered the quantum of development being proposed at that time was not at a level whereby approval would compromise the ability of Pomona Island to deliver the community facilities and other requirements of Policy SL1 in future phases on the remaining land. This current application would take the total number of apartments on Pomona Island from 380 to 906 without a substantial area of open space that meets the requirement of Policy SL1 or which meets the needs of the occupiers of the proposed development. There is now greater concern that development has reached a critical stage whereby a substantial new area of open space (with play facilities) is necessary. Approval of this scheme without this open space or any kind of strategy to show where, when and how it will be provided in the future would not be developing Pomona Island in a holistic and comprehensive manner and would be contrary to Policy SL1. This could frustrate future delivery of the district as described in Policy SL1, or development that is policy compliant in terms of affordable housing and other obligations, as the open space and community facilities would need to be provided in future phases. This places a disproportionate burden on future phases of development of providing physical and social infrastructure which may in turn affect the viability of those projects.
32. In addition, all approved developments to date and the current proposal are entirely residential and have not provided or contributed towards the other uses and facilities set out in Policy SL1 that are necessary to create a *“mixed-use commercial and residential district”* and *“a new destination for business, residential and leisure combining significant commercial and recreational development”*.
33. As part of the 2007 planning permission on the site a Masterplan was required in accordance with the relevant policy in the UDP in force at the time and a Masterplan was subsequently approved in 2008. However it is considered that this no longer forms an up-to-date plan that is fit for purpose given it is now 10 years old and was prepared prior to adoption of the Core Strategy, the NPPF and also the emerging Land Allocations Plan. The 2007 Masterplan does not reflect the specific requirements of the Council’s most up to date policy as set out in Policy SL1 of the Core Strategy, with the key differences summarised as follows:
  - 
  - Policy SL1 requires a substantial new area of open space for informal recreation. Whilst the Masterplan refers to an area of public open space, it also states open space and public realm will be provided as a series of linear open spaces and the Land Use Plan identifies two areas of open



space, neither of which meet the requirement for a 'substantial new area of open space'.

- Policy SL1 requires 10ha employment activity but the Land Use Plan does not appear to identify sufficient land for this use.
- Pomona Wharf is an entirely residential scheme that has since been built in the area identified as a Mixed Use Zone.
- Policy SL1 requires appropriate new community facilities to be delivered, however this is not mentioned in the Masterplan.
- Policy SL1 requires small scale ancillary retail and bar/restaurant uses. These are referenced in the Masterplan but it is unclear where they would be located.
- The phasing approach in the Masterplan refers to office/retail/leisure as Phase 1, however only residential development has been proposed to date.

34. Consequently, an updated Masterplan is required that reflects the requirements of the Core Strategy and also the emerging Land Allocations Plan which is the most recent statement of policy published by the Council. The Masterplan would be expected to set out how future phases will meet the requirements of Policy SL1 necessary to create a sustainable community in this location, including public open space, community facilities and commercial and leisure uses. The applicant has confirmed the requirement to prepare a Masterplan is acceptable and this will be required by a S106 agreement. As the applicant does not have control over any land on Pomona Island beyond the application site boundary (other than Phase 1), Peel Holdings Ltd as landowner of the rest of Pomona Island would need to prepare the Masterplan and be party to the S106 agreement. To ensure the effectiveness of the Masterplan it is considered this should be provided and approved prior to submission of any application for future phases of development in the Strategic Location and not less than 12 months from the date of permission for this application if granted.

### Sports Facilities

35. Policy SL1 refers to the need for new community facilities and the implementation section highlights the need for improvements to existing and the development of new indoor/outdoor sports facilities. Policy R5 of the Core Strategy further identifies the need for development to provide or contribute towards sports facilities. SPD1 states that very large developments in the region of over 300 units will need to provide on-site facilities, in line with the standards in Policy R5 and the deficiencies and needs identified as part of the Outdoor Sports Assessment of Need Study, and/or in line with the deficiencies and needs identified as part of any future needs assessments. The proposed development exceeds this threshold for on-site sports facilities to be provided. The SPD also states that in exceptional circumstances it may be more appropriate to pay a commuted sum towards the provision of outdoor sports facilities and provides the example of where large development is phased so the provision can be delivered

as part of a later phase, or provide the required provision on land outside of the boundary for planning permission but close to the development. It is considered this applies to Pomona Island; which is a large development and will be phased rather than come forward as a single development that includes on-site sports facilities. For the avoidance of doubt, improvements to sports facilities would not be funded through CIL as the Regulation 123 List does not include any named strategic sport and recreation facilities at Pomona Island.

36. Sport England also advise that new developments should contribute towards meeting the demand that they generate through the provision of on-site facilities and/or providing additional capacity off-site. They advise that the development is likely to require additional capacity to be built into existing football and cricket pitches, equivalent to meeting the needs of 2 football teams and 1 cricket team, with an indicative cost of £73k. The additional demand for built sports facilities shows an increase of 200 visits per week across four sports facility types with an indicative cost of £485k. A specific site(s) for improvements should be informed by the Council's 2017 Playing Pitch Strategy and Built Facilities Strategy, and in consultation with the Council's Sports Development Team and Leisure Trust.
37. The cumulative impact of this and the previously approved and existing developments on Pomona Island for sport facilities is also a relevant consideration. To date no sports facilities have been provided to serve the needs of the population on Pomona Island, although the approved Phase 1 scheme is subject to a S106 agreement which will require a contribution of £191,724 towards off-site outdoor sports facilities (subject to a contribution being shown to be viable following the submission of a Viability Assessment near completion of that development). Taking into account the other developments there would be 906 units in total in the Pomona Island Strategic Location which is 3 times the number of units for which SPD1 indicates on-site sports facilities should be provided. In the absence of a masterplan there is uncertainty over whether such facilities will be provided in future and if so, where and when these might be provided.
38. In the absence of any proposed on-site sports facilities and such facilities not being delivered through CIL, it is considered appropriate for this development to pay a commuted sum towards the provision of off-site sports facilities. The formula in SPD1 generates a sum of £449,280 whilst Sport England has provided an indicative cost of £558,000 (comprising £73,000 towards playing pitches and £485,000 towards built sport facilities). The Sport England figures are based on their most up to date facilities costs, which are provided as a starting point for further detailed assessment in line with the Council's adopted Playing Pitch Strategy Assessment and Action Plan. This further assessment would be undertaken to determine the true cost of upgrading existing facilities in the locality at an agreed site in order to increase capacity to accommodate the additional demand generated by the development.

## DESIGN AND IMPACT ON THE CHARACTER OF THE AREA

39. Policy SL1 states the design of development proposals in this Location should reflect its Regional Centre status, with a high density, high-rise built form (SL1.4). It goes on to state that residential development in this Location will be largely apartments, appropriate to its Regional Centre Location. The Justification to the Policy states that: -

*“In view of the Location’s important position in relation to the Regional Centre, it will be important to secure high quality urban design to ensure an appropriate mix of land uses and inter-relationship of buildings/open spaces, because the appearance of this site once developed will have a significant bearing on the overall regeneration of the Priority Regeneration Area and the wider Regional Centre”.*

40. Policy L7 of the Core Strategy requires development to 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.

41. 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 and, together with associated SPDs, the Borough’s design code. It can therefore be given full weight in the decision making process.

42. The NPPF emphasises the importance of achieving well-designed places and states the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities (Paragraph 124). It states planning decisions should ensure developments 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 including the surrounding built environment and landscape setting; establish or maintain a strong sense of place, using building types and materials to create attractive, welcoming and distinctive places to live, work and visit; and optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and public space) (Paragraph 127).

43. The design is consistent with that of the adjacent Phase 1 scheme approved in December 2017 and similar to the scheme approved in 2007 in terms of the scale, height and the arrangement of the buildings. The design has been updated to achieve a more contemporary design better suited to its waterfront location

and to reconfigure the internal space to achieve a mix of apartments whose size is better suited to current market requirements.

### Siting and Layout

44. The previous scheme comprised buildings in a radial form projecting over the towpath and cantilevering out above the Ship Canal. This revised scheme is for three buildings in essentially the same positions as the three previously approved buildings on this part of the site; Blocks C and D are aligned north-south and facing the dock as previously whilst Block E would be positioned at a 45 degree angle relative to the other buildings which is a slightly different orientation to the previously approved scheme. This siting relative to the Ship Canal and dock reflects the previous scheme and is considered acceptable. All three buildings would have two entrances; one fronting the towpath providing an active frontage to the waterfront and one to the side providing direct access from the car park.

### Scale and Height

45. The development takes the form of three high-rise apartment buildings, with the height increasing from west to east. The previously approved scheme also proposed a series of buildings that increase in height and the proposed blocks follow the same approach. The proposed buildings are 15 storeys (47.7m high), 17 storeys (54m high) and 19 storeys (60.4m high). Relative to the podium over the car park, the buildings are 14, 16 and 18 storeys. This would be a similar height to the buildings previously approved on this part of the site which were 44m, 50m and 56m high respectively. The proposed buildings are consistent with the type of development envisaged by Policy SL1 in providing a high density, high-rise built form in this location. In the previous scheme it was noted the development would stand proudly visible from all directions of approach and that the height and massing of the buildings and their combined group effect, while significant, was acceptable. The current scheme is the same in this regard. The previous scheme was also the subject of a design review by the then Commission for Architecture and the Built Environment who raised no objection in principle to a residential scheme of this density and scale in this location. The previous scheme had been redesigned in response to CABI's review before it was approved.

46. The Design and Access Statement identifies a number of key views, including from the Salford side of the River Irwell, Trafford Road bridge, and the approach from Pomona Strand in both directions. The previous scheme also included a Visual Impact Assessment to assess the scheme from a number of key views, including from the Salford side of the River Irwell, Pomona Metrolink Station, Exchange Quay and Cornbrook Station. As noted with the previous scheme, it is considered the proposed development would not block any important views, its articulated form would add interest to the skyline, the materials proposed would reflect light and provide contrast to the existing built environment and the

development would provide a focal point to bring people to the area and enhance the use and enjoyment of river and canal routes. The development would impact on the existing open aspect over the site currently available from Pomona Strand and from the towpath on both sides of the canal, however this would be the case with any high-rise development at this end of Pomona Island and the apartments will ultimately be seen in the context of the Phase 1 scheme and future phases of development, which will include high-rise buildings as envisaged by Policy SL1.

### Design and Materials

47. The overall approach to the design and palette of materials is the same as the two buildings approved in Phase 1. As with Phase 1 and the previous scheme on the site, the proposed blocks sit on a podium and have narrow, curved frontages projecting over the towpath. The design of the previous scheme was influenced by the historic use of the site as part of the Manchester Docks and sought to create the illusion of ships setting sail, with narrow, curved frontages cantilevering out above the Ship Canal. The current scheme is similar in approach, although the projection of the upper floors on the canal side is significantly less than previously and would not extend out over the canal. On the canal side the upper floors are supported on steel columns in a 'V' formation, allowing for an area of public realm between the buildings and the canal. The middle sections of each building (between the third floor and the twelfth, fourteenth and sixteenth floors respectively) project further out than the lower floors and the top two floors would be set back and comprise large amounts of glazing and a curtain wall system which reduces the apparent mass and visual impact of the buildings. The roofs would overhang the upper floors and add to the articulation of the buildings.
48. The buildings would be finished in three types of cladding: light silver aluminium rainscreen cladding, grey ribbed aluminium rainscreen cladding and terracotta grooved rainscreen to the lower floors and to a recessed vertical section to one side of each building. The fenestration comprises vertically aligned windows that would be recessed from the elevations with a reveal of 100mm to 150mm which will give some depth to the facades. Glazed spandrel panels would emphasise the size of the window openings which will further enhance the articulation on the building. Balconies will add further depth/variation to the elevations. The quality of the cladding panels is important to ensuring a high quality scheme and a condition requiring submission and approval of samples of materials is necessary should planning permission be granted.

### Boundary Treatments

49. On the dock side of the site the proposed boundary treatment between the car park/podium and towpath comprises a low brick wall and perforated mesh panels to an overall height of 4.4m. Soft landscaping on a gentle gradient is proposed alongside the wall, comprising shrub and ornamental grass planting. This would

give a 'soft' edge to the development and avoid a hard, vertical edge on this side of the site. Although the mesh panels would be relatively high and 'industrial' in appearance, the visual impact could be reduced by the proposed soft landscaping alongside the mesh panels, which could include climbers. This is considered acceptable, subject to a detailed specification to ensure a selection of appropriate species in terms of visual interest and enhancing biodiversity. Full details can be required as part of a landscaping condition. Along this boundary there would also be a ramp parallel with the wall and a set of steps to link the site with the towpath.

50. On the Pomona Strand side of the site there would be a 3.4m high wall to the car park, comprising a low brick wall, perforated mesh panels, brick piers at regular intervals and full height sections of brick wall. Planting is proposed to alternate mesh panels, trailing down from podium level. To the podium level above there would be a balustrade set back from the edge of the wall. This is consistent with the wall approved for Phase 1 alongside Pomona Strand and the variation in materials and the inclusion of planting will soften the appearance of the wall and provide sufficient detail and relief to avoid an otherwise oppressive boundary. Further details of the mesh and the planting are required and this can be required by condition. It is relevant to take into account that this wall needs to provide ventilation and security to the car park, in addition to having acceptable visual impact, and this requirement has influenced the proposed design and materials.

### Open Space and Landscaping

51. The proposals include soft landscaping at podium level surrounding the buildings and which include areas of lawn, shrub and ornamental grass, wildflowers and a number of trees. Notwithstanding the requirement for a substantial area of open space as discussed above, this would provide an attractive setting around the buildings and adjacent to the waterfront location. In the event of being approved a condition would be necessary requiring full details of landscaping to be submitted and approved to ensure that this is provided, in a suitable timescale and maintained thereafter to contribute to a good quality development.
52. In terms of the amount of tree planting and other forms of specific green infrastructure, SPD1 indicates as a guide that 1 tree per apartment should be planted. SPD1 also states the provision of alternative green infrastructure treatments in lieu of, or in combination with, tree provision such as native species hedge, green roof, green wall, etc. could be provided. The submitted details for landscaping indicate 12 semi-mature trees and over 70 multi-stem trees planted throughout the site along with shrub and ornamental grass planting, wildflower planting and climber planting. Due to the desirability of retaining the areas around the buildings as predominantly 'open' amenity space for residents, it is considered this proposed amount of tree planting on site alongside the alternative Green Infrastructure treatments is appropriate. In the event of being approved a condition would be necessary requiring full details of landscaping to

be submitted and approved to ensure that this is provided, in a suitable timescale and maintained thereafter to contribute to a good quality development.

### Crime and Security

53. The application includes a Crime Impact Statement which states that the development will be consistent with current principles of the NPPF and will adopt the principles of Secured by Design. Crime prevention measures are considered in the Statement in relation to perimeter security, layout and landscaping, apartment entrances, internal communal areas, apartment doors and windows, car and cycle parking, lighting and security systems. GMP (Design for Security) advise they have no objections to the application and recommend the development is constructed to Secured By Design standards.

### Conclusion on Layout and Design

54. In conclusion it is considered that the scale, height, proportions and design of the proposed buildings would be appropriate in their context, having regard to the aspirations of the Core Strategy for high-rise high-density residential development. The different elevation treatments between the lower floors, middle sections and top floors; the lower and top floors being recessed from the middle section; the use of cladding of different textures and colours; and recessed windows, all provides for a degree of articulation which visually breaks up the scale and massing of the buildings. The buildings themselves are considered a high quality design that will make best use of an opportunity to improve the character and quality of the area and will help establish a strong sense of place, in accordance with Policies SL1 and L7 of the Core Strategy and the NPPF. In terms of open space and landscaping the proposals are considered appropriate to this location, although in quantitative terms these areas do not provide an area of public open space that meets the requirements of Policy SL1 and which is necessary for the successful development of the wider area.

### IMPACT ON HERITAGE ASSETS

55. Paragraph 193 of the NPPF states 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 (and the more important the asset, the greater the weight should be). 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.

56. Policy SL1 of the Core Strategy specifically refers to Brindley's Weir and requires development to protect, preserve and enhance its setting. Brindley's Weir is a grade II listed building to the north east of the site attributed to the canal engineer James Brindley, comprising a culvert basin and drain sump erected in the mid-18th century. The weir is located adjacent to the Bridgewater Canal approximately 325m north east of the application site. There are no direct views between the weir and application site due to the distance involved, topography and intervening features. The contained nature of the weir also restricts any relationship to its wider setting. The Heritage Statement considers the application site makes no contribution towards the understanding or appreciation of the weir, and therefore no contribution towards its significance. The upper stages of the proposed development may be visible from the surroundings of the weir when looking south-west; however, these views will be experienced in the context of the existing urban character of the surroundings. Given the distance between the sites and the intervening land (which is within the Pomona Island Strategic Location and likely to be developed in the future), it is considered the proposed development would not lead to harm to the weir or its setting.
57. Ordsall Hall on the Salford side of the Manchester Ship Canal is a grade I listed building located approximately 280m north west of the site. There are intervening industrial/commercial buildings on the Salford side of the canal between Ordsall Hall and the application site that would obscure views of the proposed development, although the upper floors would be visible in the distance from the frontage of Ordsall Hall due to their height. In the context of the existing development in the vicinity of the Hall and given the distance involved, it is considered the change to the wider setting of the Hall would not adversely affect its setting. The Heritage Statement also notes that the area of setting that contributes most substantially to significance (the enclosed grounds which surround the Hall) will not be affected and the appreciation and experience of the building within this context will not be affected. As such it is considered the proposal would result in no harm to its significance.
58. The Manchester Ship Canal and Bridgewater Canal are important historic landmarks in the immediate context of the site and are considered non-designated heritage assets having regard to the NPPF. The buildings would be visible from both canals. Views of the Ship Canal and to a lesser extent the Bridgewater Canal from some existing viewpoints would be lost or interrupted given the proximity of the buildings to these features. In the case of the Ship Canal the Heritage Statement notes that the proposed development will result in change within the setting of the Canal but will have no impact upon the legibility of its form or function, and will have a neutral impact upon its significance. In the case of the Bridgewater Canal the Heritage Statement notes the proposed development will introduce further development adjacent to the canal, and this will be partially visible from the canal banks and from the waterway itself but will



not have any impact upon the interest of the canal and its overall significance will be preserved.

59. The proposed development would be visible over distance in longer range views out of, and to a lesser extent, into, the Empress Conservation Area and from the Grade II listed former Duckworth's Essence Factory. It would therefore affect the setting of both these heritage assets. The significance of the conservation area stems from its ability to convey the story of its industrial development with workers' terraces intermingled with industrial buildings, and from the high quality architectural detailing of these buildings. The significance of the former Essence Factory lies in its architectural and historic interest and particularly its decorative façade and roofline. Given the distance between the proposed development and these heritage assets and that it would be seen in the context of other high density development in the vicinity, it would not dominate the setting of these heritage assets or intrude on key views. There are a significant number of taller buildings which already stand in the setting of both the conservation area and Duckworth's, albeit also generally over some distance. It would not impact on the significance of the conservation area or the former Essence Factory and there would therefore be no harm arising to these heritage assets from these proposals.
60. GMAAS note that in line with NPPF paragraph 128 (now paragraph 189) the application is accompanied by a Heritage Statement and the Greater Manchester Historic Environment Record has been consulted. They advise there is no reason to seek to impose any archaeological requirements upon this application.
61. The statutory duty is to give considerable importance and weight to the preservation of the setting of heritage assets. Consideration has been given to the impact on the significance of various heritage assets through a change in their setting and an assessment made. It has been concluded that no harm would arise to any of the identified heritage assets. The impact of the development on heritage assets is therefore considered to comply with NPPF policy in respect of the historic environment, which in the absence of an up to date development plan policy, is a primary material consideration.

## HIGHWAYS AND TRANSPORTATION

### Accessibility and Public Transport

62. Policy L4 of the Core Strategy states that the Council will prioritise the location of development within the most sustainable areas accessible by a choice of modes of transport. The site is within a highly sustainable and accessible location given its proximity to the city centre and public transport infrastructure. The site is within walking distance of Pomona Metrolink stop (within a 5 minute walk) providing frequent services between Eccles, Manchester City Centre and Ashton-under-Lyne. Cornbrook Metrolink stop is also within walking distance of the site

providing tram services to other destinations. Additionally, work is currently underway to construct a new Metrolink line from Pomona Metrolink Station through Wharfside to the Trafford Centre. The nearest bus stops are located on Trafford Park Road / Trafford Wharf Road / Trafford Road (11/12 minute walk away). Metrolink services will likely be the most utilised giving future residents' access to a choice of travel mode which should help to reduce the amount of car travel otherwise generated by this development. There are also nearby services, amenities and employment opportunities available which will make walking and cycling genuine alternatives to travelling by car or public transport.

### Trip Generation and Traffic Impact

63. Policy L4 of the 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”*.
64. Paragraph 109 of the NPPF states that *“Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe”*. Given the more stringent test for the residual cumulative impacts on the road network set by the NPPF, it is considered that Core Strategy Policy L4 should be considered to be out of date for the purposes of decision making.
65. The development has been assessed in terms of its impact on the surrounding network using the TRICS database. TRICS contains a collection of National surveys of similar development types which through interrogation is able to calculate trip rates for persons and vehicles. The proposals are shown to generate 42 two-way vehicle trips in the AM Peak and 54 two-way vehicle trips in the PM Peak. The LHA accept that this will not have a severe impact on the surrounding network.
66. TfGM has raised concern over the approach in the applicant's Transport Assessment (TA) to trip generation and comment that the cumulative total of 742 apartments between Phase 1 and the proposed development will very likely affect the local highway. TfGM suggest that the number of trips is determined for the extra number of apartments in this application over the extant 2007 permission for 546 apartments (i.e. an additional 196 apartments) and this is added to the traffic flows established in the 2007 permission. TfGM also advise that detailed junction analysis should be undertaken at those junctions where there is forecast to be an increase of 30 two-way vehicle movements or above.
67. The applicant has been made aware of TfGM's comments and submitted a TA Addendum in response. The applicant does not consider further modelling

assessment is necessary as recommended by TfGM. TfGM maintain that insufficient evidence is presented to conclude that the proposed application does not have any impact on the Key Route Network (KRN). TfGM advise that the TA does not include the predicted traffic flows or any modelling showing the predicted impact of the 2007 permission and more importantly, traffic conditions have changed significantly in the area since 2007. For these reasons they don't consider any TA supporting the 2007 permission is valid and therefore cannot agree with the conclusion of the submitted TA. TfGM also advise that the existing pedestrian facilities at the junction are sub-standard.

68. Given that there is no objection from the LHA and TfGM's role is advisory and non-statutory it is considered failure to provide the further analysis requested would not justify refusal of the scheme on these grounds. 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 (paragraph 109). The advice of the LHA is that the proposed development would not have a severe impact on the surrounding network.

#### Appropriateness of Access

69. Vehicular access to the development would be from the existing Pomona Strand junction off the A5063 Trafford Road. This is considered appropriate by the LHA. It is also noted that Pomona Strand is not adopted for the majority of its length and therefore does not fall under Trafford's Highway Authority maintenance obligations.

#### Pedestrian and Cycle Links

70. Policy SL1 of the Core Strategy states that the provision of suitable pedestrian and cycle links to and from the existing Metrolink stations at Cornbrook and Pomona, to key bus routes and to the wider Irwell River Park area, will be required. A cycle route through the Pomona site linking existing cycle lanes in the St. George's area of Manchester with those in the Wharfside area of Trafford Park has been a long-term Council objective. TfGM also advise that the pedestrian and cycling environment within and around the site should be designed to be as safe, attractive and convenient as possible, with improved street lighting and including natural surveillance where possible, and deliver high quality, well lit, attractive, safe and secure pedestrian access routes to the respective Metrolink stop entrances.
71. The proposals include an upgrade of the existing towpath and provision of a separate footpath and two-way cycle path alongside the dock, providing a route along the full length of the site for pedestrians and cyclists and which would link to the improvements approved as part of the Phase 1 scheme and Pomona Strand on the other side of the site. The applicant has confirmed the cycle path

and footpath will be open upon completion of the scheme once it is safe for use. This will provide an enhanced environment for recreational use (for walkers, joggers and cyclists) and another sustainable transport link for future residents of the development both in the direction of Trafford Park/Salford Quays/Media City) and Manchester City Centre (after joining the Bridgewater Canal). The plans also indicate that a pavement will be provided alongside the site on Pomona Strand which will improve pedestrian access around the site. These improved pedestrian and cycle links can include street lighting, renewal of footway and tactile paving where appropriate as recommended by TfGM, full details of which can form part of the landscaping scheme and lighting details required by conditions. A condition to require a detailed specification for the footpath and cycle path is also recommended to ensure it meets relevant standards in terms of width, surface material, signage and links to existing footpaths and cycle paths outside the site boundary. The submitted plans identify a separate 'pedestrian path zone' and 'cycle path zone', however TfGM recommend that this is all shared space and not delineated for walking and cycling. This can be ensured through consideration of the details required by condition. The cycle path may necessitate a requirement for the provision of new canalside railings to ensure a safe cycling environment given recent TfGM analysis of upgrading the towpath surface in the area close to Trafford Road Bridge.

### Car Parking

72. The Council's parking standards for this location are 1 space for 1 bedroom dwellings and 2 spaces for 2 to 3 bedrooms, which results in a maximum requirement for 836 spaces based on the proposed number and mix of units. The proposed level of car parking at 238 spaces is significantly below this standard. In support of the proposed reduced level of on-site parking it is acknowledged the site is within a highly sustainable location. The site is close to both Pomona and Cornbrook Metrolink Stations which are within easy walking distance from the site. The development will provide a high number of cycle parking facilities with 526 spaces and the developer has also stated that a Travel Plan Coordinator will be appointed to the development prior to the first occupation and this would also help to promote sustainable travel modes from the outset. Future residents will therefore have some access to a choice of travel mode which should help to reduce the amount of car travel otherwise generated by this development. Taking the above points into consideration the LHA is minded to accept the reduced level of proposed off-street parking. In addition to good transport links it is also recognised that there are nearby services, amenities and employment opportunities available which will make walking and cycling genuine alternatives to travelling by car. The Council's standards are a maximum and schemes in sustainable locations with availability of and opportunities for public transport can be relaxed in such locations. The proposed ratio of car parking provision (45%) is also the same as that which was considered appropriate and approved in the Phase 1 scheme.

## Cycle and Motorcycle Parking

73. Given the sustainable location and low level of car parking proposed (in relation to the Council's standards) it is considered the development would support a high level of cycle parking facilities. The Council's standards require 1 cycle space per dwelling where communal cycle parking is proposed. The proposals include 526 cycle spaces in accordance with the standard, to be provided as stands within a cycle store in each building and three cycle stores within the car park adjacent to the buildings. It is considered the amount and location of cycle parking is acceptable, subject to the type of stands which can be ensured by condition. TfGM also advise the development should be futureproofed to allow for additional cycle parking should uptake increase, however it is unclear how this could be made a requirement of any permission and as the number of spaces provided complies with the standard this isn't considered necessary to make the development acceptable. The submitted parking layout doesn't indicate any motorcycle parking spaces, however there is scope within the car park to provide a number of spaces.

## Travel Plan

74. An Interim Travel Plan has been prepared which includes a list of potential measures that could be implemented to affect a modal choice. The LHA advise that robust arrangements for the implementation and running of the Travel Plan need to be included from the outset, in the plan itself, including:

- Appointment of a named Travel Plan coordinator.
- A travel plan budget and resources for the day to day implementation and management of travel plan measures.
- Target and monitoring arrangements.

The Interim Travel Plan appears to include the above points. The LHA recommend that further development, submission, implementation and monitoring of a Full Travel Plan is required by condition. TfGM also recommend a condition requiring a Travel Plan and provide advice as to what the Travel Plan should include to ensure it's effective from the outset.

## Emergency Access and Service Zone

75. An emergency access and service zone to the development is provided from Pomona Strand and extending along the northern boundary between the apartment blocks and the Manchester Ship Canal. It is recommended that additional traffic management measures are put in place to ensure the access is maintained and kept clear from any traffic which may be tempted to park within the facility.

## Servicing and Refuse Collections

76. The development incorporates a refuse store on the ground floor of each block and a collection point adjacent to Pomona Strand. A preliminary refuse collection strategy has been submitted confirming the number of bins to be provided in each block and the route to get bins to the collection point. The LHA has confirmed these are appropriate. The Euro bins are to be transferred on collection days by the building management and returned to store, this is also considered satisfactory. Any comments from the Waste Management Section will be reported in the Additional Information Report.

## Construction Management Plan

77. A Construction Management Plan will be required including details of the proposed construction arrangements from a highways perspective covering the type and frequency of vehicular movements anticipated, proposed times of working, together with any associated proposals for delivery, storage and disposal / collection of materials and the arrangements for site operatives parking. TfGM request that the applicant meet with TfGM on a regular basis and share all relevant plans and programmes so works can be appropriately coordinated, due to construction activities potentially being carried out by the applicant and TfGM concurrently. The applicant can be advised of this request and any issues arising from works being carried out simultaneously can be considered as part of the Construction Management Plan required by condition.

## AIR QUALITY

78. The site does not lie within the GM Combined Authority Air Quality Management Area (2016), although the junction of Pomona Strand with Trafford Road/White City roundabout is within the AQMA and the A56 parallel to the site is also within the AQMA. An Air Quality Assessment (AQA) has been submitted which concludes that the operational air quality impacts of the proposed development are judged to be 'not significant'. The Pollution and Licensing Section has reviewed the AQA and confirm it has been prepared in accordance with relevant national standards and guidelines. Additional traffic generated by the proposed development will have a negligible and therefore acceptable impact at existing receptors along the local road network. The impact of local air quality on the future occupants of the development is judged to be not significant, with relevant pollutant concentrations expected to be well below national objectives.

79. It is recommended that the developer confirms a commitment to the provision of electric vehicle charging points in line with Institute of Air Quality Management (IAQM) guidelines. The provision of such charging points has been suggested to the applicant and can be required by a condition requiring details to be submitted and approved prior to the first occupation of the apartments.

## CONTAMINATED LAND

80. Policy SL1 of the Core Strategy states that an assessment of potential contamination must be carried out prior to development and any necessary remediation carried out in accordance with an agreed schedule. A 'Preliminary Risk Assessment (Ground Conditions)' report has been submitted and has identified existing and potential sources of contamination across the site which could present a risk to future site users and also to controlled waters. This includes chemical or asbestos contamination and potential hazardous ground gas generation. The report recommends an intrusive investigation is completed to confirm the presence/absence of chemical/asbestos/ground gas contamination within Made Ground across the site and within the deeper silts in the south-western portion of the site (former dock basin) and the requirement for any remedial measures.
81. The Pollution and Licensing Section advise that in order to prevent risks to future site users and controlled waters from contamination present at the site, a condition is necessary requiring an investigation and risk assessment to be submitted and approved prior to commencement of development. This should investigate the nature and extent of any contamination on the site, include assessment of the potential risks, an appraisal of remedial options and a proposed remediation strategy for the site where unacceptable risks are identified, and require a verification report prior to occupation. The Environment Agency raise no objection in principle to the development subject to conditions requiring a remediation strategy to deal with contamination not previously identified and to submit a verification report demonstrating completion of works set out in the remediation strategy.

## FLOOD RISK AND DRAINAGE

82. Policy L5 of the 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". Policy SL1 also seeks to ensure that the Pomona site will be safe, without increasing the risk of flooding elsewhere, and that it will where possible reduce flood risk overall. At the national level, NPPF paragraph 163 has similar aims, seeking to ensure that development is safe from flooding without increasing flood risk elsewhere. Policies L5 and SL1 are considered to be up to date in this regard and so full weight can be attached to them.
83. The NPPF sets strict tests to protect people and property from flooding which all local planning authorities are expected to follow. Where these tests are not met, national policy is clear that new development should not be allowed. Policy seeks to direct development, as far as is reasonably possible, to areas where the risk of flooding is lowest.

84. The site is within Flood Zone 2 which is considered to have a medium risk of flooding. NPPF paragraph 163 makes it clear that development should only be allowed in such areas where, through the submission of a site specific Flood Risk Assessment (and the sequential and exception tests, as applicable) it can be considered that: (a) within the site the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location; (b) the development is appropriately flood resistant and resilient; (c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate; (d) any residual risk can be safely managed; and (e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan. Policy SL1 of the Core Strategy states that in order for development in this Location to be acceptable a Flood Risk Assessment must demonstrate that the development will be safe, without increasing flood risk elsewhere, and that it will where possible reduce flood risk overall. Policy SL1 also states that uses identified in national guidance as being more vulnerable to flooding such as residential must be located outside Flood Zone 3. A Flood Risk Assessment has been submitted with the application. The site is within the Critical Drainage Area (CDA) identified in the Manchester, Salford and Trafford Level 2 Hybrid SFRA, therefore the 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. The LLFA has also advised that the development appears to be at risk of surface water flooding, reservoir flooding and groundwater rebound and appears to be within the Canal Overtop Hazard Zone.

85. It is noted that the Sequential Testing of the Strategic Locations, which was undertaken in accordance with national guidance in March 2010, did not identify Pomona Island as a preferred location for residential development. It concluded however, that a significant number of Strategic Locations and other development areas had to be identified wholly or partly within Flood Zones 2 and 3 that would better enable the Council to deliver its overall spatial strategy objectives. Since the Core Strategy was adopted part of the Environment Agency's Flood Risk Map has been revised. This has resulted in a number of areas adjacent to the Manchester Ship Canal, including most of Pomona, now being identified as being within Flood Zone 2 rather than Flood Zone 3. In view of the above there is no need to apply a sequential test to this development as would normally be required, since the designation of Pomona Island as a Strategic Location in the Trafford Core Strategy was subject to a sequential test as part of the plan adoption process. Paragraph 162 of the NPPF and paragraph 33 of the Flood Risk and Coastal Change Planning Practice Guidance is clear that developments already allocated and sequentially tested as part of the local plan process are deemed to have satisfied the sequential test.

86. Notwithstanding that there is no requirement to revisit the Sequential Test, NPPF paragraph 162 makes it clear that the exception test may need to be reapplied if



relevant aspects of the proposal had not been considered when the test was applied at plan making stage, or if more recent information about existing or potential flood risk should be taken into account. In this regard, the wider sustainability benefits to the community that would flow from this development have been previously demonstrated at plan making stage in that the site has been allocated as a Strategic Location. Since this time, flood risk on this site is considered to have reduced in that it is now within Flood Zone 2 rather than Flood Zone 3. Moreover, flood risk to the site has been appropriately reviewed, and it is considered that the applicant has adequately demonstrated that the appropriate flood risk mitigation measures, including the design of the development which raises finished floor levels within the apartment blocks, have been incorporated into the scheme. It is considered that the scheme therefore complies with paragraph 162 of the NPPF.

87. The LLFA has reviewed the submitted Flood Risk Assessment and notwithstanding the risks identified, considers that the proposed works will not cause flood risk to the development or the surrounding area and advise that the proposal is acceptable, subject to the drainage scheme being designed in accordance with the Flood Risk Assessment and Drainage Management Strategy. This will need to be submitted as part of any conditions, with a max surface water discharge of 5.4 l/s. Conditions are recommended requiring details of the full detailed drainage design to limit the peak discharge rate of storm water to meet the requirements of the Council's Level 2 Hybrid SFRA and to require full details of the Sustainable Drainage Scheme, including maintenance and management plan for the site.
88. United Utilities advise in accordance with the NPPF and NPPG, the site should be drained on a separate system with foul water draining to the public sewer and surface water draining in the most sustainable way. Conditions are recommended requiring foul and surface water to be drained on separate systems; a surface water drainage scheme based on the hierarchy of drainage options in the NPPG; and a management and maintenance regime for any sustainable drainage system.
89. It is therefore considered that in relation to flood risk, the proposed development is in compliance with NPPF, relevant guidance in NPPG, and is also compliant with Core Strategy Policies L5 and SL1

## IMPACT ON ECOLOGY

90. Policy SL1 of the Core Strategy states in order for development in this Location to be acceptable an assessment of biodiversity must be carried out and appropriate sites for nature conservation must be provided to compensate for any loss. Policy R2 further states developers will be required to demonstrate how their proposal will protect and enhance landscape character, biodiversity, geodiversity and conservation value; and protect the natural environment

throughout the construction process. Policy R2 identifies that the Borough's assets include designated Wildlife Corridors and watercourses (both the River Irwell and Bridgewater Canal are designated as Wildlife Corridors).

91. The overall ecological value of the site lies in its location, context and recent land-use; the site is adjacent to the River Irwell / Ship Canal, a main River and valuable wildlife corridor into and through the City. The Bridgewater Canal to the south of the site forms part of the wider ecological corridor. The site has remained undeveloped for some years and now comprises an area of rare semi-natural greenspace very close to the City centre. The River is used as an important 'flyway' for birds, including Kingfishers, Gulls, Lapwing, Peregrine and Ringed Plover and there are important Sand Martin nesting colonies along the dock walls fronting the River/Ship Canal. GMEU also advise this part of Pomona has some botanical and invertebrate interest relating to the nutrient-poor substrates present and the overall 'brownfield' nature of the site. The plant communities present indicate that the site could meet the criteria to be classified as the Habitat of Principal Importance 'Open Mosaic Habitats on Previously Developed Land'.
92. The application includes a Preliminary Ecological Assessment Survey that includes assessment of flora and fauna on the site. This recommends to retain as much of the brownfield vegetation as possible within the development layout; undertake a botanical survey late April to May to ascertain how much brownfield vegetation is present and its species-richness and encourage its development elsewhere on site or nearby; create a variety of invertebrate-friendly habitats within the soft landscaping; control the small patch of Japanese knotweed by spraying; and erect a variety of bird nest boxes on site to mitigate for the loss of nesting bird habitats. A Botanical Survey has since been submitted following a survey in June 2018.
93. GMEU recommend that the results of updated botanical surveys are used to inform updated and more detailed landscape plans for the site and which should properly reflect the character and context of the site, acknowledge the wildlife corridors and reference the wider landscape plans for the Pomona site. Parts of the site lend themselves to ecological enhancement features, for example bird nesting provision and bat roosting provision along the water courses and consideration should be given to the incorporation of such features into the development. GMEU also advise that the Ecology Assessment does not acknowledge the site's potential importance for providing access to semi-natural greenspace for the urban population. Given the significant population uplift that will occur as a result of the development GMEU recommend that further details be provided of features to be provided for public recreation. In particular, details should be provided of waterfront landscape features and facilities; the waterfront is an important public and wildlife resource, not just for the future residents of Pomona but as a resource for the city. These recommendations can be incorporated into the scheme in a landscaping condition.

94. Conditions are also recommended to prevent vegetation clearance during the optimum period for bird nesting (March to July inclusive), unless nesting birds have been shown to be absent by a suitably qualified person. If the dock walls are to be directly affected at any time during construction the presence of sand martin nests in the dock walls should be borne in mind; nesting provision for sand martins should be retained or new nesting provision offered. A condition is also required to eradicate Japanese knotweed which has been recorded on or close to the site.

## RESIDENTIAL AMENITY

### Privacy, Amenity Space, Daylight and Sunlight

95. Policy L7 requires development to be compatible with the surrounding area and not prejudice the amenity of future occupiers of the development and/or occupants of adjacent properties by reason of, amongst others, overbearing, overshadowing, overlooking, visual intrusion, noise and/or disturbance. The Council's Guidelines for new residential development do not include specific distance guidelines for tall buildings, other than stating that for development of four or more storeys where there would be major facing windows, flats should retain a minimum distance of 24m across public highways and 30m across private gardens. These guidelines were not written with high density developments in mind and carry limited weight in these circumstances.

96. There are no existing residential properties within close proximity of the site although Block C would be adjacent to approved Block B which forms part of the Phase 1 scheme. The distance between facing windows in these buildings would be between 19.5m and 32m. These distances are around 2.8m less between the balconies which project from the buildings. Proposed Blocks C and D include windows and balconies in the side elevations facing each other. The distance between facing windows would be 15.5m at their closest, increasing to around 26m where the buildings are adjacent to the dock. These distances are around 2.8m less between the proposed balconies that project from both buildings. Proposed Blocks D and E include windows and balconies in the elevations facing each other, although due to the position and orientation of the buildings relative to each other not all windows face towards those in the other building. Where there are facing windows the distance is around 11m at its closest, widening to over 30m. These distances are around 2.8m less between the proposed balconies.

97. The distances between facing windows and balconies in the proposed blocks will therefore be less than the above guidelines, although neither guideline is directly relevant to this situation. It is also noted that the separation distances would be similar to those that were considered acceptable in the previous permission on the site (ref. H/58948). Furthermore the Council's Guidelines state that: "*the*

*Council acknowledges that a rigid adherence to spacing standards can stifle creativity in design and result in uniformity of development. The Council is looking to encourage imaginative design solutions and in doing so it accepts the need for a flexible approach to privacy distances between buildings within a development site, where good design or the particular circumstances of the site allow this”.*

98. The general north-south orientation of the blocks, their differing heights and the separation distances between them mean that the blocks would not unduly overshadow each other. The application includes an assessment of the potential daylight and sunlight levels within the proposed development and concludes that levels are generally compliant with Average Daylight Factor, No Sky Line and Annual Probable Sunlight Hours guidelines.
99. With regards to the provision of amenity space, the SPG on New Residential Development states that 18 sq. m of adequately screened communal area per flat is generally sufficient for functional requirements. The SPG also states that balconies can count as part of the amenity space provision. As noted above, although there would be public access to the proposed areas of open space surrounding the buildings these areas are likely to function as private amenity space for future occupiers. Most of the apartments would also have balconies. The total area of amenity space (outdoor space and balconies combined) would be less than the equivalent of 18 sq. m per apartment referred to in the Council's Guidelines, however it is considered the space provided is sufficient for this type of high-density development.
100. Having regard to the above it is considered the separation distances between apartments and private amenity space provided are acceptable and the proposal would provide a satisfactory level of amenity for future occupiers of the apartments.

#### Impact of Noise on Future Occupants

101. The site is in close proximity to the Metrolink, railway line and A56 and there is the potential for noise, vibration and other forms of disturbance from these sources. The apartments include windows and balconies within the elevations facing the Metrolink and railway lines. The applicant's Noise Planning Report concludes that acceptable internal noise levels can be achieved (capable of meeting the relevant criteria in BS 8233:2014), provided a suitable building fabric, glazing and ventilation scheme is adopted. A majority of the external amenity areas are predicted to meet the design criteria outlined in BS 8233:2014 although a minority of amenity areas (located to the rear of block E) are predicted to marginally exceed the upper threshold guidance limit. The assessment has taken into consideration existing and future Metrolink operation (worst-case 1 tram passes every 3 minutes).

102. The Pollution and Licensing Section has confirmed that the noise assessment has been prepared in accordance with relevant national standards and guidelines and note the report concludes environmental noise should not cause undue impact for the new occupants of the development providing a scheme of sound insulation, glazing and ventilation is installed to the specifications detailed in the report. Details of the final scheme, including the ventilation strategy, should be submitted for approval to demonstrate compliance with the report's recommendations.
103. TfGM has also assessed the scheme in relation to noise and recommended a similar condition to that attached to the permission for the adjacent Phase 1 development, requiring a scheme to assess the impact of noise and vibration from the adjacent Metrolink and railway lines to be submitted and approved before the apartments are occupied. The scheme shall identify any necessary mitigation measures to ensure an acceptable level of amenity for future residents and a verification report before any apartments are first occupied to demonstrate that any identified mitigation measures have been completed in accordance with the approved scheme.
104. The report also recommends design targets for fixed plant to minimise the likelihood of adverse impact and it is recommended a condition is attached to include these targets. An assessment of fixed plant should be submitted once plant details have been finalised to demonstrate compliance with the above limits.

## EDUCATION

105. Policy SL1 of the Core Strategy states that in order for development in this Location to be acceptable a contribution will be required towards the provision of a new 1-form primary school by 2021 to serve the new residential community in this and the surrounding area (including Trafford Wharfside and the LCCC Quarter). However, since the adoption of the Core Strategy the Council has identified the requirement for a school to serve Pomona Island on the CIL Regulation 123 List and this is the mechanism by which a school in this location could be provided in the future. Where infrastructure is included in the CIL Regulation 123 List there is no requirement for a financial contribution from individual development proposals to contribute towards this infrastructure.
106. Although a primary school is identified as being necessary to serve future development in the Pomona, Wharfside and LCCC Strategic Locations, there is likely to be a period prior to its delivery where the proposed development will generate a demand on existing school places. Of the 526 apartments, 310 are 2 or 3-bed, therefore a proportion are likely to be occupied by families with children of school age. The applicant has provided an Education Assessment that concludes that there is currently sufficient capacity within the local primary school system to accommodate the demand expected to be generated by the proposed

development. The Assessment estimates the proposed development could generate a demand for an additional 184 primary school places and shows that within a 2 mile radius of the site there are 33 primary schools currently with 499 spare places.

## HEALTH FACILITIES

107. Policy SL1 of the Core Strategy states that in order for development in this Location to be acceptable the provision of ancillary community facilities will be required. This would include the provision of health facilities; the Implementation section of the policy identifies development of a small GP Practice (also to support development in the Trafford Wharfside Strategic Location). The application includes a Health Impact Assessment which confirms that current primary healthcare provision in the surrounding area (GPs, pharmacies, dentists and opticians) can be expected to accommodate the additional demand for these services that will arise from the development. No comments have been received from the NHS Trafford CCG and in the absence of any evidence to contradict the applicant's assessment that there is sufficient existing capacity, there is no justification to seek a financial contribution towards new or improved healthcare facilities.

## UTILITIES

108. Policy SL1 of the Core Strategy states in order for development to be acceptable a contribution towards the provision of additional utility capacity will be required, including the reinforcement of the local waste water treatment works. The above comments from United Utilities do not specifically refer to a requirement to reinforce the local waste water treatment works or any other capacity issues, therefore this is not considered necessary at the present time. Future phases on Pomona Island may need to contribute towards additional utility capacity as the cumulative impact of development increases pressure on the local waste water treatment works.

## DEVELOPER CONTRIBUTIONS AND VIABILITY

### Affordable Housing

109. Paragraph 64 of the NPPF states that where major development involving the provision of housing is proposed, planning policies and decisions should expect at least 10% of the homes to be available for affordable home ownership, unless this would exceed the level of affordable housing required in the area, or significantly prejudice the ability to meet the identified affordable housing needs of specific groups. The NPPF identifies a number of exemptions to this 10% requirement, none of which are relevant to the proposed development.

110. Policy L2 of the Core Strategy states that all new residential development proposals will be assessed for the contribution that will be made to meeting the housing needs of the Borough. In order to meet the identified affordable housing need within the Borough, the Council will seek to achieve, through this policy, a target split of 60:40 market:affordable housing. The Borough is significantly underperforming against the 40% affordable homes target when compared to anticipated delivery at this stage in the plan period.
111. Policy L2 states in respect of all qualifying development proposals, appropriate provision should be made to meet the identified need for affordable housing. To take into account issues relating to viability the Borough is split into three broad market locations 'hot', 'moderate' and 'cold'. The Old Trafford area is identified as a 'cold' market location, however at L2.12 the Policy goes on to explain that in areas where the nature of the development is such that, in viability terms, it will perform differently to generic developments within a specific market location the affordable housing contribution will be determined via a site specific viability study, and will not normally exceed 40%. SPD1 states this will apply in the case of most of the strategic locations (paragraph 3.14).
112. It is considered that this proposed scheme, given its scale and nature, would perform differently from other 'generic' housing developments in this area. The site is part of a wider strategic location/area of change and is also considered to be of a different type of development to that generically found in Old Trafford at the time of the Economic Viability Study, due to its nature and scale. This was considered to be the case with the Phase 1 scheme considered in 2017 and the proposed development is similar in nature. Therefore the extent of any affordable housing contribution associated with this scheme will be determined by the site specific viability assessment submitted with the application, up to 210 units.
113. 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.
114. The application includes a Viability Assessment that indicates a surplus residual value available for affordable housing or S106 contribution of £192,000. The Assessment seeks to demonstrate the proposed development carries a greater risk than the first phase and this justifies using 20% as the developer

profit margin. It states that given the size of the development the residual viability position is close to marginal despite the developer pushing sales values as far as possible. The applicants' Viability Assessment was independently reviewed by financial viability consultants appointed by the Council and this review concluded that the viability case for the scheme does not meet the required tests, either through guidance or national policy, to demonstrate that if planning policy requirements for S106 contribution and affordable housing were met in full or part that the scheme would be undeliverable on viability grounds.

115. In response to the above the applicant increased the offer to £1,353,906. This has meant a reduced profit margin to that in the original Viability Assessment. The methodology employed by the applicant seeking to justify this level of contribution is predicated on the fact there is an extant planning permission on the site with a specific S106 contribution applicable to that development. The contribution has been generated by adding together that required by the extant permission and then applying a 5% affordable housing contribution to the net increase in the number of units in the current application. For the avoidance of doubt, applying a 5% affordable housing provision does not represent a 'policy compliant' level of provision for this location. There are also elements of the applicant's calculations not accepted. Nevertheless the underlying methodology employed by the applicant to arrive at their offer is accepted and is set out in the following paragraphs. The applicant has advised that the offer of £1,353,906 is the maximum that can be provided in this instance.

116. In summary, there is an extant planning permission for 546 units on the application site and the adjacent site. This includes 3 blocks of 373 units (Phase 1) on the site the subject of the current application. The S106 agreement attached to the extant permission requires a payment of £683,816 in respect of Phase 1, comprising £500,001 towards affordable housing and £183,815 towards open space (calculated pro-rata). Based on the applicant's average value of a unit within the scheme and if it assumed these were provided at a 25% discount to the Open Market Value (shared equity product), the affordable housing contribution equates to approximately 10 units (2.7%), This is the position if the scheme were implemented now; at the time of the permission the £500,001 would have equated to a higher number of units as average sales values would have been considerably lower than they are now. As this permission is capable of being implemented with this level of contribution, it is considered this can be taken into account as a 'fall-back' position for 373 units on the site. This will also influence the value of the site.

117. The proposed development would result in a net increase of 153 units above the extant permission on the application site. The applicant's proposed contribution of £1,353,906, less that which can be attributed to 373 units on the application site as described above, would result in a contribution of £670,090 applicable to the 153 additional units. This contribution equates to approximately 14 affordable units (9.2%) if these were provided at a 25% discount to the Open



Market Value (shared equity product). The contribution across the scheme overall would equate to 24 affordable units (4.6%). It is considered that the applicant has demonstrated an appropriate level of contribution for this specific site, taking into account the extant planning permission and having regard to costs and values provided in their Viability Assessment.

118. 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 further contribution should 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).

Public Open Space, Play Facilities and Sports Facilities

119. A contribution is required towards the provision of off-site public open space which would need to be secured by a legal agreement. Based on the cost formula set out in SPD1 the appropriate contribution would be £360,541.61 calculated as follows:-

Type	Quantity Cost per person	No. of residents	Total
Local open space	£161.59	864	£139,613.76
Provision for children/young people*	£378.95	583	£220,927.85
<b>Total</b>			<b>£360,541.61</b>

\*Applies only to apartments with 2 bedrooms and above

120. A contribution is also required towards the provision of off-site outdoor sports facilities which would need to be secured by a legal agreement. Sport England calculate this to be c. £558,000 whilst the formula in SPD1 generates a sum of £449,280. The precise amount of the contribution required would be informed by the Council’s Playing Pitch Strategy Assessment and Action Plan to determine the true cost of upgrading existing facilities in the locality at an agreed site in order to increase capacity to accommodate the additional demand generated by the development.

121. It is considered appropriate that the full extent of the contribution is used to provide affordable housing in the Borough to meet the identified affordable housing. This would result in no contribution towards public open space or sports facilities.

## CIL

122. This proposal is subject to the Community Infrastructure Levy (CIL) and is located in the 'cold zone' for residential development, consequently private market 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).

## THE PLANNING BALANCE AND CONCLUSION

123. 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.

124. The proposals do not comply with the development plan in the following ways:-

- The housing mix does not correspond with the target in Policy L2.4 to achieve a split of 70:30 small: large (3+ bedrooms).
- The affordable housing would not be provided on site; provide 50% of the accommodation suitable for families; reflect the overall mix of housing units on the site, nor provide 50% of the offer as social / affordable rented units and there are no exceptional circumstances that have been demonstrated to justify this, contrary to Policy L2.14.
- The level of open space provision and play facilities proposed would not be sufficient to meet the needs of residents of the development, and no off site mitigation is proposed, contrary to Policies L5, L7 and SL1.

125. 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.

126. Paragraph 11 d) of the NPPF indicates that where there are no relevant development plan policies or the policies which are most important for determining the application are out of date planning permission should be granted unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

127. It has been established that some of the policies which are 'most important' for determining this application i.e. relating to housing land supply, are out of date as the Council does not at present have a five year supply of immediately available housing land. Policy SL1 which relates to development across the whole of the Strategic Location is considered to be up to date in respect of the Council's expectations for the delivery of development at Pomona Island.

128. In respect of i. there is no clear reason for refusing the development proposed. The assessment of heritage and flood risk do not lead to a conclusion that the development should be refused. Paragraph 11(d)(ii) of the NPPF – the tilted balance – is therefore engaged, i.e. planning permission should 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.

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

- Insufficient on-site public open space and play facilities for the scale of development proposed would be provided.
- No financial contribution towards providing these facilities elsewhere in the Pomona Island Strategic Location. This will place an additional burden on later parts of the development of the strategic site that presents risk to the wider deliverability of the totality of the strategic site.
- No financial contribution towards new or improved sports facilities to mitigate the impact of the additional demand on existing facilities.
- No on-site provision of affordable housing.
- A financial contribution towards the provision of off-site affordable housing that would be less than the equivalent of 10% of the scheme, as required by the NPPF.

130. 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. The following benefits resulting from the scheme have been identified: -

- 526 new homes would make a positive contribution towards addressing the current housing land supply shortfall.
- New housing in a highly sustainable location.

- Regeneration within an area identified as a Strategic Location and Priority Regeneration Area and where the delivery of housing is behind the phasing schedule set out in Core Strategy Policy SL1.
- Re-use of previously developed, under-utilised and contaminated land.
- High quality architecture and public realm that will improve the appearance of the site.
- Improved cycle and pedestrian access within the site and connectivity with existing routes.
- Economic benefits that will flow from construction and occupation.
- A financial contribution towards the provision of off-site affordable housing.
- A Masterplan will be prepared that will set out the future provision of public open space and the other requirements set out in Core Strategy Policy SL1 to enable the comprehensive development of the Strategic Location as a mixed-use commercial and residential district with appropriate community facilities and a substantial new area of open space for informal recreation.

131. These benefits are considered to significantly and demonstrably outweigh the adverse impacts. The application of Paragraph 11(d) is an important material consideration which should be given significant weight and justifies the departures from development plan policy identified above. No other material considerations have been identified which would warrant a different view being taken. The application is therefore recommended for approval.

### **RECOMMENDATION:**

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

- (i) To complete a suitable legal agreement under S106 of the Town and Country Planning Act 1990 (as amended) to secure :
  - A contribution of £1,353,906 towards the provision of off-site affordable housing in accordance with the guidance in SPD1;
  - A viability review mechanism to secure overage and to reflect the mechanism in the S106 agreement for the Phase 1 scheme;
  - A Masterplan for the wider Pomona Strategic Location to be submitted and approved prior to submission of any application for a subsequent phase of development in the Strategic Location and not less than 12 months from the date of this permission.
- (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

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:

- 02-02-001-A – Site Location Plan
- 02-02-002-D – Proposed Site Layout level 0 (ground floor parking plan)
- 02-02-003-A – Proposed Site Layout level 1 (podium level)
- 02-02-004-A – Proposed Site Layout Roof Plan
- 02-02-005 – Preliminary refuse collection strategy
- 02-02-010 – Proposed Site Layout indicating areas of no development
- 02-03-C-001 – Block C Proposed Level 0
- 02-03-C-002 – Block C Proposed Level 1 (podium)
- 02-03-C-003 – Block C Proposed Level 2
- 02-03-C-004 – Block C Proposed Level 3-12
- 02-03-C-005 – Block C Proposed Level 13-14
- 02-03-C-006 – Block C Proposed roof plan
- 02-03-D-001 – Block D Proposed Level 0
- 02-03-D-002 – Block D Proposed Level 1 (podium)
- 02-03-D-003 – Block D Proposed Level 2
- 02-03-D-004 – Block D Proposed Level 3-14
- 02-03-D-005 – Block D Proposed Level 15-16
- 02-03-D-006 – Block D Proposed roof plan
- 02-03-E-001 - Block E Proposed Level 0
- 02-03-E-002 – Block E Proposed Level 1 (podium)
- 02-03-E-003 – Block E Proposed Level 2
- 02-03-E-004 – Block E Proposed Level 3-16
- 02-03-E-005 – Block E Proposed Level 17-18
- 02-03-E-006 – Block E Proposed roof plan
- 02-05-C-001 – Block C Elevation 01
- 02-05-C-002 – Block C Elevation 02
- 02-05-C-003 – Block C Elevation 03
- 02-05-C-004 – Block C Elevation 04

- 02-05-D-001 – Block D Elevation 01
- 02-05-D-002 – Block D Elevation 02
- 02-05-D-003 – Block D Elevation 03
- 02-05-D-004 – Block D Elevation 04
- 02-05-E-001 – Block E Elevation 01
- 02-05-E-002 – Block E Elevation 02
- 02-05-E-003 – Block E Elevation 03
- 02-05-E-004 – Block E Elevation 04
- 02-05-001 – Podium Elevation Treatment Pomona Strand
- 02-05-002 – Podium Elevation Treatment Riverside
- LYR103\_M300 Rev C – Site Landscape GA
- LYR103\_M301 Rev C - Softworks
- LYR103\_M302 Rev B – Illustrative Sections

Reason: To clarify the permission, having regard to Policies SL1 and 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 a full specification of materials to be used externally on the buildings (to include all types of rainscreen aluminium cladding indicated on the approved drawings, the opaque backed panel glass/curtain wall system, window frames, balcony frames, and the brick and mesh panels for the car park elevation to Pomona Strand), 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 Policies SL1 and L7 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 be:
  - i) in general accordance with the concepts/principles shown in the Public Realm Strategy submitted with the application (Section 11 of the Design and Access Statement); and
  - ii) informed by the results of the ecological surveys submitted with the application and include ecological enhancement features (for example bird nesting provision and bat roosting provision along the watercourses); reflect the character and context of the site; acknowledge the adjacent Wildlife Corridor and reference the wider Pomona Island site.

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, cultivation and other operations associated with plant and grass establishment), 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 and to enhance biodiversity at the site in accordance with the recommendations set out in the Preliminary Ecological Assessment and Botanical Survey submitted with the application, and having regard to its location, the nature of the proposed development and Policies SL1, L7, R2 and R3 of the Trafford Core Strategy and the National Planning Policy Framework.

5. The development hereby approved shall not be occupied until a schedule of landscape maintenance for a minimum period of 5 years 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 SL1, L7, R2 and R3 of the Trafford Core Strategy and the National Planning Policy Framework.

6. 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. 02-05-001 (Podium Elevation Treatment – Pomona Strand), has been submitted to and approved in writing by the Local Planning Authority. The specification for the planting shall include the plant species, the depth of the planting bed/trough, details of the drainage system and a schedule of maintenance that will ensure adequate arrangements for watering and feeding. Development shall be carried out in accordance with the approved details prior to the first occupation of the development hereby permitted and maintained thereafter in accordance with the approved schedule of maintenance.

Reason: In order to ensure a satisfactory appearance and that the planting is provided, becomes established and is subsequently maintained, 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.

7. Prior to the first occupation of the apartments hereby permitted a scheme of appropriate measures for the implementation of the proposed footpath and cycle path alongside the Manchester Ship Canal and for their subsequent management and future maintenance shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include a specification for both the footpath and cycle path (to include width, surface materials, signage and linkages to existing footpaths and cycle paths outside the site boundary). The specification for the cycle path shall have regard to the TfGM document 'Greater Manchester Cycling Design Guidance' (Version 2.1 | March 2014), or any successor document, and seek to meet the standards therein. Development shall be carried out in accordance with the approved scheme and public use of the footpath and cycle path shall be retained in perpetuity.

Reason: To ensure that the proposed footpath and cycle path are provided as part of the development, within a suitable timescale, to appropriate standards, and are subsequently maintained, having regard to Policies SL1, L7, R2 and R3 of the Trafford Core Strategy and the National Planning Policy Framework.

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

Reason: To ensure that satisfactory provision is made within the site for the accommodation of vehicles attracted to or generated by the proposed development, having regard to Policies L4 and L7 of the Trafford Core Strategy and the Supplementary Planning Document 3 - Parking Standards and Design.

9. All areas for the movement, loading, unloading and parking of vehicles provided in accordance with this permission shall be made available for those purposes at all times once the apartments are occupied. 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) no development (other than that carried out in accordance with this permission) shall take place on any of the areas so provided.

Reason: To ensure that satisfactory provision is retained 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 Council's adopted Supplementary Planning Document 3: Parking Standards and Design.



10. The development shall not be occupied unless and until a scheme of traffic management measures for ensuring that the emergency access and service zone accessed from Pomona Strand, as shown on drawing number 02-02-002-D - Proposed Site Layout Level 0 (ground floor parking plan), is maintained and kept clear from any traffic has first been submitted to and approved in writing by the Local Planning Authority. Thereafter, the measures shall be implemented as approved.

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

11. The development shall not be occupied unless and until a scheme to provide a minimum of 526no. secure cycle parking spaces has first been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the location, type of stands, access arrangements and design of the facility. The spaces shall be made available prior to the occupation of the apartments and retained 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.

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

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

13. No development shall take place until an investigation and risk assessment (in addition to any assessment provided with the planning application) associated with contamination of the site 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. 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, service lines and pipes,
  - adjoining land,
  - groundwaters 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. This shall include any requirements identified 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 duly approved remediation strategy and a verification report submitted to and approved in writing by the Local Planning Authority before any of the buildings hereby approved are first occupied. The verification report shall demonstrate that the works identified in (iii) above are complete and identify any further requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action (The long-term Monitoring and Maintenance Plan). Thereafter, 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 amenity of future occupiers in accordance with Policies SL1, L5 and L7 of the Trafford Core Strategy and the National Planning Policy Framework.

14. If, during development, contamination not previously identified is found to be present at the site then no further development shall be carried out in that part of the site (the extent of which is to be agreed in writing by the Local Planning Authority) until the developer has submitted and has had approved in writing by the Local Planning Authority a remediation strategy detailing how this unsuspected contamination shall be dealt with. This remediation strategy shall be implemented as approved.

Reason: For the ongoing protection of the water environment from risks arising from land contamination in accordance with Policies SL1, L5 and L7 of the Trafford Core Strategy and the National Planning Policy Framework.

15. No occupation of each phase of development shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation for that phase shall be 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 (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 thereafter.

Reason: For the future protection of the water environment from risks arising from land contamination in accordance with Policies SL1, L5 and L7 of the Trafford Core Strategy and the National Planning Policy Framework.

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

Reason: Such details need to be incorporated into the design of the development to prevent the risk of flooding by ensuring that surface water can be satisfactorily stored or disposed from the site having regard to Policies SL1, L4, L5 and L7 of the Trafford Core Strategy and the National Planning Policy Framework.

17. No development shall take place unless and until full details of the Sustainable Drainage Scheme, which shall include a maintenance and management plan for the site, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include:

i) Arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a residents' management company; and

ii) Arrangements for inspection and on-going maintenance of all elements of the sustainable drainage system to secure the operation of the surface water drainage scheme throughout its lifetime.

The approved scheme shall be implemented during the course of the development, and thereafter managed and maintained in accordance with the approved details.

Reason: Such details need to be incorporated into the design of the development to prevent the risk of flooding by ensuring that surface water can be satisfactorily stored or disposed from the site having regard to Policies SL1, L4, L5 and L7 of the Trafford Core Strategy and the National Planning Policy Framework.

18. No development shall take place unless and until the following details have been submitted to and approved in writing by the Local Planning Authority: -

- Detailed drainage layout which is to include cover levels and invert levels, manhole and pipe numbering, pipe sizes and gradients.
- Full details, specification, calculation, and construction drawings for all elements including oil interceptors, flow controls and storage.
- Existing drainage microdrainage calculations including existing discharge rate.
- Full microdrainage calculations for the proposed drainage system.

Development shall be carried out in accordance with the approved details.

Reason: Such details need to be incorporated into the design of the development to prevent the risk of flooding by ensuring that surface water can be satisfactorily stored or disposed from the site having regard to Policies SL1, L4, L5 and L7 of the Trafford Core Strategy, the National Planning Policy Framework and the Non Statutory Technical Standards for Sustainable Drainage: Practice Guide.

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

Reason: To secure proper drainage and to manage the risk of flooding and pollution, having regard to Policies SL1, L4, L5 and L7 of the Trafford Core Strategy and the National Planning Policy Framework.

20. Prior to any works taking place, a surface water drainage scheme, based on the hierarchy of drainage options in the National Planning Practice Guidance, together with evidence of an assessment of the site conditions, shall be submitted to and approved in writing by the Local Planning Authority. The surface water drainage scheme must be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards. No surface water shall discharge to the public combined sewerage system either directly or indirectly. The development shall be implemented in accordance with the approved details.

Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution having regard to Policies SL1, L4, L5 and L7 of the Trafford Core Strategy, the National Planning Policy Framework and National Planning Practice Guidance.

21. No vegetation clearance in preparation for (or during the course of) development shall take place during the optimum period for bird nesting (March to July inclusive) unless an ecological survey carried out by a suitably qualified person has shown nesting birds to be absent and has been submitted to and approved in writing by the Local Planning Authority. 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 present on the site having regard to Policies SL1 and R2 of the Trafford Core Strategy and the National Planning Policy Framework.

22. No development that directly affects the existing dock walls shall take place unless and until a scheme which assesses the impact of the works on the presence of sand martin nests in the dock walls has first been submitted to and approved in writing by the Local Planning Authority. The scheme shall seek to ensure that nesting provision for sand martins is retained, and where this is not possible, details of mitigation in the form of replacement nesting provision shall be provided. Development, including mitigation where appropriate, shall proceed in accordance with the approved scheme.

Reason: In order to prevent any habitat disturbance to nesting birds present on the site and to provide replacement habitat if necessary, having regard to Policies SL1 and R2 of the Trafford Core Strategy and the National Planning Policy Framework.

23. No above ground construction works shall take place until details of the final scheme of sound insulation, glazing and ventilation have been submitted to and approved in writing by the Local Planning Authority to demonstrate compliance with the recommendations of the submitted Noise Planning Report (ref. PMI-HYD-ZZ-XX-RP-Y-1200-Noise Planning Report Phase 2-P02, dated February 2018). The submitted ventilation strategy shall include information to demonstrate that appropriate ventilation rates (to Building Regulations standards) can be attained whilst keeping windows closed, where this is necessary to maintain suitable internal conditions. The scheme shall be implemented in accordance with the approved details before the apartments are first occupied and shall be retained thereafter.

Reason: To achieve appropriate internal sound levels within the development and to protect the amenities of future occupiers in accordance with Policies L5 and L7 of the Trafford Core Strategy, the National Planning Policy Framework and in accordance with the recommendations of the Noise Planning Report submitted with the application.

24. Noise from all fixed plant, when rated and assessed in accordance with BS 4142: 2014, shall not exceed the following noise limits at the location of sensitive receptors around the development site:

Daytime (0700-2300h): 46dB LAr, 1hour  
Night time (2300-0700h): 44dB LAr, 15mins

Prior to the occupation of any of the apartments hereby approved, and after all fixed plant has been installed and is operational, an assessment of the plant to demonstrate compliance with the above limits shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To achieve appropriate internal sound levels within the development and to protect the amenities of future occupiers in accordance with Policies L5 and L7 of the Trafford Core Strategy, the National Planning Policy Framework and in accordance with the recommendations of the Noise Planning Report submitted with the application.

25. The apartments hereby approved shall not be occupied unless and until a scheme prepared by a suitably qualified professional to assess the impact of noise and vibration from the adjacent Metrolink and railway lines has first been submitted to and approved in writing by the Local Planning Authority. The scheme shall identify any necessary mitigation measures to ensure that an acceptable level of amenity can be achieved for future residents of the site. Thereafter, development shall proceed in accordance with the submitted scheme and a verification report shall be submitted to and approved in writing by the Local Planning Authority before any of the apartments hereby approved are first occupied. The verification report shall demonstrate that any identified mitigation measures have been completed in accordance with the approved scheme.

Reason: To ensure that the apartments are designed to mitigate against the noise and vibration effects of the adjacent Metrolink and railway lines, having regard to Policies L5 and L7 of the Trafford Core Strategy and the National Planning Framework.

26. No external lighting shall be installed within the site until a scheme for such lighting has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details for new and replacement lighting along the footpath/cycle path alongside the Manchester Ship Canal, the areas of open space, and any proposals to light the external façade of the buildings. The approved lighting shall thereafter be implemented in accordance with the approved details.

Reason: In the interests of visual and residential amenity and in compliance with Policies SL1 and L7 of the Trafford Core Strategy and the National Planning Policy Framework.

27. No above ground construction works shall take place until a Lighting Impact Assessment has been submitted to and approved in writing by the Local Planning Authority in respect of proposed exterior lighting installations in order to demonstrate compliance with the Obtrusive Light Limitations of The Institution of Lighting Professionals Guidance Notes for the Reduction of Obtrusive Light GN01:2011, including details of any necessary mitigation measures. Any

mitigation measures shall be implemented in full before the development hereby permitted is first occupied and shall be retained thereafter.

Reason: In the interests of visual and residential amenity and in compliance with Policies SL1, L5 and L7 of the Trafford Core Strategy and the National Planning Policy Framework.

28. The development shall not be occupied until details of the bin stores, which shall include details of the design and internal layout of the stores, the width of the external doors and to include accommodation for separate recycling receptacles for paper, glass and cans in addition to other household waste, have been submitted to and approved in writing by the Local Planning Authority. The approved bin stores shall be completed prior to the first occupation of the apartments and shall be retained thereafter.

Reason: To ensure satisfactory arrangements are in place for the disposal of refuse (including recyclables) in accordance with Policies L6 and L7 of the Trafford Core Strategy.

29. No development shall take place until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority to include details of the measures proposed during construction to manage and mitigate the main environmental effects. The CEMP shall address, but not be limited to the following matters: -

- a. Hours of construction activity
- b. The parking of vehicles of site operatives and visitors
- c. Loading and unloading of plant and materials and times of access/egress
- d. Storage of plant and materials used in constructing the development
- e. The erection and maintenance of security hoardings including decorative displays and facilities for public viewing, where appropriate
- f. Wheel washing facilities, including measures for keeping the highway clean
- g. Measures to control the emission of dust and dirt during construction and procedures to be adopted in response to complaints of fugitive dust emissions
- h. A scheme for recycling/disposing of waste resulting from demolition and construction works (avoiding fires on site)
- i. Measures to prevent disturbance to adjacent properties from noise and vibration, including any piling activity (including occupiers of the adjacent apartments in the event these are occupied at the time construction works take place on the application site).
- j. Measures to eradicate the invasive plant species Japanese knotweed from the application site prior to main construction works commencing.

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

Reason: To ensure that appropriate details are agreed before works start on site and to minimise disturbance and nuisance to occupiers of nearby properties and users of the highway, having regard to Policies L5 and L7 of the Trafford Core Strategy and the National Planning Policy Framework.

30. Prior to the first occupation of the apartments hereby permitted a management plan setting out how public access to the proposed areas of open space and landscaping within the site will be managed shall be submitted to and approved in writing by the Local Planning Authority. The approved management plan shall thereafter be implemented in accordance with the approved details and public access shall be retained in perpetuity.

Reason: To reduce the risk of crime and in the interest of residential amenity, having regard to Policy L7 of Trafford Core Strategy, the National Planning Policy Framework and Trafford Council Supplementary Planning Guidance 'Crime and Security'.

31. All entrances to the development hereby permitted shall be gated and access controlled and the car park shall be access controlled and gated to Secured by Design standards. Details of the gates and access controls to all entrances shall be submitted to and approved in writing by the Local Planning Authority prior to being installed, provided in accordance with the approved details and maintained thereafter.

Reason: To reduce the risk of crime pursuant to Policy L7 of Trafford Core Strategy and to reflect the guidance contained in the National Planning Policy Framework and Trafford Council Supplementary Planning Guidance 'Crime and Security'.

32. Prior to the first occupation of the apartments hereby approved, a scheme for the provision of Electric Vehicle (EV) charging points in line with the Institute of Air Quality Management Guidelines, shall be 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.

Reason: In the interests of sustainability and reducing air pollution having regard to Policies L5 and L7 of the Trafford Core Strategy and the National Planning Policy Framework.

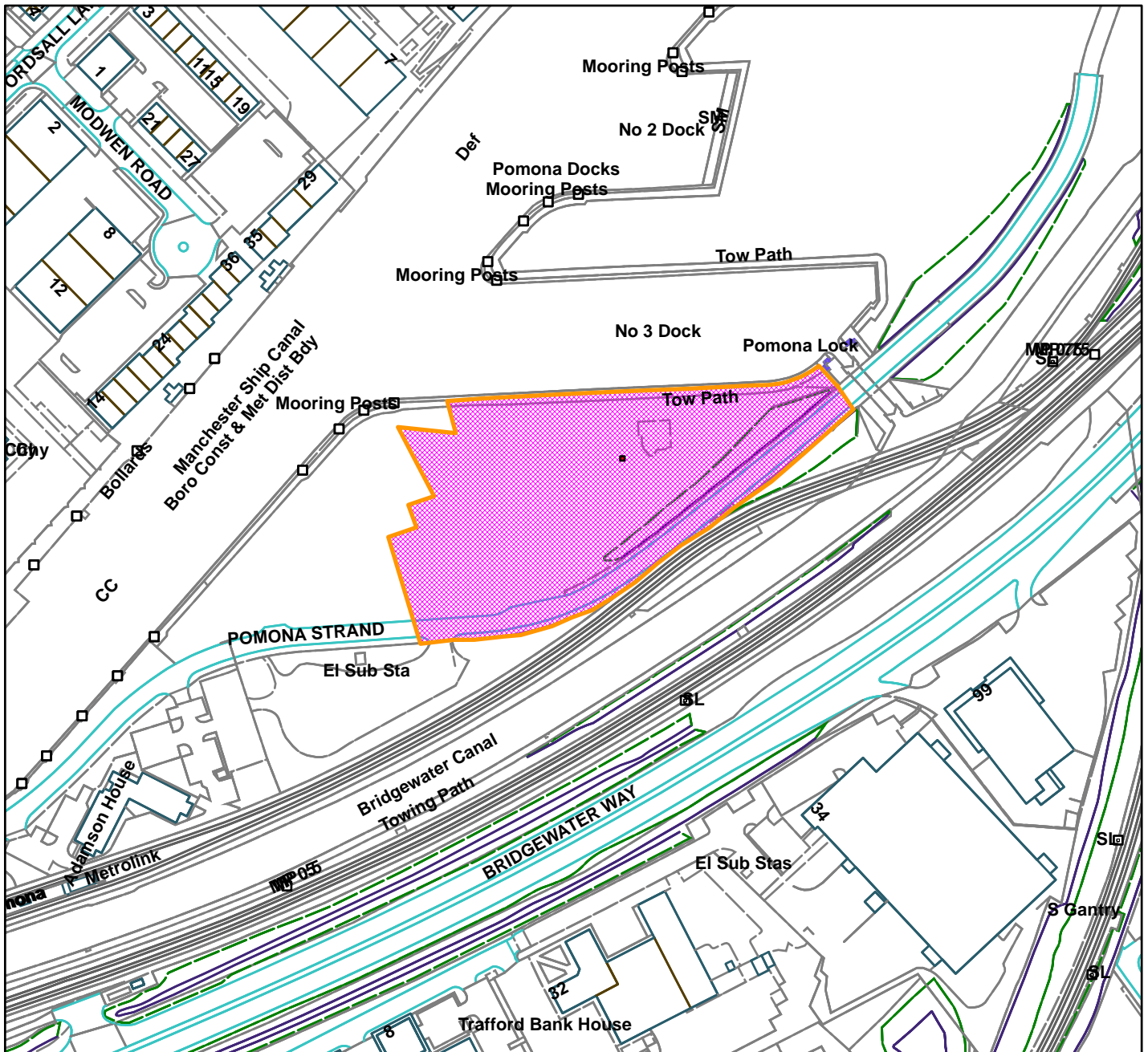
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Development Site Phase 2, Pomona Strand, Old Trafford (site hatched on plan)



Scale: 1:2,500

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Organisation	Trafford Council
Department	Planning Service
Comments	Committee date 13/12/2018
Date	03/12/2018
MSA Number	100023172 (2012)

**WARD: Flixton**

**95501/FUL/18**

**DEPARTURE: No**

**Demolition of existing single storey element to front elevation of Urmston Leisure Centre, erection of two-storey extension incorporating fitness suite, studios, member changing, party rooms, climbing wall, cafe, kitchen and rooftop plant, erection of bin store and removal of trees externally.**

Urmston Leisure Centre , Bowfell Road, Urmston, M41 5RR

**APPLICANT:** Trafford Council

**AGENT:** Five Plus Architects Ltd

**RECOMMENDATION: GRANT**

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**Reported to the Planning and Development Management Committee as the application has received more than one objection contrary to officer recommendation and the applicant is the Council.**

### **UPDATE**

At the Planning and Development Management Committee of 8th November 2018, the Committee resolved to defer this application in order to allow the Developer to further consider provision of a Changing Places toilet, sensory room and hydro-pool.

The proposed development has been designed to comply with Part M of the Building Regulations and would provide for improvements to facilities for disabled provision, as detailed in the main report. However the deferral seeks to understand if the proposed provision can be expanded upon.

The applicant, in response to the deferral by Members has submitted an Access Statement in relation to and in support of the application for Urmston Leisure Centre. This statement refers to multiple sources: Trafford Leisure Equality & Diversity Policy 2016, Independent Accessibility Audit (Jane Simpson Access Ltd, an independent RIBA (Royal Institute of British Architects) and NRAC (National Register of Access Consultants) Consultant), Trafford Leisure, Consultant Team Advisors, and an Equality Impact Assessment. In consideration of current policy, design guides and the recommendations made from independent advisors, the applicant confirms that the current building design for Urmston Leisure centre is fully compliant with accessibility legislation and design specifications.

Further, the applicant acknowledges the benefits that these specifically requested facilities could provide and therefore have stated that the provision of a Changing Places toilet is being promoted for inclusion within the proposed new centres for Altrincham and Stretford.

The Independent Accessibility Audit reviewed the current proposals in relation to the particular request for the inclusion of a Changing Places toilet, a sensory room, and a hydrotherapy pool, having regard to relevant legislation. The report advises that both the British Standard BS8300-2:2018 Design of an accessible and inclusive built environment Part 2 Buildings - Code of Practice, and Sport England – Accessible Sports Facilities guidance’s recommends a Changing Places toilet within large premises but neither recommends the provision of a hydrotherapy pool or sensory room. The report further notes that hydrotherapy pools and sensory rooms are often located within special educational needs (SEN) schools or units, where dedicated support would be provided. The report concluded that it would not be appropriate to provide the above facilities at Urmston Leisure Centre as they could not be easily incorporated without losing essential changing facilities within the existing leisure centre.

Trafford Council are undertaking an Equality Impact Assessment specifically for Urmston Leisure Centre, in addition to all future new leisure developments including Altrincham, Stretford and Sale. The most up to date version of the Assessment for Urmston Leisure Centre will be made available to members ahead of the 10<sup>th</sup> January 2019 Committee.

Although recognised that a Changing Places toilet, sensory room and hydro-pool have not been offered, the application supporting documents have demonstrated reasons why it is not feasible in this instance, due to costs and operations on site. The proposed development is an extension to an existing leisure centre and therefore the enhancements are limited. Trafford Leisure, having considered the inclusion of a Changing Places room within the wet change area, advises that it would mean reducing the school swimming programme. Notwithstanding the constraints of the premises the budget would not allow for these additional facilities.

The proposed development would provide an enhanced leisure facility within Urmston for the use of the local community. Furthermore, as stated within paragraph 28 of the main report the proposals allow for level access into the building and throughout ground floor, additional accessible toilet and changing facilities, generous door widths (1010mm), a pass door adjacent to the revolving door, and a new lift.

Expanding upon paragraph 23 within the main Observations section (set out below), Section 149 – Public sector equality duty (PSED) of the Equality Act 2010 states:

(1) A public authority must, in the exercise of its functions, have due regard to the need to—

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

It is considered that the applicant (Trafford Council) has demonstrated compliance with section 149 (PSED) contained within the Equalities Act 2010, in respect of all protected groups. Disability is a 'protected characteristic' under the Equalities Act 2010 and the Act states that meeting different needs involves taking steps to take account of disabled people's disabilities. The application has taken account of people's disabilities and the development would advance equality through the facilities as proposed.

Taking into account the submitted Access Statement, the officer's report in relation to all matters, including the recommendation to grant the application, subject to the recommended conditions, remains the same as that published for the 8<sup>th</sup> November 2018 Committee.

### **Officer Report for Planning Committee: 8<sup>th</sup> November 2018**

#### **SITE**

Urmston Leisure Centre sits on a 0.84 Hectare site to the south side of Bowfell Road. It is bounded on the south and east by the buildings and playing fields (protected open space) of Flixton Girls High School. A Public Right of Way (PROW) is located between the Flixton Girls High School and the Urmston Leisure Centre car park entrance, situated at the west corner of the site.

The site is accessed from Bowfell Road, with a pedestrian and vehicle access serving the site. Bowfell Road is mainly residential with a number of street trees.

The building was constructed in the early 1990s from a steel frame, brickwork and multiple mono-pitch metal profile sheet roofs at varying levels. An existing car park with 103 car spaces (including 5 accessible and 4 parent/child) is situated to the west and south of the building and accessed from Bowfell Road.

The site is not located within a conservation area and none of the buildings within or surrounding the site are listed. Further to this none of the trees on the site are protected by a Tree Preservation Order. The site however is located within a critical drainage area and adjacent to a Public Right of Way and area designated as Protected Open Space.

#### **PROPOSAL**

Planning permission is sought for the erection of a two-storey extension to the front elevation, following demolition of the single storey elements on this elevation. The design is based on a central glazed double height entrance, which is flanked by two double storey pods. The proposed two storey extension would measure approx. 55 m (W) x 12 – 15 m (D). The heights of the extensions would be approx. 8.9 m (glazed element and 9.7 m (adjacent pods). The proposed materials would consist primarily of an aluminium capped glazed curtain wall system with secondary steel support, and a secret fixed rainscreen cladding system (Equitone Linea).

As well as general improvements to the existing services and facilities the extension/works would provide the following facilities:

- Improved café style food and beverage offering incorporating reception and retail services
- Clip and climb wall
- Member changing facilities
- Bespoke fitness suite
- 3no. Studio rooms
- 2no. Party rooms

Proposed works would also include elevational changes, the addition of 4no. monodraught windcatchers (natural ventilation systems) to the sports hall and an aluminium louvre rooftop plant (approx. 30 (W) x 6 m (D) x 3m (H)). Furthermore, the car park would be re-configured with the provision of 116 car parking spaces, 5 accessible spaces and associated felling of 6no. individual trees and 2 groups of trees.

This proposal is a revised scheme of the extension approved by Members of the Planning and Development Management Committee in February 2018. The main differences between the approved and this current application include:

- Reduction in size (in terms of overall scale and main entrance),
- Increased use of cladding and reduced glazing, and
- Removal of the coach lay-by on Bowfell Road.

The increase in floor space of the proposed development would be 659 m<sup>2</sup>.

## **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**

L4 – Sustainable Transport and Accessibility

L5 – Climate Change

L7 – Design

L8 – Planning Obligations  
W2 – Town Centres & Retail  
R2 – Natural Environment  
R3 – Green Infrastructure  
R5 – Open Space, Sport and Recreation

### **OTHER LOCAL POLICY DOCUMENTS**

SPD3 – Parking Standards & Design

### **PROPOSALS MAP NOTATION**

Protection of Open Space (adjacent fields, east of application site)  
Critical Drainage Areas

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

OSR5 - Protection of Open Space

### **GREATER MANCHESTER SPATIAL FRAMEWORK**

The Greater Manchester Spatial Framework is a joint Development Plan Document being produced by each of the ten Greater Manchester districts and, once adopted, will be the overarching development plan for all ten districts, setting the framework for individual district local plans. The first consultation draft of the GMSF was published on 31 October 2016 with a further period of consultation anticipated later in 2018.

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

The MHCLG published the National Planning Policy Framework (NPPF) on 24 July 2018. The NPPF will be referred to as appropriate in the report.

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

DCLG published the National Planning Practice Guidance on 6 March 2014, which replaced a number of practice guidance documents. The NPPG will be referred to as appropriate in the report.

### **RELEVANT PLANNING HISTORY**

**93892/CND/18** - Application for approval of details reserved by conditions of grant of planning permission 92993/FUL/17. Conditions 7 (tree protection), 9 (drainage) and 16 (construction method statement)  
Full Discharge of Conditions – 02 May 2018

**92993/FUL/17** – Demolition of existing single storey element to front elevation, erection of two-storey extension, incorporating fitness suite, studios, member changing, party rooms, climbing wall, cafe, kitchen and rooftop plant, along with the erection of a bin store, elevational changes, the removal of 3no. trees, re-configuration of car park and construction of new coach drop-off lay-by on Bowfell Road.  
Approved with conditions - 08 February 2018

**H45963** – Change of use and extension of part of leisure centre to form public library and relocated staff accommodation  
Approved with conditions - 08 July 1998

**H25882** – Erection of swimming pool and sports hall with sauna and ancillary facilities, provision of car park and new vehicular access.  
Deemed Consent - 20 October 1987

### **APPLICANT'S SUBMISSION**

The application is supported by a:

- Design and Access Statement;
- Flood Risk Assessment;
- Crime Impact Statement;
- Arboricultural Method Statement;
- Preliminary Tree Survey;
- Phase I - Desk Study Report;
- PHASE II – Ground Investigation Report; and

### **CONSULTATIONS**

**Local Lead Flood Authority (LLFA - Drainage)** – No objection, subject to the drainage scheme being submitted as part of any conditions.

**Environmental Health - Contaminated Land** – No objections – no further CL investigative or remedial works necessary.

**Environment Health – Noise and Pollution** – No objections raised, subject to condition in relation to maximum noise levels of all fixed mechanical or electrical plant and equipment.

**Local Highway Authority (LHA)** – No objection, subject to a condition for long stay secure staff cycle parking.

**Trees** – No objection, subject to conditions

**Tree Unit** – No comments received to date

**Strategic Planning** – Sequential test is not required given that the use exists and the additional floor space could not be disaggregated within the town centre. No objections in principle

**Design for Security – Greater Manchester Police (GMP)** – No comments received to date

**United Utilities** – No objection, acceptable in principle

## **REPRESENTATIONS**

A total of five representations have been received as part of the consultation process. This includes three letters of objection, and two letters of support to the proposals. However, it should be noted that the letters of support also raised concern with regard to the proposed parking. The concerns raised are summarised below:

- Insufficient parking –
  - Already an issue
  - Increased users will exacerbate
- Parking on Bowfell Road makes access in and out of Jackson Court difficult
- Comments in regard to the running of Trafford Leisure Centres
  - No thought to Davyhulme community
  - No direct bus route
  - Insufficient space for proposed plans with regard to classes from George H Carnall
- Lack of facilities for disabled people
  - Revised plans have not been changed towards profound disabled people in the community
  - Health & wellbeing facilities (i.e. Hydro pool) or leisure activities (i.e. sensory room) for the disabled have not been considered/ proposed

Comments in support of the application are summarised as follows:

- Delighted about the upgrade and would be encouraged to use facilities, including the coffee shop
- Good idea to extend

## **OBSERVATIONS**

### **PRINCIPLE OF DEVELOPMENT**

1. Paragraph 96 of the NPPF states that “Access to a network of high quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities.”
2. Further to this Policy R5.1 of the Core Strategy states: ‘...*the Council will secure the provision and maintenance of a range of sizes of good quality , accessible , play, sport, leisure, informal recreation and open space facilities.*’



3. The proposal would involve the demolition of the front single storey elements of the existing building and the erection of an extension providing 659 sq.m of additional floor space. This would provide new and improved facilities such as a climbing wall, 3 no. studio rooms, party rooms, a larger gym, and re-located member changing rooms, as well as an improved café, reception and retail services - to an existing leisure centre. The proposed works are considered to provide a better provision in terms of quantity and quality of leisure facilities, in line with NPPF and Policy R5 of the Core Strategy.
4. Paragraph 86 of NPPF states *Local planning authorities should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. Main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered.*
5. Policy W2.12 of the Core Strategy states – *Outside the centres identified above, there will be a presumption against the development of retail, leisure and other town centre-type uses except where it can be demonstrated that they satisfy the tests outlined in current Government Guidance.*
6. Core Strategy Policy R5.2 further states:  
The Council will seek to address key areas of deficiency in quality and quantity of open space and indoor/outdoor leisure provision.
7. The Council will also address deficiency by establishing a clear hierarchy of leisure and sport facilities based on 3 types of provision across the Borough. This includes major wet and dry facilities (Stretford, Sale/Altrincham, Urmston and Partington). Therefore, Policy R5 is supportive of an extension to the leisure centre in order to upgrade facilities.
8. The application proposes a larger leisure centre building, which is considered to be a main town centre use outside of a town centre. The applicants consider that the proposed additional facilities at the existing Urmston Leisure Centre cannot be separately located in the town centre, as outlined within the submitted supporting statement. It is further explained that the extra floor space proposed is interconnected to the existing provision on the site and that the functions of the Leisure Centre necessitates them to be on the same site for logistical, organisational and business reasons.
9. It is considered therefore, that a sequential test is not required as the proposal seeks to provide increased and enhanced facilities to an existing facility that could not be feasibly provided elsewhere. The proposal is therefore considered to be in accordance with the NPPF and Policy R5.

## DESIGN AND APPEARANCE

10. In relation to matters of design, Policy L7 of the Core Strategy states 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 and boundary treatment.
11. The proposed development would demolish the single storey elements to the front of Urmston Leisure Centre and erect a large two storey extension, which involves a series of elements: a double height glazed entrance, flanked by two double height clad pods. The public realm between the new front entrance and Bowfell Road would also be opened up and improved.

### Siting/footprint

12. The proposed two storey extension would be some 55 m wide and 9.7 m tall (12 m including the plant room) and would be clearly visible from the public domain, given the predominantly low rise existing roof forms. The building line of the extension would be forward of part of the existing but given the position and siting of the extension building this is not considered to have any significant impact on the street scene. The siting of the extension to the building frontage is purposely designed to appear open and allow the existing building, which is orientated away from the street, to gain a degree of street presence adding to the visual amenity of the wider street scene.

### Bulk/scale/mass/height

13. The two storey extension with additional rooftop plant would appear greater in height than the existing building on site. The existing building comprises varying heights: from Bowfell Road the existing roof increases from 3.7m at the eaves to 9.6m and 11.7m at its apex. As such the proposed extension is considered to have appropriately addressed the scale of the existing building in terms of its height.
14. The existing building is 66 m wide along its northern elevation. The proposed would reduce this to 58 m; whilst the existing width on the western elevation would be increased from 50 m to 55 m. The scale would be increased from single storey to two storey, however the use of a glazed curtain wall system would minimise its visual impact from a western approach on Bowfell Road as this large proportion of the scheme is considered to appear lightweight. In addition, the intersecting pod and stepped design would break up the mass/elevation, which is considered to further reduce its visual impact.
15. The rooftop plant would have a similar height to the apex of the existing sports hall. It would also be positioned 4.4m back from the front elevation of the glazed

element, 11.4m from the north elevation (Bowfell Road) and 14m from the southern elevation. The proposed materials would be aluminium, which would match the coping materials used in the glazed curtain wall. Illustrated 3D images of the proposal indicate that the views of the rooftop aluminium louvres would be minimal. As such, it is considered the proposed roof plant, given its size, set back position and complementary materials, would have a minimal visual impact upon the street scene.

16. It is recommended that a condition be added to any permission requiring a detailed construction drawing of the window/ door details, plant screening and louvered ventilation system along with a sample of the proposed materials to ensure that they appear as integral elements of the extension and to limit the visual impact.
17. The proposed scale, form and massing of the proposed extension, is considered appropriate with regard to the existing building and intended use, as well as reflecting the buildings in the surrounding area, in accordance with policy L7.

#### External appearance/materials

18. The contemporary design is considered to enhance the existing building and along with the creation of a new entrance plaza off Bowfell Road is considered to provide a legible and inviting entrance and access way to the present centre, which would meet the third point of policy L7.5: *Where relevant ensure that streets and public spaces are designed to provide safe and attractive environments for walkers and cyclists.*
19. The proposed materials – aluminium capped curtain wall system with secondary steel support, a secret fixed rainscreen cladding system and louvered plant screen to match curtain walling – are considered to be of high quality. The glazing would allow for views through to the café lounge area and clip and climb wall. The proposed materials are considered to contrast with, yet complement, the existing red brick building, glazed elements and metal profile roof sheets. Although considered acceptable in principle, a condition requiring the approval of details and/or samples of the materials to be used is included within the recommendation. .
20. The previously approved scheme proposed an alternative refuse collection strategy, but the current proposals would continue the existing refuse collection strategy. This involves bins stored at the rear of the building near to the existing plant room. The bins are moved on collection days to the existing access road, located at the northeast corner of the site.
21. As intended, views of the extent of the proposed development would be most prevalent from Bowfell Road. Although larger in terms of scale, bulk and massing than the existing building, the proposed is considered to enhance the character and appearance of the existing building and wider street scene. Moreover the

proposed materials are considered high quality and appropriate for the intended use of the building. Given the above reasons, it is considered that the proposed development would be in accordance with policy L7 of the Trafford Core Strategy and government guidance contained within the NPPF requiring good design.

### Accessibility

22. In relation to matters of accessibility, Policy L7.5 states development must: be fully accessible and useable by all sections of the community; provide good connections within the site and to adjoining areas; where relevant ensure that streets and public spaces are designed to provide safe and attractive environments for walkers and cyclists; and provide safe, convenient links to public transport and community facilities. As appropriate, details on the above matters should be demonstrated by way of a Design and Access Statement associated with a planning application.
23. The public sector equality duty (PSED), contained in the Equalities Act 2010, requires public bodies to have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations between different people when carrying out their activities. 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.
24. A representation has been made which objects to the development on the grounds that a lack of provision has been made for those with profound disabilities. These comments make specific reference to the provision of specialist facilities such as a 'Changing Places Toilet' (which includes a hoist to enable adults / older children to be changed), a sensory room and hydro pool. Disability is a 'protected characteristic' under the Equalities Act 2010 and the Act states that meeting different needs involves taking steps to take account of disabled people's disabilities.
25. The Council, together with Trafford Leisure CIC, is currently carrying out a wholesale review of investment into all leisure centres across the Borough. The redevelopment of Urmston Leisure Centre subject of this planning application is the first step in a programme of investment schemes, the likely outcome of which is that Altrincham, Sale and Stretford Leisure Centres will be comprehensively redeveloped with new, purpose built facilities replacing the existing leisure centres.
26. The applicant has confirmed that it is impractical to provide the facilities requested for the profound disabled at Urmston Leisure Centre. This is because the scope of works at Urmston is constrained as it is an extension to, and

refurbishment of, the existing building. Nevertheless, the Council will need to comply with the PSED as part of the Leisure Centre Investment Strategy. It is considering whether facilities for the profound disabled could, as an alternative, be provided in one of the other redeveloped leisure centres. There is no legal requirement for the Council to provide these specialist facilities at every leisure centre.

27. The sensory room and hydro pool would undoubtedly be beneficial to some with disabilities, but not providing them would not reduce the accessibility of the leisure centre to those with disabilities, nor mean that they were disadvantaged. In order to take steps to take account of different needs, it is reasonable to conclude that facilities for the profoundly disabled could be provided across the leisure centre offer as a whole, rather than at each individual leisure centre. It is also not reasonable, possible or practicable to provide specialist facilities to cater for every person's individual needs at a public facility.
28. The scheme has been designed to comply with Part M of the Building Regulations (all new public buildings and commercial developments to provide reasonable provision to ensure that buildings are accessible and useable) and the Disability Discrimination Act. The proposed development would allow for level access into the building and throughout ground floor, additional accessible toilet and changing facilities, generous door widths (1010mm), a pass door adjacent to the revolving door, and a new lift. The applicant has been requested to respond directly to the concerns raised in respect of disabled provision and any update will be reported in the Additional Information Report.
29. It is therefore considered, that if Members are minded to grant planning permission for the development, they will in making that decision have discharged the PSED and had due regard to the equalities implications of the proposals. No representations have been received in respect of the impact on any other protected groups other than those with a disability. For the avoidance of doubt, it is considered that a decision to grant planning permission would comply with the PSED in respect of all protected groups, not just those with a disability.

## **NATURAL ENVIRONMENT**

### Trees

30. Policy R2 of the Core Strategy, seeks to ensure the protection and enhancement of the natural environment within the borough (such as the landscape character, biodiversity, geodiversity and conservation value of its natural urban assets).
31. The majority of the trees associated with the application site are located along Bowfell Road, 4no. groups of trees (G5, G4, G2, & G1) are located between the

building and highway and 2no. further groups of trees (G7 & G8) are located within the car park.

32. The proposed development would require the removal of two mature London Plane trees and three tree groups. It is of note that none of the trees located on site or on Bowfell Road are protected by a Tree Preservation Order and therefore do not require permission to be removed. A plan detailing the General Arrangement: Tree Retention and Removal and Arboricultural Method Statement, drawing no. PL1816-PL1816-VW-002- Issue 03, was submitted and approved as part of the discharge of conditions application (ref: 93892/CND/18) dated 02 May 2018. The council's Arboriculturist who has reviewed the submitted documents associated with this application, raises no objection to the proposed development, subject to implementation of the Construction Method Statement, which avoids the storage of materials or vehicles within root protection areas of retained trees.

### Landscaping

33. The proposed pedestrian plaza would consist of hard and soft landscaping to the front, which provides a more generous and prominent entrance procession to the building. Existing trees and green space have been maintained where possible. The General Arrangement plan for landscaping, which accompanied the application, appears acceptable in principle, however the proposed softworks schedule was not included. Therefore a condition requiring landscaping details is recommended to ensure that trees lost would be mitigated with appropriate specimens. Thus, subject to condition, the impact upon the visual amenity and natural environment would be minimal and in accordance with policy L7 and R2.

## **RESIDENTIAL AMENITY**

34. In relation to matters of amenity protection, Policy L7 of the Core Strategy states that 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.
35. The proposed extension would be 10m and 20m from the closest Flixton Girls' High School buildings, a single storey building located in a south-western direction and the older two storey building located south of the proposed. Furthermore it would be 36m from the nearest residential property to the north (No.32 Craig Avenue).

### Noise &/or disturbance

36. Policy L5.13 of the Core strategy states: *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.*

37. The application site is currently in use as a leisure centre. Although the proposed works would increase the internal floor space and thereby the leisure centre's capacity, it is considered the existing noise levels associated with its use would not change so significantly as to prejudice the occupiers of neighbouring properties given the separation distances between the site and the nearest residential property. Nevertheless a condition requiring noise levels from the operation of all fixed mechanical or electrical plant and equipment to not exceed background noise level is recommended to be added to any permission.
38. The Environmental Health Officer requested a Noise Assessment since the development could intensify potentially noisy activities or change the distribution of noise from plant or classes. However, given the building already functions as a leisure centre and the nearest residential property would be 32m from the closest residential property, the officers considered this to be overly onerous in nature and therefore consider appropriate conditions would be sufficient to overcome any potential adverse impact upon residential amenity.
39. The Environmental Health Officer raised no objection to the proposed development and advised that the conditions from the previous approved scheme should be applied to this current application.
40. The intensification of the use of the site is considered to have the potential to increase the number of users to the site, however residential properties are considered to be sited at a sufficient distance from the application site, and its access in order to limit potential harm through noise and disturbance.

#### Overbearing/loss of light/privacy

41. The proposed development, given its scale and location is considered to be a sufficient distance from neighbouring properties as to not appear overbearing, or result in a loss of light or privacy or result in undue noise and disturbance.
42. The proposal is therefore considered to have a limited impact on the residential amenity of neighbouring and surrounding residential properties and is considered to be in accordance with Policy L7 of the Core Strategy.

### **ACCESS, HIGHWAYS AND CAR PARKING**

43. Policy L4 of the Trafford Core Strategy which relates to sustainable transport and accessibility, seeks to ensure that all new developments do not adversely affect highway safety. Furthermore, policy L7.2 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;
- Provide sufficient off-street car and cycle parking, manoeuvring and operational space;
- Provide sufficient manoeuvring and operational space for service vehicles, as appropriate;

44. The proposed development would retain the existing vehicle access to the site whilst providing an enhanced pedestrian plaza off Bowfell Road. The car parking would be reconfigured to provide an additional 13 spaces: a total of 116 (including 5 accessible spaces). The alterations would involve the removal of two groups of trees within the car park and the creation of a line of car spaces on the southern border as well as further spaces on the eastern border.

#### Appropriateness of Access

45. The current access from Bowfell Road would be unchanged. Additionally, the coach servicing at the site would operate as existing, which involves groups of children being escorted into the site from coaches parked on Bowfell Road. It is considered that the proposed plaza would improve the pedestrian access to the site.

#### Servicing Arrangement

46. The waste strategy would be unchanged from the current situation. This involves bins being stored at the rear of the building near to the existing plant room. The bins are moved on collection days to the existing access road, located at the northeast corner of the site.

#### Car Parking & Cycle Parking

47. The proposed plans indicate 116 parking spaces, including 5no. accessible spaces, which would provide an additional 13 spaces from the current situation of 103 spaces. The proposed development also includes provision for 20no. cycle parking spaces (10 stands).

48. A requirement of a maximum of 1 no. car space is required per 22 sqm, as set out in SPD3. The existing Leisure Centre should therefore provide a maximum of 140 spaces, with 103 spaces provided currently on site. The proposed development would result in an additional GFA of 659 m<sup>2</sup>, which equates to up to a maximum of 30 additional spaces being required with 13 additional spaces proposed. This provides a shortfall of 54 spaces from the maximum 170 parking spaces required by the SPD.

49. The primary objection was in relation to inadequate parking around the application site, namely Bowfell Road. The existing provision would be improved



by the 13 additional spaces. It is also understood that there is an informal arrangement between Urmston Leisure Centre and Flixton Girls High School, which allows for overflow parking within the school grounds. Furthermore, a total of 20 cycle parking spaces would also seek to reduce car travel and thus the need for car parking. The proposed cycle parking would deliver quality cycling infrastructure, thereby in line with policy L4.4 (which states Developers should demonstrate, through the planning application process how their development will contribute towards these connections and deliver quality cycle and walking infrastructure where appropriate). In addition, the applicant has agreed to providing long stay secure staff cycle parking, which complies with the Local Highways Authority comments and SPD3.

50. The proposed extension and additional floorspace, whilst it is accepted will intensify the use, the increased traffic is not considered to be significant upon the highway network or which would adversely affect highway safety. The proposed car parking provision is considered sufficient for the proposed development and would not result in harm to the occupiers of nearby properties. Furthermore, Bowfell Road is an unrestricted highway and therefore cars are able to park on-street, however this is not considered to result in significant on street parking which would result in harm to the local highway network or residential amenity. It is noted that the LHA has not objected to the scheme.

### Conclusion

51. The proposed development, whilst increasing the internal floor space and possible intensification of use, given the additional 13 car parking spaces and improved entrance plaza it is considered that the proposed development would not adversely affect pedestrian or highway safety or have a detrimental impact on parking stresses within the local area, as such the proposal is considered to be in accordance with Policy L4 and L7.2 of the Core Strategy.

### **DRAINAGE**

52. Policy L5 of the Core Strategy, in relation to water states: 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. Further, that developers will be required to improve water efficiency and reduce surface water run-off through the use of appropriate measures such as rain water harvesting, water recycling and other Sustainable Drainage Systems (SUDS) appropriate to the various parts of the Borough, as mapped in the Council's Strategic Flood Risk Assessment.

53. It is understood that the overall strategy for dealing with surface water drainage is to mimic or provide betterment to the existing situation. Furthermore, the ground investigation confirmed that the ground has low to very low permeability. As such below ground attenuation storage and vortex flow control device to reduce the

rate at which surface water discharges from the site into the public sewer network is proposed.

54. The LLFA reviewed the documents and consider that the proposed works would not cause flood risk to the development or surrounding area, subject to the drainage scheme being submitted as part of any condition, However, a Flood Risk Assessment and Drainage Strategy (Ref: 400-DREP-01), was submitted and approved as part of the discharge of conditions application (ref: 93892/CND/18). The LLFA and UU reviewed the proposal and raised no objections in principle. As such conditions requiring the proposed works to be in accordance with the previously approved documents are recommended with any permission.

## **CRIME AND SECURITY**

55. A Crime Impact Statement produced by GMP was submitted as part of the application. The executive summary advises that the proposed scheme is found acceptable in principle, however certain aspects should be considered further. These include: control of access to various facilities inside the building; control of access to and within the site; provision of cycle parking and bin storage.
56. In relation to security policy L7.4 states: *In relation to matters of security, development must: demonstrate that it is designed in a way that reduces opportunities for crime; and not have an adverse impact on public safety.*
57. Although no comments have been received during the consultation process of this application, it is noted that GMP advised in relation to the previous application (ref: 92993/FUL/17) that the doors separating public and restricted areas should be operable by swipe card or fob, and not numeric key pads. The applicant has been made aware of these comments, however a condition is not considered to meet the 'relevant to planning' criteria as set out within paragraph 55 of the NPPF, as such it is recommended as an informative.
58. Other than the aforementioned controlled access, noted above, the GMP found the scheme acceptable. A condition requiring the details of cycle parking is recommended with any decision to ensure that the design is satisfactory in terms of safety/robustness. Subject to this condition, the proposed development is considered to comply with policy L7.4.

## **OTHER MATTERS**

59. The applicant has submitted a phase 1 land contamination report, which has been reviewed by the Council environmental protection officers who consider the report to be satisfactory.

60. Policy L5.3 states developments below the thresholds, but involving the erection of a building or substantial improvement to an existing building (such as extensions or change of use), will be encouraged to adopt the principles of energy efficiency and incorporate appropriate micro-generation technologies, to help contribute towards reducing CO2 emissions within Trafford.

61. With regard to energy efficiency the Design and Access Statement explains how the design approach was holistic and sought to incorporate low energy features. The features include the provision of natural ventilation, high efficiency heat recovery devices on ventilation systems, general improvement of fabric, automatic light controls using low energy lamp sources, and time scheduling of central plant via the BMS. Thus the proposed development is in accordance with policy L5.3, as stated above.

62. Reference has been made by objectors to the closure of George Carnell Leisure Centre. However these concerns fall outside the scope of this planning application.

## **DEVELOPER CONTRIBUTIONS**

63. This proposal is subject to the Community Infrastructure Levy (CIL) and comes under the category of 'leisure' development, consequently the development will be liable to a CIL charge rate of £10 per square metre in line with Trafford's CIL charging schedule and revised SPD1: Planning Obligations (2014).

64. No other planning obligations are required.

## **CONCLUSION**

65. The proposed development is considered to be acceptable in policy terms and would provide an enhanced leisure facility within Urmston for the use of the local community. The proposed extension is considered to visually enhance the site and the wider street scene without harm to the residential amenity of local residents and highway and pedestrian safety and parking provision, subject to a number of appropriate conditions. As such, it is considered the proposal is in accordance with the NPPF and Policies W2, R5, L4, L5, L7 and L8 of Trafford's Core Strategy and that planning permission should be granted. In granting planning permission the LPA will also have had due regard to the Equalities Act 2010.

## **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:

Title	Drawing No.	Revision:
Proposed Site Plan	05692_MP_00_0003	M
Proposed Ground Floor General Arrangement Plan	05692_B1_02_2200	T
Proposed First Floor General Arrangement	05692_B1_02_2201	R
Proposed Roof Plan General Arrangement	05692_B1_02_2202	P
Proposed Elevations (A & B)	05692_B1_04_2201	L
Proposed Elevations (C & D)	05692_B1_04_2202	N

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 / or full specification of materials to be used externally on the building, including the secret fixed rainscreen cladding system, curtain walling, casement window aluminium coping system, and aluminium louvre system, 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 of the Trafford Core Strategy and the requirements of the National Planning Policy Framework.

4. No above ground level construction works shall take place, until details of all plant and mechanical equipment to be installed externally to the building including elevational drawings (at 1:20) showing proposed screening shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details and thereafter shall be retained and satisfactorily maintained thereafter.

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.

5. No development works above ground level shall take place until detailed drawings to a scale of not less than 1:20 and samples and/or manufacturer's specifications of the design and construction details listed below have been submitted to and approved in writing by the Local Planning Authority. This condition shall apply notwithstanding any indications as to these matters which have been given in the application. The development shall thereafter be carried out solely in accordance with the approved details.
- i) all external window and door systems (including technical details, elevations, plans and cross sections showing cills and reveal depths/colour) at scale 1:10;
  - ii) design and material of all main entrances including surrounds;
  - iii) rain water goods (including locations, fixings, material and colour) and;
  - iv) details of mechanical louvres system

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.

6. (a) Notwithstanding the details shown on the approved plans, the development hereby permitted shall not be brought into use until full details of both hard and soft landscaping works have been submitted to and approved in writing by the Local Planning Authority. The details shall include the formation of any banks, terraces or other earthworks, hard surfaced areas and materials, planting plans, specifications and schedules (including planting size, species and numbers/densities), existing plants / trees to be retained and a scheme for the timing / phasing of implementation works.
- (b) The landscaping works shall be carried out in accordance with the approved scheme for timing / phasing of implementation or within the next planting season following use 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.

7. No part of the development shall be brought into use until details of the type, siting, design and materials to be used in the construction of boundaries, screens or retaining walls, together with a programme of implementation have been submitted to and approved in writing by the Local Planning Authority and the approved structures have been erected in accordance with the approved details. The structures shall thereafter be retained.

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

8. The drainage for the development hereby approved, shall be carried out in accordance with the principles set out in the submitted Flood Risk Assessment (Ref No. D-REP-01, Dated 22.08.18) which was prepared by HL Structural Engineers. Any variation to the discharge of foul water shall be approved in writing by the Local Planning Authority prior to development first taking place. The development shall be completed in accordance with the approved details.

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.

9. The development hereby approved shall not be carried out except in complete accordance with the details shown on the submitted plans, 'Proposed Drainage Layout (P400-D-L-003-P3), Drainage Management Plan (D- REP-002), Attenuation Tank Performance Specification (D-SPEC-001), Below Ground Drainage Standard Details Sheet 1 of 2 (400-01D-D-001-P2), and Below Ground Drainage Standard Details Sheet 2 of 2 (400-01D-D-002-P2). The approved scheme shall be implemented during the course of the development, and thereafter managed and maintained in accordance with the approved details.

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

10. The LAeq noise level from the operation of all fixed mechanical or electrical plant and equipment, when rated and assessed in accordance with BS 4142: 2014 (or the prevailing guidance of the time), shall not exceed the LA90 background noise level without such plant operating, at any residential receptors.

Reason: In the interest of residential amenity and in compliance with Policy L7 and of the Trafford Core Strategy and the National Planning Policy Framework.

11. No part of the development shall be brought into use until 20 short stay secure cycle parking spaces and 20 long stay secure staff cycle parking spaces, designed in accordance with the specifications set out in SPD3 Parking

Standards and Design, have been provided in accordance with a scheme which has been submitted to and approved in writing by the Local Planning Authority. The approved spaces 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.

12. The car parking shown on approved layout drawing no. 05692\_MP\_00\_0003 Rev M shall be made available for use prior to the development is brought into use and shall be retained as such thereafter for users of Urmston Leisure Centre and no other purpose.

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

13. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted Construction Method Statement – Rev 3 (Dated August 2018). The Statement shall be adhered to throughout the construction period.

Reason: To minimise disturbance and nuisance to occupiers of nearby properties and users of the highway, and 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.

14. No external lighting shall be installed on the building or elsewhere on the site unless a scheme for such lighting has first been submitted to and approved in writing by the Local Planning Authority. Thereafter the site shall only be lit in accordance with the approved scheme.

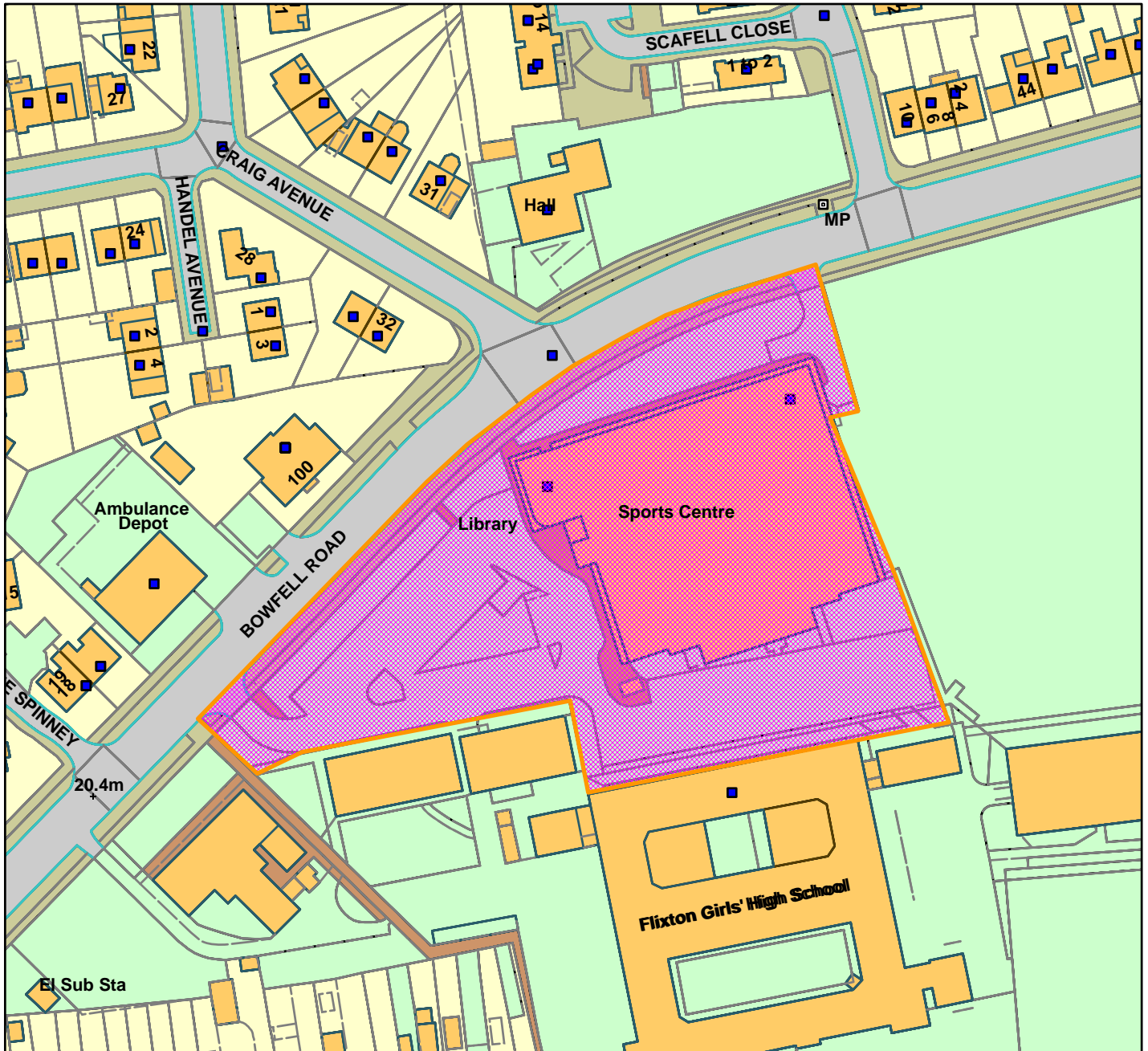
Reason: In the interests of amenity and having regard to Policy L7 of the Trafford Core Strategy and the National Planning Policy Framework

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Urmston Leisure Centre, Bowfell Road, Urmston, M41 5RR



Scale: 1:1,250

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Organisation	Trafford Council
Department	Planning Service
Comments	Committee Date: 10/01/2019
Date	02/01/2019
MSA Number	100023172 (2012)



**Retrospective planning application for a detached garage with reinstatement of boundary wall, gates and gate posts.**

26 Hill Top, Hale Barns, WA15 0NN

**APPLICANT:** Mr Majid

**AGENT:** Indigo Planning

**RECOMMENDATION: GRANT**

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**The application is being reported to the Planning and Development Management due to a call in request by Councillor Butt.**

**SITE**

The application relates to No. 26 Hill Top, a large 2 storey detached dwelling sited to the western side of Hill Top Drive, Hale Barns. It is situated within a large suburban residential area with other large scale detached housing sited to all sides. From historic mapping of the wider Hale area, it is evident that the application dwelling dates back to around 1910. The application dwelling is an early Edwardian building and is situated within an extensive sized plot. The site comprises the three storey dwelling to the eastern side of the site with large garden areas to its west. An outbuilding, presently under construction, is sited to the sites north-eastern side with a small drive leading up from Hill Top Drive.

The application dwelling has been erected with a gabled roof design and features projecting bays to its front, rear and side elevations. This has undergone major renovation works, following the granting of planning consent: 85816/HHA/15.

The site itself falls steeply from the east to the west and remains sited within Sub Area C, of the South Hale Conservation Area and is recognised as being a positive contributor, within the recently adopted South Hale Conservation Area Appraisal (2015).

It should be noted that building works are continuing on site, following the grant of former planning permissions on site references:

- 85816/HHA/15,
- 88560/HHA/16, and
- 87498/HHA/16.

## **PROPOSAL**

The current application seeks retrospective planning consent for the erection of a detached garage/outbuilding to the sites north-western side, alongside the reinstatement of the sites front boundary wall, pillars and access gate.

The application has been amended since the original submission due to concerns raised by officers in relation to visual impact and residential amenity. The amended scheme has been assessed below.

It should be noted this this application has been submitted alongside a second application reference: 93523/HHA/18. This seeks: "Retrospective planning consent for: Remodelling of existing dwelling to include alterations to roof line, erection of 6no. dormer windows and conversion of existing roof space to form additional habitable living accommodation. Erection of single storey and two storey front extensions, single storey and two storey rear extensions alongside the insertion of velux windows to roof elevations. Alterations to window and door openings throughout, alongside the removal of 3no. chimney breasts. Erection of rear patio, with wall surround and steps dropping to garden level. Alterations to basement openings, with external stair access to western elevation of dwelling". This is reported elsewhere on this agenda.

### **The 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 – Transport and accessibility

L7 – Design

R1 – Historic environment

### **PROPOSALS MAP NOTATION**

South Hale Conservation Area

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

ENV21 – Conservation Areas

### **GREATER MANCHESTER SPATIAL FRAMEWORK**

The Greater Manchester Spatial Framework is a joint Development Plan Document being produced by each of the ten Greater Manchester districts and, once adopted, will be the overarching development plan for all ten districts, setting the framework for individual district local plans. The first consultation draft of the GMSF was published on 31 October 2016 with a further period of consultation anticipated later in 2018.

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

The DHCLG published the National Planning Policy Framework (NPPF) on 24 July 2018. The NPPF will be referred to as appropriate in the report.

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

DCLG published the National Planning Practice Guidance on 6 March 2014, which replaced a number of practice guidance documents. The NPPG will be referred to as appropriate in the report.

### **OTHER RELEVANT LEGISLATION**

Planning (Listed Buildings and Conservation Areas) Act 1990

### **RELEVANT PLANNING HISTORY**

93523/HHA/18 - Retrospective planning consent for: Remodelling of existing dwelling to include alterations to roof line, erection of 6no. dormer windows and conversion of existing roof space to form additional habitable living accommodation. Erection of single storey and two storey front extensions, single storey and two storey rear extensions alongside the insertion of velux windows to roof elevations. Alterations to window and door openings throughout, alongside the removal of 3no. chimney breasts. Erection of rear patio, with wall surround and steps dropping to garden level. Alterations to basement openings, with external stair access to western elevation of dwelling– Elsewhere on this agenda.

88560/HHA/16 - External alterations to existing dwelling involving the removal of render to expose existing brickwork – Approved with conditions – 30.08.2016.

87498/HHA/16 - Erection of a two storey rear extension and detached garage/outbuilding, following demolition of existing detached garage/outbuilding – Approved with conditions - 25.04.2016.

85816/HHA/15 – Remodelling of existing house to include a single storey and two storey front extension, a single storey rear extension, conversion of existing roof space into habitable living accommodation and insertion of 6 dormer windows, together with alterations to elevations to include rendering – Approved with conditions - 24.09.2015.

H/REN/61471 - Erection of seven dormer window extensions on front and rear elevations in association with conversion of loft space into living accommodation (renewal of planning permission H/49103) – Approved with conditions - 29/03/2015.

### **APPLICANT’S SUBMISSION**

- Supporting statement

### **CONSULTATIONS**

Local Highways Authority:

Raises no objections to the development proposals

### **REPRESENTATIONS**

A total of four separate letters of representation were received in response to the development proposals. These raise the following areas of concern:

- Proposals have not been in accordance with former planning consent
- Garage should be in line with former garage on site
- Proposed garage is taller than former garage on site
- Proposals not in accordance with Conservation Area guidelines
- Additional height of garage out of keeping with wider rhythm of development within the area
- Original gateposts should be reinstated as per Conservation Area Management Plan policies
- No highway safety report has been submitted to warrant the increase in width for the driveway
- Application sets a dangerous precedent for developers not following planning practice
- The submitted plans don't show neighbouring dwelling
- Overbearing impact from the garage building
- Inaccuracies on the application form
- The former approval on site required a garage to be built in the same size/scale as the former garage on site which the current proposals don't tie in with
- Harmful to Conservation Area reduction in space and openness
- Design contrary to Conservation Area Management Plan

## **OBSERVATIONS**

### **BACKGROUND:**

1. The Planning history of the site is detailed above and in the report for application 93523/HHA/18. In 2016, under application reference: 87498/HHA/16, planning permission was sought for the: "Erection of a two storey rear extension and detached garage/outbuilding, following demolition of existing detached garage/outbuilding". This application was approved on 24<sup>th</sup> April, 2016.
2. The Council was contacted in late 2016/early 2017 regarding possible breaches of planning control. These were either deviations from the above planning approvals or were works taking place on site which remained unauthorised.
3. Officers made several visits to the site over the coming months and a Planning Contravention Notice was issued in November 2017.
4. Following several meetings between the applicants and Officers, the current application was submitted. This seeks to regularise all development works that have since taken place on site, with reference to the garage and the sites boundary walls and hard/soft landscaping works.
5. A second application with reference to the main dwelling has also been submitted separately for consideration by the Council; application reference 93523/HHA/18. This is reported elsewhere on this agenda.

### **DESIGN AND IMPACT ON THE SOUTH HALE CONSERVATION AREA:**

6. 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.
7. The relevant sections of the NPPF state 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. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.
8. This then goes on to say 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 securing its optimum viable use.

9. 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.
10. Policy L7 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. 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.
11. The significance of the South Hale Conservation Area stems from its residential nature and the marriage of its built and natural environments. The buildings within the Conservation Area are characteristically of a high architectural quality and level of integrity. Features such as prominent gables and the use of brick coupled with render and bay windows are repeated across buildings dating from a variety of dates adding both visual stimulation and harmony. In addition to this the retention of the generously-proportioned original plots is especially notable and, together with the mature planted boundaries and tree-lined streets, is one of the driving forces behind the characteristic greenness of the Conservation Area.
12. The South Hale Conservation Area Management Plan (CAMP) sets out the following policies which are of particular relevance to this proposal:
  - Policy 5 - Each proposal for change should be informed by an assessment of the existing building and its wider context in line with the requirements of national guidance. Proposals for change will be assessed on a case-by-case basis.
  - Policy 15 - The characteristic historic low-level front and other principal boundary walls should be retained.
  - Policy 16 - Any replacement boundary walls should not extend any higher than the original boundary walls. Supplementary planting is strongly encouraged.

- Policy 18 - Original gateposts should be retained where possible. Removal will not normally be acceptable.
- Policy 19 - Replacement gateposts should not exceed the height of the original gateposts and should be of a traditional design and materials. Replacement gates should be proportionate to the gateposts and should not normally exceed 1.5m in height.
- Policy 20 - Gate openings should not be widened or re-positioned unless it can be proven that access is unsafe. Where gate openings are to be widened or re-positioned on the grounds of highways safety, Trafford Council will require the applicant to submit a highway consultant's report to demonstrate highway safety implications.

### GARAGE AND OUTBUILDING

13. The application site originally featured a detached outbuilding/garage with an approximate height of 5.5m. The applicant's received planning consent for the erection of a replacement garage and outbuilding within the same location as this former building on site, planning application reference: 87498/HHA/16. This granted planning consent for a 6m high replacement garage/outbuilding. This permission was not implemented on site, with the erected garage/outbuilding differing from this former approval.
14. The current application now seeks consent for a 5.5m high replacement garage on site, with a 4.2m high adjoining outbuilding. These are to be erected within the north-western most corner of the site, adjoining the sites side (west) and front (north) boundary walls, similar to the former approval.
15. The garage would have an eaves height of 3.1m and would largely be erected on the foot-print of the former garage on site, albeit this would now be erected up to the sites side and front boundaries. The garage itself would be 9.1m wide and would be finished in matching materials to those used on the main dwelling. This would have 3no. individual openings, which would be erected from timber and be top hung, characteristic of the Conservation Area. The adjoining outbuilding would have a lower eaves height of 2.2m, with a total width of 9.6m.
16. The outbuildings would remain detached from the main dwelling, as per the sites original outbuildings and previous planning approval on site, retaining a small passageway to their front-eastern side between them and the main dwelling. These would further be single storey in their nature and are considered to take on the form of subordinate secondary sized additions to the main dwelling and the site as a whole.
17. It is therefore considered that the proposed development of a replacement garage/outbuilding as set out above would be an acceptable addition to the

application site and the wider street-scene. The proposed outbuilding is considered to be of an acceptable size/scale and is considered to be finished in appropriate high quality materials which would further complement the finish of the main dwelling. The garage would remain set well back within the site and given its amended height of 5.5m, this would not have an overly dominant or visually intrusive appearance within both the application site and the wider street-scene. This is further not considered to erode the sites existing sense of space and openness and as such, subject to a condition requiring the use of matching materials alongside submission of full details for the proposed garage access doors, the proposals are considered acceptable in this regard.

#### BOUNDARY WALL AND ACCESS GATE/PILLARS:

18. The application sites former entrance consisted of 2no. original stone pillars, erected to either side of the main entrance. These were however removed from the site without formal planning consent.
19. The current proposals would see stone from these former posts reclaimed and re-used, in order to reinstate two stone gate posts to either end of the sites front entrance. The pillars would be 1.7m in their height and are considered to be acceptable in their design, scale, form and finish. These are further considered to remain similar to other such features within the Hill Top street-scene.
20. The sites east facing principal boundary facing Hill Top is currently formed from a low standing bees sand stone wall. This is characteristic of the area and such forms of boundary treatment can be found elsewhere within the vicinity of the application site. Part of this boundary wall has since become damaged and the applicants propose to have this repaired and reinstated to its former state as part of this approval. This approach is considered to be a positive addition to the application and is considered acceptable.
21. The applicants also propose the erection of a new sliding front access gate. This would be erected from timber and would be 3.7m in its height. The gate would be raised from the ground for a height of 0.2m and would feature apertures within its upper level. Gates of this size/scale are characteristic of the area and as such are considered acceptable, subject to the attachment of a condition onto any subsequent planning consent, requiring full details of their finish for the approval of the Council.

#### LANDSCAPING AND HARDSTANDING:

22. A number of neighbour representations make reference to various hardstanding and landscaping works taking place throughout the site, without formal planning consent. These allegedly include the removal of trees and mature hedging on site, alongside works to the sites ground levels and level of hard standing to its northern most side.



23. It is therefore recommended that a formal condition requiring the submission of a landscaping scheme be attached to any subsequent planning consent. This will require the applicants to submit full details of all soft and hard standing works within the whole of the application site for approval by the Council. The scheme will also be required to incorporate replacement planting alongside the sites various boundaries and the Council will have full discretion over the type, age and number of species planted at various points throughout the site.

24. A further condition for maintenance will also be recommended, requiring the applicant to submit details of how the approved landscaping scheme will then be maintained over the next 5 year period, ensuring that this is done to an acceptable standard. Such a condition will also allow the Council full discretion to the amount of hardstanding allowed to the front of the site and the materials used for this.

#### OTHER MATTERS:

25. Neighbour representations have also objected to an increase in width for the sites front access. This element of the scheme has however since been omitted by the applicants upon discussion with officers and the amended scheme, as set out above, does not seek any increases in width to the sites existing access and would actually result in a decrease to its width as currently seen on site to a shorter distance of 4m, in line with the sites original access; this approach has been considered acceptable by officers and as such the development proposals are found acceptable in this regard.

#### CONCLUSION:

26. It is therefore considered that given the acceptable nature of the proposed works and their modest scale and form, as discussed above, the development proposals would have a neutral impact upon the application site and therefore would not have an impact upon the sites significance or, the contribution it makes to The South Hale Conservation Area. The proposals are therefore not considered to cause any harm to the Heritage asset and are considered to preserve the character and appearance of the Conservation Area. Although it has not been demonstrated that the proposals specifically 'enhance' the heritage asset in accordance with the expectation set out in Policy R1 of the Core Strategy, this policy is out of date and compliance with NPPF policy on heritage is considered to be an important material consideration which would justify a departure from development plan policy in this case.

#### **RESIDENTIAL AMENITY**

27. Policy L7 of the Core Strategy states that in relation to matters of amenity protection development must not prejudice the amenity of future occupiers of the

development and/or occupants of adjacent properties by reason of overbearing, overshadowing, overlooking, visual intrusion, noise or disturbance, odour or in any other way.

28. The proposed garage/outbuilding would have a maximum ridge height of 5.5m. This is 0.5m lower than the former approval on site, planning reference 87498/HHA/16. It should also be noted that this would be in line with the former original garage/outbuilding on site which also had an approximate height of 5.5m. The previous approval is considered to comprise a realistic fallback position which should be given appropriate weight in the decision making process.
29. It is therefore considered, given the former approval on site and the fact that the current proposals would have an eaves height of 3.1m with a pitched roof design, leaning away from the western side neighbouring dwelling No. 24a Hill Top; that this would not result in an overbearing impact, loss of light or visual intrusion which would cause harm to residential amenity and warrant the refusal of the current proposals. This is notwithstanding and taking full account of the fact that the building will be located tighter to the neighbouring boundary than either the approved scheme or the original building. As such it is considered that the works as set out above would not have a materially greater impact on neighbouring properties than would have arisen from previous approvals on site.

## **PARKING AND HIGHWAY SAFETY**

30. Policy L4 of the Trafford Core Strategy which relates to sustainable transport and accessibility, seeks to ensure that all new developments do not adversely affect highway safety.
31. The proposals would not impact upon the sites existing parking provision, as these include a replacement three vehicle garage on site. As such the development proposals are not considered to result in any new parking or highway safety concerns. There is also no objection from the Local Highway Authority.

## **CONCLUSION**

32. Paragraph 11 d) of the NPPF indicates that where there are no relevant development plan policies or the policies which are most important for determining the application are out of date planning permission should be granted unless:
- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

33. In respect of an assessment under Paragraph d)(i), great 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 engaged. Heritage policy in the NPPF should be given significant weight and is the appropriate means of determining the acceptability of the development in heritage terms in the absence of up to date development plan policy.

34. The fact that the proposals comply with NPPF policy on heritage, and that the statutory duty to give great weight to heritage assets in the decision making process has been engaged, represent the material considerations necessary to outweigh the non-compliance of the proposals with Policy R1, in respect of the enhancement of heritage assets, which it is considered should only be given limited weight.

35. Having carried out this analysis, there is no 'clear reason for refusing the development proposed' when considering the application against Paragraph 11d)(i) of the NPPF. Paragraph 11(d)(ii) of the NPPF – the tilted balance – is therefore engaged, i.e. planning permission should 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.

36. The development would not cause harm to residential amenity or highway safety. Although the proposals would not specifically enhance the heritage asset, contrary to Policy R1 of the Core Strategy, it would equally not cause any harm to arise. The benefits of the proposal are limited in the main to the applicant; however it is considered that they would not be significantly and demonstrably outweighed by the adverse impacts of the proposal. The application of Paragraph 11(d) is an important material consideration which should be given significant weight. No other material considerations have been identified which would warrant a different view being taken. The application is therefore recommended for approval.

### **RECOMMENDATION:**

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

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

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

2. The development hereby permitted shall be constructed entirely of the materials details which are shown on plan No: PPC44\_PL\_008, PPC44\_006 Proposed east and south elevation, PPC44\_006 Proposed west and north elevation.

Reason: To ensure that the appearance of the development is acceptable, having regard to Policies L7 and R1 of the Trafford Core Strategy, the Council's adopted Supplementary Planning Document 4: A Guide for Designing House Extensions and Alterations and the National Planning Policy Framework.

3. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers: PPC44\_PL\_008, PPC44\_006 Proposed east and south elevation, PPC44\_006 Proposed west and north elevation.

Reason: To clarify the permission, having regard to Policy L7 of the Trafford Core Strategy and 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. The development hereby approved shall not be occupied until a schedule of landscape maintenance for a minimum period of 5 years 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.

6. The garage/outbuilding hereby permitted shall not be occupied at any time other than for purposes ancillary to the use as a single dwellinghouse of the dwelling known as 26 Hill Top.

Reason: In order to prevent the additional accommodation being used as a separate dwelling which would have unsatisfactory facilities for prospective occupants or would have an unsatisfactory relationship with the existing dwelling, having regard to Policy L4 and L7 of the Trafford Core Strategy and the National Planning Policy Framework.

7. The development hereby approved shall not be occupied until full details of the:
  - o Proposed (3x) garage openings
  - o Proposed main front access gate/s

Including their size, scale, finish and use of materials have been submitted to approved in writing by the Council. The approved details shall be implemented in full on site and retained as such thereafter.

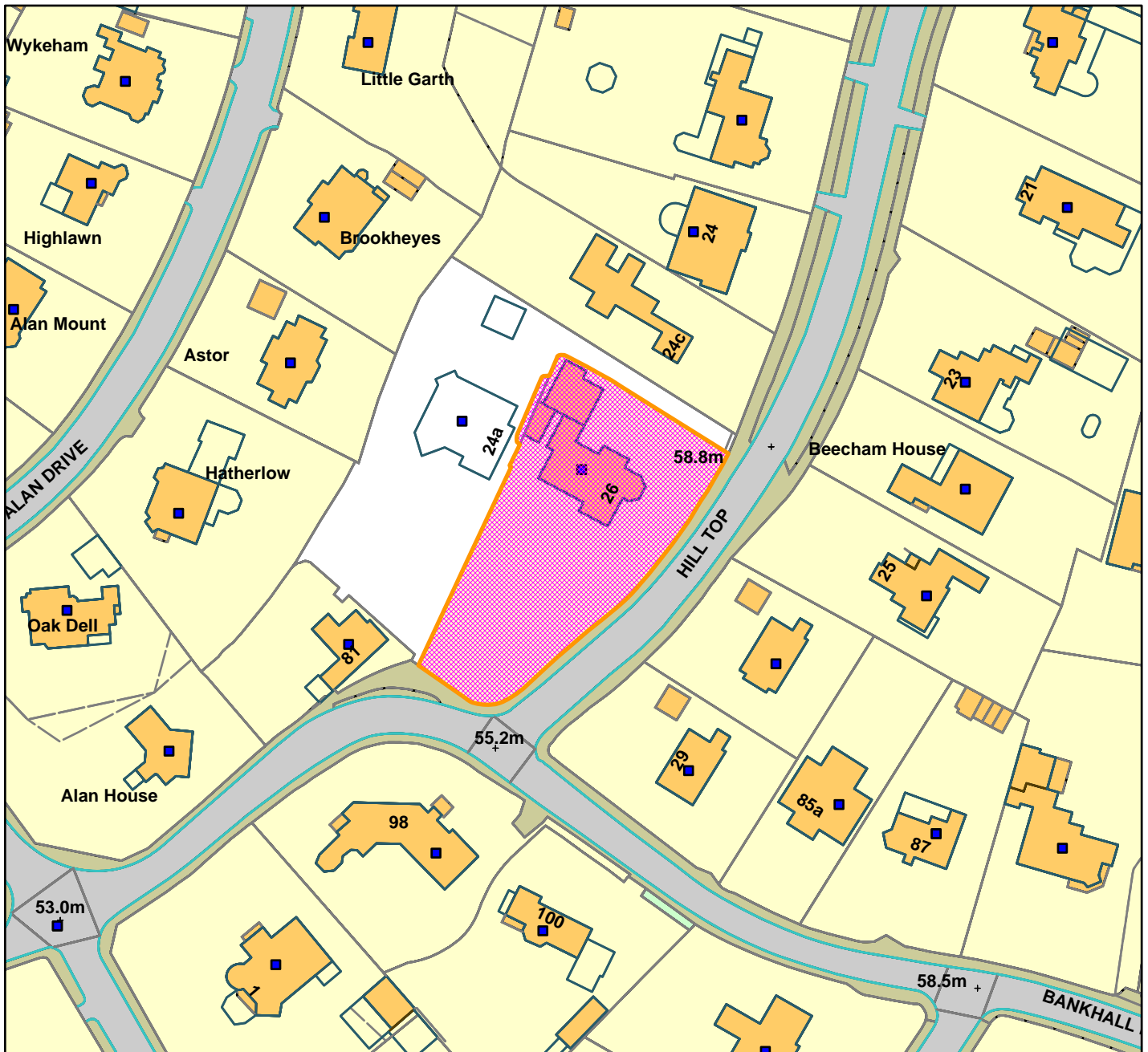
Reason: To ensure a high quality standard of development and to safeguard and the visual amenities of the locality in general in accordance Policies R1 and L7 of the Trafford Core Strategy.

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IG



26 Hill Top, Hale Barns, WA15 0NN



Scale: 1:1,250

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Organisation	Trafford Council
Department	Planning Service
Comments	Committee Date: 10/01/2019
Date	02/01/2019
MSA Number	100023172 (2012)

**WARD: Sale Moor**

**95997/COU/18**

**DEPARTURE: NO**

Change of use of the dwellinghouse (C3) to a mixed use comprising of childminding and dwellinghouse.

80 Temple Road, Sale M33 2FG

**APPLICANT:** Mrs Lawton

**AGENT:** N/A

**RECOMMENDATION: GRANT with conditions**

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**This application has been referred to the Planning and Development Management Committee as it has been called in by Councillor Joanne Bennett**

### **SITE**

The application site comprises a semi-detached bungalow with a high ridge and low eaves and rooms in the roofspace.

The property is located on the south-east side of Temple Road between Nursery Close and Stonyford Road and is sited within a dense residential area that does not display any real uniformity. The property is sited at a slightly higher level than the street frontage.

There is an existing paved driveway capable of accommodating two domestic vehicles off-street and modest garden areas to the front and rear. There are no parking restrictions to the immediate frontage along Temple Road.

Templemoor Infant and Nursery school is sited 50m to the south-east of the site whilst Moorlands Junior School is sited 145m to the north east.

### **PROPOSAL**

The proposal is seeking retrospective permission to continue to use the property for mixed use comprising running a childminding business and a dwellinghouse.

The supporting statement submitted with the application makes reference to the proposed changes having taken into consideration comments from the previous application which was refused at committee then subsequently dismissed at appeal.

The changes are listed below:

*Operating hours:* Previously stipulated 08:00-17:30 Monday to Thursday and 08:00-16:30 on Fridays. This application proposes 08:00 – 18:00 Monday to Thursday and will not be in operation on a Friday

*Number of children:* The previous application sought permission for 13no. children. The statement submitted proposes 6no. pre-school aged children. This will include staff children.

*Staff:* Previously this was stated as 1no. full time and 3no. part-time. Due to the reduction in the number of children, this has been reduced to 1no. full time and 2no. part-time.

*Rooms to be used:* The previous application sought to use the front room, back room and conservatory due to the number of children. As this application proposes a reduction in the number of children, the front room is not to be used, however the other back room, will be used instead.

*Noise management:* A loss of amenity due to noise was the reason the previous application was refused. A reduction in the number of children and a change to the room plan are two additional factors submitted as part of this application. Further to this, the supporting statement states that the wall in the back room is to be fully insulated to prevent noise transference.

## **DEVELOPMENT PLAN**

### **The Development Plan in Trafford Comprises:**

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

## **PRINCIPAL RELEVANT CORE STRATEGY POLICIES**

L4 – Parking

L7 – Design



## **PROPOSALS MAP NOTATION**

None

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

The DHCLG published the National Planning Policy Framework (NPPF) on 24 July 2018. The NPPF will be referred to as appropriate in the report.

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

DCLG published the National Planning Practice Guidance on 6 March 2014, which replaced a number of practice guidance documents. The NPPG will be referred to as appropriate in the report.

## **RELEVANT PLANNING HISTORY**

89819/COU/16 – Change of use of the dwellinghouse (C3) to a mixed use comprising of childminding and dwellinghouse. This application was refused at committee on 11<sup>th</sup> May 2017 on the grounds of impact upon residential amenity. A subsequent appeal was dismissed on 19<sup>th</sup> December 2017.

There was an Enforcement Notice served on the property which required compliance by 7<sup>th</sup> November 2018. No further action has been taken in respect of the Notice to allow for the consideration of this application.

## **APPLICANT'S SUBMISSION**

A supporting statement was submitted which explains the differences between the previously refused application and this current application, outlined above.

## **CONSULTATIONS**

*Environmental Health* – No objections in principle subject to numerous bespoke conditions to protect neighbours amenity

*Local Highways Authority* – No objections

## **REPRESENTATIONS**

Seven letters of support, summarised below:

- Amanda Hilton Childcare provides a valuable, fully OFSTED registered, safe and professionally run childminding business to local working parents, and those that attend nearby Templemoor Infant School
- A range of varied activities take place which include taking the children out to groups and events, and walking is encouraged where possible for the children and the staff. The children are fully supervised at all times.

- There is a large amount of traffic at specific times of day – the morning and afternoon school runs, which are as a result of parents bringing children to school and not additionally caused by Mrs Hilton’s business.
- The road is used as a cut through road from Sale Moor to Broad Road and Dane Road so can be very busy morning and evening which is again not related to the business.
- Mrs Hilton’s childcare business is an asset to the local community and working parents. It is a well-run business with high standards and respect for the community

Five letters of objection. The salient points are summarised below:

- The same factors still stand even if you reduce the amount of children
- Already congested street with 3no. cars constantly blocking parking and dropping off and picking up
- Sound/Noise issues in the garden – cannot soundproof this area
- Dispute operating hours
- Do the 6no. include applicants child and employees children
- There are better placed properties than this one
- Appeal decision stated it was ‘unfit for purpose’
- Loss of amenities

***Comment: Above issues are addressed in the observations section below.***

## **OBSERVATIONS**

### **PRINCIPLE**

1. The site is unallocated in the Trafford Local Plan Core Strategy. Given this, there are no specific policy restrictions relating to the principle of the use subject to there being no harm to the amenity of neighbouring properties and residential areas or impact upon the highway network.

### **RESIDENTIAL AMENITY**

2. Policy L7 of the Core Strategy states that in relation to matters of amenity development must not prejudice the amenity of future occupiers of the development and/or occupants of adjacent properties by reason of overbearing, overshadowing, overlooking, visual intrusion, noise or disturbance, odour or in any other way.
3. The site is situated within a residential area and adjoins the rear gardens of a number of residential properties. Some degree of activity and noise associated with the use of existing residential gardens and houses by the occupiers of these properties would be anticipated, particularly during the warmer months.

4. The Council's SPG, PG5 (1991) – 'Day Nurseries & Play Groups,' identifies that noise and the impact on residential amenity is a material consideration in assessing the impact of such uses in residential areas.
5. The Planning Inspectors decision, which is a significant material consideration, makes reference to the SPG as being '*outdated and of uncertain formality of its status...*' but '*...remains a material planning consideration, addressing a range of planning considerations which are essentially timeless in their relevance and amenable to the simple application of good sense.*'
6. PG5 provides advice on the types of properties considered appropriate for the use. Whilst the use as a mixed use with a childminding business would be less intense than a day nursery due to the number of children, many of the considerations remain relevant.
7. The SPG sets out its expectations of the types of property that should be considered as suitable for day nurseries, the smaller types of which share many characteristics with the scale of childminding being applied for.
8. The applicant has submitted a supporting statement stating that they are seeking permission for 6no. pre-school children, including staff children. This does not, however, include the applicants child as they reside at the property when not at school.
9. The 'Analysis of Effects' section within the SPG identifies the profile of the ideal domestic property that tends to be sought for the purpose. In this instance, it is neither large, nor detached. The Planning Inspector stated within the appeal decision that '*..in planning terms, [the application property] is inherently unsuitable for the scale and intensity of the operation..*' This decision was based on 13 children. The application now proposes a reduction by more than half to 6.
10. The plan submitted is clear in that the existing front room, the back room and conservatory are currently used in connection with the childminding business. Due to concerns raised during the previous application, and the reduction in the number of children, the applicant proposes to utilise the other back room for the business and will revert the front room back to living accommodation in connection with the dwellinghouse. The reasons for this are two fold, firstly due to the reduction in numbers of children not requiring the space and secondly to remove any noise issues through the party wall to the neighbours living room.
11. Whilst the back room, denoted as room no.2 on the plans, will still be used to run the business, the applicant is proposing to sound insulate the party wall with no.78 to prevent noise transference.

12. The SPG advises that the site should be sizeable in area with a long road frontage and large garden (over 10m<sup>2</sup> per child), so that comings and goings and outdoor play are not inevitably close to neighbouring properties and parking and manoeuvring space can be provided.
13. The site is relatively modest with a rear garden of approximately 75m<sup>2</sup> retained after a conservatory was erected at the property. This would be considered to satisfy the stated requirements within this part of the guidance. Given that the number of children attending the site would not exceed 6, the level of external play area would be considered to be acceptable and in accordance with the requirements within PG5.
14. In order to ensure suitable mitigation to minimise the impact of the use on the adjacent properties, it would be necessary to provide appropriate controls to various aspects of the use.
15. The application documentation makes reference to the room layout and the rooms to be used for the childminding business. The front room labelled (3) on the plan is currently used. This room shares the party wall with the neighbours lounge. Due to a reduction in the number of children, this room is no longer to be used. The other back room labelled (4) on the plan, is to be used instead and this does not share the party wall with no.78 being on the other side of the application property.
16. The back room is still to be used with the details stating that this party wall will be fully sound insulated in accordance with a scheme submitted by RS Acoustic Engineering Ltd.
17. Environmental Health have commented on the application and, based on the supporting information made available, they are satisfied with the recommendations contained within the acoustic report provided by RS Acoustic Engineering Ltd which describes a sufficient scheme of mitigation. This can be secured by way of planning condition.
18. This application proposes no more than 2 hours of outdoor play per day limited to one hour before 12pm and 1 hour after 1pm. With the safeguard of an attached condition, this will restrict the arrangements as described ensuring neighbours amenity is maintained to a manageable degree. A further condition is recommended regarding a Noise Management Plan which will require details as to how the noise outdoors will be managed, such as placement of outdoor play equipment to minimise impact upon neighbouring properties.
19. The restriction of hours of business to those specified would enable the use to be viable but also vitally protect local amenity. This would mean that the use

would not be in operation outside the specified hours, including weekends and evenings.

20. It is recommended that, should the application be granted permission, a condition for a temporary 1yr period of consent be imposed in order to establish whether the impact of the use would be acceptable or not with the suggested conditions by enabling an assessment to be made of the operation of the use over the term of the temporary consent. At the expiry of this period, unless either renewed or consent given for a permanent consent, the use would cease and revert back to its current use. This approach is supported by the Environmental Health Officer given the residential context.
21. The submitted information confirms that the operator, Amanda Hilton (Hilton childcare), is a registered childminder and holds qualifications in the service area operating from the site. This indicates a degree of expertise and competency to operate the service and that the use would be managed in a professional and sensitive manner. In addition, the use operates to Ofsted Regulations (the body responsible for regulating such uses). A condition is to be imposed making the consent personal to the person identified in the Supporting Statement, Amanda Hilton Childcare, (registered childminder) which would have regard to the special circumstances of the application.
22. On balance, given the above observations, and subject to the imposition of numerous bespoke conditions, all these measures collectively are considered to provide a suitable level of use, activity and form of control and mitigation of the impact of the use on residential amenities and the character of the area.

## **PARKING AND HIGHWAY SAFETY**

23. The application proposes a reduction in the number of children and staff employed from the previous application which was refused. This would not result in severe cumulative highway impacts. Furthermore, it must be borne in mind that the site could potentially operate as a childminder for 6 non pre-school children without the requirement for planning approval. In light of this, there are no highway objections.

## **CONCLUSION**

The development accords with the development plan and is recommended for approval subject to the conditions listed below

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

1. This permission is limited to the period expiring 12 months from the date of the permission hereby granted. The temporary use will then cease and revert back to full residential use immediately on the expiry of the permitted term unless

otherwise subject to the grant of express planning consent for the continuance of the use

To enable the Local Planning Authority to review the situation at the end of the period and in accordance with policy L7 of the Trafford Local Plan Core Strategy

2. This permission is personal to the person identified in the Supporting Statement, Amanda Hilton Childcare, (registered childminder), and shall not be exercised by any other person, company, group or authority unless subject to the prior written agreement of the Local Planning Authority

Permission has been granted only having regard to the special circumstances of this case in view of the applicants amended scheme and in accordance with policy L7 of the Trafford Local Plan Core Strategy

3. The use hereby permitted shall operate such that no more than 6 pre-school children at any single time within the age ranges specified in the applicants supporting statement dated 26<sup>th</sup> November 2018 are cared for at the property.

In order to ensure a use that safeguards the amenities of the occupiers of surrounding residential properties and thereby accords with the provisions of policy L7 of the Trafford Local Plan Core Strategy

4. The use of the childminding business hereby permitted shall operate only between the hours of 08:00 and 18:00 Monday to Thursday only and at no time on Fridays, weekends, Bank or Public Holidays

To safeguard the interests of occupiers of adjoining and nearby residential properties and in accordance with policy L7 of the Trafford Local Plan Core Strategy

5. Within four weeks of the date of the permission hereby granted, the Party Wall Sound Insulation Enhancement Scheme, described in the statement referenced RSA213-2017 dated 7<sup>th</sup> November 2018 shall be installed and retained as such thereafter.

To safeguard the amenity of the neighbouring properties and in accordance with policy L7 of the Trafford Local Plan Core Strategy

6. The use of the outdoor play area to the rear of the property shall be restricted to between the hours of 10:30 to 11:30 and 14:30 to 15:30 each day and at no other times unless otherwise agreed in writing by the Local Planning Authority

To restrict the level of noise nuisance in the interests of the amenity of the occupiers of adjacent residential properties

7. A Validation/Completion report is to be submitted to the Local Planning Authority within two weeks of the scheme being completed for approval, to provide evidence that the recommended acoustic insulation scheme has been installed as per the specification described within the Acoustic Assessment submitted in support of this application, referenced RSA213-2017 and dated 7<sup>th</sup> November 2018.

To ensure satisfactory implementation, in the interests of residential amenity and in accordance with Policy L7 of the Trafford Local Plan Core Strategy

8. Within 4 weeks of the date of the permission hereby granted, a Noise Management Plan shall be submitted to the LPA. This should include details as to how the noise outdoors will be managed, such as placement of outdoor play equipment. The use shall be carried out in accordance with the approved scheme.

To safeguard the amenity of neighbouring properties and in accordance with policy L7 of the Trafford Local Plan Core Strategy

9. The development hereby permitted shall be carried out in accordance with the following approved plans: Site location plan, referenced 80 Temple Road, Sale and the ground floor layout plan referenced 80 Temple Road, Sale

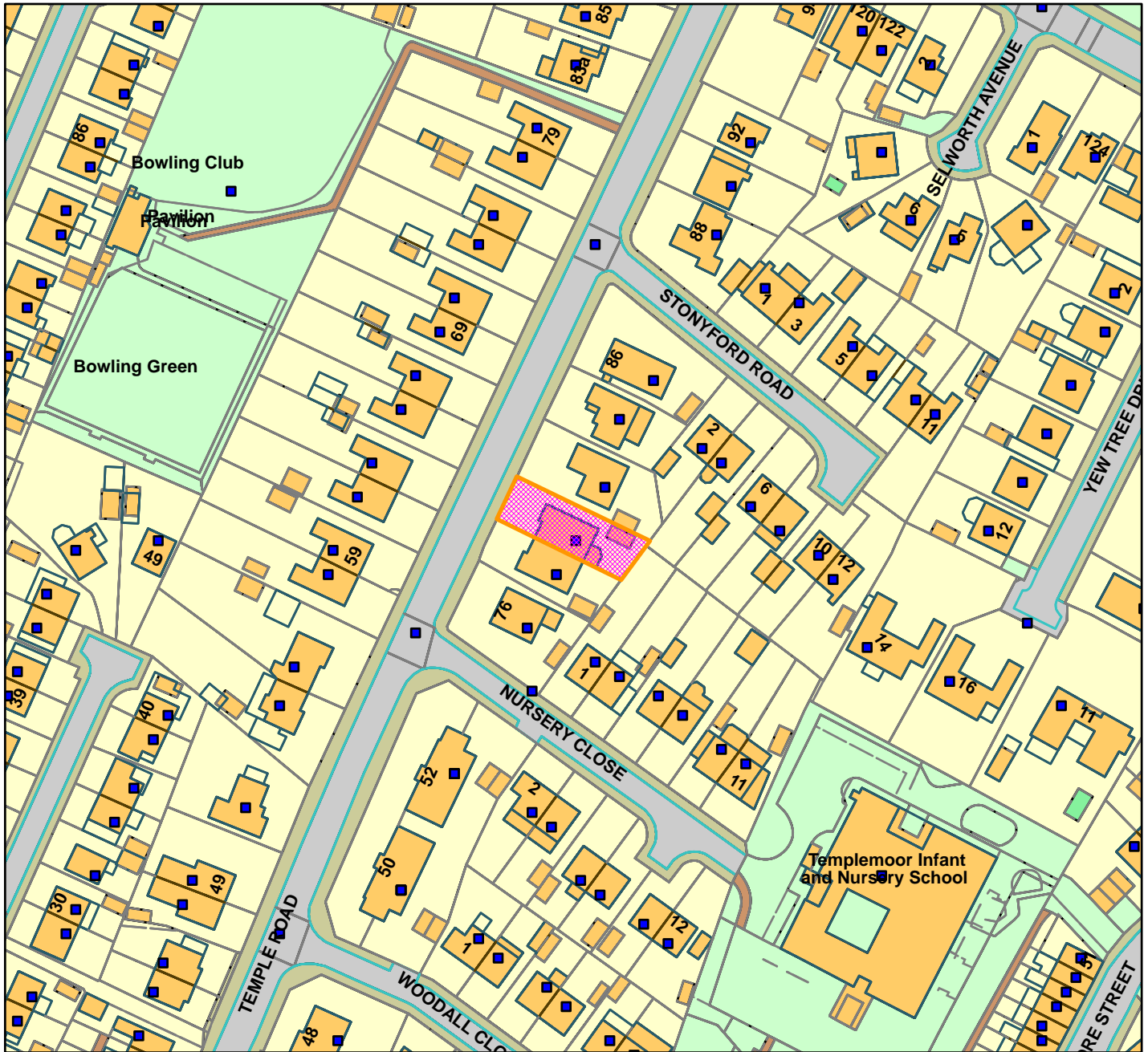
Required to be imposed by Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

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ES



80 Temple Road, Sale, M33 2FG



Scale: 1:1,250

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Organisation	Trafford Council
Department	Planning Service
Comments	Committee Date: 10/01/2019
Date	02/01/2019
MSA Number	100023172 (2012)



**WARD: Sale Moor**

**95999/FUL/18**

**DEPARTURE: No**

**Retrospective planning application for the construction of a pair of semi-detached houses (revised positioning of houses as approved under planning permission reference 90335/FUL/17).**

2A And 2B Farmers Close, Sale, M33 2LJ

**APPLICANT:** Lavelle Developments Limited

**AGENT:** Lavelle Developments Ltd

**RECOMMENDATION: GRANT**

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## **SITE**

The application site fronts Farmers Close and lies to the rear of nos.431 and 433 Northenden Road. Farmers Close is a cul-de-sac on the residential 'Pimmcroft Estate' and the site is surrounded by a mix of detached and semi-detached properties.

Prior to the grant of planning permission (ref. 90335/FUL/17) the site was occupied by single-storey, vacant former plant nursery buildings that were in a poor state of repair. The remainder of the site comprised hardstanding and an overgrown grassed area. It was enclosed on all sides with a high conifer hedge along the southern boundary of the site (not within the boundary of the application site).

Following the grant of planning permission the semi-detached houses have been constructed, parking laid out, new fencing erected to the perimeter of the site and the high conifer hedge has been removed.

## **PROPOSAL**

Retrospective planning permission is sought for the erection of a pair of semi-detached houses with associated parking and landscaping. The accommodation comprises two and a half-storey dwellings each with 2 bedrooms in the roof space (5 bedrooms in total). Vehicular access to the dwellings is via Farmers Close.

The approved plans (under planning permission ref.90335/FUL/17) showed the proposed dwellings with a separation distance of 24m from back to back with the properties to the rear (nos. 431 & 433 Northenden Road). During construction, the dwellings have, however, been set back further into the site resulting in a reduced separation distance of 22.2m at first floor level and 21.6m at ground floor level, to the properties at the rear.

### **Value Added**

Amended plans have been requested to show provision for three parking places within the site for each dwelling. This will be addressed in the Additional Information Report.

## **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  
L4 – Sustainable Transport & Accessibility  
L7 – Design  
L8 – Planning Obligations  
R3 – Green Infrastructure  
R5 – Open Space, Sport and Recreation

## **PROPOSALS MAP NOTATION**

Unallocated

## **GREATER MANCHESTER SPATIAL FRAMEWORK**

The Greater Manchester Spatial Framework is a joint Development Plan Document being produced by each of the ten Greater Manchester districts and, once adopted, will be the overarching development plan for all ten districts, setting the framework for individual district local plans. The first consultation draft of the GMSF was published on 31 October 2016 with a further period of consultation anticipated later in 2018.

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

The DCLG published the National Planning Policy Framework (NPPF) on 24 July 2018. 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 it is regularly updated. The NPPG will be referred to as appropriate in the report.

### **RELEVANT PLANNING HISTORY**

94229/CND/18 - Application for approval of details reserved by conditions of grant of planning permission 90335/FUL/17. Condition Numbers 3 (Materials), 6 (Drainage), 7 (Landscaping), 9 (Construction Environmental Method Statement) and 11 (Permeable Surface for Parking). Pending consideration.

90335/FUL/17 – Erection of two semi-detached houses with associated landscaping. Approved with conditions 3/5/2017.

86507/FUL/15 – Erection of 2no. 3-bed semi-detached dwellings following demolition of the existing outbuildings. Approved with conditions 17/11/2015.

85497/FUL/15 – Demolition of existing storage units and erection of two-storey building comprising of 4no. residential apartments with vehicular access and parking off Farmers Close and Northenden Road. Withdrawn 9/7/15.

### **APPLICANT'S SUBMISSION**

In setting out the properties consideration was given to the 45 degree rule on the adjacent property 65 Pimmcroft Way, the separation distance between 2A/2B Farmers Close and 431 & 433 Northenden Road to the rear as well as the distance to the kerb line of Farmers Close and the existing levels of Farmers Close. Some of the actual setting out by the engineer contrasted with those on the approved plans. The houses were built in a location to ensure the building line of the new properties did not infringe on the 45 degree rule of the adjacent property 65 Pimmcroft Way. The engineer scaled the drawings at 22.6m at the rear for the separation distance. The levels of the new properties were calculated using existing levels of Farmers Close.

### **CONSULTATIONS**

**LHA** – Any comments received on the amended parking layout plan prior to Committee will be included in the Additional Information Report .

**LLFA** – No objection and previous condition no longer required.

**Pollution & Housing** – No objection

**GM Police** – No comments received

## **REPRESENTATIONS**

Two letters of support have been received stating:-

- The development is a substantial improvement to the area and excellent use of what was derelict land, replacing dilapidated sheds with excellent quality housing
- The removal of conifers has improved light to the rear of nos. 431 & 433 Northenden Road
- The view from no.431 has been enhanced by the houses
- The build has been professionally managed, with respect and courtesy shown to residents
- Whilst appreciating procedure is to be followed, this process is a waste of tax payers money and Council resources for what is considered to be a minor difference in the distance to the adjacent property

One letter of objection has been received on the following grounds:-

- Too big for a small plot overlooking no.433 Northenden Road quite considerably
- Normal 27m separation distance was reduced to 24m subject to no future build being allowed however, it's now 21.6m
- It's a bigger build with only 2 parking spaces
- Boundary fence would have been better if level
- More than 5/6 trees would be needed for screening

## **OBSERVATIONS**

### **Principle of Development**

1. S38(6) of the Planning and Compensation Act 1991 states that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise.
2. Paragraph 11 c) of the NPPF indicates that development proposals which accord with an up-to-date development plan should be approved without delay. When read together with Paragraph 11d) of the NPPF, this means that if policies which are 'most important' for determining the application are up-to-date, then a decision should be made in accordance with the development plan, unless material considerations indicate otherwise.
3. The previous granting of planning permissions in 2015 and 2017 for housing on this site, have established the principle of residential development. There has been no change in planning circumstances since the granting of the previous permission which would indicate that a different approach should be taken to the principle of development.

4. The Council does not, at present, have a five year supply of immediately available housing. Policies relating to the supply of housing are therefore 'out-of-date' in NPPF terms. Nevertheless, as the principle of residential development has already been established on the site, the policies which are 'most important' for determining this application relate to residential amenity i.e. Policy L7, given the main issue is whether the revised siting of the dwellings from the approved plans would have an adverse impact on neighbouring properties. L7 is considered to be up-to-date.
5. The application site is considered to be in a sustainable location close to a Metrolink stop and local health facilities and is previously developed land. It is considered that the proposed development for 2no 5-bed houses will contribute to the Council's overall housing and brownfield land targets and that the development is in accordance with Policies L1 and L2 of the adopted Core Strategy, which set out the Council's approach to housing supply and need.

### **Residential Amenity**

6. 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.
7. 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.

### **431 & 433 Northenden Road**

8. These are a pair of semi-detached properties. No.431 is a two-storey dwelling with a rear dormer and a single-storey rear extension; it also has a large shed/store along its rear common boundary with the application site. No 433 also has a rear single-storey extension.
9. The Council's approved 'New Residential Development' Guidelines recommend a minimum distance for new two-storey dwellings of 27m across private gardens. It is accepted that the 27m distance can be reduced to 24m at first floor level as this distance builds in a tolerance for rear extensions built within permitted development. The approved plans, under planning permission ref. 90335/FUL/17, showed a 24m separation distance could be achieved at first floor level between the habitable room windows on the rear elevations of nos. 431 and 433 Northenden Road and the proposed habitable room windows on the rear

elevation of the proposed dwellings. A condition of the planning permission was to remove permitted development rights for any rear extensions at the properties in order to ensure the 24m distance would be maintained.

10. The houses have not been built in accordance with the approved plans having been repositioned further back into the site towards nos. 431 & 433 Northenden Road. The separation distance has therefore reduced from 24m at first floor level to 22.2m (a difference of 1.8m). Due to no.433 Northenden Road's ground floor window extending beyond the main rear wall of the property, the separation distance at ground floor level has reduced from 24m to 21.6m (a difference of 2.4m).
11. The Council's approved 'New Residential Development' Guidelines recommend a 10.5m distance to be retained to a rear garden boundary. Due to the repositioning of the dwellings, a distance of 8.7m is instead achieved to the rear common boundary at ground floor level.
12. As the houses have been built, officers have had the benefit of being able to assess the actual relationship with neighbouring properties on site. Whilst the houses have been repositioned and the recommended 24m separation distance reduced to 22.2m at first floor level, it is considered the reduction in the separation distance of 1.8m at first floor level in this location would not result in an overbearing impact or a loss of privacy such that any significant harm would arise to the amenity of neighbouring residential properties. The reduction in the separation distance at ground floor level to 21.6m and to the rear garden boundary to 8.7m is also considered not to be so detrimental as to warrant a refusal of planning permission particularly given the impact from ground floor windows and the garden area is mitigated by intervening fencing (1.8m high) along the rear common boundary of the properties and additional planting is proposed along this boundary.

## 2 Farmers Close

13. The dwellings are in relatively close proximity to no.2 Farmers Close. The previous high conifer hedge has been removed since planning permission was granted for the dwellings and this had provided some screening. However, at the time of granting planning permission it was considered that if the hedge was to be removed the habitable room windows of no.2 would face the corner wall of the proposed dwelling rather than a blank facing gable wall; also the closest window to no.2 on the rear elevation of the proposed dwelling at first floor level is set at an oblique angle and is an obscure glazed en-suite window. The application plan also shows additional trees along the western and southern boundaries which would provide additional screening. Therefore, whilst the proposed dwellings would be in close proximity to no.2 Farmers Close, for the reasons above it is considered the proposal would not be so detrimental to the residential amenity of no.2 as to warrant a reason for refusal of the application.

### 65 Pimmcroft Way

14. This property is located directly north of the application site; it has a blank facing gable wall and is set back from the front main wall of the proposed dwellings. No.65 has habitable room windows adjacent to the proposed dwellings however, given the separation distance between the properties this meets the recommended distances with regard to overshadowing in the Council's approved 'New Residential Development' guidelines. It is considered that the relationship of the proposed semi-detached properties to no.65 is similar in arrangement to that between many other semi-detached properties and as such would not result in any undue overlooking.

### 39 Pimmcroft Way

15. This property is located to the east, across Farmers Close. No.39 has a facing blank gable wall along with fencing and coniferous trees along its perimeter with Farmers Close. Whilst the front elevation of the proposed dwellings would face the side elevation and rear garden of no.39, the separating distance of over 20m across a public road exceeds the required 15m recommended distance for habitable room windows to a two-storey blank gable. As the windows in the front elevation of the proposed dwellings would be across a road and benefit from screening via fencing and landscaping at no.39 it is considered this would not be unduly detrimental to residential amenity by reason of overlooking. Furthermore, this arrangement is replicated elsewhere within this estate.

16. Therefore, it is considered that the revised positioning of these 2no. semi-detached dwellings is not unduly detrimental to the residential amenity of the occupiers of neighbouring properties, and the relationship with surrounding properties would not be unduly detrimental to the future occupants of the dwellings.

### Character of the Area/Street Scene

17. The semi-detached dwellings front the Farmers Close cul-de-sac where there are other semi-detached properties. The houses are sited forward of the front building line of the adjacent pairs of semis (nos.65 & 67 Pimmcroft Way also nos.2 & 4 Farmers Close) however, there is not an established building line in the Farmers Close cul-de-sac and therefore this relationship is considered to be acceptable in the street scene.

18. The design of the dwellings is considered to be in keeping with those of the surrounding properties on this estate. These include pitched roofs with gable ends and similar window styles/proportions. The dwellings are not readily visible from Northenden Road given their location behind nos. 431 and 433.

19. The requested amended plans will show parking spaces to the front and side of the proposed dwellings with landscaped front gardens; this is in keeping with the parking arrangements of the surrounding houses and will be confirmed in the Additional Information Report.
20. In conclusion, it is considered that the pair of semi-detached dwellings are in keeping with the character of the area and street scene generally, furthermore it is considered the proposed dwellings are a significant improvement on the former redundant buildings on this site that were in a poor state of repair.

### **Highways/Parking**

21. The dwellings front Farmers Close and the proposal includes the creation of a new vehicular access to each dwelling from Farmers Close. Amended plans have been received that demonstrate that 3 parking spaces are provided for each property which meets the parking standard as required by SPD3: Parking Standards and Design. The previous pedestrian access via Northenden Road to the rear of 2A Farmers Close has been removed from this application.
22. Servicing will be carried out from Farmers Close. Refuse bins can easily be transferred to the Farmers Close carriageway for collection.
23. The LHA's comments are awaited and will be reported in the AIR.

### **Specific Green Infrastructure**

24. In line with Core Strategy Policy R5.4 development is expected to contribute on an appropriate scale to the provision of the green infrastructure network. SPD1 requires the planting of 6 trees for this proposed development of two dwellings. A discharge of condition application is pending consideration and the plans show planting of 6 trees in line with the requirement of the landscaping condition of the previous permission. Should permission be granted it is recommended that a landscaping condition is also attached.

### **DEVELOPER CONTRIBUTIONS**

25. 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, in line with Trafford's CIL charging schedule and revised SPD1: Planning Obligations (2014).
26. In accordance with Policy L8 of the Trafford Core Strategy and revised SPD1: Planning Obligations (2014) it is necessary to provide an element of specific green infrastructure. In order to secure this, a landscaping condition will be



attached to make specific reference to the need to provide at least six additional trees on site as part of the landscaping proposals.

## **CONCLUSION**

27. Policy L7 of the adopted Core Strategy requires development not to prejudice the amenity of future occupants of a development or occupants of adjacent properties. PG1 'Residential Development' offers guidance as to how this may operate in practice.
28. Whilst the houses have been repositioned, and now fall short of the guidelines in PG1 it is considered, having had the benefit of viewing the relationship on site, that the reduction in the approved separation distance of 1.8m at first floor level and 2.4m at ground floor level in this location would not result in significant harm to the amenity of neighbouring properties and future occupants, by way of overbearing impact or overlooking. The proposals therefore comply with Policy L7 of the adopted Core Strategy, which is the most important for determining this application, and all other development plan policy. The application is therefore recommended for approval. Given that the development has been completed, it is not necessary to impose the normal time limit condition for commencement of development.
29. In the event that Members are minded to refuse planning permission contrary to officer recommendation then they should also consider whether it would be expedient to take enforcement action. If enforcement action is considered expedient, they should request that the Head of Planning and Development together with Legal Services take action to remedy the breach of control. Given that the dwellings are practically complete the result of this is likely to be that the dwellings need to be demolished in order to be repositioned. Members should consider whether this is proportionate in the circumstances.

## **RECOMMENDATION:**

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

1. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification):

- (i) no extensions shall be carried out to the dwellings
- (ii) no first floor windows or dormer windows shall be added to the dwellings

other than those expressly authorised by this permission, unless planning permission for such development has been granted by the Local Planning Authority.

Reason: To protect the residential and visual amenities of the area and privacy having regard to Policy L7 of the Trafford Core Strategy.

2. 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 the planting of 6 trees and fencing and boundary treatment) 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 within the next planting season following 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 and the nature of the proposed development and in accordance with Policies L7, R2 and R3 of the Trafford Core Strategy and the National Planning Policy Framework.

3. Prior to the first occupation of any of the dwellings hereby permitted, the car parking spaces shown on the approved amended plan, reference 03/17/BP (received on 21/12/2018), shall be provided and shall thereafter be kept available for the parking of motor vehicles at all times.

Reason: To ensure adequate off street parking provision is retained and thereby avoid the harm to amenity, safety or convenience caused by on street parking, having regard to Policies L4 and L7 of the Trafford Core Strategy.

4 The windows in the first and second floors on the side elevations facing north and south and the ensuite windows on the rear elevation shall be fitted and retained with, to a height of no less than 1.7m above finished floor level, non-opening lights and textured glass which obscuration level is no less than Level 3 of the Pilkington Glass scale (or equivalent).

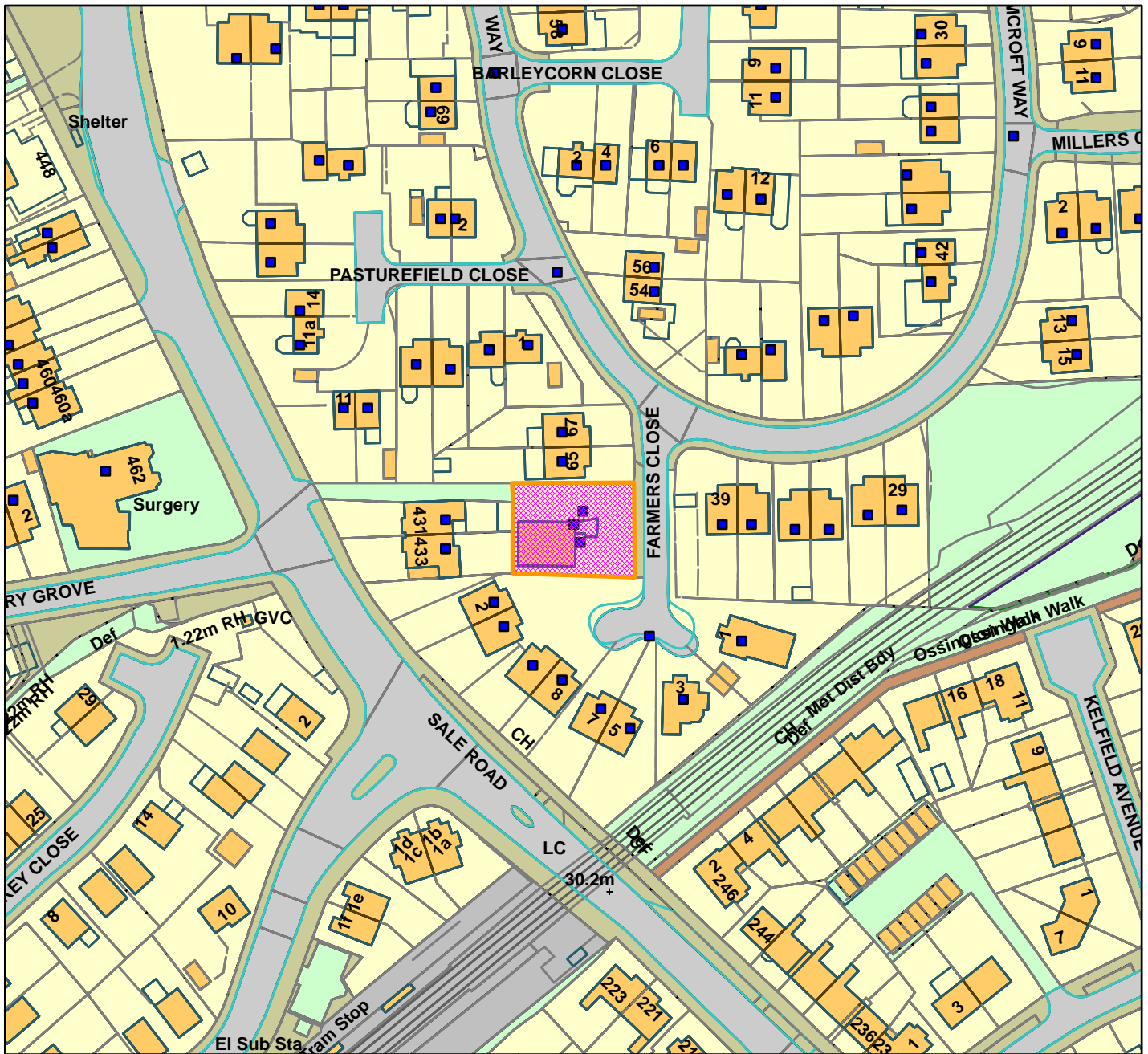
Reason: In the interest of amenity having regard to Policy L7 of the Trafford Core Strategy and the National Planning Policy Framework.

AC

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2A and 2B Farmers Close, Sale, M33 2LJ



Scale: 1:1,250

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Organisation	Trafford Council
Department	Planning Service
Comments	Committee Date: 10/01/2019
Date	02/01/2019
MSA Number	100023172 (2012)