

**WARD:** Bowdon

**94392/FUL/18**

**DEPARTURE: No**

**Removal of existing tarmac surface and excavation of topsoil to provide a multi sports area with synthetic surface comprising 4 no. netball courts, 1 no. rounders court, 5 lane running track and long jump with the provision of , 4 no. team shelters and 8no. netball posts. Erection of 2.4 metre high boundary fencing with pedestrian access gates and the replacement of existing shed with new shed and removal of existing container. Works include alterations to site levels to facilitate level playing surface(s) and associated development thereto.**

Bowdon Preparatory School For Girls Sports Ground, Cavendish Road, Altrincham.

**APPLICANT:** Mr Evans

**AGENT:** Mr Howard

**RECOMMENDATION: GRANT**

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**The application has been reported to the Planning and Development Management Committee since six or more representations contrary to the officers' recommendation have been received.**

### **SITE**

The application site is the existing grass playing pitch and tennis courts of Bowdon Preparatory School for girls, the main school buildings are located on the north side of Cavendish Road Bowdon, with the playing pitches located on the south side. The application site measures approximately 0.5ha in size and has a mainly rectangular configuration. The main pedestrian and vehicular access to the site is located along the northern boundary of the site accessed from Cavendish Road. A narrow section of land extends along the southern boundary of the site up to the boundary with Ashley Road. The site includes a single storey pavilion building and timber storage shed and a small storage container all located close to the site entrance towards the north-west corner of the site.

Two tennis courts with artificial playing surfaces are located along the western boundary. The remainder of the site is demarcated as a grassed sports pitch, including two rounders pitches and a running track located along the eastern boundary and, two small football nets are located at either end of the pitch. The pitch area has an irregular configuration widening as the pitch extends southwards within the site. There is a notable slope to the land which is higher along the western side sloping down to the east.

Beyond the western boundary of the site is a public pathway which extends from Cavendish Road through to Stamford Road, on the opposite side of the pathway is the rear boundaries of properties on Portland Road. To the south side of the site is two and three storey apartment block (Springbank) this building is at a lower level from the application site. The east side of the site shares a boundary with the rear gardens of a number of semi-detached residential dwellings located along Ashley Road. The northern boundary extends adjacent to Cavendish Road with the boundary treatment consisting of approximately 2m high mesh fencing. There is a significant amount of tree coverage and medium to low level shrubs and bushes around the boundaries of the site, particularly along the western boundary. A number of trees are subject to Tree Preservation Orders.

The application site is located within the Bowdon Conservation Area, the boundary of which extends up to the north side of Cavendish Road. The main school building is located within the Downs Conservation Area.

The site is located within a Critical Drainage Area.

## **PROPOSAL**

The application proposes a number of different elements in association with the improvement of the sports facilities solely for the use of Bowdon Preparatory School for Girls. The proposed works are as follows:-

- Removal of existing hard surface to tennis courts which will be replaced by a synthetic surface to form two netball courts.
- Excavation of the existing grass pitch to form a new level playing pitch (with a new synthetic surface) this new pitch will facilitate two further netball courts, a running track and a rounders pitch.
- Following the excavation works a new retaining gabion wall (stone filled) 1m in height will be erected along the western edge of this newly excavated area to accommodate the change in level between the former tennis court area and the newly excavated pitch.
- Provision of retractable netball posts
- 2.4m high mesh fencing to perimeter of the newly formed pitches.
- Provision of a bolted down plastic shelter with wooden bench to each of the four new netball pitches.
- Replacement of existing shed with a new timber shed and removal of storage container.
- Soft and hard landscaping

## **Value Added**

The application as originally submitted involved the import of fill to increase and regrade the land levels within the site. Following concerns raised by officers regarding the impact of such works on the character and appearance of the conservation area the

applicant has submitted revised plans, which as detailed above now involves excavating into the existing site gradient.

## **DEVELOPMENT PLAN**

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

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

## **PRINCIPAL RELEVANT CORE STRATEGY POLICIES**

L4 – Sustainable Transport and Accessibility

L7 – Design

R1 – Historic Environment

R2 – Natural Environment

R3 – Green Infrastructure

R5 – Open Space, Sport and Recreation

## **Relevant Strategic Objectives**

SO8 – Protect the Historic Built Environment

In NPPF Paragraph 11 terms, and for the purposes of the determination of this planning application, Policy R1 is considered to be out of date as it does not reflect NPPF policy or case law. All other relevant policies are considered up to date in NPPF terms.

## **PROPOSALS MAP NOTATION**

Bowdon Conservation Area

Adjacent to the Downs Conservation Area

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

ENV21 – Conservation Areas

## **SUPPLEMENTARY PLANNING GUIDANCE/DOCUMENTS**

Revised SPD1 – Planning Obligations – July 2014

SPD3 – Parking Standards and Design – February 2012

SPD5.5 – The Downs Conservation Area Appraisal (October 2014)  
SPD5.5a The Downs Conservation Area Management Plan (March 2016)  
SPD5.9 – Bowdon Conservation Area Appraisal (July 2016)  
SPD5.9a – Bowdon Conservation Area Management Plan (July 2016)  
Addendum to SPD5.9a – Bowdon Conservation Area Management Plan (March 2017)

## **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. A revised consultation draft was published in January 2019 and a further period of consultation is currently taking place. The weight to be given to the GMSF as a material consideration will normally be limited given that it is currently at an early stage of the adoption process. Where it is considered that a different approach should be taken, this will be specifically identified in the report. If the GMSF is not referenced in the report, it is either not relevant, or carries so little weight in this particular case that it can be disregarded. The application site is not within any GMSF proposed allocations.

## **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**

81245/FULL/2013 – Erection of a pavilion to contain kitchen and toilet facilities ancillary to Bowdon Preparatory School for Girls – Approved 09/10/2013

H/OUT/53109 – Erection of a detached dwelling on part land used as a playing field (Application in outline with means of access submitted for approval.) – Refused 11/02/2002.

## **APPLICANT'S SUBMISSION**

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

- Planning Statement (inc. Heritage Statement)
- Design and Access Statement

- Arboricultural Impact Assessment

## **CONSULTATIONS**

**Local Highway Authority (LHA):-** Raise no objections subject to a condition requiring the submission of a Construction Management Plan. Highway issues are discussed in the Observations section of the report.

**Heritage Development Officer:** Concerns raised with regards the harm that would be created to the significance of the Bowdon Conservation Area.

**Pollution & Housing (Contaminated Land):-** No objections

**Pollution & Housing (Nuisance):-** No objections subject to inclusion of conditions relating to hours of use of the new facility and submission of a Construction & Environmental management Plan.

**Lead Local Flood Authority (LLFA):-** No objections subject to appropriate drainage conditions. Further comments are discussed in detail in the Observations section of the report.

**Greater Manchester Ecology Unit (GMEU):-** No objections on ecological grounds. It is recommended that conditions are attached relating to nesting birds.

**Sport England –** The site is not considered to form part of, or constitute a playing field as defined in national legislation therefore Sport England has considered this a non-statutory consultation. The proposal only relates to the provision of a sports facility of local benefit and does not relate to a sports facility of wider strategic importance. Sport England therefore does not wish to comment.

**Electricity North West (ENW) –** No objection – Standard informative requested to ensure no impact on any nearby ENW operational land or electricity distribution assets.

## **REPRESENTATIONS**

**Neighbours:-** Letters of objection have been received from 35 individual addresses, including 28 from the adjacent Springbank apartment complex, raising the following concerns:-

- Impact on parking from construction
- Parents deliberately flaunt parking restrictions around the site when collecting children. School numbers are increasing as is activity at the school and parking nuisance.
- Noise from construction, consideration to be given regarding construction hours of operation

- Proposed fencing looks unsightly concern that the area between the fencing and site boundaries will not be maintained. The increase in site levels will exacerbate the height of the new fencing. There is no need for this fencing.
- Proposed synthetic pitch out of keeping with the conservation area and will have a visual impact.
- The all-weather surface will increase intensity of the use all year round and have a greater noise transmission
- Any trees being cut down need to be removed with no remnants left
- Works could impact on wildlife including nesting birds
- Green space is sparse in this locality
- Works to increase land levels and erect a fence will result in loss of privacy and light, be overbearing and be a visual intrusion to current outlook to adjoining homes particularly along the east side.
- The proposal does not complement the historic nature of the area.
- Recent school inspections have not identified any need for such improvements. The grass pitches should be retained as it contradicts Sport England advice on playing pitches.
- Consideration must be given to drainage, Springbank and Ashley Road properties are at lower levels to the playing field.
- Concern that this facility will be used by external groups out of hour despite what has been said to the contrary.
- This proposal could lead to a future proposal for floodlighting.
- Concern that the protected trees on site, particularly the root systems will be impacted by the development.
- The applicant must ensure that all the trees on site are properly maintained.
- Disappointed that the school did not discuss proposal with residents prior to submitting the planning application.

A letter of objection has also been received from Bowdon Conservation Group, stating the following concerns:-

- Damaging impact on protected green open space in the Conservation Area
- Only limited public benefits (if any) to a private girls school.
- The extensive use of an artificial surface will damage the natural environment and landscape character of the conservation area.
- The applicant has not demonstrated how trees including protected trees will be protected throughout the construction process.
- Why a does a school of 330 girls at ages 3-11 need sports facilities of this sophistication.
- Properties on Ashley Road will be overlooked as a result of the increase in the site levels.
- It is suggested a split two level arrangement would better achieve the layout of the sports facilities.
- Suggest conditions relating to the identity of the users, the hours of use and no floodlighting.

## 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. 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 heritage and local green space are considered to be 'most important' for determining this application when considering the application against NPPF Paragraph 11. Policy R1 of the Core Strategy, relating to the historic environment, does not reflect case law or the tests of 'substantial' and 'less than substantial harm' in the NPPF. Thus, in respect of the determination of planning applications, Core Strategy Policy R1 is out of date. Policy R5 of the Core Strategy relating to open space, sport and recreation is considered to be up to date as it is in accordance with advice contained within the NPPF.

6. Although Policy R1 of the Core Strategy can be given limited weight, no less weight is to be given to the impact of the development on heritage assets as the statutory duties in the Planning (Listed Buildings and Conservation Areas) Act 1990 are still engaged. Heritage policy in the NPPF can be given significant weight and is the appropriate means of determining the acceptability of the development in heritage terms. Analysis later in this report demonstrates that there are no protective policies in the NPPF, including policies related to designated heritage assets, which provide a clear reason for refusing the development proposed. Paragraph 11(d)(ii) of the NPPF is therefore engaged.

## IMPACT ON HERITAGE ASSETS

7. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the Local Planning Authority with respect to any buildings or land in a conservation area, in discharging duties under the Planning Acts, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. There is no specific reference to setting in S72, albeit in effect where development within the setting of a conservation area has an impact on the character and appearance of that conservation area, the duty is engaged.
8. 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. 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.
9. Paragraph 193 of the NPPF establishes that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Any harm or loss should require clear and convincing justification (paragraph 194).
10. The NPPF sets out that harm can either be substantial or less than substantial. There will also be cases where development affects heritage assets but from which no harm arises. 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 (paragraph 196).



11. Paragraph 197 of the NPPF identifies that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

### **Bowdon Conservation Area**

12. The application site is located within Bowdon Conservation Area, the boundary of which terminates along the northern side of Cavendish Road and also along the eastern boundary of the application site. The Bowdon Conservation Area Appraisal and Management Plan were adopted in July 2016.
13. The Conservation Area Appraisal identifies a number of Character Zones throughout the Conservation Area. The application site is located within Character Zone E: The Later Victorian and Edwardian Expansion Area. Paragraph 4.3.119 of the appraisal states that *“The zone includes two areas of open space, namely the public park of Spring Bank on the corner of Stamford Road and Ashley Road and the private playing field of Bowdon Preparatory School on the corner of Cavendish and Ashley Roads. .... The playing field (Bowdon Preparatory Schools playing field) is bounded by a high green wire fence and contains open field and a hard tennis court; it has a number of mature trees along its boundaries. To the rear of both open areas runs an earthen footpath, bounded to the west by the high brick wall of the Portland Road properties and on the side of the park with intermittent and rusted iron railings.”*

### **The Downs Conservation Area**

14. The application site is located adjacent to The Downs Conservation Area, the boundary of which begins along the north side of Cavendish Road and incorporates the main school buildings.
15. The character zone that the application site is located nearest to is Character Zone C: The Downs Southeast Area. The appraisal identifies that the main school building as a positive contributor to the conservation area *‘this building reflects a substantial number of other elements in the conservation area in age, style, materials and form. The building reflects traditional former uses in the area. It illustrates the development of the settlement in which it stands. The building has a landmark quality’.*

### **Assessment of Proposed Development on Heritage Assets**

16. The significance of the playing field of Bowdon Preparatory School derives from its openness and spaciousness, gradient of the land and mature planting and as such it positively contributes to the character and appearance of the Bowdon

Conservation. It is one of only two areas of open space within Character Zone E of the Conservation Area. Furthermore, it contributes to and enhances the setting of the main school buildings located within the Downs Conservation Area.

17. The open green space of the site offers some relief from the predominately built environment that surrounds the site and making an important contribution to the significance of both Conservation Areas.
18. The northern boundary of the site with Cavendish Road allows relatively unrestricted views into the site. The private residential properties along Ashley Road and Southbank have open views into the site from their rear garden areas. Views from the public footpath to the west side of the site are limited due to the extensive natural screening.
19. The excavation into the site to create the lower pitch is considered to have a degree of visual impact on the contour and form of the site which has a natural sloping gradient. Whilst these works would have a lesser visual impact than raising land levels as originally proposed, it would still nonetheless have a moderate impact on the Conservation Area. This impact is augmented by the use of an artificial surface to the playing pitches. The colour of the artificial surface can be agreed by way of a submission of details to ensure this is reflective of the character of the site. The proposal will also include the formation of the retaining gabion wall, which will be stone filled enclosed in a metal frame. This feature of the proposed works is uncharacteristic in this general location. However, it is considered that the wall is a relatively low level structure at 1m in height and the use of natural stone will help mitigate its impact on the character and appearance of the Conservation area. A key aspect of the development is that it would maintain a sense of openness. Although new fencing (wire mesh) is being proposed it is proposed to be set away from the site boundaries and is perforated allowing views through. An appropriate condition would be attached to agree final design and colour of the fencing.
20. It is considered therefore that the introduction of a modern surface finish and colour and the alterations to ground levels will result in moderate harm to the significance of the site and the contribution it makes to Bowdon Conservation Area. Given the distance from and level of screening the proposed development is not considered to impact on the setting of the Downs Conservation Area. In accordance with paragraph 190 of the NPPF, the impact of the development can be minimised through the enhancement of existing landscaping and the inclusion of a natural colour palette of hard surfacing materials. The Councils Heritage Development Officer has identified moderate level of harm to significance which in NPPF Paragraph 196 terms would be considered 'less than substantial'.

### Conclusion on Heritage Assets (restrictive policy)

21. Paragraph 196 of the NPPF states that *'where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use'*. The analysis above has found 'less than substantial harm' arising to both Bowdon Conservation Area.
22. In reaching a decision, the local planning authority would have to be convinced that the level of harm identified was demonstrably outweighed by any public benefits of the proposal which could not be otherwise achieved.
23. The proposed development will secure a number of objectives identified in the Core Strategy and in the NPPF. The scheme will provide modern sports facilities allowing greater participation by school pupils in terms of a wider range of sporting activity on the multi-use all weather surface throughout the entire school year. The current physical constraints of the site limit participation to certain times of the year and the sloping site gradient, whilst not preventing sporting activity, does limit the practical use of the playing field. The NPPF paragraph 94 states that great weight should be given to the need to create, expand or alter schools in ensuring a sufficient choice of spaces are available to meet the need of existing communities.
24. The proposal would lead to 'less than substantial harm' to the Bowdon Conservation Area. Considerable importance and weight has been given to preserving or enhancing the character or appearance of the conservation area. However, the proposals would secure a compelling list of public benefits, which are considered to outweigh the identified harm in this case. Although it would not strictly 'enhance' the Conservation Area Policy R1 is out of date and can be given limited weight in this respect. In NPPF terms there is no clear reason for refusing the development proposed. Paragraph 11(d)(ii) of the NPPF is therefore engaged.

### DESIGN AND APPEARANCE

25. Paragraph 124 of the NPPF states that "The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities". Paragraph 130 states that "Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions". Paragraph 127 requires planning decisions to ensure that developments, inter alia, will function well, are visually attractive, sympathetic to local character and history, establish a strong sense of place, optimise the potential of the site and create places that are safe, inclusive and accessible.

26. 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.
27. 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. It can therefore be given full weight in the decision making process.
28. The works to the tennis courts would involve removing the existing hard surface material as well as the existing fencing around the perimeter of the courts. The footprint of the new pitch (upper pitch) would measure approximately 17.8m x 72m comprising two new netball courts with new synthetic surface laid.
29. Immediately to the east side of the existing tennis courts (upper pitch) it is proposed to excavate down approximately 1m in depth and form a new playing pitch (lower pitch) with a footprint of approximately 19.5m x 68m which would incorporate two netball courts; a rounders pitch and 50m running track.
30. As well as forming a new lower pitch it is also proposed to form a pitch-side area which has a triangular configuration and extends for the entire length of the new lower pitch along its eastern side. New security fencing would be located around the entire perimeter of the both new pitches, upper and lower level, including the pitch side area and would measure 2.4m in height.
31. A gabion retaining wall (stone filled) of 1m in height would be formed along the side of the former tennis court pitches following the excavation of the new lower pitches. A new ramp and steps adjacent to the existing retained pavilion building would facilitate access to the lower pitch.
32. The proposed excavation to form split level pitches is considered to be the most appropriate and practical engineering solution to achieve the upgraded sports facilities, given the physical constraints the site presents without harm to the visual amenity of the application site. The proposed development will maximise the full potential of the site and provide modern sporting facilities for the pupils of the school in accordance with paragraph 94 of the NPPF which states great weight should be given to the need to improve education facilities.
33. The development proposal includes additional soft landscaping to augment existing natural screening around boundaries and throughout the site with hard

landscaping proposals in the form of new paving. An appropriate landscaping condition and materials condition would be attached to any grant of planning permission.

34. The applicant has confirmed that the all-weather surface will be Nottsward 1300 a sand-filled synthetic grass surface which is also porous. A number of sections of the synthetic surface are shown as a red colour and it is considered that such a vivid colour would not be appropriate in this context. It is feasible for differing shades of green to be used to help demarcate areas. The final detail and colour of the surface material would therefore be required to be submitted as part of an appropriate planning condition prior to any works commencing on site should planning permission be granted.
35. The application site is specifically used for sporting purposes and that use will continue, the development is considered to have limited harm to visual amenity. In this regard it is considered that the proposed development complies with Core Strategy Policy L7 and the design policies in the NPPF.

#### IMPACT ON OPEN SPACE

36. Paragraph 96 of the NPPF recognises 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....'*
37. Paragraph 97 of the National Planning Policy Framework states that *'Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:*
- I. an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or*
  - II. the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or*
  - III. the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.'*
38. Policy R5 of the Trafford Core Strategy states that "Development which results in an unacceptable loss of quantity of open space, sport or recreation facilities or does not preserve the quality of such facilities will not be permitted." An unacceptable loss of open space, sport or recreation facilities is deemed to be 'that which leads to a loss in quantity which could not be replaced with an area of equivalent or better quality in a suitable location to meet present and predicted future demand'. This is broadly consistent with the second bullet point of Paragraph 97 of the NPPF; albeit less onerous as it does not require the replacement of an equivalent *quantity* of open space, only *quality*.

39. With regards this particular proposal Policy R5 is considered to be up to date for the purposes of the NPPF. The proposed development is considered to meet the requirements of Policy R5. The proposal would result in the loss of natural grassed area in lieu of artificial surfaces however it will still provide open space and in this particular case it will also provide a greater quality and quantity of sport and recreation facilities having regard to the requirements of Policy R5.
40. The proposed development relates to the upgrading and improvement of the existing sports facilities as detailed earlier in this report. The works will provide not only a greater *quality* of provision but also a greater *quantity* of provision and as such the proposal is considered to be in accordance with the NPPF in this regard.
41. Sport England have been consulted on the application and have stated they have no comments on proposal other than that the Local Planning Authority should consider the proposal against the advice within the NPPF. Sport England have said that the proposal relates to the provision of a sports facility of local benefit and does not relate to a sports facility of wider strategic importance. They have also confirmed that the site does not form part of or constitute a playing field having regard to national guidance.
42. The proposed development will result in both a greater quality and quantity of provision of sport and recreation facilities and therefore reflects advice contained within the NPPF and Policy R5 of the Core Strategy.

#### IMPACT ON RESIDENTIAL AMENITY

43. Policy L7 requires new development to be compatible with the surrounding area and not to prejudice the amenity of the future occupiers of the development and/or occupants of adjacent properties by reason of overbearing, overshadowing, overlooking, visual intrusion or noise and/or disturbance.
44. 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.
45. The application site is surrounded by residential development particularly beyond the east, west and southern boundaries of the site. The school buildings are located to the north side of the site on the opposite side of Cavendish Road, a detached residential dwelling Rostherne is also located on the opposite side of Cavendish Road in a north-westerly direction from the existing sports pitch entrance. The intervening road and distance retained from the new parts of the development are considered to limit the impact of the development on the occupants of this particular property.
46. To the south side of the site is the Southbank apartment complex which is a two and three storey building located approximately 6m from the shared boundary,

an internal access road is located in the intervening distance between the building and the boundary. The building is set at a marginally lower level to that of the application site. Boundary treatment between both sites consists of a 2m high closed timber fence covered in Ivy positioned on the boundary side of Springbank. As viewed from the application side the fence appears less than 2m in height due to the difference in ground levels. A number of large mature trees and bushes are located on the application side of the boundary. The trees and bushes offer partial screening of views between the sites particularly when the trees are in leaf.

47. To the east side of the site are 3x pairs of semi-detached properties (52 – 62 Ashley Road). The properties have relatively small rear garden areas (approximately 10m in depth) which extend up to the shared boundary with the application site. These properties are at a lower level to the application site which slopes down to the shared boundary. The majority of the properties have relatively unrestricted views of the application site.
48. To the west side of the site is the public pathway that extends from Cavendish Road and Stamford Road. Beyond the pathway are the rear boundaries of residential properties along Portland Road which consist mainly of brick walls measuring approximately 2m in height. The rear elevations of the properties along Portland Road retain a distance of approximately 20m to the boundary with the applications site. Views into the site are limited from the public footpath are limited due to the extensive natural screening within the application site
49. The original proposal to raise ground levels resulted in objections from residents particularly the occupants of the Ashley Road properties. The main concern relating to the overbearing impact of the raised embankment close to the eastern site boundary and the positioning of the perimeter fencing on the raised land.
50. The proposed development which seeks to excavate the site is considered to limit any adverse impact on the amenity of residents to the east side of the site by reducing land levels. The introduction of fencing and other ancillary sporting structures are considered to be set at sufficient distance from residential property to limit any undue harm.
51. Other specific concerns raised by residents relate to the possible use of the site by community groups and in particular in the evenings and at the weekends and the general intensification of the site that would occur. The applicant has made it clear in their supporting information with the planning application that the facilities will not be used or available for use by the community and us solely for the use of the pupils at the school. It is considered appropriate to include a condition restricting the use of the sports facilities for the school only given the location close to residential properties. If in the future the school considers further community use of the site, a planning application to vary/remove any condition would be required.

52. A concern raised by residents is that the all-weather pitches will allow the school to use the facility all year, when currently the use of the grass pitch is limited to the summer and spring periods when the weather is less inclement. As part of the schools case for proposing this development is the ability to have a facility that can be used by school children throughout the year. It is considered this is a reasonable aspiration and that ultimately it will be to the benefit of the school children. Whilst it is acknowledged that there would be some degree of intensification of the use from that which currently exists, the use would be during school hours and also to accommodate after school games/practice this would not be to a degree which would cause significant harm.
53. The Councils Pollution & Housing section has recommended that the sports facilities should not be used outside the hours of 0900 – 1800 Mondays to Fridays. The applicant has confirmed that these hours of use are acceptable.
54. It has been suggested that the use of a synthetic play surface would result in a greater degree of noise transmission. The application site has historically been used as a sports facility not only for the current school but also the previous school, the Culcheth Hall school for girls which closed in 2011. Details of the final surface material would be agreed by way of condition, however the Councils Pollution & Housing section have considered the residents objections, including the issue of noise transmission and have raised no objections to the use of an all-weather surface, considering that noise would not so significant to cause harm to residential amenity.
55. A number of the representations received have also raised concerns regarding the impact of construction activity on the site in terms of construction noise, deliveries and parking. The Councils Pollution & Housing section have recommended that a condition is attached securing the submission of a Construction and Environmental Management Plan (CEMP) prior to works commencing on site which would seek to mitigate environmental impacts of construction activity, construction, noise, parking and deliveries.
56. The proposed scheme does not include any floodlighting. A number of residents had raised concerns that floodlighting would be required. The applicant has confirmed that no external lighting will be required as part of the proposed development.
57. The proposed development is considered not to result in harm to the living conditions of residential occupiers of neighbouring properties to a degree that their amenity would be adversely. It is considered therefore to be compliant with the NPPF and Core Strategy Policy L7.3.

#### HIGHWAYS & PARKING

58. Policy L4 of the Trafford Core Strategy states that *“when considering proposals for new development that individually or cumulatively will have a material impact*



*on the functioning of the Strategic Road Network and the Primary and Local Highway Authority Network, the Council will seek to ensure that the safety and free flow of traffic is not prejudiced or compromised by that development in a significant adverse way”.*

59. 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.

60. Policy L7 states that ‘In relation to matters of functionality, development must:

- Incorporate vehicular access and egress which is satisfactorily located and laid out having regard to the need for highway safety;
- Provide sufficient off-street car and cycle parking, manoeuvring and operational space

61. 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.

62. The existing application site has no existing parking areas on site and the vehicular gates to the site allow for a ride-on mower to enter the site. This arrangement does not change as a result of the proposed development.

63. Some of the residents have raised concerns over the current situation of parents parking and the issues that has caused with congested roads and blocked drives. Parking restrictions are in operation in the surrounding street and parents’ failure to comply with those regulations is not a matter for consideration with regards this proposal.

64. This application is specifically related to improved sporting facilities with no impact regarding parking provision. The Local Highway Authority and the Pollution & Housing section have both recommended the inclusion of a Construction and Environmental management Plan (CEMP) which includes for (amongst other things) the details of construction related parking/access and deliveries and also wheel wash facilities. It is considered therefore that the proposal is acceptable with regards highways and parking.

#### FLOOD RISK, DRAINAGE & CONTAMINATION

65. Policy L5 of the Core Strategy requires that new development should mitigate and reduce its impact on climate change factors, such as pollution and flooding and maximise its sustainability through improved environmental performance of

buildings, lower carbon emissions and renewable or decentralised energy generation. Policy L5 with regards to matters relating to pollution (air, light, water, ground) is considered to be up to date as it is in accordance with advice contained within the NPPF.

66. The site is located within an Environment Agency Flood Zone 1 area (lowest risk of flooding) and is identified in Trafford Council's Strategic Flood Risk Assessment (SFRA) as being within a Critical Drainage Area.
67. The applicant as part of their submission had stated that the new play pitch surface material would be porous and no drainage system would be required. The LLFA have considered the proposal and have raised no objection subject to a condition requiring submission of a scheme which includes details on the porous material to be used on the hard surface or a scheme directing runoff water from that hardstanding to a permeable or porous surface within the site.
68. A number of residents particularly to the east side of the site have raised concerns regarding possible flooding/run-off onto their land. The inclusion of the above condition will ensure that a satisfactory scheme to deal with surface water run-off is agreed before any works commence on site.

#### ECOLOGY & TREES

69. Policy R2 of the Core Strategy identifies that the protection and enhancement of the environment is a key element of the Council sustainable strategy for the Borough. Developers will be required to demonstrate how their proposals protect and enhance the landscape character, biodiversity, geodiversity and conservation value of its natural urban and countryside assets. Policy R2 is considered to be up to date as it is in accordance with advice contained within the NPPF.
70. The applicant has submitted an Arboricultural Impact Assessment (AIA) in support of the proposed development. The AIA identifies that 18 trees on site are covered by a Tree Preservation Order. The AIA states that no trees are required to be removed to facilitate the development, however two trees T13 (Lime tree located in the south-west corner of the site) and T16 (Sycamore to the southern boundary) are identified to be removed due to their poor condition. The AIA also identifies measures to be taken to protect trees during construction work.
71. The Council's Arboricultural officer has considered the proposals and has no objections to the works proposed.
72. The landscaping proposals included native shrub throughout the site and planting of nine new trees, seven of which would be located along the eastern boundary with the Ashley Road properties as a means of mitigating views of the development from nearby residential properties. Whilst the tree planting is welcomed it has been raised by residents that they do not wish to necessarily

have tree coverage immediately adjacent to their boundaries but would prefer some low level bush/shrubs. It is therefore recommended that a landscape condition be included to agree final planting details and with regards tree protection is added to any permission

73. The Greater Manchester Ecology Unit have considered the proposed development and have no objections subject to a condition being included to consider status of nesting birds with regards any vegetation.

#### DEVELOPER CONTRIBUTIONS

74. The proposed development would be considered against Trafford Council's Community Infrastructure Levy (CIL) Charging Schedule (July 2014) and Supplementary Planning Document SPD1: Planning Obligations (July 2014).

#### CIL

75. With regards the proposed development the application would be considered as a 'Public/Institutional facilities' with regards Trafford Council's CIL Charging Schedule, whereby such uses are liable for a charge of £0 per sqm.
76. The proposed development does not require any developer contributions having regard to Policy L8 of the Core Strategy and advice contained SPD1: Planning Obligations.

#### PLANNING BALANCE AND CONCLUSION

77. 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.
78. In determining this application in accordance with the statutory duty referred to above and in accordance with Paragraph 193 of the NPPF, *'great weight should be given to the asset's conservation'*. The assessment of the proposed development has concluded that 'less than substantial harm' would arise to the Bowdon Conservation area.
79. Nevertheless, a public benefit arises from the scheme which is considered to demonstrably outweigh the 'less than substantial harm' by reason of the provision of a modern multi-purpose sports facility that will allow school children to access external sporting activity throughout the year and therefore improve participation amongst the school population. NPPF advice is clear that planning decisions should aim to enable and support healthy lifestyles through sports facilities and that in ensuring that a sufficient choice of school places is available to meet the existing and future needs of communities local planning authorities in decision making should give great weight to the need to expand or alter schools.

80. 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.
81. All relevant planning issues have been considered and representations and consultation responses taken into account in concluding that the proposals comprise an appropriate form of development for the site.
82. The proposals would not have any other harmful impacts and otherwise would comply with the development plan. There would be no adverse impacts which would significantly and demonstrably outweigh the benefits. The proposals would therefore be in compliance with Paragraph 11(d)(ii) of the NPPF, which in the absence of up to date development plan policy relating to heritage, is a determinative material consideration. 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.

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

- Drawing No: 01 - Site Location Plan (received 12th June 2018)
- Drawing No: 05 - Plan for New Shed (received 12th June 2018)
- Urban Green (Drawing No: UG\_11974\_LAN\_DRW\_GA\_L01 Rev:01) - General Arrangement
- Urban Green (Drawing No: UG\_11974\_LAN\_DRW\_HL\_L02 Rev:01) - Hard Landscape Plan
- Urban Green (Drawing No: UG\_11974\_LAN\_DRW\_SL\_L03 Rev:01) - Soft Landscape Plan
- Urban Green (Drawing No: UG\_11974\_LAN\_DRW\_LM\_L04 Rev:01) - Landscape Masterplan

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

3. The sports facilities hereby approved should not be used outside the hours of 09.00 to 18.00 Mondays to Fridays.

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

4. The development hereby approved shall only be used by Bowdon Preparatory School for Girls and shall not be leased, rented or provided for use in any other form to any external group/individual or organisations.

Reason: In the interest of residential amenity having regard to Policy L7 of the Trafford Core Strategy and advice within the NPPF.

5. Notwithstanding any description of materials in the application and prior to their installation on site samples of materials to be used on the retaining wall and ramp access shall be 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 and retained thereafter

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

6. Notwithstanding the details on the submitted plans and prior to its installation details of the design and layout of the Artificial/Synthetic Pitch, including colour and material, shall be submitted to and approved in writing by the Local Planning Authority. The Artificial/Synthetic Pitch shall not be constructed other than in accordance with the approved details and shall be retained as such thereafter.

Reason: To ensure the development is fit for purpose and appropriate in its context having regards to Policies L7 and R1 of the Trafford Core Strategy and advice within the NPPF.

7. No development or works of site preparation shall take place until all trees that are to be retained within or adjacent to the site have been enclosed with temporary protective fencing in accordance with BS:5837:2012 'Trees in relation to design, demolition and construction. Recommendations'. The fencing shall be retained throughout the period of construction and no activity prohibited by BS:5837:2012 shall take place within such protective fencing during the construction period. Development shall also be carried out in accordance with the schedule of works detailed within the submitted Arboricultural Impact Assessment (Urban Green) 11754 Rev P02 (Date 15/03/2019) and retained for the duration of the works.

Reason: In order to protect the existing trees on the site in the interests of the amenities of the area having regard to Policies L7, R2 and R3 of the Trafford Core Strategy and the National Planning Policy Framework. The fencing is required prior to development taking place on site as any works undertaken beforehand, including preliminary works, can damage the trees.

8. (a) Notwithstanding the details shown on the approved plans, the development hereby permitted shall not be commenced 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. These details are required prior to development taking place on site as any works undertaken beforehand, including preliminary earthworks, can damage trees.

9. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
  - i. the parking of vehicles of site operatives and visitors
  - ii. loading and unloading of plant and materials
  - iii. storage of plant and materials used in constructing the development
  - iv. the erection and maintenance of security hoardings including decorative displays and facilities for public viewing, where appropriate
  - v. wheel washing facilities, including measures for keeping the highway clean
  - vi. measures to control the emission of dust and dirt during construction;
  - vii. a scheme for recycling/disposing of waste resulting from demolition and construction works
  - viii. days and hours of construction activity on site
  - ix. Contact details of site manager to be advertised at the site in case of issues arising.

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

10. No development shall take place until and unless details of a scheme identifying a porous material to be used in the hard standing or a scheme directing runoff water from that hard standing to a permeable or porous area or surface, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details prior to the first use of the development hereby approved.

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 L4, L5 and L7 of the Trafford Core Strategy and the National Planning Policy Framework.

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

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

12. Prior to its first installation, details (including detailed design, colour and materials) of the new fencing shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details and retained thereafter.

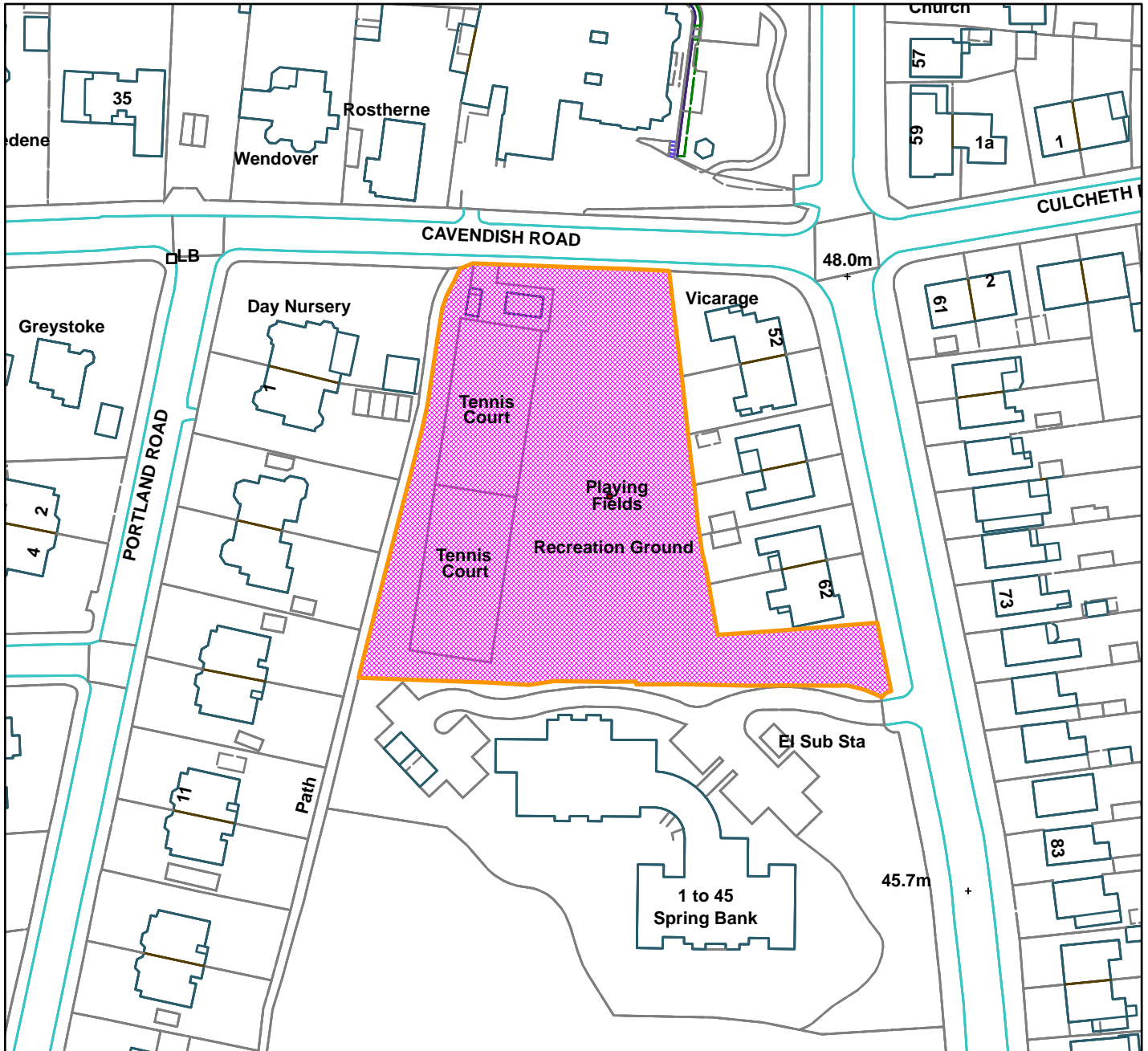
Reason: In the interests of visual amenity having regard to Policies L7 and R1 of the Trafford Core Strategy and advice contained within the NPPF.

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CM



Bowdon Preparatory School For Girls Sports Ground, Cavendish Road, Altrincham (site hatched on plan)



Scale: 1:1,250

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Organisation	Trafford Council
Department	Planning Service
Comments	Committee Date 28/03/2019
Date	18/03/2019
MSA Number	100023172 (2012)



**Outline application sought for the demolition of existing retail unit and associated structures; erection of building for a mix of uses including: 433 apartments (use class C3) and communal spaces ancillary to the residential use; flexible spaces for use classes A1, A3, B1, D1, and/or D2; undercroft car parking; new public realm; and associated engineering works and infrastructure. Consent is sought for access, appearance, layout and scale with all other matters reserved.**

Former B and Q Site, Great Stone Road, Stretford, M32 0YP

**APPLICANT:** Accrue (Forum) 1 LLP

**AGENT:** Indigo Planning

**RECOMMENDATION: REFUSE**

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## **SITE**

The application site is a vacant retail site, approximately 1 ha in size and is located on Great Stone Road. A single storey retail warehouse unit is located on the site and this unit was formerly occupied by B&Q. Car parking serving this retail unit is located to the front and side of the unit.

The site is rectangular in shape and is bound by Great Stone Road to the south west, the Metrolink to the south east and Lancashire Cricket Club (LCC) to the north east and north west. To the rear of the site (NE) is a single storey building which provides ancillary facilities to LCC and to the side (NW) there is a car park. There are trees within the site along the Metrolink boundary.

The site fronts Great Stone Road which gradually increases in height from 27.15m AOD to 32.69m AOD as it passes the front of the application site and forms a bridge over the Metrolink line. The majority of the site is set at a lower land level than the adjacent public highway and has a site level of between 27.23 m AOD and 27.51m AOD.

To the south-east, south and west of the application site the area is generally residential in character, predominantly characterised by the development of two storey dwellings. To the north and north east of the site, the area is sport and leisure/civic in character, with Trafford College, Stretford Police Station and Trafford Town Hall all being within the wider vicinity of the site.

In terms of scale, development within the immediate vicinity of the site is generally two storeys high, although the height of development does increase within the LCC ground with the spectator stands rising to six storeys in height and the Lancastrian Office Centre which is two and six storeys in height.

## **PROPOSAL**

This outline planning application seeks permission for the development of:

- 433 apartments (a mix of 131 no. 1 bed, 234 no. 2 bed and 68 no. 3 bed apartments);
- 1,181 m<sup>2</sup> commercial or community space, designed to be adaptable for A1, A2, B1, D1 or D2 uses;
- On site facilities for use by residents comprising a cinema room, roof gardens, post room and communal common room;
- Residents' lobby and concierge facilities at ground floor;
- A management reception;
- Car parking facilities below ground floor providing 226 car parking spaces;
- Cycle parking facilities providing secure cycle storage for 400 bicycles;
- Bin storage facilities at ground floor location at each key node within the building; and,
- Landscaped courtyards and new public realm.

This outline application seeks approval for access, appearance, layout and scale of the development. The only reserved matter is landscaping.

A detailed review of the proposed development is contained in the 'Design and Appearance' section of this Committee 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**

SL3 – Lancashire Cricket Club Quarter  
L1 – Land for New Homes  
L2 – Meeting Housing Needs  
L4 – Sustainable Transport and Accessibility  
L5 – Climate Change

L7 – Design  
L8 – Planning Obligations  
W1 – Economy  
W2 – Town Centres and Retail  
R1 – Historic Environment  
R2 – Natural Environment  
R3 – Green Infrastructure  
R5 – Open Space, Sport and Recreation

## **PROPOSALS MAP NOTATION**

Trafford Inner Area

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

H10 – Priority Regeneration Area – Old Trafford  
S11 – Development Outside Established Centres

## **OTHER RELEVANT DOCUMENTS**

**Draft Civic Quarter Masterplan (2018/19)** – The Council is bringing forward a Civic Quarter Masterplan (CQM), which was consulted on between 30<sup>th</sup> October and 21<sup>st</sup> December. The application site is located within a prominent location in the ‘Leisure Quarter’ of the proposed CQM along with the Lancashire Cricket Club (LCC) ground and the Lancastrian House Office development.

The CQM is consultation draft and therefore afforded limited weight in the determination of this planning application.

**Refreshed Stretford Masterplan (2018)** – The Refreshed Stretford Masterplan (2018) identifies the proposed development site as being within the UA92 Campus Quarter. The Masterplan states that the intention is for the proposed development site to be incorporated into the wider master planning work being undertaken in this area. Although not a Development Plan Document the Refreshed Stretford Masterplan is a material consideration in the determination of planning applications.

## **GREATER MANCHESTER SPATIAL FRAMEWORK**

The Greater Manchester Spatial Framework is a joint Development Plan Document being produced by each of the ten Greater Manchester districts and, once adopted, will be the overarching development plan for all ten districts, setting the framework for individual district local plans. The first consultation draft of the GMSF was published on 31 October 2016, and following a redraft a further period of consultation commenced in January 2019. The weight to be given to the GMSF as a material consideration will normally be limited given that it is currently at an early stage of the adoption process. Where it is considered that a different approach should be taken, this will be specifically

identified in the report. If the GMSF is not referenced in the report, it is either not relevant, or carries so little weight in this particular case that it can be disregarded.

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

The DCLG published the revised National Planning Policy Framework (NPPF) which was last updated on 20 February 2019. The NPPF will be referred to as appropriate in the report.

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

DCLG published the National Planning Practice Guidance on 6 March 2014 and it is regularly updated. The NPPG will be referred to as appropriate in the report.

### **RELEVANT PLANNING HISTORY**

91337/DEM/17 - Demolition of all buildings including vacant unit. (Consultation under Schedule 2, Part 11 of the Town and Country Planning (General Permitted Development) (England) Order 2015. Prior Approval Approved 08.06.2017.

H04717 – Change of use from entertainment centre to DIY homes & garden centre for supply to the public and trade of home and garden maintenance and improvement materials. Approved 15.11.1978.

### **APPLICANT'S SUBMISSION**

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

- Planning Statement
- Design and Access Statement
- Retail Sequential Test
- Heritage Statement
- Crime Impact Statement
- Wind Microclimate Report
- Air Quality Assessment
- Noise and Vibration Impact Assessment
- Carbon Budget Statement
- Phase 1 Environmental Risk Assessment
- Arboricultural Impact Assessment
- Ecological Assessment
- Flood Risk Assessment and Drainage Strategy
- Transport Assessment
- Travel Plan
- Landscape and Townscape VIA
- Landscape Design Sketchbook
- Daylight and Sunlight Assessment

- Statement of Community Engagement
- Application Summary
- Viability Appraisal

## **CONSULTATIONS**

**Cadent Gas** – no objection, it is highly likely that there are gas services and associated apparatus in the vicinity.

**Environment Agency** – no objection in principle, but advise that the site appears to have been the subject of past industrial activity which poses a medium risk of pollution to controlled waters. Advise that reference is made to the EA's 'Guiding Principles for Land Contamination' on managing risks to the water environment and consultation with Pollution and Licensing on generic aspects of land contamination.

**Greater Manchester Cycling Campaign** - no response received.

**Greater Manchester Ecology Unit** – a Phase 1 Habitat Survey of the proposed development site was undertaken on 14th December 2017. The survey was undertaken outside the optimum time to conduct such a survey, but given the nature of the site we are satisfied, that the results would not be significantly different if they were undertaken at the optimal time of year. We are therefore satisfied with the survey effort.

The building was assessed in April 2017 for its potential to support roosting bats and again in November 2017. The building together with the trees on site were considered to have a negligible potential to support roosting bats and therefore further survey effort is not required at this time.

The northern leylandi hedgerow and scattered trees on the southern boundary together with the scrub, have the potential to support nesting birds. We would therefore recommend that all hedgerow and tree works together with scrub clearance should not be undertaken in the main bird breeding season (March-July inclusive), unless nesting birds have found to be absent, by a suitably qualified person.

Artificial lighting can affect the feeding and commuting behaviour of bats. Bats are likely to use the retained trees along the railway line for commuting and foraging. We would therefore recommend that a lighting condition (during construction and post development) to ensure that lighting is directed away from any of the retained trees.

In line with the NPPF, we would recommend that opportunities for biodiversity enhancement be incorporated into the new development. These should include bat bricks and/or tubes within the new development, bat boxes, bird boxes and native tree and shrub planting.

**Greater Manchester Fire Authority** – no response received.

**Greater Manchester Police (Design for Security)** – a condition to reflect the physical security specifications set out in the Crime Impact Statement should be imposed should planning permission be granted.

**Local Highway Authority** – initial comments received from the LHA requested that further information was provided with regard to junction modelling, consideration of parking for the proposed commercial units, waste collection and details of the proposed connection to the Old Trafford Metrolink stop.

An addendum to the Transport Assessment was submitted which provided further information, in response to these queries. The highways comments received advise that the LHA have no objection to the proposed development subject to the imposition of conditions, planning obligations and informatives as appropriate. The LHA advised that the proposed development will generate additional traffic in both the morning and evening peaks, which will have a small impact on the Talbot Road/Great Stone Road junction.

As part of the consultation process the LHA note the comments raised by TFGM. The LHA have suggested that improvements to the pedestrian and cycle infrastructure are made and have advised that a contribution of £30,000 should be sought.

The proposed access, car and cycle parking provision is considered to be acceptable for the residential element of the proposed development, however further information has been requested in relation to parking and cycling provision for the commercial units.

**Local Lead Flood Authority** - It is considered that the proposed works will not cause flood risk to the development or the surrounding area, the application is therefore satisfactory for approval subject to the drainage being designed in accordance with the Flood Risk Assessment and Drainage Strategy.

**NHS Trafford (Clinical Commissioning Group)** – The proposed development would result in requirement for an additional 0.5 working time equivalent GPs.

**Trafford Council, Heritage Development Officer** – The development would be conspicuous by virtue of its height, massing, scale, siting and appearance and will harm the significance of Trafford Town Hall, Grade II listed; Longford Park Conservation Area and Old Trafford Cricket Ground. In the absence of a sufficient assessment of views to and from the application site of these heritage assets and within the LVIA it is not possible to quantify the level of harm at this stage of the application. However, it is considered that this would be less than substantial under paragraph 196 of the NPPF.

**Trafford Council, Education Admissions** – Our average pupil yield is 3 children per year group for every 100 properties. If the one bedroom flats are discounted, that leaves 302 properties with a pupil yield of 9 pupils per year group. The properties will be in the catchment area for Gorse Hill Primary School which is not routinely oversubscribed and could accommodate 9 additional pupils. However, the surrounding schools are all

heavily oversubscribed and the current spare capacity at Gorse Hill is used to accommodate those that cannot achieve a place elsewhere.

**Trafford Council, Pollution & Licensing, Air Quality** – the submitted Air Quality Assessment is acceptable and follows the methodologies of appropriate national standards and guidelines to reach a conclusion that the development will not have an adverse impact on local receptors due to pollutants from additional traffic movements, nor will future occupiers be exposed to unsatisfactory air pollution conditions once the development is operational.

The provision of electric vehicle (EV) charge points should be required for every new house (minimum 7kWh) with dedicated parking or 1 charge point (minimum 7kWh) per 10 car parking spaces for unallocated car parking. For commercial developments there should be the provision for 1 charge point (minimum 7kWh) per 1000 m<sup>2</sup> of commercial floorspace.

A Construction Management Plan is required prior to commencement of the development.

**Trafford Council, Pollution & Licensing, Land Contamination** - The submitted Phase 1 Environmental Risk Assessment report has identified that there may be risk associated with possible contamination from a former gun club, coupled with the potential contaminating activities of B&Q. A condition is recommended to secure the submission of a phase 2 investigation and risk assessment.

**Trafford Council, Pollution & Licensing, Nuisance** – concerns were initially raised regarding noise impact from concerts at the adjacent LCC ground as this was not adequately assessed in the Acoustic Design Assessment.

Following these initial concerns a Framework Management Plan was provided which proposes a strategy to ensure that tenants are aware of the permitted activities at LCC at the outset through tenancy agreements and that information is provided to them on forthcoming events. The strategy also intends to manage tenants who may be disrupted within their apartments during events by offering a selection of activities elsewhere on the site that could be attended as an alternative.

There is no objection to this proposed development subject to the imposition of recommended conditions.

**Trafford Council, Housing Strategy** – no objections in principle to the above planning application which will bring much needed residential units into Old Trafford. The scheme proposes to provide 433 units of residential accommodation which is a positive contribution towards addressing the housing needs of the borough.

**Trafford Council, Strategic Planning** – no objections in principle. The principle of residential development would be supported on this site. Policy SL3 advises that

development in this area would be expected to contribute to necessary public transport, cycle way, footpath and highway improvements and the creation of a strategic processional route.

Policy GM-H 4 of the draft GMSF is relevant in relation to the proposed density of this scheme which would result in a density of approximately 433dph, which is significantly above the GMSF policy requirement of 70dph.

It is considered that the nature of development proposed on this site is such that it will perform differently to generic developments within a specified market location. A site specific viability study is therefore required to determine an appropriate affordable housing contribution.

A Retail Sequential Test was submitted as part of the application and this assessment found that there were no sequentially preferable sites within, or on the edge of the identified centres. From this assessment it is considered that the applicant has satisfied the requirements of the sequential test.

**Trafford Council, Arboriculturalist** – no objections to the proposed development subject to conditions.

**Trafford Council, Waste** – based on the number of flats the development would need approximately 50 bins for refuse, 25 for paper and cardboard and 25 for glass, cans and plastic. This does not include any provision for food waste collections which Trafford Council are just starting to actively promote in flats.

Trafford Council collect from flats on the same frequency as normal households in Trafford so refuse is fortnightly; paper/card and glass, cans and plastic on a 4 weekly cycle.

Where bin stores are easily accessed and there is a drop kerb for bins to be safely wheeled to the refuse collection vehicle, Trafford Council will collect refuse from apartments.

**Trafford Council - Greenspace Strategy** - The application involves residential development with a significant capacity in terms of new numbers of residents, which will place additional pressure on existing open spaces and outdoors sports facilities locally such as Longford Park, Gorse Hill Park, Stretford Sports Village and Turn Moss Playing Fields.

The proposed development would generate demand for open space provision in line with R5 and SPD1. Preference is for open space to be provided on site, although the nature of the site and its constraints may be such that this is not possible, in which case it may be possible to make provision offsite by upgrading the quality of existing open space facilities.



As the scale of the proposed development exceeds 300 dwellings, additional demand for indoor and outdoor sports facilities will be generated in line with R5 and SPD1 (2014). However, as part of the Council's approach through the adopted Playing Pitch Strategy (2017) and collaboration with Sport England, formal outdoor sports provision is directed towards the site most appropriate to accommodate the additional demand, rather than on-site provision necessarily being preferred. This is in keeping with Sport England's most recent facilities planning guidance and its emphasis on making new or upgraded provision at the most suitable location, informed by up to date local assessments of supply and capacity. Sport England have provided figures based on their most up to date facilities costs, which would be spent on a combination of improvements to natural turf pitches (£105,735) at youth and mini soccer levels, as well as contributing to proposed artificial turf pitch (£76,815) and changing facility improvements (£246,982) to be spent at Turn Moss and other similar facilities.

**Transport for Greater Manchester** – the initial comments from TfGM raised concern with regard to trip distribution and trip generation figures, road safety record and junction assessments. The submitted Transport Assessment also omitted any details of committed schemes in the area. Further information was requested.

An addendum to the Transport Assessment was submitted and TfGM confirmed that they were satisfied with the trip generation and distribution figures and junction modelling, which indicates that there are currently queues/delays at the junction of Chester Road / Greatstone Road in the evening peak and this increases slightly with the development and a number of mitigation measures were requested:

- Improvement of the pedestrian facilities at the Talbot Road / Greatstone Road junction;
- Upgrading of the Talbot Road / Greatstone Road junction to SCOOT to enable more efficient operation of the junction and enable coordination with adjacent junctions on Talbot Road and Chester Road.
- Installation of CCTV camera to Talbot Road / Greatstone Road junction to enable monitoring of junction and intervention if required;
- Funding towards the Mayor's Challenge Fund cycling scheme at the junction of Talbot Road / Greatstone Road.

Transport for Greater Manchester, Metrolink – there is reference in the documentation to provision of a new access route to the Old Trafford Metrolink stop. However, there is no further detail included in the submission in relation to the design and delivery mechanism of this potential access to the stop. TfGM would support the inclusion of this footpath link but there is currently no budget in place to pay for these works which would include:

- Acquisition of LCC land (however not all of it would be required)
- Footpath construction
- Lighting
- CCTV
- Ongoing maintenance

Due to the proximity of the development to the operational Metrolink line, conditions requiring a Construction Management Plan and a scheme for acoustically insulating the proposed development against noise and vibration from the adjacent Metrolink line would be required, should planning permission be granted.

**United Utilities** – no objection subject to the imposition of recommended conditions

## **REPRESENTATIONS**

Ten letters have been received objecting to the proposed development on the following grounds:

- Traffic congestion from new development will impact on local roads – how will this be managed?
- There are existing parking issues around Gorse Crescent
- Lack of parking within the proposed development – most homes these days have two or more cars
- Parking issues on match day events
- Great Stone Road at certain times of the day is bottlenecked and it can take 20 minutes to get from The Quadrant to Talbot Road – this development will put more pressure on this road.
- Noise and pollution
- The development will impact on the value of property
- A DIY store would be of more benefit to the area than residential development.
- A development of this size is not in keeping with the local area and would put a strain on local infrastructure
- 433 apartments is excessive
- The size of the building is excessive and taller than any building nearby. It is imposing to the extent that it interferes in people's private lives, blocks out lighting and towers above the other largely residential houses in the area. Some of the houses along Great Stone Road will have their front rooms and bedrooms looked into.
- Trent Bridge Walk already suffers from a lack of light, it is dark and intimidating. With a 13 storey tower block shading it as well it will become more so. It will encourage crime and discourage visitors and locals from using it to access public transport.
- Apartments will prevent families from settling and create a transient community
- Great Stone Road is extremely busy with traffic at peak times with four schools, a college and offices in the local area
- The development will not benefit the community
- Would like to see houses on this site
- There are no pedestrian crossings in the vicinity – this would need to be addressed in the new development
- Green communal space should be included
- There are local shops in the area (Quadrant and Talbot Road), any new retail space should only be given to businesses which are not in direct competition

with these existing businesses. There are plenty of chain stores locally and new retail space should go to local independent businesses

- The local transport network is already busy, particularly the tram. How will the local population be serviced?

One of the ten letters of representation is from LCC and Bruntwood, the adjoining land owners and set out the following concerns and comments on the application received:

- Concerns over the methodology and conclusions of the TVIA, Acoustic Design Statement, Vibration Assessment and Plant Noise Limits Report, Daylight and Sunlight Report, Wind Microclimate Report;
- The Screening Report submitted by the applicant was not supported by the necessary technical documents. This approach does not accord with the EIA Regulations (2017) and as such TMBC's decision to issue a negative EIA Screening Opinion could not have been a fully informed one. TMBC should therefore review its Screening Opinion of 26 April 2018 to take account of the relevant technical evidence;
- The proposed scale and massing of the development will have a significantly harmful effect on the existing urban pattern, skyline and character of the locality and as such is contrary to Policy L7 of the Core Strategy;
- The proposal will result in an overbearing development that causes overshadowing and visual intrusion of the existing properties by virtue of the proposed height, increased site levels and proximity of the buildings.
- The submitted noise and vibration assessment does not fully consider the impacts of the proposed development on existing receptors and as such it is not possible to ascertain the full potential amenity impacts of the proposed development.

Following receipt of this letter, a further Screening Opinion exercise was carried out by officers on the basis of the submitted planning application documents. This concluded that the proposed development was not EIA development.

## **OBSERVATIONS**

### PRINCIPLE OF DEVELOPMENT AND THE DECISION-TAKING PROCESS

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 was drafted to be in compliance with it. It

remains broadly compliant with much of the policy in the 2019 NPPF, particularly where that policy is not substantially changed from the 2012 version. It is acknowledged that 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 those relating to design and heritage are considered to be 'most important' for determining this application when considering the application against NPPF Paragraph 11 as they control the principle of the development and are relevant to the impact of this large building on the streetscene and the existing residents living close to the site. 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 SL3 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. 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. Policy R1 of the Core Strategy, relating to the historic environment, does not reflect case law or the tests of 'substantial' and 'less than substantial harm' in the NPPF. Thus, in respect of the determination of planning applications, Core Strategy Policy R1 is out of date.
6. Although Policy R1 of the Core Strategy can be given limited weight, no less weight is to be given to the impact of the development on heritage assets as the statutory duties in the Planning (Listed Buildings and Conservation Areas) Act 1990 are still engaged. Heritage policy in the NPPF can be given significant

weight and is the appropriate means of determining the acceptability of the development in heritage terms.

### The Strategic Location

7. The application site is located in the 'Lancashire Cricket Club Quarter' Strategic Location, which is covered by Core Strategy Policy SL3. As the Council no longer has a five year supply of deliverable housing land, Policy SL3 cannot be considered to be up-to-date as it refers specifically to the number of residential units which were considered could be provided within the Strategic Location (400 units). Nonetheless, in other respects the policy is considered to be broadly compliant with the NPPF as it seeks to deliver a strengthened mixed use community centred around the existing sporting and community facilities. The LCC Quarter is one of the most visited places in the Borough containing the sporting attraction that is the Cricket Club and a number of important community facilities such as Trafford Town Hall, Trafford College and Stretford Leisure Centre, the area is however also fragmented by a number of large footprint single uses. CS Policy SL3 identifies a significant opportunity to improve the visitor experience for its sporting attractions and to create a new residential neighbourhood.
8. CS Policy SL3 states that major mixed-use development will be delivered in this Location to provide a high quality experience for visitors balanced with a new, high quality residential neighbourhood centred around an improved stadium at LCC. CS Policy SL3 goes on to state that the Council considers that this Location can deliver:
  - A redeveloped LCC sports stadium with ancillary sports and leisure facilities;
  - 400 residential units comprising predominantly accommodation suitable for families;
  - A redeveloped and renovated Trafford Town Hall providing new accommodation for Trafford Council's and administrative functions;
  - Improvements to education, community and commercial facilities (including a superstore); and
  - Improvements to the local highway network and better linkages with public transport infrastructure.
9. It should be noted that the LCC Strategic Location has already delivered a partially redeveloped LCC sports stadium, a redeveloped and renovated Trafford Town Hall and a superstore. Improvements have also been made to the local highway network including the introduction of cycle route improvements along Talbot Road.
10. Policy SL3 of the Core Strategy indicates that the 400 residential units will be delivered between 2011 and 2021, with the phasing as follows:

<b>2008/09- 2010/11</b>	<b>2011/12 2015/16</b>	<b>2016/17 2020/21</b>	<b>2021/22 2025/26</b>	<b>TOTAL</b>
0	60	300	40	400

As can be seen, it was expected that 60 dwellings would have been built in the Strategic Location by 2015/16 and a further 300 dwellings by 2020/21. To date 377 dwellings have been granted planning permission within this Strategic Location, 245 dwellings are currently under construction and seven have been completed. Although the delivery of housing has missed the 2015/2016 target, it is well on the way to achieving the delivery target for 2020/2021. It is considered that the LCC Quarter Strategic Location has therefore delivered a significant proportion of dwellings against the above schedule.

11. It should be noted however, that the Core Strategy does not limit the number of new dwellings to be provided within this location to 400 and the proposed development of an additional 433 dwellings in this location would contribute significantly to the housing land supply.
12. 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. Notwithstanding this, the LAP remains the most recent statement of policy published by the Council (2014) in respect of this site. The supporting Land Allocations Consultation Draft Policies Map identifies the LCC Quarter Strategic Location referred to in Core Strategy Policy SL3 as part of policies LAN1 and LAN2.
13. Policy LAN1 identified the LCC Quarter Strategic Location as a location suitable for a mix of residential and supporting commercial and/or community uses to serve the needs of the proposed and existing communities within the Strategic Location. With regard to residential accommodation specifically, LAN 1 states that a minimum of 400 residential units should be delivered in the Plan period 2014 – 2026/27 and residential development will be encouraged at densities of between 30 and 150 dwellings per hectare in the form of a number of apartment blocks varying in height storeys. LAN 1 advises that development within this area should provide a range of 2, 3 and 4-bed dwellings provided in well-designed buildings with approximately two thirds of the units suitable for families. LAN1 further indicates that development within the Lancashire Cricket Club Quarter should be designed to a high quality, reflecting the significance of the Strategic Location as a visitor destination of Regional significance.
14. Policy LAN1 also encourages a mix of uses, including a range of retail uses (Use Classes A1 to A5), commercial, leisure and community facilities (Use Classes D1 and D2) at a scale to serve the needs of the proposed communities within the Strategic Location. This policy also details the provision of new open space and green infrastructure required to support the anticipated residential development in this area.

15. The Draft LAP states in Policy LAN 2 that the Council will support the continued use and improvement of the area identified on the Policies Map for a cricket stadium and associated hospitality, conference, club store, events, hotel and spectator/visitor car park uses by Lancashire Cricket Club. A range of commercial and/or community uses (including use classes A1, A2, A3, A4, A5, B1, C1, D1, D2 and similar appropriate uses) will be encouraged where they support the operation of the Stadium and are consistent with other policies within the Local Plan and relevant criteria within national policy. Residential development will be supported on sites fronting onto Great Stone Road and Talbot Road, including where it is part of a mixed-use scheme, the policy states.
16. It should be noted that the justification for Policy LAN2 states *“The function of the area as a stadium and major tourist destination should not be compromised through significant impact on the operation and/or amenity of the LCC Stadium or other uses in the vicinity of the proposal, including issues of security and overlooking.”*
17. The Civic Quarter Masterplan and Refreshed Stretford Masterplan are not considered to be determinative documents in the assessment of this planning application.

#### Housing Land Supply

18. The NPPF places great emphasis on the need to plan for and deliver new housing throughout the UK. The Government’s current target is for 300,000 homes to be constructed each year to help address the growing housing crisis. Local planning authorities are required to support the Government’s objective of significantly boosting the supply of homes. With reference to paragraph 59 of the NPPF, this means ensuring that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed, and that land with permission is developed without unnecessary delay. Within the Core Strategy, the first Strategic Objective - SO1 - recognises the importance of promoting sufficient housing across the Borough to meet Trafford’s needs.
19. The responsibility of local planning authorities in supporting the Government’s ambitions include identifying and updating annually a supply of specific deliverable sites to provide five years’ worth of housing against their housing requirement. This is in addition to a new Housing Delivery Test (introduced in November 2018 as part of the revised NPPF) which is intended to measure a local planning authority’s performance in facilitating the delivery – rather than merely planning for – new homes.
20. 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.

21. 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 has a housing land supply of 2.6 years. Additionally, the Council is required to demonstrate how many new homes it is actually delivering in the Government's Housing Delivery Test, introduced in November 2018. 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. A first stage calculation undertaken by the Government (released in February 2019) suggested that, across Trafford 47% of homes have been delivered when compared with the number of homes required over the last three year period.
22. The use of the Government's housing requirement for Trafford represents a transitional arrangement until the GMSF is in place. The GMSF is an overarching spatial plan aimed at delivering growth and prosperity across Greater Manchester. It will set out a broad framework for the development of Greater Manchester over the next two decades, and this will include the amount of new development that should come forward for residential and employment purposes across the ten authority areas. A further consultation draft of the GMSF has recently been published, with the public consultation ending on the 18<sup>th</sup> March 2019. Again, this takes an ambitious approach to growth, in line with the NPPF, including providing for a minimum of 201,000 new homes throughout Greater Manchester. In giving a disaggregated (draft) figure for Trafford, a minimum requirement of 19,280 new homes is identified over the plan period (from 2018 to 2037). This equates to an average annual requirement of 1,015, which similarly represents a significant uplift relative to the Core Strategy's position. It is accepted, however, that the figures in the GMSF have yet to be ratified and as such the higher Government-provided figure is presently in force. Upon its adoption, the agreed minimum target set out in the GMSF will be carried through to the new Trafford Local Plan. Clearly, the Government's interim target and the draft GMSF target are both far in excess of that set out in the Core Strategy, and thus it is unequivocal that the required five year supply based upon these new targets is not in place. Nonetheless, that the proposed development of an additional 433 dwellings in this location would contribute significantly to the housing land supply in the Borough is not disputed.
23. 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). That the proposed development site is a vacant, brownfield site in a sustainable location in a borough that does not have a five year rolling supply of housing land is acknowledged, as is the recognition that the site represents an opportunity to deliver a high density scheme. However, the NPPF also makes it clear, at Paragraph 122 that the requirement to make efficient use of land must take into account, amongst other matters, the desirability of maintaining an area's prevailing character, and the importance of securing well-designed, attractive and healthy places. That the site is suitable for a high density residential led scheme is not disputed. However, the number of units proposed leads to a development which is entirely out of scale with its surroundings. A scheme could be brought forward which makes beneficial use of this brownfield site and delivers a sizeable number of units without the commensurate harm. These matters are discussed later in the report.

### Housing Mix

24. 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.
25. 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 LCC Quarter Strategic Location, Policy SL3 of the Core Strategy states residential development should provide accommodation suitable for families.
26. The proposed development would provide for a mix of 131 x 1-bed apartments, 234 x 2-bed apartments and 68 x 3-bed apartments. This equates to a split of 86:14 small:large units - a significantly higher proportion of small units than the target set out in Policy L2. It should also be noted that Policy L2.7 states that the development of one bed room dwellings will normally only be considered acceptable for schemes that support the regeneration of Trafford's town centres and the Regional Centre.
27. The applicant has sought to justify the proposed housing mix with a Housing Needs Statement and has explained that three bedroom apartments are not typically provided in high rise apartment schemes, where developers often only providing studios, one and two bedroom apartments, as they seek to maximise

the number of properties in the building to improve viability. However, the provision of 68, three bedroom apartments in this scheme is in direct response to the needs of the market as identified by Policy L2 and the SHMA. Of the smaller apartments provided, the majority are two bedrooms, as required by Policy L2.

28. Consultation with the Council's Housing Strategy officer has been undertaken in the interests of ensuring that the housing mix proposed would meet the particular housing needs of the area as far as can be ascertained at the present time given that there is no up-to-date evidence regarding the specific housing requirements of the area, other than a general sense that family housing is required. Of the small units 64% would be two bed and suitable for families which is in generally accordance with the 50% requirement set out in Policy L2. It is also noted that the size of the proposed units is larger than the nationally described space standards, which means that some of the two bed properties are suitable for four people.
29. In relation to the mix of affordable units proposed (11 x two bed units and 10 x one bed units) 50% are considered to be suitable for families (i.e. two bed) and therefore policy compliant as far as the mix is concerned.
30. Overall the mix of units would provide a range of new homes for families and smaller households and so in terms of housing mix, the scheme is considered appropriate for this Strategic Location.

#### Affordable Housing

31. 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. In respect of the provision of affordable housing. At the local level, the requirement to secure an affordable contribution is covered by Core Strategy Policy L2. Core Strategy Policy L2 does not capture the broader range of affordable housing categories advanced by the NPPF and is thus out of date on this point. Nevertheless, L2 seeks to ensure that a range of housing tenures are provided across the Borough which helps to secure the achievement of balanced and sustainable communities in line with the general tenor of advice on this point set out within Paragraph 61 of the NPPF. Policy L2 is clear that – in respect of all qualifying development – appropriate affordable provision should be made. In recognising that the Borough does not perform as a single uniform property market, the policy explains that Trafford is split into three broad market locations which have different percentage requirements for the provision of affordable housing. As corroborated by the accompanying Supplementary Planning Document (Revised SPD1: Planning Obligations, July 2014), which draws upon the recommendations of the Trafford Economic Viability Study (2009 and a 2011 update), the application site is located within a 'cold market location.' In such locations, provision of affordable housing at a lower level is typically sought than in 'moderate' and 'hot' market locations. Policy L2 and SPD1 also recognise that

different market conditions can apply throughout a development plan period which also impact upon the level of affordable provision that a new residential development can successfully sustain. 'Poor market conditions' had been in force since the Core Strategy's adoption which was in recognition of the UK housing market undergoing a period of significant downturn following the 2008 recession. However, in recent years the residential market has shown signs of recovery and has now re-stabilised. It follows that in November 2018 a recommendation of officers to accept a shift to 'good market conditions' for the purposes of negotiating affordable housing and applying Policy L2 and SPD1 was accepted by the Planning and Development Management Committee. The effect, therefore, is that within this 'cold market location' and under present 'good market conditions' a 10% affordable housing target will normally be applied, the SPD advises. However, in addition to the application of the affordable housing policy on the basis of geographical and market conditions, Policy L2 and SPD1 go 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 specified market location, the affordable housing contribution will be determined via a site specific viability study, and will not normally exceed 40%"*. SPD1 also states that this approach to the application of Policy L2 and SPD1 will apply in the case of most of the strategic locations.

32. Family housing (generally in the form of terraced and semi-detached dwellinghouses) predominates throughout the Old Trafford area. Whilst there are some examples of apartment developments, these tend to be either fairly recent office to residential permitted development conversions located elsewhere within the ward, generally focussed along Chester Road and Talbot Road to the east of the application site, or otherwise much lower rise and lower density apartments, a high proportion of which have been provided and managed by Trafford Housing Trust as affordable homes. The application proposal, in offering an extremely high density build-to-rent scheme, in a higher-rise development, deviates from the area's conventional housing, and is in fact targeted at a broader audience. It is therefore considered that the proposed development has the potential to outperform – in development value terms - for its market location. On this basis, and in accordance with Core Strategy Policy L2, the appropriate level of affordable housing should be dependent on the findings of a site-specific financial Viability Assessment.
33. Despite the view expressed by the Local Planning Authority at pre-application stage, the planning submission and subsequent correspondence confirms that the applicant proposes to provide just 5% affordable housing on this site, as the applicant maintains that the proposed development is 'generic' in its nature and that the 'generic' market location affordable housing targets apply in this instance. The application was submitted whilst Trafford Council were in 'poor' market conditions and the applicant has been notified that the authority has been operating in 'good' market conditions since November 2018 and that if the market location approach to affordable housing were to be applied to this development,

10% affordable housing would be required to be policy compliant. Their affordable housing offer remains at 5%, which equates to 22 units.

34. The development is proposed to be brought forward as 'Build to Rent' and in accordance with the definition of Affordable Housing in the NPPF Glossary, in this instance it is appropriate to bring forward the required affordable housing as affordable housing for rent. Should the proposed development be considered acceptable, the tenure and mix of any affordable units would be need to be secured via a S106 Agreement to secure the necessary planning obligations.
35. Although the correct application of Policy L2 is disputed by the applicant, a Viability Appraisal was submitted in order to enable validation of this planning application. This appraisal was reviewed by the Council's independent viability advisor who does not consider the appraisal to be robust, having raised queries relating to land value, the ratio of the Net Internal Area (NIA) to Gross Internal Area (GIA), fees, finance rates and fittings, furnishings and equipment costs. Whilst a rebuttal was provided by the applicant's viability consultant, the concerns regarding the appraisal remain. It is not therefore considered that the submitted Viability Appraisal demonstrates unequivocally that if Planning Policy requirements for S106 contributions and Affordable Housing are greater than that proposed (5% affordable housing) that the proposed development would be undeliverable on viability grounds. The proposed development is therefore considered to be contrary Core Strategy Policy L2 in this regard.

### **Commercial uses**

36. The submitted planning application also seeks planning permission for the development of 1,181 m<sup>2</sup> of flexible commercial floorspace (Use Classes A1, A3, B1, D1, and/or D2) within six units. The permission seeks to keep these uses flexible and interchangeable. The following amounts of floorspace are proposed across the six units:

<b>Unit</b>	<b>Floorspace (m<sup>2</sup>)</b>	<b>Location</b>
A	155	First floor
B	575	Split across first and second floors (276 and 299 respectively)
C	51	Second floor
D	362	Ground floor – partially double height
E	38	Second floor

37. Paragraph 86 of the NPPF requires local planning authorities to apply a sequential test to planning applications for main town centre uses which are not located within an existing centre. 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.

38. The use classes proposed as part of this development (A1, A3, B1, D1, and/or D2) fall within the definition of 'main town centre uses' in the NPPF.
39. Policy W2 of the Core Strategy, which is considered to be compliant with the NPPF in supporting the growth of town centres and the role they play in local communities and is therefore up-to-date for the purposes of decision making. It states that outside the established retail centres, there will be a presumption against the development of retail, leisure and other town centre-type uses except where it can be demonstrated that they satisfy the tests outlined in current Government Guidance.
40. A sequential test was submitted in support of this planning application, which assessed the level of floor space on an aggregated basis and assessed the availability of floorspace (ranging between 1,063 m<sup>2</sup> and 1,299 m<sup>2</sup>, allowing for a flexibility of 10% in floorspace area either way) within an agreed search area.
41. The assessment focused on Great Stone Road Neighbourhood Centre and Gorse Hill and Trafford Bar Local Centres. All vacant sites within the defined centre and within circa 300m (edge of centre) were assessed.
42. The assessment found that there were no sequentially preferable sites within, or on the edge of the identified centres. Officers have analysed the submitted assessment and concluded that the applicant has satisfied the requirements of the sequential test, in that it has been demonstrated that there are no sequentially preferable sites (either within or closer to established retail centres) that could accommodate the proposed retail units.

#### Conclusion on the principle of development

43. The emphasis placed on local planning authorities by the Government to facilitate the delivery of new homes is clear. This Council was already behind its Core Strategy target in demonstrating a five year supply of deliverable housing land. However, in recent months with the publication of the new NPPF, the annual housing requirement has risen more than two-fold as Government-prepared figures have had to be accepted, and in going forward a similarly elevated figure is expected as part of the GMSF. In the absence of a five year supply, and with housing delivery now also monitored, the effect of paragraph 11 of the NPPF is that local planning authorities are effectively penalised in the decision-taking process since the balance is in favour of granting approval '*unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits*'.
44. This application would provide 433 new homes and as such would make a considerable contribution to the present, uplifted annual requirement. It would help to address the supply deficit and would make some contribution to enabling the Council to move towards a more ordinary approach to decision-taking in time,

which would be beneficial overall. Furthermore, these new homes would be provided on brownfield land in a sustainable location.

45. Officers have been mindful of the policy aim to achieve mixed, balanced and sustainable communities. An acceptable mix of housing is proposed, which would contribute to the needs of Old Trafford's current and future populations. When taking into account the policy position, both nationally and locally it is clear that the principle of residential and mixed use development is acceptable on this site. However, it is not considered that the current affordable housing offer of 5% is acceptable or fully justified. It is not considered that the Viability Appraisal demonstrates unequivocally that if Planning Policy requirements for S106 contributions and Affordable Housing are greater than the 5% proposed that the proposed development would be undeliverable on viability grounds. Therefore in this instance, the scheme is not considered to be compliant with Policy SL3, L2 or L8 and fails to comply with the requirements of SPD1.

## DESIGN AND APPEARANCE

### Policy Background

46. The promotion of high standards of design is a central narrative within the NPPF. Paragraph 8 of the NPPF outlines three objectives which are key to achieving sustainable development, one of which is a social objective. The delivery of a well-designed and safe built environment is part of achieving that strong social objective. The NPPF continues, at paragraph 124, that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Paragraph 130 urges local planning authorities to refuse development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions. It continues that, when determining applications, great weight should be given to outstanding or innovative designs which promote high levels of sustainability, or help to raise the standards of design more generally in an area.
47. The Core Strategy also attaches importance to the design and quality of the Borough's built environment. The text supporting Policy L7 advises that high quality design is a key factor in improving the quality of places and in delivering environmentally sustainable developments. Design solutions must: be appropriate to their context; and enhance the street scene by appropriately addressing scale, density, height, massing, layout, elevational treatment, materials, hard and soft landscaping, and boundary treatments, the policy is clear. Policy L7 is considered to be compliant with the NPPF 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.

48. Both the supporting text to L7 and paragraph 129 of the NPPF also stress the importance of using tools such as Building for Life in the design of development. As part of a suite of independent design review work assessments undertaken on behalf of the Council, a Building for Life assessment of the proposed development was completed. This will be referred to where relevant within the assessment of the design of the proposed development.
49. The site is occupied by a vacant single storey retail warehouse which does not positively contribute to the character and appearance of the area. The ground level of the existing site is generally level, however Great Stone Road rises in height the highway.

#### Independent Design Review

50. The local planning authority expressed great concerns over the scale and massing of the proposed development during pre-application discussions and advised that the applicant at an early stage that a development of this scale would not be considered acceptable by the Local Planning Authority. The submitted scheme remains the same as that shown to the Local Planning Authority during the most recent pre-application discussions, albeit a scheme for a residential tower of 26 storeys had initially been proposed by the applicant.
51. Due to the scale of the proposed development and initial concerns of the Local Planning Authority over the proposed development it was considered appropriate for an independent review of the scheme design to be instigated. Turley were appointed to complete a design review alongside a TVIA review.
52. The design review by Turley focussed on the DAS to aid understanding of the local character and subsequent design development and analysed the development against Core Strategy policy L7, the NPPF, PG1 and the emerging Civic Quarter Masterplan (which is acknowledged to be of limited weight). The conclusions of these reviews are included within the assessment of the submitted planning application below.

#### The Proposed Development

53. The proposed development comprises the construction of a residential block of apartments which is between five and 13 storeys in height, including the 'basement' car park.
54. The site is generally level; however it is sited adjacent to the Metrolink line and the part of Great Stone Road which rises in height to create a bridge over the Metrolink line. Much of the site therefore sits below the adopted highway.
55. The site retains the existing vehicular access at the north western corner of the site and introduces a new pedestrian access half way along the sites frontage.

Due to the topography of the site the new main site entrance is located at podium level above the car park and level with Great Stone Road. A stepped pedestrian access is also proposed at the southern end of the site, adjacent to the Metrolink line. This provides access to a pedestrian footpath which extends to the east extending around the proposed development to a rear pedestrian entrance. A proposed new pedestrian link to the Old Trafford Metrolink stop is suggested on the drawing but the provision of this link would require third party land. The vehicular access wraps around the building to the north-west and east and provides access to the car park and bin stores.

56. The podium would result in parked vehicles being shielded from the public highway and provides a level development platform for the proposed development. An area of public realm and landscaping is proposed to the front of the site. The separation distance between the front elevation of the proposed development and the adopted footway varies between 8.3 metres and 15.8 metres.
57. The proposed development is sited between 7.25 metres and 7.65 metres from the north western boundary with the LCC car park, approximately 11 metres from the north eastern boundary with LCC and between 8.8 and 9 metres from the south eastern boundary with the Metrolink line. The proposed development has a width of 99 metres across the site and is 65 metres deep.
58. The front elevation of the proposed development is between 5 and 7 storeys, with two storey high set backs at the upper levels of this elevation, the front elevation is also recessed at various points along its frontage. Pedestrian access into the courtyard areas and communal areas of the development is gained through two undercroft access points into each courtyard.
59. The front elevation creates an active frontage to Great Stone Road with commercial units also present at first floor/podium level.
60. The building steps up in height to the rear (north eastern elevation) of the site through gradual stepping of three adjoining elements located at either end of the development and through the centre of the development.
61. The north western elevation which is visible when approaching the site from Talbot Road rises in height in three steps from seven storeys in height to eleven storeys and finally to thirteen storeys. The central section of the proposed development which would also be visible from this approach above the north western end elevation also rises in height from seven to eleven to thirteen storeys, but in a different arrangement to the setbacks on the north western elevation. The south eastern elevation which is visible on the approach from The Quadrant/Chorlton direction steps up in height from nine to thirteen storeys in one change of building height.



62. The façade treatment is contemporary in design. The side and rear elevations have less articulation than the front elevation with no recesses in the elevations, with the exception of some integral balconies. They have a more uniform standard appearance.

### Townscape Visual Impact Assessment

63. An initial review of the submitted TVIA produced by TPM Landscapes Ltd was undertaken by Turley which advised on a number of omissions, errors and inconsistencies in the submitted document. A revised TVIA was requested to address the comments raised and this was submitted by the applicant in January 2019. This assessment of the TVIA within this Committee Report is based on a review of the revised TVIA.
64. Visual Impact Assessments provide a useful tool to help identify the effects of new developments on views and on the landscape and townscape itself. They allow changes to views and landscape/townscape to be understood and ultimately inform the design of the proposed development.
65. The submitted TVIA characterised the application site as a mixed urban site with a low landscape sensitivity along with the adjacent car parking area and Lancastrian Office block. LCC is characterised as a recreational/leisure area (medium landscape sensitivity) and the surrounding dwellings as a residential character area (low-medium landscape sensitivity).
66. Fourteen wireframe viewpoints, the location of which can be seen at Appendix 1 were produced to inform the TVIA. The viewpoint images are included at Appendix 1.0 of the submitted TVIA. These viewpoints provide a visual representation of what the proposed development would look like from each viewpoint.
67. The applicant's TVIA concludes that the proposed development will be visible from locations close to the proposal site. They consider that the townscape and visual changes which will result from the development will be contained to a relatively small area with, recorded visual effects over moderate substantial only occurring within 0.6 km from the site, and then only where views of the building are possible. The applicant considers that the nature of change which will result from the scale and appearance of the proposed development will be noticeable and prominent but not always adverse. The applicants TVIA considers that some change from a number of vantage points would be neutral and potentially beneficial in nature. The applicants TVIA also states that *“no notable townscape effects are recorded and no notable effects are assessed for the local conservation and historic assets. For those visual effects that are notable at moderate-substantial or above, the mitigation proposals reduce some of these over time through screening and integration. Those that remain are expected to*

*become over time an accepted part of the established urban scene with the nature of change altering from adverse to neutral.”*

68. The revised TVIA was independently reviewed by Turley who advised that additional viewpoints should be sought to enable a better understanding of the proposed development. The additional viewpoints sought were
- Great Stone Road to reflect the properties facing towards the Site;
  - In Longford Park to reflect views experienced by park users and within the Longford Conservation Area; and,
  - Within the cricket ground (to reflect views from the non-designated heritage asset and users/visitors of the ground).
69. No additional viewpoints were provided as the applicant’s landscape architect considers that the 14 viewpoints used in the TVIA give a comprehensive geographic coverage and enable understanding of visual impacts. A set of fully rendered viewpoints were also requested during the application process, as it was not considered that the use of wireframe images on a development of this scale is appropriate and that the impact of the proposed development would be easier to assess in either block or fully rendered imaging.
70. It is however considered that the impact of the proposed development on the Lancashire Cricket Club has not been adequately considered either in terms of its visual impact (i.e. impact on views to and from the cricket ground) or in terms of the likely impact on the character and identity of the club. The assessment has also failed to consider the impact of the proposed development on the character of Longford Park, which is a Conservation Area, nor on views into or out of it.
71. Whilst these viewpoints were not initially identified by the Local Planning Authority during pre-application discussions, the request was not considered unreasonable during the determination process.
72. With regard to LCC, it is also considered that the baseline assessment gives insufficient consideration of LCC as a separate townscape receptor and area of townscape importance. This is an internationally important sports venue which makes an important contribution to the character and identity of Trafford and the cultural heritage of the area and is also considered to be a non-designated heritage asset. The impact of the proposed development on Lancashire Cricket Club has not been adequately considered either in terms of its visual impact (i.e. impact on views to and from the cricket grounds) or in terms of the likely impact on the character and identity of the club.
73. It is considered that the TVIA over emphasises the taller buildings to the north of the site and does not provide sufficient consideration of the larger proportion of the surrounding area which has a prevailing height of two storeys. It is also considered that the assessment of the effect of the proposed development on character has generally under-stated the likely scale of the development in

comparison with the existing buildings surrounding the cricket club, Metrolink stop and office developments off Talbot Road. The assessment describes the existing buildings (which are a maximum of six storey) as being 'broadly similar and coherent in scale' as the proposed development which actually extends to the equivalent of 13 storeys. This is an inaccurate judgement on the relative heights of the proposed development and surrounding existing buildings.

74. It is also considered that the predicted magnitude of change for some of the views has been understated and the use of landscape (rather than portrait photography) in visualisations has meant that the upper part of the building is not shown in some images. This gives an incomplete and inaccurate representation of the likely visual impact of the proposals. It should also be noted that 'Visual Representation 1' is not accurate as a large proportion of the building frontage is missing from the wireframe model.
75. It is considered that the conclusion of the TVIA that there would be 'no notable townscape effects' arising from the proposed development is an inaccurate summary of the likely impact of the development and as concluded by Turley the proposals are likely to result in some significant impacts on the local townscape character and key views. Whilst it is acknowledged that some effects will be beneficial such as the introduction of a new active frontage along Great Stone Road and the removal of the existing building on site, the scheme is also likely to result in negative townscape and visual effects. These primarily relate to the scale and massing of the proposed scheme which is out of scale with the character of the surrounding area.
76. The review by Turley concludes that:

*"Key impacts on townscape character arising from the development would include a reduction in the prominence and importance of the cricket ground in the local townscape character and a dominating effect on both the cricket ground and the surrounding residential area. The cricket club currently makes a significant contribution to the character and cultural identity of the area and erosion of this has the potential to affect the cultural character and identity of the local area.*

*In terms of potential impacts on views and visual amenity, the proposed development would appear as an overly dominant feature in many views. Views from within and around the cricket ground are likely to be adversely affected by the introduction of a long, 13 storey high elevation which would be a dominant and intrusive feature in the background of views (currently open sky). Other views likely to be significantly affected are those along Great Stone Road (in both directions) and from surrounding residential areas and open spaces to the south and west. In these, the development would form a prominent feature on the skyline which would be out of character with the local area."*

77. Overall the Turley report concludes that the proposed development would result in some harm to the local townscape character and visual amenity. Officers agree with the conclusion of the Turley report and although it is considered that the TVIA fails to robustly assess the impact of the proposed development on the local and wider townscape, the submitted TVIA does provide a sufficient level of information to inform a decision on this application.
78. The visual representations 1-8 and 13 included in Appendix 1.0 of the submitted TVIA demonstrate that the proposed development will be highly visible from a number of viewpoints. Its prominence is exacerbated by the scale, height and massing of the proposed development and it is clear within the viewpoints that there are no developments of a comparable scale which sit within the same viewpoint. This indicates that the scale of the proposed development is out of keeping with the general character of the development area.

#### Scale and Height of Proposed Development

79. This planning application includes scale as a matter to be determined as part of this outline planning application.
80. The proposed development is 13 storeys in height at its highest, stepping down to four to six storeys in height along the Great Stone Road site frontage. The rear element of the proposed development has a consistent height of 13 storeys across the width of the proposed building (99 metres) and there are no breaks in the massing of the rear element of this development.
81. The Design and Access Statement does not include an explanation as to how the height of the proposed development has been derived, however the scale analysis on page 11 of the DAS illustrates the prevailing scale of the immediate location and indicates that this ranges from 2 to 6 storeys. Some larger office blocks are referenced along Talbot Road such as Oakland House (15 storeys), however this is several hundred metres from the site, it addresses a primary route into the city and also faces another office block. The analysis of existing building heights in the DAS would therefore suggest a lower scale building would be more contextually appropriate in this location than that proposed.
82. The Building for Life 12 Assessment carried out by Turley on behalf of the Council assesses the relationship of the proposed development against the existing development in the area and concludes that the proposed development acknowledges the existing large scale buildings to the north and east, and the domestic scale of the existing residential area to the south east and south west by stepping down in height from 13 to 5 storeys. However the proposed overall height is still significantly out of scale with its surroundings and would present a monolithic elevation to the cricket ground despite the proposed planting along this boundary. It is not considered that the area set aside for planting along the rear boundary of the site would provide adequate space for a landscaping scheme which would soften the appearance of the proposed development. This

large slab of masonry will dominate the skyline when viewed from within the cricket ground and beyond as there will be no other built structures that will be a commensurate height.

83. As seen in the visual representations included within the TVIA the proposed development does not sit within the context of large scale development and is predominantly viewed against a setting of two storey residential dwellings, the cricket spectator stands which are six storeys in height and the adjacent Lancastrian House office development, which is two and six storeys in height. Whilst the floodlighting columns are seen in views these do not dominate the views or local skyline.
84. The design review describes the proposed development as a large, tall, monolithic residential building which has no comparator in the local area and states that the imposing scale of the building also fails to respond sensitively to the adjacent housing. The review notes that there is a transition in height across the site, however it is considered that the storey height of the proposed development is too high throughout and the scheme is not appropriate within its context.
85. Overall it is considered that the proposed scheme results in the development of a large, tall, monolithic residential building which has no comparator in the local area whilst the imposing scale of the building fails to respond sensitively to the adjacent two storey dwellings. It is not clear whether there would be a requirement for roof top plant on the building. In the absence of such information, it has to be assumed that plant will be sited on top of the roof, which will only add to the building's height and mass.

### Layout

86. This planning application includes layout as a matter to be determined as part of this outline planning application. The submitted plans are not fully detailed, for example, annotated room layouts are not included on the floor plans. The submitted details are however considered to be sufficient to determine the acceptability of the site layout.
87. The layout retains the existing vehicular access point from Great Stone Road and upgrades this to create an access road around the proposed development which serves entrance points to the lower ground floor car park.
88. The site layout addresses the change in levels of Great Stone Road through the use of a podium across the site which allows the proposed development to address Great Stone Road at a level which is accessible by pedestrians at various points along its frontage. A new pedestrian-only access point is created from Great Stone Road, which is segregated from the vehicular entrance to avoid conflict. Due to the podium style development, this level access is created directly from Great Stone Road. A level pedestrian/cycle access to the ground

floor commercial unit is also provided adjacent to the vehicular access, this footway leads to a set of steps which provides access to the remainder of the development. A further stepped pedestrian/cycle access into the development is located to south of the site, this connects to a path which runs along the boundary of the site adjacent to the Metrolink line and provides a separate access to the rear of the site which avoids conflict with vehicles. The applicant has stated that they intend that this pathway will form a direct link to Old Trafford Metrolink stop to the east. At this time however, this is not possible as the proposed connection would require the use of land which is currently in the ownership of LCC.

89. The proposed development is set back from the back edge of the pedestrian footpath along Great Stone Road by between 9.8 metres to 15.3 metres, as the layout incorporates a number of setbacks along this street scene. The proposed development seeks to create an active frontage to Great Stone Road with pedestrian access points and commercial units at the ground floor. It is considered that this is achieved with a degree of success along Great Stone Road.
90. The remaining three elevations however, have no animation at ground floor level. The design review states that as there are no access points along the south eastern elevation this would make the pedestrian path along this boundary both unpleasant and potentially unsafe. The north eastern and western elevations have only vehicular and service access which would again make the pedestrian experience along these long facades unpleasant and potentially unsafe.
91. The layout of the proposed development results in a single block of development. With the scale and massing of the proposed scheme this results in a form of development which limits permeability through the site, both visually and physically. Whilst the adjacent uses limit the requirement for such a link, it is considered important for a development of this scale to be visually permeable. The layout of the proposed development, by reason of the size of the footprint of the proposed development also leaves insufficient room for appropriate landscaping to soften the appearance of the proposed development. As a result the proposed development appears as a large unbroken and impermeable building mass with an over-dominant visual impact on the surrounding area.
92. The layout of the site, combined with the height of the proposed development results in an overshadowing impact of the building on the internal landscaped courtyards. This is explored in more detail within the 'Amenity' section of this report, but is another indicator that the layout and scale of the proposed development is inappropriate.

### Appearance

93. This planning application includes appearance as a matter to be determined as part of this outline planning application. The submitted plans are not fully

detailed and additional details have been requested through the determination process, for example window sets backs and balcony details.

94. The character of the local area is varied and so there is no prevailing character in the area to influence the scheme design. The submitted Design and Access Statement has a limited narrative on the design rationale for the proposed development, commenting that the proposed materials will be brick in response to the local materials in the surrounding area. The submitted documentation does not provide a rationale on design cues or influences for the proposed development.
95. The front façade, although irregular in appearance, appears thoughtfully composed with set-backs at various points along the frontage, integral balconies which create a depth to the façade and a well-balanced frontage. The building design is contemporary in nature, which is considered to be an acceptable approach in this area.
96. Drawing no. PL\_230 provides additional design details to the elevation drawings for the front elevation only with a cross section of proposed balcony design, textured brick work detailing and balcony screens and limited recessed brickwork detailing. No window recess details have been provided as part of the application.
97. The rear and side elevations do not benefit from the same design approach as the front façade and there is little relief or detail in these three facades. Small integral balconies are proposed within these elevations, but generally the facades are monotonous in their appearance.
98. Although some additional information was provided with regard to the detail of the front elevation, the overall level of detail provided is considered to be insufficient to determine whether the appearance of the proposed development is acceptable, particularly when the application is seeking planning permission for the appearance of the proposed development. The details provided relate to the front elevation only and there is no indication of the level of detail proposed on the remaining three elevations of the proposed development; therefore it is not possible to determine the design quality of these elevations.
99. Proposed materials have not been discussed as part of the application; however the submitted information indicates that light/medium brickwork with a string course in a feature brick, glazed balconies, terracotta baguettes in a lightweight aluminium frame, and curtain walled glazing at ground floor level is proposed. Overall this use of materials is considered to be acceptable, however there are concerns that the use of brick as the sole material within the development could appear monotonous and exacerbate the scale of the proposed development. This concern however, essentially results from the excessive scale and mass of the building.

100. The sheer scale of the rear façade, combined with the design approach results in a development which appears monolithic and will dominate views around the area.
101. The applicant has failed to demonstrate that appearance of the proposed development will be acceptable and appearance is sought as a matter for approval at outline stage. It is considered that the scale, mass and failure to break up the elevations adequately, together with the absence of drawings to indicate that the proposed development would look anything other than monolithic.

### Density

102. The Local Plan does not seek to impose either minimum or maximum densities on proposed development however, the issue of density is referred to in Strategic Objective 1 of the Core Strategy which states that the Council will promote sufficient high quality housing in sustainable locations, of a size, density and tenure needed to meet the Borough's needs and to contribute towards those of the city region. Policy L1.4 states that the Council will seek to ensure the efficient use of land, concentrating higher density housing development in appropriate and sustainable locations where it can be demonstrated that it is consistent with the provisions of L2 (Meeting Housing Needs). These policies can be seen to encourage higher density development in appropriate locations and Policy L7.1 goes further to act as a 'sense check' and states that development should enhance the street scene or character of the area by appropriately addressing density, amongst other criteria.
103. The NPPF addresses the issue of density in paragraphs 122 and 123. Paragraph 123 states that *"Where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities, and ensure that developments make optimal use of the potential of each site"* and at bullet point c) states *"local planning authorities should refuse applications which they consider fail to make efficient use of land, taking into account the policies in this Framework"*
104. Although the NPPF encourages the efficient use of land, paragraph 122 does caveat that development should also take into account the desirability of maintaining an area's prevailing character and the importance of securing well-designed, attractive and healthy places.
105. Throughout the NPPF there is an emphasis on good design, therefore it is clear that although higher density developments are encouraged within the NPPF, they should not be high density to the detriment of development design and development should be appropriate to its location.



106. Although the GMSF is of limited weight in the determination of this application, Policy GM-H 4 is of relevance in terms of density. Increasing the average density of new housing developments in the most accessible locations is an important part of the overall strategy in the GMSF, it will help to ensure the most efficient use of the land, assist in the protection of greenfield land and maximise the number of people living in the most accessible locations. In Policy GM-H 4 this location is within the 'Other rail stations with a frequent service and all other Metrolink stops' category. This states that where sites are within 400 metres of these transport locations, the minimum net residential density should be 70 dwellings per hectare (dph).
107. The Turley design review assessed the density of the proposed development using the Floor Space Index tool, which calculated the proposed development as having a density of 4.6 which is more suited to that of city centre development. As a comparable the recently constructed high density student residential phase of Circle Square in the heart of Manchester city centre has an FSI of circa 4.6. The completed New Union Street residential development by Manchester Life in Ancoats (edge of city core) has an FSI of circa 3.0 and Pomona Phase 2 in Trafford (an isolated residential site within an industrial context) has an FSI of circa 3.0, and a density of circa 400 dwellings per hectare (dph). In terms of a dph figure the proposed development site measures 1 hectare, which results in a housing density of 433 dph.
108. The density of the proposed development is considered to be inappropriate and excessive for the suburban location of this application site, particularly when the density of the immediately adjacent residential development is in the region of circa 30-40 dwellings per hectare and there is no relevant precedent in the surrounding area.

#### Conclusion on design and appearance

109. Good quality design is an integral part of sustainable development. The NPPF and PPG recognise that design quality matters and that the planning process should be used to drive up standards across all forms of development.
110. The proposed development at 13 storeys in height with a density of 433 dph is considered to be significantly out of keeping with the general character and appearance of the local area in terms of scale, massing and density. There are no comparators within the vicinity of the application site and it is apparent in the representative views contained within the submitted TVIA that the proposed development would appear as an incongruous feature within the local and wider streetscene.
111. The layout of the site results in the development of one single block of development which restricts views through the site and combined with the design approach results in a development which appears monolithic and will dominate views around the area.

112. The layout of the site, in combination with the scale of the development also results in overshadowing of the internal courtyard amenity areas, which is considered to be a further indicator that the scale of the proposed development is not acceptable.
113. The front façade of the proposed development does deliver some positive features with the creation of an active frontage to Great Stone Road and an interesting contemporary design approach which utilises an irregular appearance, set back and recessed balconies to create a well composed elevation. However, it is not considered that this overcomes the harm caused by the sheer scale and width of even this elevation. There are also concerns that the use of just brick as the main building material through the development will intensify the impact of the scale of the proposed development.
114. The rear and side elevations do not benefit from the same design approach as the front façade and there is little relief or detail in these three facades which generally appear monolithic and monotonous.
115. Overall it is considered that the proposed development would not deliver a high quality designed scheme and the proposed development is considered to be contrary to Core Strategy Policy L7 and the NPPF, which indicates at paragraph 130 that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

## HERITAGE

116. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the Local Planning Authority to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess and section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of Conservation Areas.
117. 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.
118. Paragraph 193 of the NPPF establishes that when considering the impact of a proposed development on the significance of a designated heritage asset, great

weight should be given to the asset's conservation. The NPPF sets out that harm can either be substantial or less than substantial and there will also be cases where development affects heritage assets but from which no harm arises. Significance is defined in the NPPF as the value of a heritage asset to this and future generations because of its heritage interest, which includes any archaeological, architectural, artistic or historic interest. The significance of a heritage asset also derives from an asset's setting, which is defined in the NPPF as 'the surroundings in which a heritage asset is experienced'.

119. The application site lies within the setting of Trafford Town Hall which is Grade II listed, Longford Park Conservation Area and Old Trafford Cricket Ground, which is considered to be a non-designated heritage asset.
120. Trafford Town Hall is significant for its aesthetic, historical illustrative and communal values. The clock tower in particular is an important local and distinctive landmark and views of this contribute greatly to its aesthetic value. Its landmark quality orientates residents and visitors and provides a focal point within the locality. A clock face is intentionally visible on all four elevations of the tower emphasising the importance and visibility of this civic building at the time of construction in 1933 and this remains the case today. Currently there are glimpses of the clock tower from within and across the application site; these views therefore contribute to the significance of this Grade II listed building. It should be noted that Core Strategy Policy SL3 also references the requirement for new development to protect, preserve and enhance the listed Trafford Town Hall.
121. The site will be visible from Longford Park Conservation Area. The significance of the Conservation Area derives from the site of the former Longford Hall and its association with John Rylands. During the 20th century, the Estate was designated as a public park and a key aesthetic value of the site comes from its green spaces, mature trees and planting. The layout of the spaces reflects both the park's historic estate use and changes made during its use as a park. The central and southern parts of the Conservation Area are defined by the estate buildings, formal gardens and tree lined paths, whereas the northern end of the park is much more open in character, with wide expanses of fields. In the 1930s a number of buildings and structures were added to the park including the former Firwood Library and entrance from the Quadrant to the north. The park, which is also highly valued as a recreational facility, provides vistas across to the open space to the north of the Conservation Area and beyond from the former Firwood Library towards the application site.
122. The Old Trafford Cricket Ground and pavilion are identified as a non-designated heritage asset. The pavilion was designed by Thomas Muirhead architect also of the pavilion at the Oval. Despite being altered and rebuilt after WWII bomb damage as well as a comprehensive redevelopment in recent years, the building maintains its original layout and relationship with the cricket pitch. The building

remains an iconic image of LCC and has remained in its intended use since 1895. Similar to Trafford Town Hall, there are glimpses of the pavilion and cricket ground from Great Stone Road across and from within the application site.

123. Viewpoint 5 of the LVIA demonstrates the impact of the proposed development on views across the application site which will be completely obscured, by the single block approach to the proposed development. The proposed development will result in the loss of views of Trafford Town Hall and LCC and based on the submitted information, it is considered that the proposal will harm the significance of Trafford Town Hall, Grade II listed and LCC as a non-designated heritage asset for this reason.
124. Despite the potential impact on the Longford Park Conservation Area identified in the submitted Heritage Statement, there are no viewpoints included in the TVIA taken from either the Park or former Firwood Library. It is considered that there is intervisibility between the application site and the Conservation Area and the height, scale and massing of the proposed development has the potential to impact on the aesthetic significance of the Conservation Area. In the absence of these additional viewpoints it is difficult to ascertain the level of harm to that significance. It should be noted that an additional viewpoint from Longford Park was requested during the application process however the applicant's landscape architect did not consider it necessary for further viewpoints to be provided.
125. It is considered that the development would be conspicuous by virtue of its height, massing, scale, siting and appearance and would harm the significance of Trafford Town Hall, Grade II listed; Longford Park Conservation Area and LCC. The level of harm that would arise in relation to Trafford Town Hall and LCC is considered to be less than substantial. In the absence of a sufficient assessment of views to and from the application site and Longford Park Conservation Area it has not been possible to quantify the level of harm to this heritage asset. In the absence of this information the applicant has failed to demonstrate that any impacts on Longford Park Conservation Area would comply with NPPF policy or guidance in the Conservation Area Appraisal and Conservation Area Management Plan.
126. Where a development proposal will lead to less than substantial harm to a designated heritage asset, paragraph 196 of the NPPF indicates that this harm should be weighed against the public benefits of the proposal.
127. It is acknowledged that the proposed development would provide a number of public benefits, most notably 433 apartments on a vacant brownfield site in a sustainable location, and at a time when the Council cannot demonstrate a rolling five year housing land supply. This would represent a significant contribution to the Council's housing land supply figures and targets for delivering residential development on brownfield sites. The proposal would provide 22 affordable

homes, and is also likely to provide increased spending in the local area and a benefit to local shops. Considerable weight must therefore be given to these benefits, albeit that the scale of benefit in terms of housing numbers only arises as a direct result of the inappropriate design, height, scale and mass of the proposed building and the consequential harm identified here and elsewhere in this report. It is also noted that many of these benefits would also result from the provision of an alternative scheme that appropriately addressed these matters. However, the harm caused to the significance of Trafford Town Hall, a designated heritage asset, as a result of the design, excessive height, scale and mass of the proposed development, and the consequential loss of views of the clock tower, is such that the public benefits identified are not considered to outweigh this harm.

128. With regard to the impact of the development on the significance of the LCC ground, a non-designated heritage asset, paragraph 197 of the NPPF indicates that a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset. Turley's assessment of the development proposal concluded that the development would result in a reduction in the prominence and importance of the cricket ground in the local townscape character and a dominating effect on the cricket ground itself. The cricket ground currently makes a significant contribution to the character and cultural identity of the area, adding further to its significance. Harm resulting from the erosion of this significance, as a result of the proposed development, is considered in the planning balance section at the end of this report.
129. In relation to the consideration of the development proposal against paragraph 11d) of the NPPF, it is considered that the adverse impacts to designated heritage asset resulting from the scheme provide a clear reason for refusal of the application. The public benefits of the scheme are not considered to outweigh the less than substantial harm identified. The proposed development is also contrary to Core Strategy Policy R1.

#### AMENITY

130. In addition to ensuring that developments are designed to be visually attractive Para 127 of the NPPF advises that planning decisions should create places that provide a high standard of amenity for existing and future users.
131. Policy L7 of the Core Strategy contains similar requirements and 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. It has already been concluded earlier in this report that L7 is considered to be up to date for decision making purposes and that full weight can be attached to it.

132. A range of issues have been considered under the broad topic of residential amenity in this case. All issues are considered in turn below, and with the impacts on both existing and prospective residents discussed.

### Overlooking

133. An important consideration in seeking to deliver and maintain good standards of residential amenity is associated with avoiding adverse overlooking. This is ordinarily achieved by ensuring that an appropriate degree of separation exists, particularly between habitable room windows of facing properties, and also when bearing in mind the prospect for private amenity space to be overlooked.
134. The Council's New Residential Development Planning Guidelines document (PG1) does 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.
135. Habitable room windows are located in all elevations of the proposed development with all flats within the development having a single aspect outlook.
136. The nearest existing residential properties are located opposite the site on Great Stone Road. The front façade of the proposed development is located between 36.5 metres and 39.5 metres from the front elevation of the existing residential dwellings on Great Stone Road. It should be noted that these dwellings are set at a lower ground level than Great Stone Road rising in height in front of these dwellings.
137. The application site is also located adjacent to the existing residential dwellings on Trent Bridge Walk which is located on the opposite side of the Metrolink line adjacent to the site. These dwellings are located between 45 metres and 49 metres away from the side elevation of the proposed development. The remaining external facing elevations will overlook the LCC ground and car parking area.
138. In terms of the internal layout, the courtyards achieve interface distances of 35 metres by 23 to 26 metres in the eastern courtyard and 32 metres by 27 metres in the western courtyard. Oblique views may be possible within the courtyard, however given the nature of the proposed development within a residential block and courtyard setting, this interface is considered to be acceptable.
139. The proposed development exceeds the separation distances set out within PG1. The proposed development would however result in the introduction of a significant number of new habitable room windows and balconies overlooking the existing dwellings on Great Stone Road and Trent Bridge Walk. Whilst these

residents are likely to feel overlooked as a result of this, particularly as these dwellings are not currently overlooked to their front elevations, the separation distances are considered to be acceptable and it is not considered that the proposed relationship would result in an unacceptable level of overlooking. The internal relationships within the proposed development are considered to be acceptable.

#### Overbearing impact

140. The need to ensure that the proposed development would not have an overbearing impact is a further, important residential amenity consideration. The term 'overbearing' is used to describe the impact of a building on its surroundings, and particularly a neighbouring property, in terms of its scale, massing and general dominating effect.
141. The existing situation of the dwellings located on Great Stone Road and Trent Bridge Walk must also be considered in assessing whether the proposed development would result in an overbearing impact to existing occupiers.
142. This proposal would introduce a building of significant height, scale and mass to the application site, which is not comparable to the scale of any development within the vicinity, which in itself is generally dominated by two storey residential dwellings.
143. Whilst SPD4 is not directly of relevance to a development of this nature as it focuses on residential alterations and extensions, it does advise on appropriate separation distances between developments to prevent an unacceptable overbearing impact. These are different to the privacy distances previously mentioned. Acknowledging the chief purpose of the SPD in informing householder planning applications, it recommends a distance of 15 metres between the principal elevation of one dwelling and a blank (i.e. no windows) elevation of another (assuming two-storey properties). For each additional storey, an additional three metres may be required, it continues.
144. The adjacent two storey residential dwellings will be most impacted upon by the proposed development and an assessment has to be made to understand whether the proposed development would result in an unacceptable overbearing impact on existing residents.
145. In assessing the proposed development against the criteria of SPD4 the proposed development would be expected to achieve a separation distance of 24 metres from the existing dwellings where it is five storeys in height, 30 metres where the development is seven storeys in height, 33 metres where the development is eight storeys in height and 48 metres where the proposed development is 13 storeys in height. The development achieves these distances.

146. Whilst the proposed development meets the standards set out in SPD4, it must be acknowledged that SPD 4 was written for house extensions and is not readily applicable in this scenario. Furthermore it is considered that the proposed development by reason of its sheer scale and mass will form a continuous block of development which would be readily visible from the windows, gardens and streets of the surrounding area. The proposed development would introduce a dominant and intrusive feature which would significantly affect existing views and appear completely at odds with the scale, form and character of the area. It is also considered that the proposed development would have a dominating effect on LCC. It is considered that attempts to break up the scale and mass of the building have been unsuccessful and have made little difference to the dominating and overbearing effect that the proposed development will have.

### Outlook

147. The issue of outlook is also a consideration in the determination of impact on amenity. A satisfactory outlook should be maintained for existing properties and ensured for future occupiers of the proposed development.
148. Occupiers of the flats located at first and second floor level in the rear elevation of the proposed development would directly overlook a building which provides ancillary facilities to LCC and is located within the LCC ground. The building is industrial in design being clad in corrugated metal cladding. This building has an eaves height of approximately seven metres and is located approximately 12.5 metres away from the rear elevation of the proposed development where habitable room windows would be located.
149. Thirteen flats with single aspect outlooks would directly face this unit and a further three units would also look onto this elevation. Two of these units would result in bedrooms having a sole outlook onto this building and the living area of a third would also have a main outlook directly onto this elevation.
150. The issue of poor outlook of these rear elevation units was raised with the applicant who stated that *“the habitable rooms are essentially at first-floor level (3m above ground level). From this elevated position, the eaves of the LCC building would only be 4m above the first-floor floor level, which justifies a reduced offset than is set out in SPG1. It is also likely that the detailed landscaping scheme (reserved matter) will provide tree planting along this boundary.”*
151. Whilst this is true with the eaves being located 4.4 above the first floor level, the submitted Courtyard Sections AA and BB clearly demonstrate that the outlook of the units at first floor level would be poor. The outlook for the units at second floor level is slightly improved with the eaves being set approximately 1.6 metres above second floor level. Nonetheless an outlook over the service road onto a blank elevation for so many units is not considered to be ideal. Whilst the applicant indicates that this outlook would be softened with tree planting, the reality



is that the relationship of the development to the rear boundary is so tight that there would be very little room for tree planting which would provide any meaningful softening.

### Daylight and Sunlight

152. With specific regard to amenity in terms of daylight and sunlight paragraph 123 c) of the NPPF states that where there is an existing or anticipated shortage of land for meeting identified housing needs, it is important that planning policies and decisions avoid homes being built at low densities, and ensure that developments make optimal use of the potential of each site, the NPPF goes on to state that local planning authorities should take a flexible approach in applying policies or guidance relating to daylight and sunlight, where they would otherwise inhibit making efficient use of a site (as long as the resulting scheme would provide acceptable living standards).
153. As previously noted Policy L7 also seeks to ensure that development must not prejudice the amenity of future occupiers of the proposed development and existing occupiers of adjacent properties.
154. New residential development should also be designed to ensure that adequate levels of natural light can be achieved. With this in mind, the application is accompanied by a specialist study which has sought to establish the extent of any sunlight and daylight loss on surrounding properties, and whether any overshadowing would occur and the level of daylight and sunlight serving the units within of the proposed development. For the sake of clarity, daylight is defined as the volume of natural light that enters a building to provide satisfactory illumination of internal accommodation between sunrise and sunset. Sunlight refers to direct sunshine, and overshadowing is a consequence of the loss of sunlight.
155. The report is based on the methodologies set out in the Building Research Establishment (BRE) report 'Site layout planning for daylight and sunlight - A guide to good practice'.
156. The report focuses on the nearest sensitive receptors, listed below. These 35 residential properties are located in the immediate vicinity of the site. No commercial receptors have been considered by this report.
  - No.s 9-21 Trent Bridge Walk (all inclusive)
  - No.s 47-61 Gorse Crescent (odd no.s only)
  - No.s 44 – 50 Great Stone Road (even no.s only)
  - No.s 54 – 58 Great Stone Road (even no.s only)
  - No. 55 Great Stone Road
  - No. 1 - 4 Gorse Avenue (all inclusive)
  - No.s 6 & 8 Gorse Avenue

157. The report also assesses the impact of the proposed development on future occupiers to establish whether a satisfactory level of daylight would be received internally.
158. The report refers to three measures of diffuse daylight: Vertical Sky Component (VSC), No-Sky Line (NSL) and Average Daylight Factor (ADF). Sunlight is measured as Annual Probable Sunlight Hours (APSH). Each of these is explored in further detail below.
159. The VSC method measures the amount of sky that can be seen from the centre of an existing window and compares it to the amount of sky that would still be capable of being seen from that same position following the erection of a new building. The measurements assess the amount of sky that can be seen converting it into a percentage. *If the VSC within new development is :*
- *At least 27% conventional window design will usually give reasonable results;*
  - *Between 15% and 27% special measures such as larger windows and changes to room layout are usually needed to provide adequate daylight;*
  - *Between 5% and 15% it is very difficult to provide adequate daylight unless very large windows are used;*
  - *Less than 5% it is often impossible to achieve reasonable daylight, even if the whole window wall is glazed.*
160. When assessing the VSC of existing developments, if the VSC, with the new development in place, is less than 27% and less than 0.8 times its former value, occupants of the existing building will notice the reduction in the amount of skylight. The area lit by the window is likely to appear gloomier and electric lighting will be needed more of the time. It should be noted that the 27% VSC target value is derived from a low density suburban housing model.
161. NSL is a measure of daylight distribution within an existing building/room. The NSL divides points on the working plane which can and cannot see the sky. In housing, the working plane is assumed to be horizontal and 0.85 metres above the floor. If from a point in a room on the working plane it is possible to see some sky then that point will lie inside the NSL contour. Conversely, if no sky is visible from that point then it would lie outside the contour. As areas beyond the NSL receive no direct daylight, they usually look dark and gloomy compared with the rest of the room, however bright it is outside. Supplementary electric lighting will be needed if a significant part of the working plane lies beyond the NSL.
162. When comparing the NSL for existing buildings against that proposed following development, BRE guidelines state that if the no-sky line moves so that the area of the existing room which does receive direct skylight is reduced to less than 0.8

times its former value, then this will be noticeable to the occupants, and more of the room will appear poorly lit from those that cannot.

163. Average daylight factor (ADF) is a measure of the overall amount of daylight provision in new rooms. The BRE guidelines advise that the acceptable minimum ADF target value depends on the room use and advises an ADF of 1% for a bedroom, 1.5% for a living room and 2% for kitchens. It should be noted that the BRE guidance advises that an ADF of 5% would provide a well daylight space and 2 % would provide a partly daylight space, where electric lighting is likely to be turned on.
164. Annual Probability of Sunlight Hours is a measure of sunlight that a given window may expect over a year period. BRE guidance recommends that at least one main window wall should face within 90 degrees of due south and the APSH received at a given window in the proposed development should be at least 25% of the total available, including at least 5% in winter.
165. BRE guidance notes that a dwelling with no main window wall within 90 degrees of due south is likely to be perceived as insufficiently lit. In large residential developments the number of dwellings whose living rooms face solely north, north east or north west should be minimised, unless there is some compensating factor such as an appealing view to the north,
166. When assessing the impact of APSH in existing developments, if a living room of an existing dwelling has a main window facing within 90 degree of due south, and any part of a new development subtends an angle of more than 25 degrees to the horizontal measured from the centre of the window, then the sunlighting of the existing dwelling may be adversely affected. This will be the case if the centre of the window fails to meet the criteria outlined above and received less than 0.8 times its former sunlight hours during either period and has a reduction in sunlight received over the whole year greater than 4% of APSH.

#### Daylight and sunlight impact on existing properties

167. Existing properties should be assessed against the BRE guidelines for VSC, NSL and ASPH.
168. Of the 35 properties assessed, 25 are 100% compliant in terms of VSC. Of the remaining ten properties (located on Trent Bridge Walk and Great Stone Road) 25 windows were assessed and all windows bar one achieved a value of 25% or more (27% being a good level of daylight). The one window which fell below this level serves a bedroom in No. 14 Trent Bridge Walk and this achieved a value of 18.72%.
169. The VSC also needs to be measured against its former value as daylight will be noticeably reduced if, after a development, the VSC is both less than 27% and

less than 80% of its former value. In terms of former value, the applicant's assessment indicates that the reduction in VSC when compared against its former value for these ten windows varies between 68% and 76%.

170. In total ten properties would be detrimentally affected by the proposed development in terms of VSC, where post development they would have a VSC which fails to comply with the BRE guidelines. The table at Appendix 2 outlines the impact that the proposed development would have on the existing dwellings.
171. 18 of the properties assessed fail to meet BRE criteria on NSL, which has a target of attaining 80% of their former value. Seven of the properties which fail to meet these guidelines do so minimally, i.e. achieve a NSL target between 70% and 80%. The remaining 15 properties which fail to meet the BRE NSL do so to a much more significant degree. The table at Appendix 3 outlines the No Sky Line data and the comments within the submitted Daylight Sunlight Report.
172. All of the windows assessed in terms of Annual Probability of Sunlight Hours passed the BRE criteria.
173. 19 of the 35 existing properties assessed failed to meet the BRE guidelines for both VSC and NSL, however the applicant's submitted assessment concludes that although there are some measures of daylight / sunlight to the windows/rooms examined in the surrounding properties which do not fully meet the individual BRE criteria, they find that on the whole the calculations are acceptable and that where there are deviations from the BRE guidance, their significance is offset by the following:
  - It is inevitable when constructing buildings in an urban environment that alterations in daylight and sunlight to adjoining properties can occur;
  - Deviations from the BRE guidelines are generally very minor/marginal and good levels of natural light are retained by most properties/windows when taking into account the existing environment;
  - The BRE guide states that for No Sky Line (NSL) "bedrooms should be analysed although they are less important" and the majority of rooms that experience any impact are bedrooms;
  - The BRE guidelines indicate that in interpreting the results of an assessment, a degree of flexibility is required;
  - The BRE tests are based on a typical (two storey) suburban model of development and it is reasonable to assume that expectations of levels of daylight sunlight will be different in developing larger properties such as this. This is noted in the guide itself.

#### Conclusion on daylight / sunlight impact on existing properties

174. The Local Planning Authority acknowledges that some flexibility should be applied in the consideration of daylight and sunlight as set out in paragraph 123 of the NPPF in order to facilitate the delivery of higher density developments.

However, it should be borne in mind that this application site is located within (and impacts upon) a low density suburban area and not an urban environment as implied within the submitted assessment, therefore it is considered that the proposed development should generally comply with the figures set out in BRE guidance.

175. The impact of the proposed development is such that it fails to comply with the relevant BRE daylight criteria standards in relation to nineteen existing properties. It is considered that the infringement of the guidelines with regard to VSC is minimal, with all properties bar one achieving a figure above 25%. However the non-compliance with the NSL guidelines is of greater concern with eleven properties achieving a NSL figure of less than 70%, where the target is 80%. Four windows achieve less than 30% compliance, three between 31-40% compliance, one between 41-50% compliance, seven between 51-70% compliance and six between 61-70% compliance. The submitted Daylight/Sunlight Report acknowledges that where the NSL is at the lower end of the range, this is a major impact, however the report quantifies that as it bedroom windows which are affected the impact is of less significance. Whilst it is acknowledged that the vast majority of the affected windows serve bedrooms, the degree of non-compliance is nonetheless concerning and a number of properties will have to rely more on electric lighting to achieve adequate internal lighting levels. This is considered to be an unacceptable impact on residential amenity, caused by the height and layout of the proposed development.

#### Daylight and sunlight impacts on proposed units

176. Residential units within proposed developments should be assessed against the BRE guidelines for VSC, ADF and ASPH.
177. As with existing developments a VSC of 27% should be achieved for the proposed units. The applicant's study shows that 189 out of 661 windows assessed have a VSC of greater than 27% and pass the BRE guidelines. A further 88 windows have a VSC of between 22% and 27%, which the submitted assessment concludes are only marginally below the required level. 110 of the remaining 384 windows have a VSC between 17% - 22%, which the submitted assessment concludes is reasonable and the other and the remaining 274 have a VSC below 16%.
178. The submitted report indicates that only 384 windows out of 1,357 (28%) in the whole development are outside being classed as fully compliant or a minor fail of the BRE guidelines for VSC and the results for the proposed building can therefore be considered acceptable, the applicant's consultant concludes.
179. An analysis of the figures shows that the majority of the 274 windows which have a VSC below 16% are located on the first to fifth floors of the proposed development and 89 (6%) of these windows achieve a figure of less than 10%. A

review of the figures shows that one window serving a bedroom achieves a value of only 0.04%.

180. Although the figure of 27% is based upon a low density suburban model and some flexibility should be applied, BRE guidance states that where VSC figures are between 5% and 15% it is very difficult to provide adequate daylight unless very large windows are used and where less than 5% it is often impossible to achieve reasonable daylight.
181. Average Daylight Factor (ADF) is also considered within the submitted Daylight Sunlight Report. The ADF for 244 out of 604 rooms assessed exceed the minimum BRE guideline requirement.
182. The ADF levels to a further 128 rooms was assessed as being between 0.75% and 1% (bedrooms where 1% is the target value), 1.25% and 1.5% (living rooms where 1.5% is the target value) and 1.75% and 2.0% (kitchens where 2.0% is the target value). These are considered within the report to be only marginally below the target level.
183. 130 of the remaining 232 rooms return ADF values of between 0.5% and 0.75% (bedrooms where 1% is the target value), 1.0% and 1.25% (living rooms where 1.5% is the target value) and 1.5% and 1.75% (kitchens where 2.0% is the target value). The remaining 102 rooms have ADF levels that are below 0.5% (bedrooms where 1% is the target value), 1.0% ((living rooms where 1.5% is the target value) and 1.5% (kitchens where 2.0% is the target value). All of these windows fall below the target level.
184. In reviewing these figures it should be remembered that where the ADF is below 2% rooms will look dull and electric lighting will likely be turned on to provide adequate internal lighting levels and the figures within the guidance are the minimum values recommended. The submitted report sets out the position that only 232 of the 1,230 rooms assessed are outside being classed as fully compliant or a minor fail of the BRE guidelines for ADF. Technically 360 rooms comply with the minimum ADF guidance levels, which equates to 71 % of the rooms within the development not complying with the BRE guidance. An analysis shows that dwellings on all floors will be affected by poor ADF levels, however the majority affected are located on the lower floors of development, particularly the first to fifth floors.
185. In terms of APSH, 310 of the 661 windows assessed did not fall within 90 degrees of due south and were not assessed for APSH.
186. Where measured, the APSH calculations to 260 of the 351 windows are well above the BRE recommended levels of 25% in *summer*. Of the remaining 91 windows, 46 have summer APSH levels of between 20% and 25%, 30 have

summer APSH levels of between 15% and 20% and the remaining 15 windows have summer APSH levels of below 15%.

187. Where measured, the annual probable sunlight hours calculations to 260 of the 351 windows are well above the BRE recommended levels of 5% in *winter*. Of the remaining 91 windows, 33 have winter APSH levels of between 3% and 5%, 35 have winter APSH levels of between 1% and 3%, and the remaining 23 windows have winter APSH levels of below 1%.
188. Analysis by officers shows that the rooms which would suffer from a poor level of APSH are primarily located on the first to fifth floors.

#### Conclusion on daylight / sunlight for the proposed units

189. From an analysis of the data contained within the submitted report it is clear that residents of the units on the lower floors of the proposed development, in particular the first to fifth floors would be subject to daylight and sunlight levels which are below the BRE guidance levels set out for VSC, ADF and APSH measurements. Whilst each impact on its own may not be considered to be an issue, when taken collectively, it is considered by the Local Planning Authority that a considerable number of the residents of the proposed development, would not benefit from an adequate level of daylight or sunlight and this would be detrimental to their residential amenity. These adverse impacts have arisen as a result of the height and layout of the proposed development.

#### Wind Microclimate

190. A Wind Microclimate Report was submitted in support of the planning application. The report assesses the effect of the proposed development on the local microclimate against best practice guidelines for pedestrian comfort and safety. These two aspects are associated with pedestrian use of public open spaces.
191. Wind environment is defined as the wind flow experienced by people and the subsequent influence it has on their activities. It is concerned primarily with wind characteristics at pedestrian level.
192. The study has been produced using the widely applied wind environment criteria for pedestrian comfort and safety developed by T.V. Lawson (Lawson, 2001) from Bristol University.
193. The Lawson Criteria have been applied to determine the acceptability of wind conditions for pedestrian safety and comfort.
194. Pedestrian comfort is assessed against wind speed and duration and is split into five 'comfort categories':

Sitting	Light breezes desired for outdoor restaurants and seating areas where one can read a paper or comfortably sit for long periods.
Pedestrian Standing	Gentle breezes suitable for main building entrances, pick-up/drop-off points and bus stops.
Pedestrian Leisure Walk	Moderate breezes that would be appropriate for strolling along a city/town centre street, plaza or park.
Business Walk	Relatively high speeds that can be tolerated if one's objective is to walk, run or cycle without lingering
Uncomfortable	Winds of this magnitude are considered a nuisance for most activities, and wind mitigation is typically recommended.

195. The Lawson criteria identifies a safety criterion to identify those areas where someone could find walking difficult, or even stumble and fall. The Lawson criteria define threshold wind speeds not to be exceeded for more than 0.025% of the year.

<b>Safety Rating</b>	<b>Threshold Mean-hourly Wind Speed Exceeded Once Per Annum (0.025%)</b>	<b>Wind conditions as experienced by people</b>
Unsuitable for the general public	>15 m/s	Less able and cyclists find conditions physically difficult.
Unsuitable for able-bodies	> 20 m/s	Able-bodied persons find conditions difficult. Physically impossible to remain standing during gusts.

196. A baseline scenario model was produced to ascertain the existing conditions on the site before the proposed development was modelled. This baseline model identified a number of sensitive receptors which were assessed. These are identified on the figure included at Appendix 4 which is an extract from the submitted Wind Microclimate Report.
197. The assessment of the existing site conditions found that in terms of pedestrian comfort there were some areas where wind speeds tend to accelerate, particularly in the winter months. Windier conditions were also noted at receptors 1, 39 and 10. Conditions here are identified as suitable for standing. Receptor 9 was also shown to have some local wind acceleration. This area shows localised exceedance of the sitting criteria during winter but is generally suitable for standing.



198. In terms of pedestrian safety, the baseline scenario model indicates that the wind environment within and outside the site in the baseline condition is within the recommended criteria for safety on the basis that the wind speeds are unlikely to exceed 15m/s for 0.025% of the year, in line with the Lawson criteria guidance.
199. The proposed scenario was then modelled and the pedestrian comfort and safety assessed.
200. The proposed scenario model indicated that in terms of pedestrian comfort most areas remain suitable for sitting and standing. Some areas suitable for standing in the baseline scenario would only become comfortable when leisure walking, such as the north, and west corners part of the site. The proposed development would also create wind acceleration at the eastern corner of the site (receptor 98). This area would become suitable for business walking only, however the receptor is located along the proposed footpath to the side of the development site and is expected to be suitable for leisure walking. The report advises that mitigation measures in the form of landscaping and tree planting would be required to reduce wind speeds in this area.
201. Increased wind acceleration is also anticipated at the south-eastern corner of the proposed building (receptors 95 and 96) and to the east of the site (receptor 97). This area lies outside of the application site and forms part of the Metrolink line and is not intended for pedestrian use.
202. The proposed amenity spaces within the site would not be adversely affected by wind and would be suitable for their purpose during the whole year.
203. LCC was included within the assessment, which identified that the wind conditions on the cricket ground would slightly change during the winter season. Cricket matches are played during the summer season, when the wind conditions remain unaffected and the impact of the proposed development on the LCC is therefore negligible.
204. In terms of pedestrian safety the model indicates that the majority of the areas remain within the safety thresholds. However there would be an area of increased windiness in strong wind events at the north and south corner of the site (receptors 100 and 4) and the safety criteria would be exceeded at these receptors.
205. The Wind Assessment notes at paragraph 7.1.3 that receptors 100 and 4 are both exceeded in terms of pedestrian safety and comfort, and mitigation would be required to ensure that these areas are acceptable in terms of pedestrian safety and comfort.
206. The results of the assessments carried out as part of the Wind Report were based on a model which did not incorporate proposed or existing trees or

landscape features. However the report concludes that wind mitigation, in the form of landscaping and evergreen tree planting should be provided in the areas of receptors 4, 98 and 100 to provide a satisfactory environment in terms of pedestrian safety and comfort.

207. This planning application does not include landscaping as a matter to be dealt with at outline planning stage; however a Landscape Design Strategy was submitted as part of the planning application. The recommended wind mitigation measures have not been included in the Landscape Design Strategy and it is not clear what level of landscaping is required to mitigate these impacts, what impact landscaping will have and whether the necessary level of planting can practically be implemented within the proposed development. There are concerns that there is very little room to introduce planting given the footprint of the proposed development and site size.
208. Further information was requested from the applicant with regard to the level of landscaping required to mitigate these wind impacts. In response to this request, the applicants' agent advised that evergreen tree planting is one option to reduce wind microclimate effects. The authors of the Landscape Design Strategy have also advised that the required planting can be accommodated in any final landscape design and detailed landscaping at reserved matters stage would be accompanied by an updated assessment and the local authority would retain control to ensure this was implemented.
209. Additional information from WSP, authors of the Wind Microclimate Report, advises that a number of wind mitigation measures can be considered to mitigate any potential impacts, however there are concerns associated with each of these.
- A vertical fin attached to the façade
  - Scattered screens/baffles
  - Evergreen trees and planting
  - Other hard/soft landscaping measures
210. Should the use of vertical fins, screens and baffles be considered to mitigate wind microclimate impacts, these should form an integral part of the building design and be considered at outline planning stage as the application only seeks to reserve landscaping as a reserved matter. At this stage it is not known what design, size or location of fins, baffles or screens would be required to adequately mitigate any wind microclimate impacts.
211. The use of evergreen trees is of concern in terms of what species would be utilised and how they would form part of a successful landscaping scheme. Native evergreen trees tend to be slow growing and may not be appropriate to this location. The planting of evergreen trees and other landscaping measures may be considered acceptable subject to landscape design, but it is noted that because of the extensive footprint of the building there are very few areas of the

site capable of accommodating tree planting. However as with the use of baffles/fins/screens it is not known what level of landscaping is required to adequately mitigate any wind microclimate impacts.

212. Whilst the Local Planning Authority acknowledges that it is possible to mitigate any wind microclimate impacts, it is considered that insufficient information has been provided to determine whether the proposed mitigation measures are likely to be considered acceptable and thus whether the proposed development is acceptable in terms of wind microclimate. In this sense the applicant has failed to demonstrate that the wind microclimate would provide an acceptable level of amenity for future occupiers of the development.

### Amenity Space

213. PG1: New Residential Development sets out the Council's standards and states that most new dwellings should provide some private outdoor space and that this is necessary for a variety of functional requirements such as sitting out and children's play. The guidance sets out recommended garden area sizes and advises that for flats, 18 m<sup>2</sup> of adequately screened communal area is generally sufficient for these functional requirements, with balconies counting towards this area of amenity provision.
214. In line with the standards set out in PG1, this development should provide 7,794m<sup>2</sup> of communal amenity space. However it is acknowledged that these standards should be applied flexibly.
215. The proposed development provides a total of 5,278m<sup>2</sup> amenity space in three areas: courtyards and forecourt (1,992 m<sup>2</sup>), roof gardens (2,100 m<sup>2</sup>) and private balconies (1,186 m<sup>2</sup>).
216. A total of 226 apartments with balconies are provided within the development and the majority of these balconies are located on the external facades. 38 balconies are provided within the internal courtyard areas. Although the balconies are small in size, generally measuring approximately 4m<sup>2</sup> and many being irregular in shape, they do provide enough space for a small table and chairs to be placed outside and an area for residents to sit.
217. The proposed site layout provides two internal courtyard areas which are overlooked by all units which face onto these courtyard areas. The internal separation distances within the eastern courtyard are 35 metres by 23 to 26 metres and the western courtyard measures 32 metres by 27 metres, which as previously covered within the report ensures a reasonable separation distance between apartments or balconies.
218. It is clear however that the courtyard areas would be cast in shadow throughout much of the year and overshadow each other as demonstrated in the solar

studies included in the Design and Access Statement. The solar studies included at Appendix 5 show the impact of the proposed development at 09:00, 12:00, 15:00 and 18:00 hours in March, June and September.

219. The study indicates that in March the majority of the courtyard areas will be in shadow for much of the day with the exception of a small area in the north-west corner of each courtyard at 15:00 and a smaller slither to the west of the courtyard at 12:00.
220. In June the courtyards will be cast entirely shadow at 09:00 and 18:00. Various parts of the courtyard will benefit from some sunlight throughout the rest of the day, although the study does indicate that the southern and eastern areas of the courtyard will remain cast in shadow all day.
221. In September the courtyards are shown to be in shadow all day with the exception of one small area in the north eastern areas of each courtyard at 15:00.
222. The BRE guidelines advise that for external amenity areas to appear adequately sunlit throughout the year, at least half of an amenity area should receive at least two hours of sunlight on 21 March.
223. The submitted solar studies do not include specific details of what date they are modelled to represent, however it is assumed that these have been produced in line with best practice guidance and that the March solar study represents the proposed situation of the spring equinox, with the September and June studies representing the autumn equinox and summer solstice.
224. As noted above, the March study indicates that the majority of the courtyard areas will be in shadow all day and it is clear that the courtyards would not meet with BRE guidelines.
225. The roof top gardens by their nature will benefit from sunlight all year around and are considered to be an acceptable form of amenity space. It should be noted that it is not clear what form of landscaping is proposed at roof top level as landscaping does not form one of the matters to be dealt with at outline stage.
226. Concern was raised over the quality of the space which would be provided within the courtyard areas as a result of the submitted solar studies. The applicant advised that *“Having areas of external amenity space that are regularly shaded does not inherently render them unusable or unacceptable. It is important to recognise that the rooftop gardens provide a greater area of external amenity space than the two courtyards do; together, they will offer variety of space. Indeed, faced with the trend of hotter summers, refuge from the sun and other extreme weather events would be welcome.”*

227. Overall, it is considered that the amount of amenity space provided is acceptable, however there are concerns that the quality of the space provided within the internal courtyards will be poor due to a lack of sunlight. Nonetheless there is sufficient private amenity space provided within the roof top garden areas for residents to access and it is considered that the level of amenity space provided on site is acceptable.

#### Noise and Disturbance

228. A Noise and Vibration survey was submitted with the application. The application site is located adjacent to Great Stone Road and the Metrolink which are the predominant noise sources which would affect occupiers of the proposed development. The site is also located adjacent to LCC which would be a noise source with regard to cricket matches and occasional concert events. The adjacent Metrolink line is also a potential source of disturbance in terms of vibration.
229. A noise survey was carried out which established the underlying background noise level in the vicinity for use in setting plant noise limits and assisting in the production of a noise map which predicts the noise level at each façade, each level and at external amenity spaces of the proposed development. The predicted noise levels fall into the low to medium risk category, and so further assessments were undertaken.
230. This assessment assumes that the sound insulation of the building fabric is significantly higher than the glazing or ventilation. This assessment indicates that indoor ambient noise levels for dwellings will be met.
231. The external amenity areas were also assessed and this demonstrated that the balconies on the Great Stone Road façade and balconies on part of the north and tramline facades will exceed the 50-55 dB LAeq,16hr criterion, however these residents will also have access to the external amenity areas in the proposed scheme, i.e. the outdoor spaces located within the courtyard areas at the centre of the proposed building and roof top areas. This exceedance is therefore considered to be acceptable.
232. The impact of cricket matches and concert events from the adjacent LCC was also assessed. Noise from cricket events exceeds that of the predicted road noise on the rear façade and it is recommended that acoustically rated trickle vents are fitted to these windows to allow the residents to close them during matches to reduce noise exposure.
233. With regard to concert events the license agreement for this venue permits a maximum of seven outdoor concert events per annum, although typically only one or two events tend to be held per annum. Premise License conditions also ensure that events of this nature are subject to a curfew of 10.30pm. A

Framework Management Plan was submitted which proposes a strategy to ensure that tenants are aware of the permitted activities at LCC at the outset through tenancy agreements and that information is provided to them on forthcoming events. The strategy also intends to manage tenants who may be disrupted within their apartments during events by offering a selection of activities elsewhere on the site that could be attended as an alternative. It is noted that the likely impact on concert sound would be variable depending on the position of each apartment in relation to LCC.

234. Overall the impact of noise on proposed residents is considered acceptable and the majority of noise impacts can be overcome through the use of acoustically rated trickle vents and adequate sound insulation from the building fabric. This can be conditioned if planning permission were to be granted.
235. With regard to occasional noise from concert events, residents would be aware, by virtue of the site's location and as part of their tenancy agreement that noisy events will occur and the proposed Framework Management Plan will ensure relevant information is distributed appropriately. This approach is considered to be acceptable to address this issue.
236. A vibration assessment was also undertaken which assessed the adjacent Metrolink line, upon which trams run between 05:24 and 23:48 Monday to Thursday and 05:24 to 00:48 on Fridays and Saturdays and 06:29 to 23:48 on Sundays and bank holidays. It was found that vibration impacts are significantly under the 'Low Probability of Adverse Comment' criteria in the relevant BS criteria.
237. TfGM have requested that a condition is attached requiring the proposed development to be acoustically insulated against noise and vibration from the tramline, should planning permission be granted.
238. Fixed plant would be required as part of the proposed development and it is currently proposed that this is located in the ground floor plant room, however this is subject to change and detailed plant specification is not available at this stage of the design. Should planning permission be granted it is considered appropriate for a condition to be attached requiring details of any fixed plant to be submitted to the LPA for approval.
239. It is not considered that occupiers of the proposed development would suffer from poor amenity as a result of noise or vibration, with the exception of occasional events at LCC, however tenants would be aware prior to moving in of this possibility.

### Conclusion on amenity

240. The NPPF and Policy L7 of the Core Strategy requires development to provide places where high levels of amenity for future and existing residents are provided. The assessment of this scheme demonstrates that the proposed development would not provide a satisfactory level of amenity for future residents. in terms of noise and vibration despite the occasional outdoor concert events held at LCC and proximity of the proposed development adjacent to the Metrolink and Great Stone Road.
241. It has been established that the proposed development would have an overbearing and dominating effect on surrounding residential properties, LCC, and the area in general. The amenity of existing and future residents in terms of daylight and sunlight also causes serious concern. The proposed development would in particular detrimentally impact on the NSL measurement to the extent that occupiers of existing properties on Trent Bridge Walk and Great Stone Road would have to rely more on electric lighting to achieve adequate internal lighting levels. Residents of the proposed development, particularly those at the lower levels would also suffer from substandard daylight and sunlight levels which are below the BRE guidance, which when assessed collectively is considered to result in an environment where occupiers would suffer from inadequate levels of daylight or sunlight which would be detrimental to their residential amenity. Officers have borne in mind the requirement for a flexible approach in applying policies or guidance relating to daylight and sunlight.
242. Furthermore, the applicant has failed to demonstrate that adequate measures to mitigate the harmful impacts identified in the submitted Wind Microclimate Report can be satisfactorily implemented. Without such measures the proposed development would have a harmful impact on the amenity of residents and visitors.
243. The footpath along the south eastern boundary of the site is not considered to provide a welcoming and pleasant environment for future occupiers choosing to use the rear entrance of the building, again to the detriment of their amenity.
244. The outlook over the service road and blank elevation of the adjacent LCC building is not considered to provide an acceptable outlook for the future occupiers of these units.
245. It is considered that the proposed development fails to comply with Core Strategy Policy L7 and paragraph 127 f) of the NPPF.

### Air Quality

246. The existing and proposed entrance to the site lies within the GM Combined Authority Air Quality Management Area (AQMA) (2016), however the remainder of the application site lies outside of the AQMA.
247. Paragraph 181 of the NPPF advises that planning decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and Clean Air Zones, and the cumulative impacts from individual sites in local areas. Planning decisions should ensure that any new development in Air Quality Management Areas and Clean Air Zones is consistent with the local air quality action plan.
248. Paragraph 110 also required applications for development to be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.
249. The Greater Manchester Combined Authority (GMCA) has published a joint Air Quality Action Plan (AQAP) (2016-2021) which seeks to improve air quality across Greater Manchester and to embed low-emission behaviours into the culture of our organisations and lifestyles by 2025, whilst supporting the UK Government in meeting all EU thresholds for key air pollutants at the earliest date to reduce ill-health in Greater Manchester. In managing new development the GMCA AQAP sets out a number of controls. Of relevance to this particular application are assessment of local air quality impacts from the proposed development; construction management; encouraging travel planning; and, green infrastructure.
250. Policy L5 requires developers to adopt measures identified in the Greater Manchester Air Quality Action Plan, to ensure that their development would not have an adverse impact on the air quality. In this respect, L5 can be considered to be up to date for the purposes of decision making and full weight attributed to it.
251. An Air Quality Assessment was submitted in support of the proposed development and it has been reviewed by the Pollution and Licensing team who confirmed that the submitted report is acceptable and follows the methodologies of appropriate national standards and guidelines. The submitted Assessment concluded that the proposed development would not have an adverse impact on local receptors due to pollutants from additional traffic movements, nor will future occupiers be exposed to unsatisfactory air pollution conditions once the development is operational.
252. If planning permission were to be granted a condition would be recommended to secure the submission of a Construction Management Plan prior to commencement of the development, which would include details of dust management measures during the demolition and construction phases of the



development and waste handling and disposal measures, amongst others to minimise any potential amenity issues.

253. A Framework Travel Plan has been produced which encourages the use of sustainable travel options. The proposed development itself provides 226 car parking spaces for 433 residential units, which will also encourage the use of sustainable travel options for future residents. Furthermore, the Pollution & Housing Team have requested that electric vehicle (EV) charge points (minimum 7 kWh) are provided within the development. As this application proposes the provision of unallocated car parking spaces for a limited number of tenants, one charge point per ten car parking spaces would be required. The provision of 24 charging points exceeds the residential standards, which would require 23 EV charging points to be provided.
254. For commercial developments, one charge point per 1,000 m<sup>2</sup> of commercial floorspace should be provided. The non-residential uses on site would generate a requirement for two charging points to be provided, bringing the total required across the site to 25. However it is not proposed that the non-commercial uses would benefit from dedicated on-site car parking; therefore the provision of 24 EV charging points on site is considered to be acceptable.
255. Some on-site green infrastructure is proposed in the form of on-site landscaping and roof top gardens. Landscaping is however a reserved matter so limited details are available at this stage.
256. Overall it is considered that the proposed development is acceptable in terms of air quality impacts and the proposed development would contribute to the aims of the Greater Manchester AQAP. The proposed development is therefore considered to comply with the aims of the NPPF and Policy L5 in this respect.

#### LAND CONTAMINATION

257. A Phase 1 Environmental Risk Assessment was submitted in support of the proposed development. The report identified that there may be risk associated with possible contamination from a former gun club, coupled with the potential contaminating activities of B&Q. There are also railway sidings that may have contributed to contamination. The Phase 1 report recommended that a Phase 2 Intrusive Assessment is completed to obtain further geotechnical and geo environmental information. The submission of this report could be secured via condition should planning permission be granted.

## HIGHWAY MATTERS

### Accessibility and Public Transport

258. 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 Old Trafford Metrolink stop, bus services and cycle infrastructure. The site is within walking distance of Old Trafford Metrolink stop (within a 10 minute walk) providing frequent services between Altrincham, Manchester and Bury). Trafford Bar is located within a 20 minute walk from the application site and provides additional links to the whole tram network providing links to Manchester Airport, Eccles, Bury, Rochdale Town Centre and Ashton – under-Lyne
259. The nearest bus stops are located on Great Stone Road, Talbot Road, Kings Road and Chester Road. 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

260. 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”*.
261. 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.
262. 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 proposal will generate additional traffic in both the morning and evening peaks. The increase will be 57 two way trips in the morning and 43 two way trips in the evening onto the

surrounding network, which will have a small impact on the Talbot Road/Great Stone Road junction.

263. TfGM have suggested the following mitigation measures in response to the queues/delays at the junction of Chester Road / Great Stone Road in the evening peak which will increase as a result of the development:
- There is a lack of pedestrian facilities in the area, in particular the facilities at the junction of Talbot Road / Great Stone Road are currently across one arm only. Given the quantum of development, which is likely to result in an increase in pedestrian movements, UTC recommend that consideration is given to improving the facilities at this junction.
  - UTC recommend that the junction is upgraded to adaptive SCOOT control to enable more efficient operation of the junction and enable coordination with adjacent junctions on Talbot Road and Chester Road.
  - UTC recommend that a CCTV camera is provided at the junction of Talbot Road / Great Stone Road so that the traffic at the junction can be monitored and interventions made as required;
  - Consideration could also be given to contributing towards the proposed Mayor's Challenge Fund cycling scheme at the junction of Talbot Road / Great Stone Road.
264. The LHA have advised that asking the applicant to provide most the suggested measures could not be justified. However, given the applicant's reliance on the importance of pedestrian and cycle movements to and from the site it is considered reasonable to ask the applicant to contribute towards junction improvement measures for pedestrians and cyclists at the Great Stone Road / Talbot Road junction. A scheme has been identified which includes the replacement of the signal equipment and the realignment of this junction and includes pedestrian crossing facilities at each arm of the junction. Currently there is only crossing arm providing safe access at this junction. It is estimated that the cost of these works will be in the region of £350,000. The LHA consider that a contribution of £30,000 represents an appropriate contribution towards the overall cost of these works in order to provide a safe pedestrian environment for the additional pedestrian and cycle movements generated by the proposed development.

#### Appropriateness of Access

265. Core Strategy Policy L7 requires development to incorporate satisfactory vehicular access and egress points. Vehicular access to the proposed development would be via the existing access from Great Stone Road, which provides a suitable visibility splay of 2.4 x 43 metres. The Local Highway Authority has confirmed that the use of this existing access is acceptable.

### Car and cycle parking

266. The Council's car parking standards for this location are 1 space for 1 bedroom dwellings and 2 spaces for 2 to 3 bedroom dwellings, which results in a maximum requirement for 866 spaces based on the proposed number and mix of units. The proposed level of car parking at 226 spaces is significantly below this standard. The applicant has considered car ownership levels across the ward using 2011 Census data as suggested in the SPD3 and this data indicates that across the ward 50% of people living in apartments do not own a motor vehicle. Therefore, this would suggest that a level of 212 spaces would be adequate in this instance. Given that 226 spaces are proposed the LHA have no objection to the proposed level of car parking for the residential element.
267. In support of the proposed reduced level of on-site parking it is also acknowledged that the site is located in a sustainable location as the site is within walking distance of both Old Trafford and Trafford Bar Metrolink stops.
268. The Council's standards require one cycle space per dwelling where communal cycle parking is proposed, which results in a requirement for 433 cycle spaces to be provided. The scheme proposes the provision of 400 secure, indoor cycle spaces at ground floor level and although the provision of 400 cycle spaces is below the standard set out in SPD 3 and Core Strategy Policy L7, this level of provision is considered to be acceptable given the sustainable location of the site.
269. 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.
270. Concern was initially raised that the Transport Assessment has not taken into account the requirement for off street car parking to serve the proposed commercial units. The applicant provided a Transport Assessment Addendum which stated that the small amount of ancillary non-residential floor space would be designed to serve residents on site, and would have no dedicated parking. They have considered that it is not appropriate to derive a separate trip generation for these uses as they are not expected to generate external trips in their own right.
271. The development proposes 1,181m<sup>2</sup> of commercial floorspace and seeks permission to use this space flexibly for uses falling within A1, A3, B1, D1 and/or D2 use classes. This level of floorspace is considered to be too great to be used solely for purposes used ancillary to the residential development proposed. If planning permission were to be granted it would be unreasonable to attach conditions restricting this amount of floorspace solely for use by residents of the development. It is considered that these units would rely on a wider customer base to be commercially successful and are therefore likely to require additional car parking provision to support them. Therefore it is considered necessary for

car parking spaces to be provided to support these uses to ensure that customers are not tempted to park outside the commercial units and to equally ensure that parking does not overspill into the adjacent residential areas. No consideration has been made with regard to staff car and cycle parking provision.

### Travel Plan

272. The application is accompanied by a Framework Travel Plan which represents a long term strategy for reducing the dependence of residents on travel by private car to and from the site. The developer has also stated that a Travel Plan Coordinator would be appointed one month prior to the first occupation, which would promote sustainable travel modes from the outset. Future residents will therefore have access to a choice of travel mode which should help to reduce the amount of car travel otherwise generated by this development.
273. If planning permission were to be granted a condition requiring the submission of a full Residential Travel plan would be required.

### Conclusion

274. The proposed development is considered to be acceptable in terms of access, trip generation and overall accessibility. The proposed level of residential car and cycle parking is also considered to be policy compliant.
275. It is considered that due to the increase in pedestrian and cycle movements to and from the site, infrastructure improvements are required to the Talbot Road / Great Stone Road junction. A financial contribution of £30,000 would be required to contribute towards a safe pedestrian and cycle environment for the development. The submitted viability appraisal does not include the provision of any developer contributions other than 5% affordable housing; therefore the Local Planning Authority assumes that no money is available to support this contribution.
276. However, there are significant concerns over the lack of car and cycle parking provision to serve the commercial units on site for both staff and customers. Therefore the proposed development is considered to conflict with requirements of Core Strategy Core Strategy Policies L4, L7 and SPD 3.

### WASTE MANAGEMENT

277. Bin stores are proposed within the basement car parking area of the development, with the submitted plans indicating that the stores will accommodate 63 bins. Three refuse chutes are proposed within the building cores which are accessible on all floors. The bin stores would be maintained by on-site staff and servicing would occur from the rear of the site.

278. Trafford Council's Waste Management Team has advised that a development of this scale would be required to provide approximately 100 bins. This is based on the provision of 50 bins for refuse, 25 bins for paper and cardboard and 25 for glass, cans and plastic.
279. Given the location of the proposed bin stores and that the access road to them would not be adopted by the LHA the proposed development would instead have to rely on private bin collections to serve this site.

#### FLOODING AND DRAINAGE

280. The NPPF sets strict tests in order to protect people and property from flooding, which all local planning authorities are expected to follow. In summary these tests are designed to ensure that if there are better sites in terms of flood risk, or if a proposed development cannot be made safe from the risks of flooding, then it should not be permitted. A similar approach is embodied in Core Strategy Policy L5 (and thus this aspect of Policy L5 is also up-to-date for the purpose of decision-taking). The application site is located within Flood Zone 1 and is thus categorised as having the lowest probability of river or sea flooding. The site also sits within a Critical Drainage Area as defined by the Council's Strategic Flood Risk Assessment (SFRA). The Local Lead Flood Authority have reviewed the submitted Flood Risk Assessment and Drainage Strategy and have concluded that the proposed works will not cause flood risk to the development or the surrounding area and the application is considered to be acceptable, subject to the drainage being designed in accordance with the Flood Risk Assessment and Drainage Strategy with a max surface water discharge of 5 l/s.
281. The submitted Drainage Strategy assessed a number of options for surface water disposal and proposes to utilise underground attenuation tanks and connection to the public sewer system for the storage and disposal of surface water. Other attenuation options have been assessed and subject to final design it may also be possible to utilise rainwater harvesting, green roofs, and permeable paving for the storage and disposal of surface water.
282. Having regard to flood risk and drainage matters, the development is considered to be acceptable and compliant with Core Strategy Policy L5 and the NPPF.

#### TREES AND LANDSCAPING

283. An Arboricultural Impact Assessment was submitted in support of the proposed development. 19 individual trees, four groups of trees and one hedge were recorded within influencing distance of the site. The surveyed trees are primarily located outside the site boundary, except those on the south-eastern boundary and the occasional young self-seeded tree. None of the trees surveyed were classified as being Category A (high value), eight trees were classified as Category B (moderate value) and a further eight trees were classified as Category C (low value). Seven trees were classified as Category U (unsuitable).

for retention). One single Leyland cypress hedge on the north eastern boundary was also recorded but this was not assigned a quality category.

284. Notable trees within the site comprise planted individuals on the south east boundary at the edge of the existing car park hard surfacing, adjacent to the Metrolink link. These trees were likely planted as part of the area's original landscaping and are made up of a range of species. Tree condition varies but the group contains several trees that have been subject to mechanical damage which has instigated overall deterioration. Three trees along the south eastern elevation are in reasonable condition with good form.
285. Nine individual trees and two tree groups would be removed to facilitate the proposed development. Of these however, eight are in poor condition and would be recommended for removal irrespective of development to remove the risk of future failure onto high value targets, these trees are located along the south eastern and south western boundaries.
286. Two trees (T3 and T4 – both Common Ash and Category B and C respectively) located within the pavement of Great Stone Road are also proposed to be removed to facilitate the creation of a pedestrian access to the proposed development. These trees are owned by Trafford Council.
287. Whilst the principle of the removal of these trees is considered to be acceptable in terms of planning to support the construction of an acceptable scheme, separate consent from Trafford Council would be required to fell these trees.
288. Landscaping is not included within this outline application for consideration at this stage and is a 'reserved matter'. A Landscape Design Sketch Book has been submitted in support of the proposed development, which suggests further planting along the slopes adjacent to Great Stone Road and replacement planting along the eastern boundary with the Metrolink line would be provided, which is welcomed. However, it is not considered that the proposed site layout allows for sufficient space to accommodate a satisfactory landscaping scheme which would adequately soften and screen the development, particularly along the north western and north eastern boundaries.
289. As part of any reserved matters submission a detailed landscape plan, tree protection plan and method statement for all proposed works within tree protection areas would be required.
290. There are no arboricultural objections to the proposals as the majority of the higher quality trees are proposed for retention, following the removal of the suppressed and poor quality specimens.

## ECOLOGY AND BIODIVERSITY

291. Core Strategy Policy R2 seeks to protect and enhance biodiversity of sites and their surroundings and protect the natural environment throughout the construction process. Policy R2 of the Core Strategy is considered to be compliant with the NPPF and therefore up to date as it comprises the local expression of the NPPF's emphasis on protecting and enhancing landscapes, habitats and biodiversity. Accordingly, full weight can be attached to it in the decision making process.
292. Section 15 of the NPPF requires planning decisions to contribute to and enhance the natural and local environment. Specifically paragraph 175 d) of the NPPF requires developments to take opportunities to incorporate biodiversity improvements in and around developments.
293. Phase 1 Habitat Survey of the proposed development site was submitted in support of the proposed development. This survey was considered to be acceptable and assessed the presence of bats and birds on the site.
294. The existing building on site was assessed in April 2017 for its potential to support roosting bats and again in November 2017. The building together with the trees on site was considered to have a negligible potential to support roosting bats.
295. Artificial lighting can affect the feeding and commuting behaviour of bats. Bats are likely to use the retained trees along the railway line for commuting and foraging and a condition would be recommended, in the event that planning permission were granted, requiring a lighting plan to be submitted.
296. The northern leylandi hedgerow and scattered trees on the southern boundary together with the scrub, have the potential to support nesting birds. In the event that planning permission were granted a condition would be recommended to restrict the timings of hedgerow works, tree works and scrub clearance to ensure they are only undertaken outside of the main bird breeding season.
297. Paragraph 175 d) of the NPPF encourages developments to incorporate biodiversity improvements in and around developments. Therefore opportunities to encourage biodiversity enhancement such as bat bricks and/or tubes within the new development, bat boxes, bird boxes and native tree and shrub planting would be required within any final scheme. It is considered that if planning permission were granted, this could be secured through the use of an appropriately worded condition.
298. The proposed development is considered to be acceptable in terms of impacts on ecology and biodiversity.



## CARBON BUDGET

299. Core Strategy Policy L5 requires applicants to demonstrate how they have sought to minimise their contribution towards and / or mitigate their effects on climate change. It is considered that Policies L5.1 to L5.11, which addresses the issue of carbon emissions, are out of date as they do not reflect NPPF guidance on climate change.
300. With regard to climate change and carbon emissions the NPPF states that new development should be planned for in ways that:
- a) avoid increased vulnerability to the range of impacts arising from climate change. When new development is brought forward in areas which are vulnerable, care should be taken to ensure that risks can be managed through suitable adaptation measures, including through the planning of green infrastructure; and
  - b) can help to reduce greenhouse gas emissions, such as through its location, orientation and design. Any local requirements for the sustainability of buildings should reflect the Government's policy for national technical standards.
301. A Carbon Budget Statement was submitted in support of this application, which details that the development design will focus on promoting a highly efficient façade. It is anticipated that the final design will incorporate the following energy efficient measures:
- 100% high efficiency low energy lighting;
  - A full suite of heating controls to allow occupants to efficiently use their heating system;
  - Energy efficient mechanical ventilation systems with heat recovery; and
  - Where appropriate, specification of high energy efficient rated appliances that use less energy and water.
302. Whilst Core Strategy Policy L5 is out of date, this policy requires development to achieve a 5% improvement over the 2013 Building Regulations, when located in a Low Carbon Growth Area, such as this application. The above measures would achieve a saving of 3.7%. In addition to the above measures, generating low-carbon energy on site can reduce reliance on fossil fuels, minimises energy lost through transmission, contributes to security of supply and better connections between energy demand and generation. Based upon the calculated 3.7% reduction in emissions there is a potential to make up the remainder with renewables. A renewables feasibility assessment was completed which concludes that Photovoltaic Solar Panels would be the most suitable solution on site due to the electrical heating dependence. To achieve the necessary saving, approximately 94 panels (150 m<sup>2</sup> of panels) would be required. There is sufficient roof space to accommodate these.

303. In summary, based on the estimated carbon emissions, the development would deliver a circa 7.8% reduction in carbon emissions beyond the 2013 Building Regulations and would comply with Policy L5 and the NPPF in this respect.

#### CRIME PREVENTION AND SECURITY MEASURES

304. The NPPF advises at paragraph 127 that planning decisions should create places that are safe, inclusive and accessible where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience. A Crime impact Statement was submitted as part the planning application submission, which assesses the scheme with regard to layout, physical security measures, landscaping, lighting and CCTV and advises on crime prevention methods which should be incorporated into the development.
305. The scheme has been reviewed by Greater Manchester Police who have advised that a condition requiring the physical security specifications set out in sections 4 and 5 of the submitted Crime Impact Statement should be implemented as part of the development.

#### IMPACT UPON LOCAL SERVICES

306. New development often creates new demands on local infrastructure, and the NPPF also recognises that it is right that developers are required to mitigate this impact. Core Strategy Policy L2 identifies that all new development should be appropriately located in terms of access to existing community facilities and/or it would deliver complementary improvements to the social infrastructure (including schools and health facilities) to ensure the sustainability of a development. Core Strategy Policy SL3 states that in order for development in this Strategic Location to be acceptable the provision of ancillary community facilities may be required. This would include the provision of health and education facilities. Revised SPD 1 also indicates that the provision of healthcare facilities may be required in the vicinity of Strategic Locations.
307. An Education and Health Capacity Assessment has been submitted by the applicant. This confirms that although the local GP practices are operating in excess of their capacity, all of the GP practices are accepting new patients and the assessment concludes that the additional demand, which is calculated to be 781 residents, can be dealt with through existing capacity. Two NHS dentists within 1km of the site are accepting new patients and there is an additional private practice accepting new private patients.
308. Trafford CCG have commented on the proposed development and advised that the scheme would create a requirement for an additional 0.5 working time equivalent GP. They have also advised that it is a contractual requirement that GP lists are open and that they must accept new patients. The Local Planning

Authority will provide an update on the requirement for a financial contribution within additional information report once further information is received.

309. Policy SL3 of the Core Strategy also states that in order for development in this Location to be acceptable a contribution may be required towards increasing the intake of the existing Old Trafford Primary School and the provision of a new 1-form primary school to serve the new residential community in this and the Trafford Wharfside Strategic Location. However, since the adoption of the Core Strategy the Council has identified the requirement for a school to serve Pomona Island, Trafford Wharfside, Old Trafford and Lancashire Cricket Club Quarter on the CIL Regulation 123 List and this is the mechanism by which a new school in this location could be provided in the future. Where infrastructure is included in the CIL Regulation 123 List there is no scope to require a financial contribution through a S106 obligation from individual development proposals to contribute towards this infrastructure.
310. Although a primary school is identified as being necessary to serve future development in the Pomona, Wharfside and LCC Strategic Locations, there is likely to be a period where proposed developments may generate a demand on existing school places without actually requiring the provision of a new school. Of the 433 apartments proposed, 234 are two bed and 68 are three bed, therefore a proportion are likely to be occupied by families with children of school age. The applicant has provided an Education and Health Capacity Assessment that presents two pupil yield scenarios which indicate a potential pupil yield of 84 or 163 primary school age pupils. In this instance it is considered to be appropriate to apply the yield of 84 pupils due to the nature of the proposed development being a built to rent scheme, as the figure of 163 is based on a low density traditional suburban housing scheme. The report concludes there is a deficiency of 98 primary school places within 1 km of the site, a surplus of 512 places within 3-5 km of the site and a surplus of 230 places within Trafford Borough overall. The application site does however fall within the catchment area of Gorse Hill Primary School which the submitted report indicates has a current deficit of 23 places.
311. A consultation with the School Admissions team advised that the average pupil yield is three children per year group for every 100 properties, with the one bedroom flats discounted that leaves 302 properties with a pupil yield of nine pupils per year group, i.e. the development is likely to generate a demand for 63 primary school places overall. Contrary to the submitted Education Capacity Assessment the School Admissions team have advised that Gorse Hill Primary School is not routinely oversubscribed and could accommodate the demand expected to be generated by the proposed development.

### Conclusion on the impact on local services

312. Whilst it seems that doctors' surgeries in the area are operating at their physical limits, new patients would not be turned away, however the CCG have identified that the development will generate a requirement for additional GP capacity. Whilst there appears to be a general shortfall of local primary school places within a 1km radius of the site, the Education Admissions team have confirmed that Gorse Hill Primary School is not routinely oversubscribed and could accommodate the demand expected to be generated by the proposed development. On this basis the development is considered to be acceptable in terms of its impact on these two key local services.

### DEVELOPER CONTRIBUTIONS

#### Community Infrastructure Levy (CIL)

313. This proposal is subject to the Community Infrastructure Levy (CIL). In terms of residential development the site is located in the 'cold zone', consequently 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).
314. This proposal also includes development under the following categories 'public/institutional facilities', 'office', 'leisure' and 'all other' development. This application seeks permission for these Use Classes to be flexible and it is not known at this stage what uses would occupy which unit. These non-residential elements (1,181 m<sup>2</sup>) of the proposed development are liable for CIL and the following charge rate would be applied in line with Trafford's CIL charging schedule and revised SPD1: Planning Obligations (2014):

Public/institutional facilities – £0 per square metre

Offices – £0 per square metre

Leisure – £10 per square metre

All other development – £0 per square metre

315. As the application seeks a flexible use for the commercial units, it is possible that all of the commercial floorspace could be used for leisure purposes, therefore all of the commercial floorspace would be subject to the leisure CIL rate of £10 per square metre.

#### SPD1: Planning Obligations

316. This supplementary document sets out Trafford Council's approach to seeking planning obligations for the provision of infrastructure, environmental improvements and affordable housing required in relation to new development. Contributions sought through SPD1 will be through the established mechanism of a Section 106 agreement.

317. Affordable Housing – as out lined in paragraphs 45 to 69, it is considered that the appropriate level of affordable housing required to serve the proposed development should be determined through the submission of a Financial Viability Appraisal, and that the level of provision should not normally exceed 40%. The applicant proposes the provision of 5% affordable housing on site. It is not considered that the submitted viability appraisal demonstrates unequivocally that the proposed development cannot deliver more than 5% affordable housing.
318. Health – Trafford CCG have identified that the proposed development will generate a requirement for an additional 0.5 working time equivalent GP. The Local Planning Authority will provide an update on the requirement for a financial contribution within additional information report once further information is received.
319. Specific Green Infrastructure – This section of the SPD relates to appropriate tree planting and other forms of Green Infrastructure that would be appropriate to mitigate the impact of the development. The SPD advises what level of green infrastructure provision is required within developments. Tree planting is the predominant form of Green Infrastructure provision on development sites and is achieved through an appropriate landscape planning condition as the Council prefers to achieve planting on development sites, the SPD outlines that 1 tree per residential apartment should be provided. The provision of alternative green infrastructure treatments can also be provided in lieu of, or in combination with tree provision. Or relevance to a scheme of this nature, other Green Infrastructure that could be provided includes 5m of preferably native species hedge, per two apartments, and/or green roof/ green wall provided at 1/10<sup>th</sup> of the area of the building footprint.
320. Although landscaping is a reserved matter it is clear that 433 trees could not be provided on site. The development does however provide 2,100 m<sup>2</sup> green roof space as part of the amenity offer and the footprint of the proposed development is circa 4,313m<sup>2</sup>. The level of green roofspace offered would therefore meet the green infrastructure requirement set out in SPD 1.
321. Spatial Green Infrastructure - Spatial green infrastructure is the open and natural green space function of GI associated with the needs of residents of the development and includes Local Open Space and Semi Natural Green Space. Local Open Space should be provided on site and a development of this size would be expected to provide an on-site local equipped area of play (LEAP) with a minimum size of 400m<sup>2</sup> and 'buffer zone' of 3,600 m<sup>2</sup>. Clearly the proposed development site would not be able to accommodate the proposed NEAP and a developer contribution is required in this instance. Based on the proposed mix of 433 apartments, £411,621 would be required as a commuted sum towards facilities at Longford Park.

322. Very large developments (300 units and above) will also be required to provide mitigation measures for semi-natural greenspace. This issue is still under consideration and will be considered in the additional information report.
323. 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 development site would be subject to a commuted sum for outdoor sports facilities.
324. Sport England advises 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 improvements to youth and mini turf football pitches at an indicative cost of £105,735, artificial grass pitches at an indicative cost of £76,815 and a contribution to either new or improved changing facilities at an indicative cost of £246,982.
325. 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 £395,980 whilst Sport England has provided an indicative cost of £429,532. 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. These monies would be spent at Turn Moss and other similar facilities.

#### Transport and Highways

326. The LHA have identified that due to the increase in pedestrian and cycle movements to and from the site, infrastructure improvements are required to the Talbot Road / Great Stone Road junction. A financial contribution of £30,000 would be required to contribute towards a safe pedestrian and cycle environment for the development.

## PLANNING BALANCE AND CONCLUSION

327. This planning application seeks outline planning permission for the development of 433 residential units and 1,181 m<sup>2</sup> of commercial floorspace. The only matter reserved for future consideration is landscaping and this application seeks permission for the scale, layout, appearance and access of the development.
328. 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.
329. The Council's Core Strategy was adopted in January 2012, prior to the publication of the 2012 NPPF, but drafted to be in compliance with it. It remains broadly compliant with much of the policy in the 2019 NPPF, particularly where that policy is not substantially changed from the 2012 version. It is acknowledged that for example, 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; as are heritage policies in that they do not reflect case law or the tests of 'substantial' and 'less than substantial harm' in the NPPF; and highway policies in that the NPPF sets a more stringent test for the residual cumulative impacts on the road network. However, other policies relevant to this application, for example those relating to design and impact on amenity, remain up to date and can be given full weight in the consideration of this application. Whether a development plan policy is considered to be up to date or out of date has been identified for each of the policies in the relevant section of the report.
330. The NPPF is a material consideration in planning decisions, and as the Government's expression of planning policy and how this should be applied, it should be given significant weight in the decision making process.
331. 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.

332. It has been established that the policies which are 'most important' for determining this application i.e. those relating to housing land supply and heritage which are considered to be out of date; whilst conversely those relating to design and amenity are considered to be up to date.
333. Paragraph 11 d) (i) of the NPPF indicates that even where the policies which are most important for determining the application are out of date, where policies in the Framework that protect assets of particular importance (this includes heritage assets) provide a clear reason for refusal, then permission should be refused.
334. Analysis in the Heritage section of this report concludes that the development will result in less than substantial harm to Trafford Town Hall, a Grade II listed building. In such circumstances, NPPF Paragraph 196 advises that this harm should be weighed against the public benefits of the scheme. The analysis already undertaken in the Heritage section of the report identifies that the scheme will provide a number of public benefits which can be summarised as: the provision of 433 apartments on a vacant brownfield site in a sustainable location, and at a time when the Council cannot demonstrate a rolling five year housing land supply. This would represent a significant contribution to the Council's housing land supply figures and targets for delivering residential development on brownfield sites. The proposal would provide 22 affordable homes, and is also likely to provide increased spending in the local area and a benefit to local shops. Considerable weight must therefore be given to these benefits, albeit that the scale of benefit in terms of housing numbers only arises as a direct result of the inappropriate height and mass of the proposed building and the consequential harm identified in this report. It is also noted that many of these benefits would also result from the provision of an alternative scheme that appropriately addressed these matters. However, the harm caused to the significance of Trafford Town Hall, a designated heritage asset, as a result of the excessive height, scale and mass of the proposed development, and the consequential loss of views of the clock tower, is such that the public benefits of the scheme are not considered to outweigh this harm. It is considered that this harm provides a clear reason for the refusal of the proposed scheme.
335. A full analysis of the impact of the development on Longford Park Conservation Area, also a designated heritage asset, has not been possible as the applicant has refused to provide the necessary views to and from the application site to enable this assessment to be undertaken. In this regard, it must be concluded that the applicant has failed to demonstrate that the proposed development would not adversely affect the significance of the designated heritage asset.
336. Notwithstanding the conclusion reached in relation to designated heritage assets, the second limb of Paragraph 11 d) still requires an exercise to be undertaken to assess whether the remaining adverse impacts of the scheme would be



significantly and demonstrably outweighed by the benefits, when assessed against the policies in the NPPF taken as a whole.

337. Core Strategy policies indicate that the principle of a residential led mixed use development is acceptable on this site. Such a scheme could contribute to meeting Strategic Objectives which are set out in the Core Strategy and could comply with the over-arching aim of the NPPF to deliver sustainable development. The proposed scheme is considered to be acceptable in a number of respects, subject to appropriate mitigation, such as those relating to noise and vibration impact, air quality, land contamination, waste management, flood risk, ecology and biodiversity, specific green infrastructure, crime prevention, and impact on local services.
338. The proposed would provide a mix of apartment sizes, which does not strictly comply with the requirements of Core Strategy Policy L2. However, the scheme does provide a mix of units that will provide a range of new homes for families and smaller households which are considered appropriate for this Strategic Location.
339. Notwithstanding the elements of the scheme which are considered to be acceptable, a significant number of serious concerns have arisen from the analysis in the report and which represent conflict with the development plan. These are summarised below.
340. The applicant proposes the provision of 5% affordable housing. The submitted Viability Appraisal has been independently assessed and despite a request for additional information there remain a number of unanswered queries and it is considered that the submitted Viability Appraisal does not demonstrate unequivocally that if Planning Policy requirements for S106 contributions and Affordable Housing are greater than that proposed (5% affordable housing) that the proposed development would be undeliverable on viability grounds. The proposed provision of 5% affordable housing is therefore not considered to be policy compliant.
341. The promotion of high standards of design is a central narrative within the NPPF. Due to initial concerns over the scale and massing of the proposed development, it was considered appropriate to seek independent advice with regard to the design of the scheme and the accompanying TVIA.
342. The proposed development, at between five and thirteen storeys high, will be considerably larger than development within the surrounding area which is predominantly residential and two storeys in height. Exceptions to this include the adjacent LCC ground in which the spectator stands rise to a height of six storeys and the nearby Lancastrian Office Suite which is two and six storeys in height. It is considered that the proposed development would highly visible from a number of viewpoints and its prominence is exacerbated by the scale, height and

massing of the proposal. It is clear within the viewpoints that there are no developments of a comparable scale which sit within the same viewpoint and this indicates that the scale and massing of the proposed development is out of keeping with the general character of the area. The layout of the proposed development results in a single block of development which combined with the scale and massing of the proposed scheme results in a form of development which limits permeability through the site, both visually and physically. As a result the proposed development appears as a large unbroken and impermeable building mass which has an over-dominant visual impact on the surrounding area. It is considered that the proposed development fails to represent good design by reason of its design including layout, height, scale and massing will impact to an unacceptable degree upon the character and appearance of the area and would be contrary to the requirements of Core Strategy Policy L7 and the NPPF which recognises that 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.

343. The overall level of detail provided with the application submission is considered to be insufficient to determine whether the appearance of the proposed development is acceptable, particularly when the application is seeking planning permission for the appearance of the proposed development. However, based on the information submitted there are concerns about the external built form, particularly the side and rear elevations which are likely to appear monotonous, monolithic and will dominate views around the area.
344. The density of the proposed development at 433 dwellings per hectare is considered to be inappropriate and excessive for the suburban location of this application site, which sits in an area where residential development is in the region of circa 30-40 dwellings per hectare and there is no relevant precedent in the surrounding area.
345. With regard to the impact of the development on the significance of the LCC ground, a non-designated heritage asset, paragraph 197 of the NPPF indicates that a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset. Turley's assessment of the development proposal concluded that the development would result in a reduction in the prominence and importance of the cricket ground in the local townscape character and a dominating effect on the cricket ground itself. The cricket club currently makes a significant contribution to the character and cultural identity of the area, adding further to its significance. It is considered that the harm resulting from the erosion of this significance weighs significantly in the balance against the proposed development.
346. The NPPF and Policy L7 of the Core Strategy requires development to provide places where high levels of amenity for future and existing residents are provided.

347. It has been established that the proposed development would have an overbearing and dominating effect on surrounding residential properties, LCC, and the area in general.
348. There is concern with regard to separation distances, primarily associated with the outlook of the future residents of thirteen single aspect units and three dual aspect units located on the first and second floors of the rear elevation of the proposed development which would directly overlook a building which provides ancillary facilities to LCC and only have a separation distance of 12.5 metres.
349. It is considered that the proposed development would detrimentally impact on the daylight level of existing properties on Trent Bridge Walk and Great Stone Road. Whilst the infringement of the VSC measures guidelines is minimal, the impact which the proposed development would have on the NSL measure is of great concern. The proposed development would result in eleven properties achieving a NSL figure of less than 70%, where the target is 80% of the former value. Whilst it is acknowledged that the vast majority of the windows which will suffer from a poor NSL measure are bedroom windows, the degree of non-compliance is nonetheless concerning and a number of properties will have to rely more on electric lighting to achieve adequate internal lighting levels. This is considered to be an unacceptable impact on the residential amenity of existing occupiers. Residents of the units on the lower floors of the proposed development, in particular the first to fifth floors would be subject to daylight and sunlight levels which are below the BRE guidance levels set out for VSC, ADF and APSH measurements. When taken collectively, it is considered that the residents of the proposed development, would not benefit from an adequate level of daylight or sunlight and this would be detrimental to their residential amenity.
350. The Wind Microclimate Report indicates that the proposed development would detrimentally impact on pedestrian safety and comfort and mitigation measures Mitigation measures would need to include evergreen planting but there are concerns that the use of evergreen planting is not possible or practical in this instance and no information has been provided on the scale necessary to mitigate any impact. It is therefore considered that insufficient information has been provided to demonstrate that the impacts of the development in terms of wind can be adequately mitigated.
351. External amenity space is proposed within courtyard areas, roof top gardens and private balconies. Overall, it is considered that the amount of amenity space provided is acceptable; however there are concerns that the quality of the space provided within the internal courtyards will be poor due to a lack of sunlight.
352. The proposed development will result in additional peak highways movements in comparison to the authorised use of the site and this will have a small impact on the operation of the Talbot Road / Great Stone Road junction. The impact is

however considered to be minor and acceptable. The access to the site and levels of proposed car and cycle parking provision for the residential units are also considered to be acceptable. However, there is concern that no car or cycle parking has been provided for the commercial units.

353. In line with SPD1, in addition to a contribution towards affordable housing, the proposed development also attracts a developer contribution requirement of £411,621 towards spatial green infrastructure and £429,532 towards sports facilities. The applicant submitted a Viability Appraisal in support of the application which proposes a developer contribution of 5% affordable housing only. It is not considered that the submitted appraisal demonstrates unequivocally that if Planning Policy requirements for S106 contributions and Affordable Housing are greater than that proposed that the proposed development would be undeliverable on viability grounds. Therefore this application fails to comply with SPD1 and Core Strategy Policy L8.
354. The proposed development would provide 433 residential dwellings which it is acknowledged would contribute to Trafford Council's five year housing supply. However it is considered that the harm to the local character by way of the scale, massing, layout and design of the proposed development, together with the other harm identified, would not be outweighed by the benefits of the proposed development, which arise largely from the excessive scale of the proposed scheme. An alternative mixed use scheme on this site could deliver many of the benefits without the harm identified. It is considered that the proposed development would conflict with the Core Strategy and NPPF by failing to provide a well-designed built environment which provides an acceptable level of amenity for existing and future residents. The proposal also fails to adequately demonstrate that the proposed development would be unviable if planning obligations in excess of 5% affordable housing was provided on site. The application is therefore recommended for refusal.

### **RECOMMENDATION: REFUSE**

1. The proposed development would represent poor design as its height, scale, layout, density, massing and monolithic appearance are inappropriate in its context and would result in a building which would be significantly out of scale and keeping with its surroundings. This would have a highly detrimental impact on the street scene and the character and quality of the area. This would be contrary to Policies SL3, R3 and L7 of the adopted Trafford Core Strategy and the National Planning Policy Framework.
2. The proposed development would not provide a development plan policy compliant level of planning obligations in relation to affordable housing; local open space, outdoor sports and semi-natural greenspace provision; healthcare facilities; and site specific highways improvements to suitably and appropriately mitigate the impacts of the development. The applicant has failed to demonstrate

that there is a robust viability case to demonstrate that the scheme could not offer a policy compliant level of obligations. The proposed development is therefore contrary to Policies SL3, L2, L4, L5, L7 and L8 of the adopted Core Strategy and the Council's adopted Revised Supplementary Planning Document 1 (SPD1) – Planning Obligations and the National Planning Policy Framework.

3. The proposed development by virtue of its height, massing, scale and layout would result in a poor level of amenity and unacceptable living standards for future occupiers of the development, by virtue of inadequate daylight, sunlight and outlook in both apartments and amenity areas. The proposed development is therefore contrary to Policies SL3, L3 and L7 of the adopted Core Strategy and the National Planning Policy Framework.
4. The proposed development by virtue of its height, massing, scale and layout would result in harm to the amenity of existing residential properties on Great Stone Road and Trent Bridge Walk by virtue of noticeable reductions in the amount of daylight and sunlight that they receive, and would also have an overbearing impact on these properties and other residential properties in the wider 'Gorses' area. The proposed development is therefore contrary to Policies SL3, L3 and L7 and the National Planning Policy Framework.
5. The applicant has failed to demonstrate, through the submission of sufficient information, that the adverse wind related impacts of the development can be adequately mitigated. Based on the information before the Council the proposal would result in an unacceptably windy environment for future occupiers of the development, to the detriment of their amenity and which would not provide acceptable living conditions, contrary to Policy SL3, L3 and L7 of the adopted Core Strategy and the National Planning Policy Framework.
6. The proposed development would have a harmful impact on the setting of Trafford Town Hall equating to 'less than substantial' harm in National Planning Policy Framework terms. The benefits of the scheme are not considered to outweigh the identified harm to a designated heritage asset. The proposed development is therefore contrary to Policies SL3, L3 and R1 of the adopted Core Strategy and the National Planning Policy Framework.
7. The applicant has failed to provide requested information to allow an informed assessment to be made of the impact of the proposed development on the setting and therefore significance of Longford Park Conservation Area, a designated heritage asset. The applicant has therefore failed to demonstrate the development would not harm the significance of the designated heritage asset. The proposed development is therefore contrary to Policy R1 and Place Objective STO22 of the adopted Core Strategy and the National Planning Policy Framework.

8. The proposed development would have a dominating and adverse impact on Lancashire Cricket Club (LCC) as well as its setting and cultural character and identity. LCC is a non-designated heritage asset and internationally significant visitor attraction, cultural and tourism venue. The scale of the harm and the significance of the asset, as well as the potential impact on the visitor experience are considered to be sufficient to weigh strongly against the proposals. The development is therefore contrary to Policies SL3, R1 and R6 of the adopted Core Strategy and the National Planning Policy Framework.
9. No dedicated car or cycle parking is provided for the 1,181 sq metres of retail and commercial floorspace proposed and the applicant has not demonstrated that reasonable and enforceable planning conditions could be used to limit the use of this floorspace to occupants of the proposed development. Failure to provide adequate car and cycle parking provision for these uses would result in ad-hoc on street parking to the detriment of highway and pedestrian safety, contrary to Policy L4 of the adopted Core Strategy, SPD3: Parking Standards and Design and the National Planning Policy Framework.

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DH

Appendix 1

TVIA Viewpoints

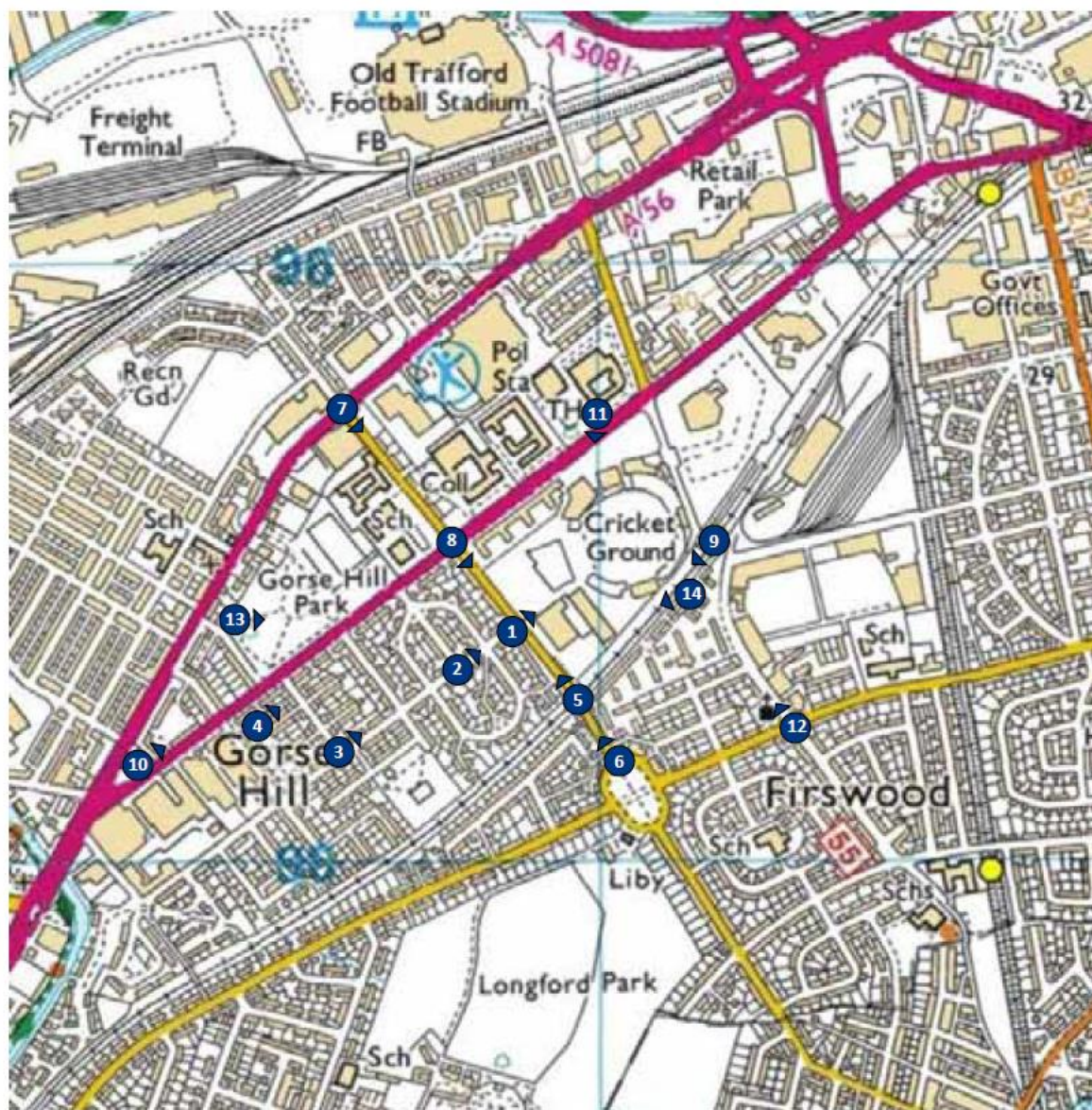


Figure 17. OS Map and Viewpoint / Receptor Location Plan (Source: Bing Maps)

## Appendix 2

Vertical Sky Component figures for existing dwellings on Great Stone Road and Trent Bridge Walk

<b>Unit</b>	<b>Achieves (Target 27%)</b>	<b>Former Value (Target 80%)</b>	<b>Room</b>	<b>Impact attributed in the submitted Daylight Sunlight Report</b>
16 Trent Bridge Walk	26.8%	76%	Bedroom	Negligible
14 Trent Bridge Walk	26.42% 18.72%	72% 68%	Bedroom Bedroom	Minor significance Minor impact taking into account the room use
13 Trent Bridge Walk	26%	71%	Bedroom	Negligible
12 Trent Bridge Walk	26.81%	72%	Bedroom	Minor significance
58 Great Stone Road	25.92% 26.35% 26.40%	76% 72% 72%	Lounge Bedroom Bedroom	Minor significance. Two of the three windows provide light to bedrooms, which the BRE guide indicates are less important.
56 Great Stone Road	25.85% 26.55% 26.52%	76% 72% 72%	Lounge Bedroom Bedroom	Minor significance
54 Great Stone Road	25.92% 26.66% 26.78%	74% 72% 72%	Lounge Bedroom Bedroom	Minor significance
55 Great Stone Road	26.06% 26.92%	74% 72%	Lounge Bed	Minor significance
50 Great Stone Road	26.32% 26.81% 26.95%	73% 73% 73%	Lounge Bedroom Bedroom	Minor significance
48 Great Stone Road	26.58%	73%	Lounge	Minor significance



## Appendix 3

No Sky Line figures for existing dwellings on Great Stone Road and Trent Bridge Walk

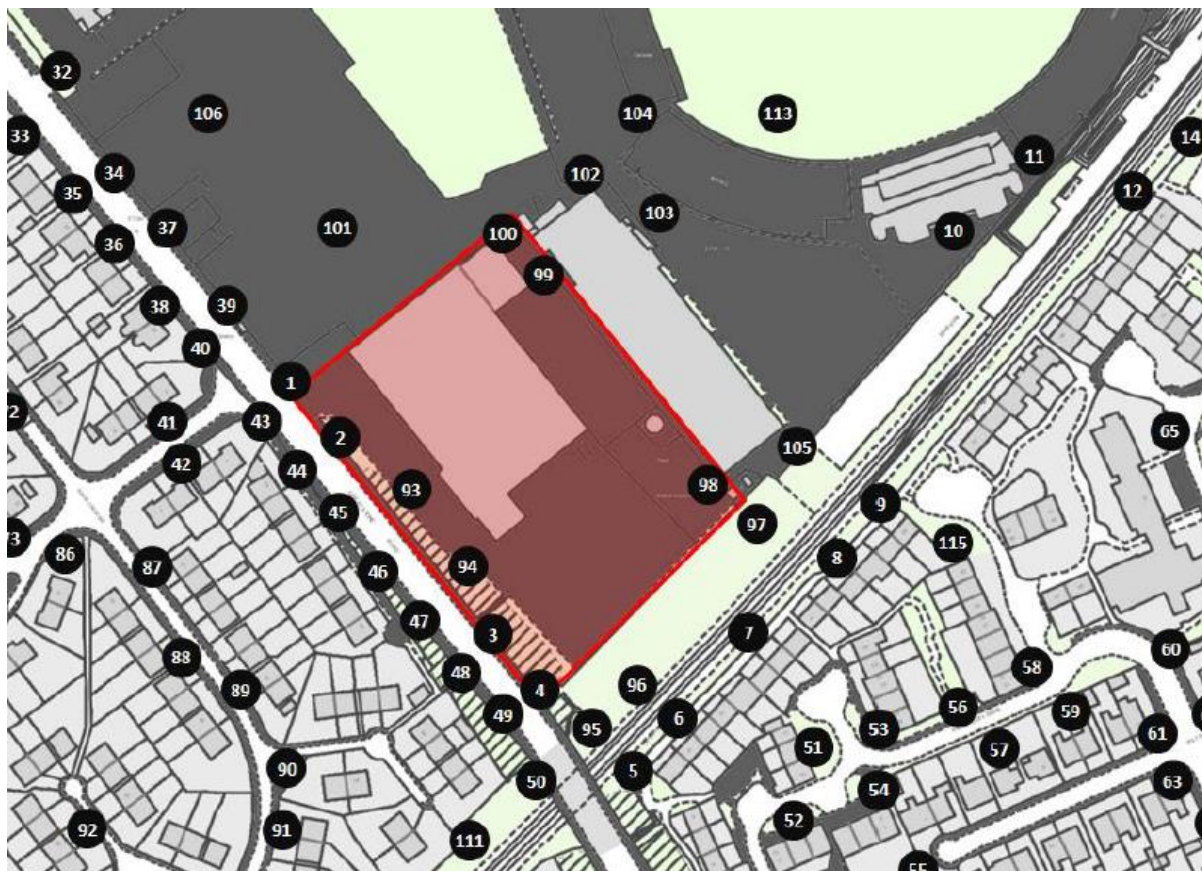
Unit	Achieves (Target 80% of former value)	Existing lit area	Room	Comment in submitted Daylight / Sunlight Report
14 Trent Bridge Walk	60% 51%	98% 95%	Bedroom Bedroom	Of minor to moderate significance taking into account the room use – both bedrooms.
13 Trent Bridge Walk	53%	100%	Bedroom	The room pre development is 100% well-lit and thus the room remains 53% well-lit post development. aap considers this to be acceptable
12 Trent Bridge Walk	63%	100%	Bedroom	Of minor to moderate significance taking into account the room use
58 Great Stone Road	68% 30% 44%	99% 98% 98%	Lounge Bedroom Bedroom	One of the three rooms assessed the lounge retains 68% of the pre-development value against a target of 80%, which is of moderate significance.  The remaining two rooms are bedrooms and retain 30% and 44% of their pre development value. The BRE guide notes that “bedrooms should be analysed although they are less important” and these results can therefore be considered of moderate significance.
56 Great Stone Road	67% 36% 27% 21%	100% 99% 98% 97%	Lounge Bedroom Bedroom Bedroom	Moderate significance Whilst this is a major impact, it is of less significance owing to the room use – all bedrooms.
54 Great Stone Road	62% 27% 36%	99% 98% 96%	Lounge Bedroom Bedroom	Moderate significance Whilst this is a major impact, it is of less significance owing to the room use – both bedrooms.
55 Great Stone Road	65% 35% 25%	100% 99% 98%	Lounge Bedroom Bedroom	Minor significance Whilst this may be classed as a major impact, it is of less significance owing to the room use – both bedrooms.
50 Great Stone Road	51% 71% 86%	98% 100% 91%	Bedroom Bedroom Lounge	A moderate impact but is of less significance owing to the room use – both bedrooms.

94974/OUT/18 – Former B&Q Appenices

48 Great Stone Road	51% 70% 65% 83%	98% 100% 87% 98%	Bedroom Bedroom Bedroom Lounge	A moderate impact but is of less significance owing to the room use – all bedrooms.
46 Great Stone Road	76% 55% 88%	99% 98% 98%	Bedroom Bedroom Lounge	Whilst this could be classed as a moderate/major impact, it is of less significance owing to room use – all bedrooms.
44 Great Stone Road	60% 81% 84%	98% 100% 98%	Bedroom Bedroom Lounge	A moderate impact but is of less significance owing to the room use.

Appendix 4

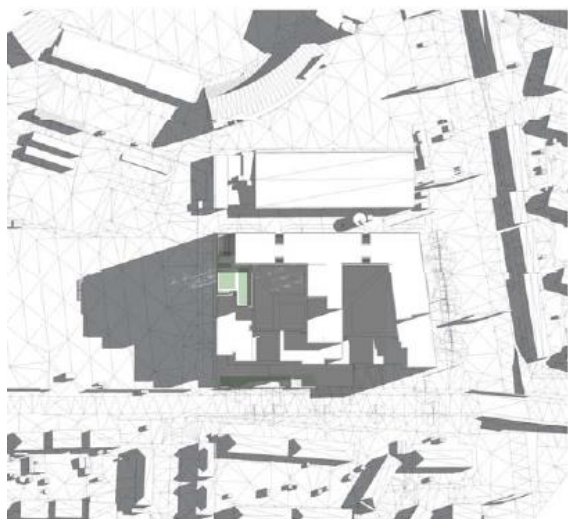
Relevant Wind Microclimate receptors



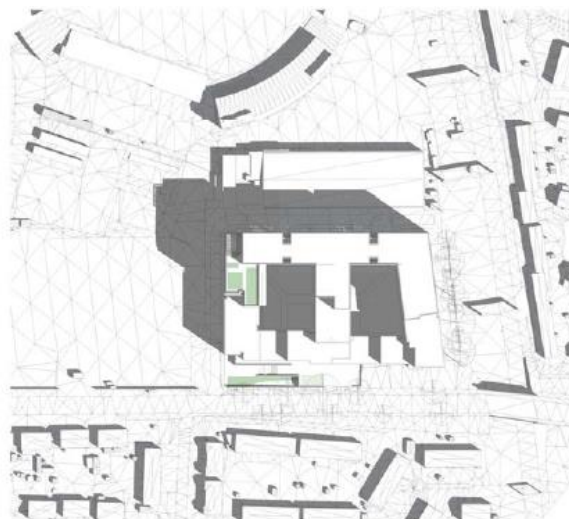
Extract from submitted Wind Microclimate Report

Appendix 5

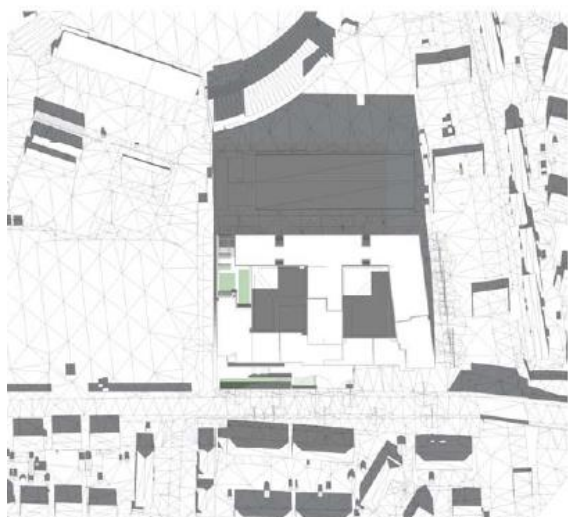
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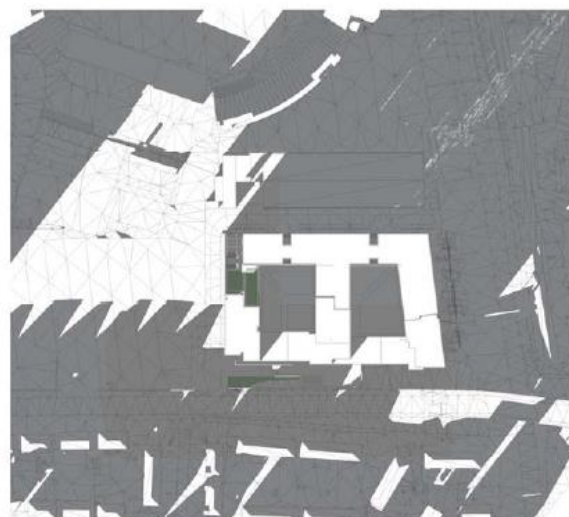
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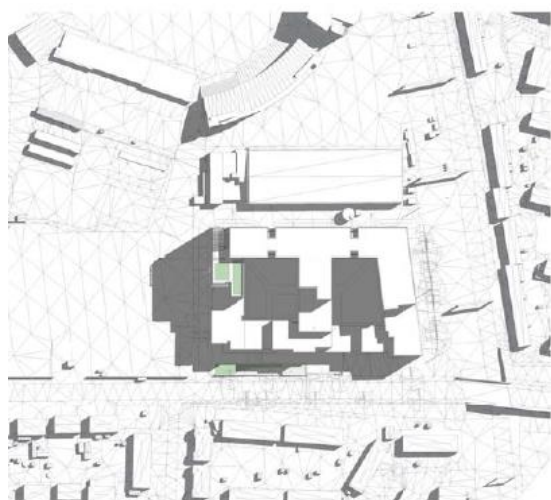
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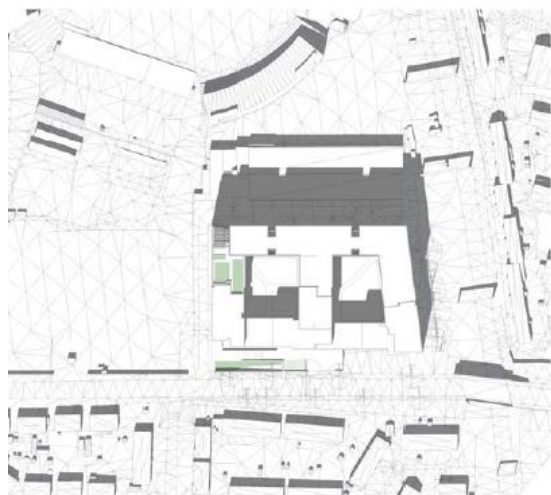
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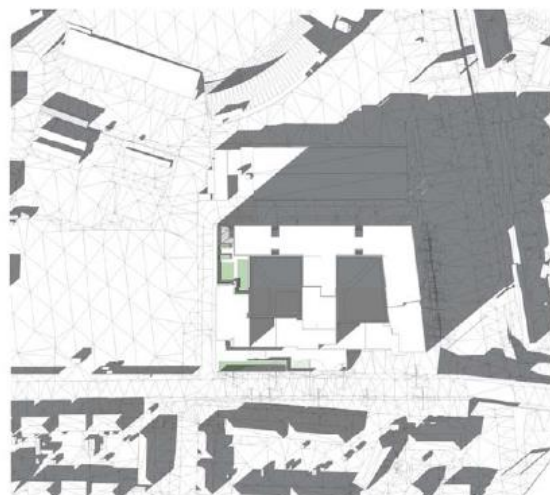
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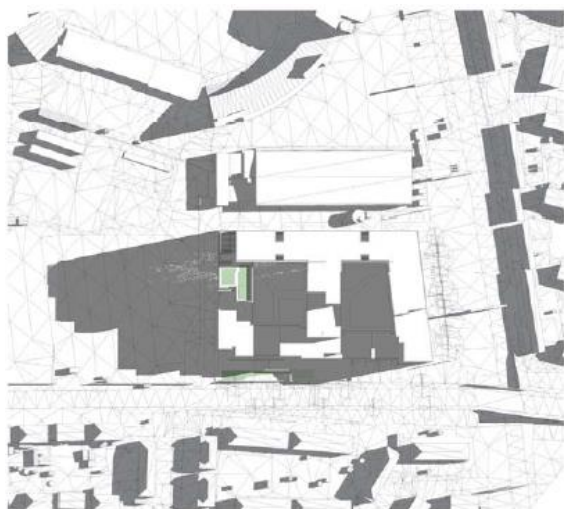
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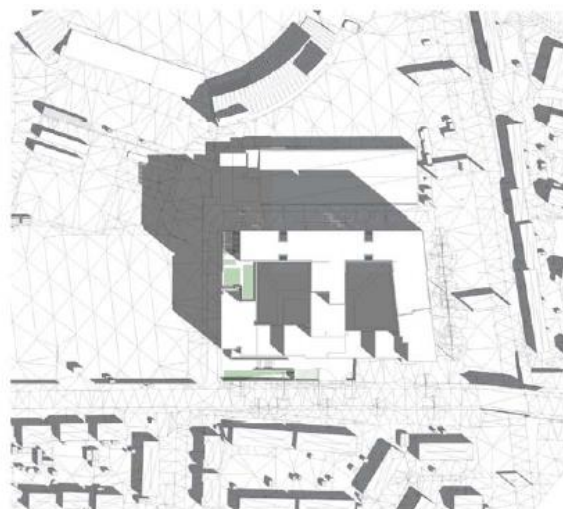
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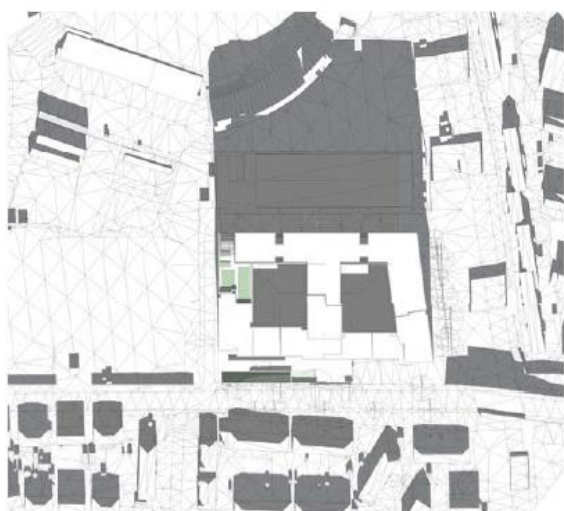
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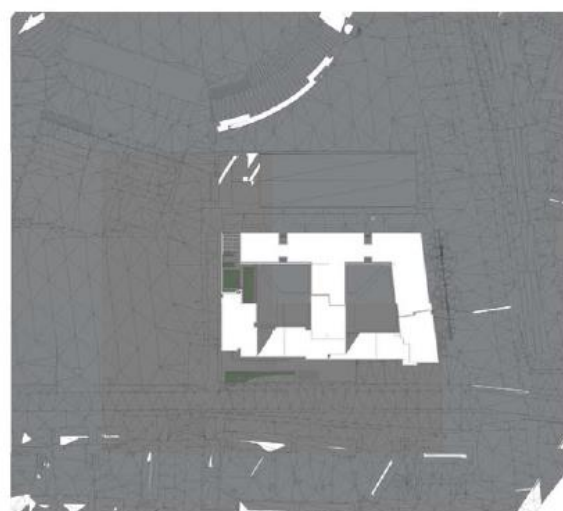
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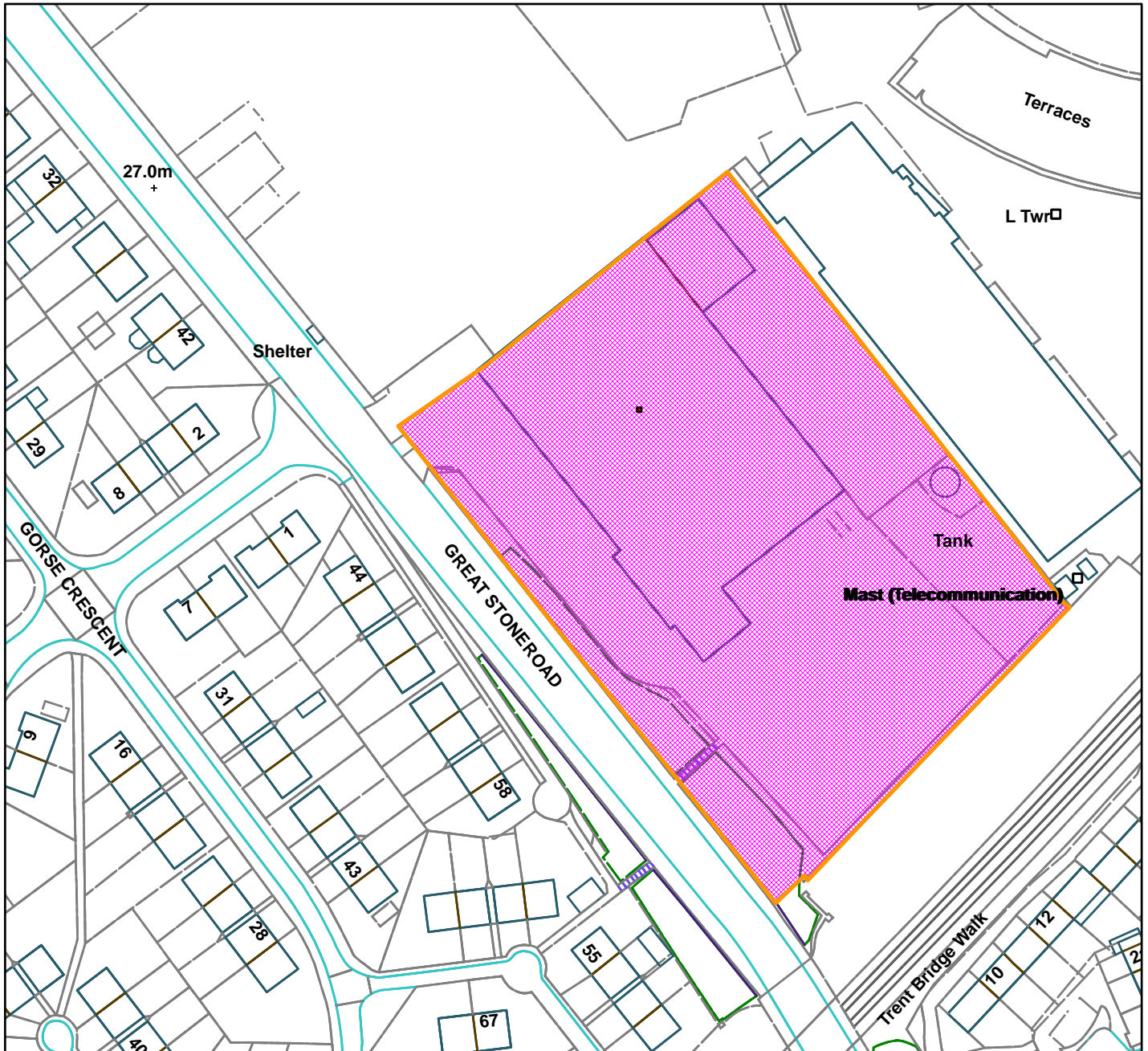


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Extract from Design and Access Statement



Former B And Q Site, Great Stone Road, Stretford, M32 0YP (site hatched on plan)



Scale: 1:1,250

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Organisation	Trafford Council
Department	Planning Service
Comments	Committee Date 28/03/2019
Date	18/03/2019
MSA Number	100023172 (2012)

**WARD: Gorse Hill**

**95110/FUL/18**

**DEPARTURE: No**

**Change of use from an A1 (retail) use at ground floor and C3 (dwellinghouse) use at first and second floors to an A5 (hot food takeaway) use and erection of extraction flue.**

900 Chester Road, Stretford, Manchester, M32 0PA

**APPLICANT:** Mr Mumtaz Ali Mullick

**AGENT:** Gedal Architects

**RECOMMENDATION: APPROVE 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 Walsh for the reasons given in the report.**

### **SITE**

This application relates to a mid-terrace retail unit located within a parade of shops that forms a local centre within Gorse Hill. The parade is made up of three storey terraced properties with basements below and enclosed yards to the rear. The applicant property is neighboured by commercial properties to each side, residential properties to the rear and the major A56 road to the front; with further residential properties beyond the A56. There is also residential accommodation above some of the nearby commercial units within the parade of shops, including 902 and 904.

### **PROPOSAL**

The applicant proposes the change of use of the property from an A1 (retail) use at ground floor and C3 (residential) use at first floor to an A5 (hot food takeaway) use at ground floor with ancillary storage and office space above.

It is proposed that the takeaway open 12.00-23.00 Monday to Friday, 12.00-23.30 Saturdays and 12.00-22.30 Sunday and Bank Holidays.

It is proposed that a flue be added to the rear of the property which would have a height of 9.9m above ground level.

The submitted elevations also indicate signage to the front elevation. If this requires permission, it would need advertisement consent and therefore has not been considered further in this application.

### **DEVELOPMENT PLAN**

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

- **The Trafford Core Strategy**, adopted 25th January 2012; The Trafford Core Strategy is the first of Trafford's Local Development Framework (LDF) development plan documents to be adopted by the Council; it partially



supersedes the Revised Trafford Unitary Development Plan (UDP), see Appendix 5 of the Core Strategy.

- The **Revised Trafford Unitary Development Plan (UDP)**, adopted 19th June 2006; The majority of the policies contained in the Revised Trafford UDP were saved in either September 2007 or December 2008, in accordance with the Planning and Compulsory Purchase Act 2004 until such time that they are superseded by policies within the (LDF). Appendix 5 of the Trafford Core Strategy provides details as to how the Revised UDP is being replaced by Trafford LDF.

## **PRINCIPAL RELEVANT CORE STRATEGY POLICIES**

W2 – Town Centres and Retail  
L4 – Sustainable Transport and Accessibility  
L5 – Climate Change  
L7 – Design

## **SUPPLEMENTARY PLANNING DOCUMENTS**

None

## **PROPOSALS MAP NOTATION**

Local Centre

## **GREATER MANCHESTER SPATIAL FRAMEWORK**

The Greater Manchester Spatial Framework is a joint Development Plan Document being produced by each of the ten Greater Manchester districts and, once adopted, will be the overarching development plan for all ten districts, setting the framework for individual district local plans. The first consultation draft of the GMSF was published on 31 October 2016, and following a redraft a further period of consultation commenced in January 2019. The weight to be given to the GMSF as a material consideration will normally be limited given that it is currently at an early stage of the adoption process. Where it is considered that a different approach should be taken, this will be specifically identified in the report. If the GMSF is not referenced in the report, it is either not relevant, or carries so little weight in this particular case that it can be disregarded.

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

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

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

DCLG published the National Planning Practice Guidance on 6 March 2014 and it is regularly updated. The NPPG will be referred to as appropriate in the report.

## **RELEVANT PLANNING HISTORY**

93330/COU/18- Retention of residential flat at first and second floor. Approved with Conditions- 10 May 2018.

H27914- C.O.U. of ground floor and basement from shop to office for design practice. Approved- 23 September 1988.

## **APPLICANT'S SUBMISSION**

None

## **CONSULTATIONS**

LHA- No objections.

Nuisance - no objection subject to conditions controlling opening hours and the submission of a Noise Impact Assessment in relation to the flue. Comments incorporated into Observations section of the report.

Strategic Planning - no objection. Comments incorporated into Observations section of the report.

Design for Security- The application is supported subject to further consideration of recommended security features. These are contained within an informative.

## **REPRESENTATIONS**

The application was called in by Cllr Walsh on the following grounds:

- Approval would be harmful to the amenity of residents.
- The shopping parade should have a mixture of shops rather than a majority of takeaways.
- Odours and noises associated with a takeaway could hinder customers of the adjacent office accommodation and barber shop.
- Odours from a takeaway could have a negative effect on adjacent residential accommodation.
- There are issues with recycling waste at some of the existing takeaways.
- Drainage gullies get blocked because they have been used to flush away waste oils.
- There are existing litter problems.
- Some existing takeaways stay open late which could create late night noise, disturbance and anti-social behaviour.

One letter of objection was received from a neighbouring property in response to an initial consultation exercise although this was subsequently withdrawn.

## **OBSERVATIONS**

### PRINCIPLE OF DEVELOPMENT

Change of use to a hot food takeaway:

1. 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.
2. Trafford Core Strategy Policy W2, controlling town centre and retail uses, is considered to be 'most important' for determining this application when considering the application against NPPF Paragraph 11, together with L7.
3. Policy W2 of the Core Strategy is considered to be compliant with the NPPF in supporting the growth of its town centres and the role they play in local communities. Policy W2 is therefore up-to-date for the purposes of determining this application. Policy L7 is also considered to be compliant with the NPPF and therefore up to date and can be given full weight in the decision making process.
4. Policy W2 of the Core Strategy states that, at local centres, there will be a focus on convenience retail facilities and services to meet local needs. Policy W2.11 states that changes of use from A1 (retail) to other uses should be carefully considered in terms of their impact on the function, character, vitality and viability of the centre as a whole and on specific frontages; particularly within primary shopping frontages. The application site was previously in A1 (retail) use but is now vacant. The proposal would therefore have a positive impact in bringing a vacant unit back into use. If this application were approved, the local centre would have 6 A1 units, 9 A5 units, 2 B1 units, 1 D1 unit, 2 sui generis units and 2 vacant units. The proportion of units in an A5 (hot food takeaway) use would therefore be at 41%. As such, it is considered that converting the site from an A1 (retail) use to an A5 (hot food takeaway) use would not be harmful to the function, character, vitality and viability of the local centre and is therefore in compliance with Policy W2 of the Core Strategy. .

### DESIGN

5. Paragraph 124 of the NPPF states that "The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development,

creates better places in which to live and work, and helps make development acceptable to communities”.

6. 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 is therefore given full weight in the decision making process.
7. 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.
8. The proposed external alterations consist of the addition of a flue to the rear of the property. As this would be positioned to the rear of the property, it would not be visible from the A56. Nevertheless, there is an alleyway to the rear of the property with residential properties beyond so the flue would have some visibility from the public realm and neighbouring properties.
9. The applicant property is situated within the Gorse Hill local centre which also contains 8 other takeaway properties with associated external fixings; including flues of comparable design and scale to that proposed in this application. As this forms the context in which the applicant property sits, it is considered that the addition of a flue would be appropriate in this context. It is considered that the proposed flue would be acceptable in terms of visual impact and would comply with Policy L7 of the Core Strategy and guidance in the NPPF in this respect.

## AMENITY

10. In relation to matters of amenity protection, Policy L7 of the Core Strategy states 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.
11. Comments from Environmental Health have confirmed that the height of the flue, and its fitting with a high velocity jet cowl, would ensure that adjacent windows would not be adversely affected by odours and particulates contained within the extracted air plume.
12. Comments from Environmental Health also noted that the operation of the external extraction and ventilation system, including fans, could create a noise impact affecting nearby residential properties; especially during sensitive times. Environmental Health therefore recommend that a condition is attached to any granting of permission requiring a Noise Impact Assessment (NIA) to be approved by the LPA, with any schedule of mitigation measures contained

within the approved NIA to be installed prior to the first operation of the approved use and retained in good order thereafter. The NIA should be conducted by a suitably qualified Acoustic Consultant and follow relevant national standards and guidelines. It is considered that, subject to appropriate noise mitigation measures to be secured by condition, the proposed change of use would not introduce excessive noise impact to neighbouring properties.

13. The first and second floors of the applicant property are currently in use as residential accommodation. The application involves its change of use from a flat to storage and office space that would be ancillary to the primary A5 takeaway use at ground floor.
14. The proposed hours of opening of the hot food takeaway are 12.00-23.00 Monday to Friday, 12.00-23.30 Saturday and 12.00-22.30 Sunday and Bank Holidays. These opening hours reflect those permitted on no. 908 (H/53028-11.00 to 23.30 Sunday to Thursday and 11.00 to 00.00 Friday and Saturday).
15. There are residential flats occupying the upper floors of other units within this Local Centre, including the adjacent property at 902. There are also residential properties to the rear of the site beyond a rear alleyway. The residential properties to the front of the site lie across the busy A56 Chester Road at a distance in excess of 40m.
16. It is accepted that there would be an increase in activity and noise associated with the proposed takeaway in part caused by increased vehicular and pedestrian movements; particularly into the evening. The application property sits within a Local Centre, however, which has a number of units in an A5 (hot food takeaway) use, the Gorse Hill Public House and is positioned adjacent to the busy A56 Chester Road. In this location, it is considered that, subject to noise mitigation measures and a condition limiting opening hours to those applied for, opening hours, the proposed change of use would not result in unacceptable noise and disturbance to any of the surrounding residential properties such that would warrant a refusal of planning permission either when considered on its own or cumulatively with the existing evening uses.
17. It is considered that the proposal, subject to noise mitigation measures to be secured by condition, would not cause an increase in noise and disturbance which would harm the amenity of neighbouring occupiers. In this respect, the proposal therefore accords with Policy L7 of the Trafford Core Strategy.

## PARKING AND HIGHWAY SAFETY

18. The LHA does not object to the application on parking and highway safety grounds. There is no dedicated on-site car parking and on-street parking in the immediate area is limited. The parade of shops is served by an area of short-stay parking immediately to its front which allows parking for up to 1 hour. The applicant property is situated within a local centre which contains a number of other properties in a variety of commercial uses; including eight units in A5 use. There is no evidence of an acute parking problem in the locality. It is also noted that the site is in an accessible location. It is therefore

considered that the proposal is acceptable in terms of Policies L4 and L7 of the Core Strategy in this respect.

## DEVELOPER CONTRIBUTIONS

19. With regard to Trafford's adopted CIL Charging Schedule and SPD1: Planning Obligations, the proposed A5 (hot food takeaway) use falls under the 'All other development' category which has a charge of £0 per sqm. There is therefore no requirement for a CIL payment.

## OTHER MATTERS

20. In addressing the comments made by Cllr Walsh which have not been addressed in the Observation section above, the following comments are made.
21. It is recommended that the applicant be informed via informative that it is an offence under section 111 of the Water Industry Act 1991 to allow to enter any public sewer or drain or sewer communicating with a public sewer "any matter likely to injure the sewer or drain, to interfere with the free flow of its contents or to affect prejudicially the treatment and disposal of its contents". This is not a matter which can be controlled by the planning permission.
22. It is recommended that a condition be attached requiring that details of the bin stores, including separate receptacles for paper, glass and cans in addition to other household waste, be submitted to and approved in writing by the LPA prior to development taking place. This would be with a view to ensuring that sufficient bin storage is available at the site to prevent the build-up of litter and debris about the Local Centre and to ensure that appropriate recycling facilities are available.
23. Concerns are raised that the existing rivalry for trade leads to similar units in the parade remaining open beyond their approved opening hours. This would be a breach of planning permission and if necessary appropriate enforcement action could be taken.

## CONCLUSION

24. The proposed change of use from an A1 (retail) use at ground floor and C3 (dwellinghouse) use at first and second floor to an A5 (hot food takeaway) use has been found to be in accordance with Policy W2 of the Trafford Core Strategy. The change of use is therefore acceptable in principle. The external alterations and impact of the proposal on the amenity of neighbouring occupiers has also been found to be in compliance with Policy L7 of the Trafford Core Strategy and the proposal is considered to be acceptable in terms of highway impacts in accordance with Policies L4 and L7. The application therefore complies with up to date policies in the development plan and it is therefore recommended that the application be approved.

## **RECOMMENDATION: APPROVE WITH 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 plan, number PR 02 Rev. A.

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

3. The premises shall only be open for trade or business between the hours of: Monday-Friday 12pm-11pm, Saturday 12pm-11.30pm and Sunday 12pm-10.30pm and not at any time outside these hours.

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

4. A Noise Impact Assessment (NIA), conducted by a suitably qualified Acoustic Consultant which follows relevant national standards and guidelines, shall be submitted to and approved in writing by the Local Planning Authority. The use hereby permitted shall not take place unless and until any mitigation measures contained within the approved NIA have been installed. The approved measures shall be retained in good order thereafter.

Reason: In the interests of residential amenity and in compliance with Policy L7 of the Trafford Core Strategy.

5. No development shall take place until details of the bin stores, which shall 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 and made available for use prior to the implementation of the use hereby approved and shall be retained thereafter.

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

6. Notwithstanding the plans hereby approved, a Management Plan detailing facilities and measures for the disposal of litter by customers, such as additional litter bin provision, details of a cleaning programme to clean up litter from external areas and litter advice and signage to be provided at the premises, shall be submitted to and approved in writing by the Local Planning

Authority. The use hereby approved shall not take place unless and until the Management Plan has been submitted to, and approved in writing by the Local Planning Authority and has been implemented in full. The approved measures shall be retained thereafter.

Reason: In the interests of amenity of the occupiers of nearby properties, having regard to Policy L7 of the Trafford Core Strategy.

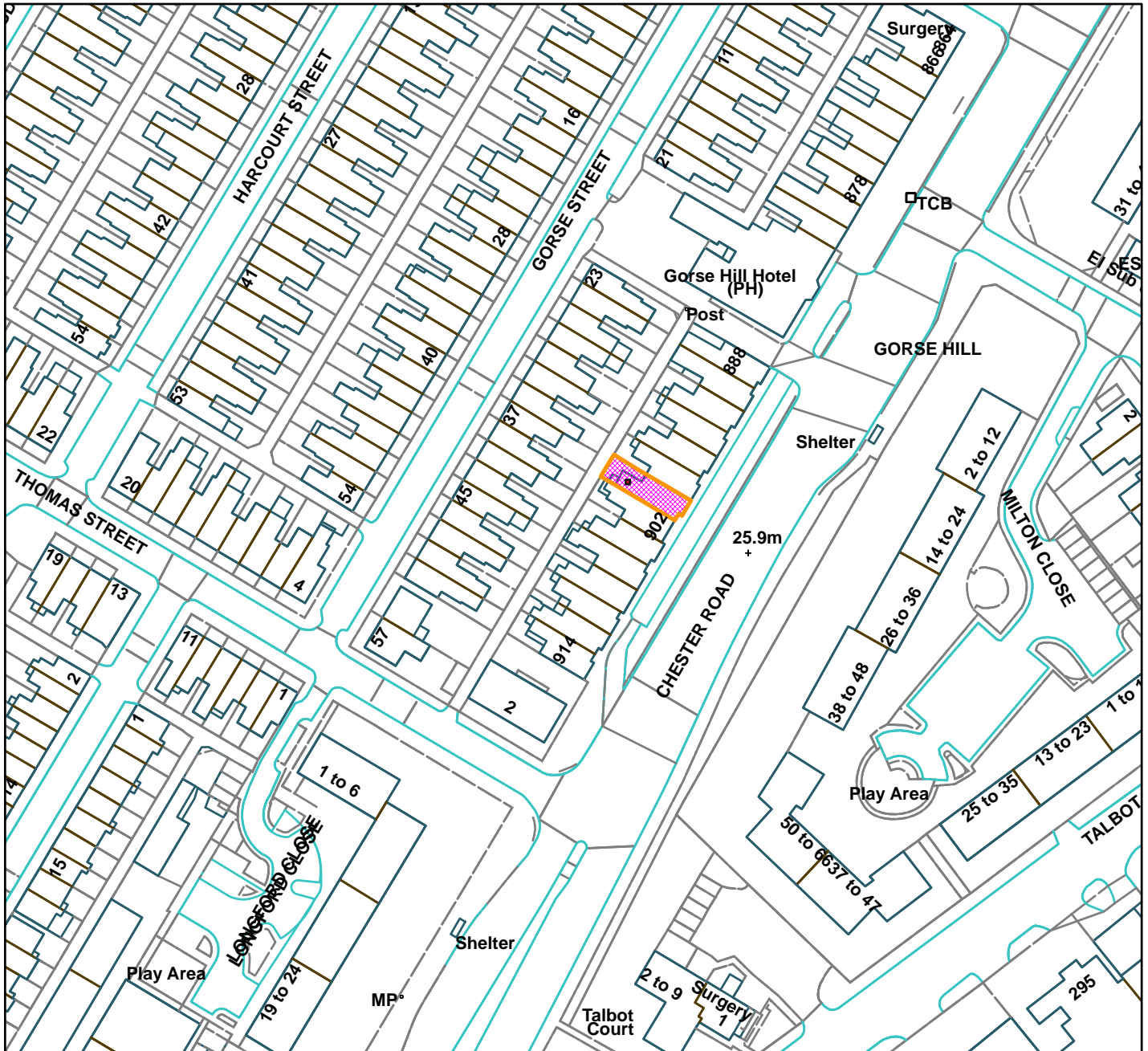
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JW





900 Chester Road, Stretford, M32 0PA (site hatched on plan)



Scale: 1:1,250

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Organisation	Trafford Council
Department	Planning Service
Comments	Committee Date 28/03/2019
Date	18/03/2019
MSA Number	100023172 (2012)

**WARD: Hale Central**

**95417/FUL/18**

**DEPARTURE: No**

**Change of use from church halls (D1) comprising of partial demolition and rebuilding to form 9 residential units (C3), including the erection of an attached dwelling and other external amendments including changes to the front boundary treatment incorporating the installation of stone gate posts, in addition to the incorporation of a small element of the rear garden of No. 250 Ashley Road to form part of the plot's rear garden area.**

**ADDRESS:** Altrincham United Reformed Church Hall, 81 Cecil Road, Hale, WA15 9NT.

**APPLICANT:** Mr Mark Stansfield.

**AGENT:** Mrs Caroline Payne, Emery Planning Partnership Limited.

**RECOMMENDATION: GRANT**

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**This application is reported to the Planning and Development Management Committee because it has received six objections contrary to the officer recommendation.**

### **SITE**

The application site comprises of a red brick late Victorian/Edwardian-era church hall building which forms part of the Altrincham United Reform Church site, the hall attached to the main church building of an approximately similar age to the south-east. Despite now being used as a hall attached to the main church, the application site was originally constructed as a church and school, with the main church added later.

The wider site comprises of an area of hard standing/tarmac to the north-west and south which fronts Cecil Road as it curves from the south-east to the north-west and later extensions to the north (rear) and south-east (side). The front boundary is marked by a several low lying evergreen hedges with several trees and bushes along the north-west and north boundaries. The rear of the plot comprises what is currently part of the garden to the rear of the adjacent property to the north/north-east, which is also owned by the applicant.

The site is located within Character Zone A (St Peters & Ashley Road South) of the South Hale Conservation Area with the edge of the Conservation Area running along the plot's north-west (side) boundary. The church hall itself, the main church building and the adjacent properties to the north-east and south are noted as 'positive contributors' within the Conservation Area and are therefore non-designated heritage assets.

The wider site is bound by residential properties to all sides apart from St Peter's Assembly Rooms, of similar age to the west on the opposite side of Cecil Road.

Use of the hall is no longer required by the occupants of the Church.

## **PROPOSAL**

The applicant proposes the following works:

- Demolish the non-original extensions to the side and rear of the church hall and erect new extensions to the side and rear to facilitate the building's change of use from a church hall (D1 use) to nine residential units (C3 use), one of these units being an attached dwelling adjacent to the plot's north-west (side) boundary (2 x 3 bed, 3 x 2 bed and 4 x 1 bed);
- The extensions would include two rear facing gable elements;
- Various other external alterations including changes to the front parking area (with the introduction of 14 parking spaces), the front boundary (through amendments to the existing three vehicle entrances and the introduction of a laurel hedge and stone gate posts), and the installation of bin and cycle stores;
- Incorporation of part of the applicant's current back garden area (the applicant also owning the adjacent property to the north) with a new 2m high timber fence along the amended rear boundary.

Proposed materials would comprise of red brick to match the existing building, red tile roofing, conservation area compliant roof lights, timber windows and doors, and stone/brick detailing around new window and door openings.

Plots 1 and 2 would have separate entrances, whilst the remainder would be accessed via a front door and central hallway.

The extensions/additions would have a combination of dual-pitched and hipped roofs. Three dormer windows would be introduced to the main front facing roof slope and an additional dormer would be added to a front/side facing roof slope of a new extension, with several roof lights added to the remaining new and original roof slopes. Several large glazed feature windows would be included to the front elevations.

### **Value Added**

Following officer advice the applicant has amended their proposal though the following changes:

- Repositioning/reducing the scope of the proposed extensions including reduction in the number of units from 10 to 9.
- Changes to the design of the proposed extensions/external amendments including replacing the originally proposed detached dwelling with a new extension accommodating this dwelling which would be set back further within the plot and with a reduced height;
- Changes to the design of the proposed hard and soft landscaping including removal of the proposed rear boundaries to prevent subdivision of the plot;
- Changes to the proposed front boundary works with the substitution of stone gate columns for the originally proposed brick columns;
- Movement of one of the two proposed bin stores away from the front boundary;
- Changes to the internal layout.

## **DEVELOPMENT PLAN**

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

- The **Trafford Core Strategy**, adopted 25 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 19 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;  
L4 - Sustainable Transport and Accessibility;  
L5 – Climate Change;  
L7 - Design;  
L8 - Planning Obligations;  
R1- Historic Environment;  
R2 – Natural Environment.

## **OTHER LOCAL POLICY DOCUMENTS**

Revised SPD1 - Planning Obligations;  
SPD3 - Parking Standards & Design;  
SPD5.21 – South Hale Conservation Area Appraisal;  
SPD5.21a – South Hale Conservation Area Management Plan.  
SPG24 – Crime and Security.

## **PROPOSALS MAP NOTATION**

South Hale Conservation Area;  
Critical Drainage Area.

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

None.

## **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. A revised consultation draft was published in January 2019 and a further period of consultation is currently taking place. The weight to be given to the GMSF as a material consideration will normally be limited given that it is currently at an early stage of the adoption process. Where it is considered that a different approach should be taken, this will be specifically identified in the report. If the GMSF is not referenced in the report, it is either not relevant, or carries so little weight in this particular case that it can be disregarded.

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

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

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

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

### **RELEVANT PLANNING HISTORY**

Relevant planning applications for the wider site, including the adjoining main church building, comprise of:

95383/FUL/18: Change of use from church halls (D1) including partial demolition and rebuilding to form 10 residential units (C3). Withdrawn 24 August 2018.

88920/FUL/16: Erection of a single storey side extension and creation of 10 new parking spaces. Approved 26 September 2016.

### **APPLICANT'S SUBMISSION**

The applicant has submitted Design and Access, Planning and Heritage statements in support of their application.

### **CONSULTATIONS**

**Heritage Development Officer** - No objection subject to conditions. The proposal would result in 'less than substantial harm' to the significance of the impacted heritage assets.

**Strategic Planning** – No objection.

**Arborist** – No objection subject to condition.

**Trafford Housing Strategy** – No objection.

**Local Highways Authority** – No objection subject to condition.

**Trafford Council – Pollution & Licensing (Nuisance)** – No objection subject to

conditions.

**Trafford Council – Pollution & Licensing (Contaminated Land)** – No objection.

**Lead Local Flood Authority** - No objection.

**United Utilities** – No objection subject to conditions.

**Greater Manchester Ecology Unit** - No objection subject to conditions.

## **REPRESENTATIONS**

Letters of objection to the original scheme have been received from six neighbouring addresses, the objections raising the following issues:

- The proposal would result in the overdevelopment of the site especially with reference to the originally proposed detached four bedroom dwelling;
- The additional dwelling would not complement the existing buildings on site and the wider Conservation Area in terms of its scale;
- The additional dwelling would result in an unacceptable overbearing and overshadowing impact on the adjacent dwelling to the north;
- Overdevelopment of the site would result in highways issues on surrounding roads;
- The original scheme was incorrectly advertised through failing to refer to the additional detached dwelling in the development description;
- The applicant is incorrect in claiming on their application form that the proposal would not result in the loss of on-site trees and vegetation;
- The proposal would result in an unacceptable visual and residential amenity impact;
- The applicant's Traffic Report is incorrect;
- The application has been incorrectly advertised with no site notice displayed;
- The proposal could require works to common boundaries shared with neighbouring properties;
- Servicing of the new development would further exacerbate traffic issues in the local area.

None of these objections have been withdrawn with reference to the amended plans.

Additional comments have been received from three of the original objectors which raise the following additional objections:

- The amended attached dwelling is out of keeping with the other proposed building works in terms of its scale and extent and it would unacceptably impact building lines;
- The amendments do not address original concerns regarding the proposal's wider parking and servicing impacts;
- The proposed attached building cannot reasonably be considered through a change of use application.

## **OBSERVATIONS**

### **PRINCIPLE OF DEVELOPMENT**

#### **Use of Land**

1. 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.
2. Policies controlling the supply of housing and heritage are considered to be 'most important' for determining this application when considering the application against NPPF Paragraph 11. The Council does not, at present, have a five year supply of immediately available housing land and thus development plan policies relating to the supply of housing are 'out of date' in NPPF terms.
3. Policy R1 of the Core Strategy, relating to the historic environment, does not reflect case law or the tests of 'substantial' and 'less than substantial' harm in the NPPF. Thus, in respect of the determination of planning applications, Core Strategy Policy R1 is out of date. Although Policy R1 of the Core Strategy can be given limited weight, no less weight is to be given to the impact of the development on heritage assets as the statutory duties in the Planning (Listed Buildings and Conservation Areas) Act 1990 are still engaged. Heritage policy in the NPPF can be given significant weight and is the appropriate means of determining the acceptability of the development in heritage terms. It is concluded elsewhere in this report that there are no protective policies in the NPPF which provide a clear reason for the refusing the development proposed. Paragraph 11(d) (ii) of the NPPF is therefore engaged.
4. The application proposes the partial demolition of non-original elements to the side and rear of the existing building, and the erection of extensions to the side and rear as part of the conversion of the church hall building into nine apartments. The site is located in a largely residential area. Policy L1 of the Trafford Core Strategy seeks to release sufficient land to accommodate 12,210 new dwellings (net of clearance) over the plan period up to 2026. Regular monitoring has revealed that the rate of building is failing to meet the housing land target as expressed in Table L1 of the Core Strategy. Therefore, there exists a significant need to not only meet the level of housing land supply identified within Policy L1 of the Core Strategy, but also to make up for a recent shortfall in housing completions.
5. A small part of the proposed development, primarily the extensions to the rear of the site, would be built on a grassed residential garden area. This falls outside of definition of previously developed land within the NPPF. Therefore part of the site

which would accommodate the proposal is considered to be greenfield land, as identified by the NPPF.

6. The proposal would therefore need to be considered in light of Core Strategy Policies L1.7-L1.8, specifically Policy L1.7 which sets an indicative target of 80% of new housing provision within the Borough to be built upon brownfield land. In order to achieve this target, the Council details within the Core Strategy that it will release previously developed land and sustainable urban area greenfield land in order of priority. The part of the proposal which would be built within the current building's footprint would be on brownfield land. Moving on to the part of the proposal which would be built on greenfield land it is noted that the first priority of Core Strategy Policy L1.7, which details the release of land within regional centres and inner areas for new development of housing, does not apply in this case due to the location of the site. Therefore the application must be considered against the second and third points of Policy L1.7.
7. In this instance it is noted that the application site is located within an established residential area and is considered to be within a sustainable location sited relatively close to public transport links, local schools and other community facilities. It is therefore considered that the proposal will specifically make a positive contribution towards Strategic Objective SO1 in terms of meeting housing needs and promoting high quality housing in sustainable locations of a size, density and tenure to meet the needs of the community.
8. The proposal would acceptably comply with the requirements of Core Strategy Policy L2 through its making a contribution towards meeting housing needs within the Borough by the provision of nine additional dwellings (L2.1); through the development being located on a sufficiently sized plot, appropriately located to access existing community facilities, not harmful to local area character or amenity, and more generally in accordance with Core Strategy Policy L7 as outlined in the design section below (L2.2). Several of the properties could be used for family housing (L2.4/L2.6). The proposal also would likely result in a small economic benefit during its construction phase. It is noted that the proposed site is not identified within Trafford's SHLAA (Strategic Housing Land Availability Assessment).
9. Due to the facts outlined above, notwithstanding the fact that a small part of the site is classified as greenfield land, the proposal nevertheless satisfies the tests of Core Strategy Policy L1.7 and the relevant policies within the NPPF. The application site is situated within a sustainable location and the development would also make a positive contribution to the Council's housing land targets, as set out within Core Strategy Policy L1, and would also increase the provision of family homes within the area, in accordance with Core Strategy Policy L2.

#### Demolition of Current Buildings/Extensions

10. Those parts of the building which would be demolished comprise of non-original extensions built during the course of the mid to late 20th Century. They are not considered to be of any particular architectural or historical merit and their loss to



facilitate the development is not considered to be sufficient grounds to refuse planning permission.

### Loss of Church Hall

11. NPPF paragraph 92 requires LPAs to guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs. The LPA does not have any specific Core Strategy or other supplementary planning policies in place to ensure the retention of the existing church hall use.
12. The loss of the church hall use to residential development is considered to be acceptable especially considering that the Strategic Planning consultee has not objected to this loss and given the provision of similar facilities within the local area, for example within Hale village and on the opposite side of Cecil Road at St Peter's Assembly Rooms. It is also noted that the LPA has also recently approved a new church hall to be attached to the side (north) elevation of the main church building (planning reference 88920/FUL/16) which would provide for an alternative community facility, albeit on a reduced scale and with officers fully appreciating there is no guarantee that this development would ever be constructed.

### **DESIGN INCLUDING IMPACT ON THE SETTING OF THE SOUTH HALE CONSERVATION AREA**

13. The application site is located within Character Zone A (St Peters & Ashley Road South) of the South Hale Conservation Area with the edge of the Conservation Area running along the plot's north-west (side) boundary. The church hall itself, the adjoining main church building and the adjacent properties to the north-east and south are noted as 'positive contributors' within the Conservation Area and are therefore non-designated heritage assets.
14. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires LPAs to pay special attention to the desirability of preserving or enhancing the character or appearance of Conservation Areas when determining planning applications.
15. The importance of preserving the historic environment is reflected in the National Planning Policy Framework (NPPF) and supporting Guidance (NPPG).
16. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation and the more important the asset, the greater the weight should be. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance (NPPF paragraph 193). Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification (NPPF paragraph 194).

17. Paragraph 195 of NPPF advises that where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, LPAs should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:
- a) The nature of the heritage asset prevents all reasonable uses of the site; and
  - b) No viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
  - c) Conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and
  - d) The harm or loss is outweighed by the benefit of bringing the site back into use.
18. Where a development would 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 (NPPF paragraph 196).
19. The effect of a development on the significance of a non-designated heritage asset should be taken into account in determining an application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss of the significance of the heritage asset (NPPF paragraph 197)
20. Policy R1 states that all new development must take account of surrounding building styles, landscapes and historic distinctiveness. Developers must demonstrate how the development will complement and enhance the existing features of historic significance including their wider settings, in particular in relation to Conservation Areas, listed buildings and other identified heritage assets.
21. Paragraph 124 of the NPPF 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 130 states: Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents.*
22. Policy L7 of the Trafford Core Strategy states: *In relation to matters of design, development must: be appropriate in its context; make best use of opportunities to improve the character and quality of an area; enhance the street scene or character of the area by appropriately addressing scale, density, height, massing, layout, elevation treatment, materials, hard and soft landscaping works, boundary treatment; and, make appropriate provision for open space, where appropriate, in accordance with Policy R5 of this Plan.*

23. The special character of South Hale Conservation Area is summarised in the Conservation Area Appraisal and with respect to
24. Character Zone A (4.3.8) specifically,; *The essential qualities of this Character Zone derive from the architectural quality of the late 19th to early 20th century public buildings and the fine houses built in their vicinity. The northern end of Ashley Road within the Character Zone is more urban in character and lies within the commercial area of Hale Village.*
25. This document also states the following regarding the application site itself and the adjoining main church building (4.3.11): *The United Reform group of buildings on the corner of Ashley Road and Cecil Road were built in two stages, with the original church and school on Cecil Road being late 19th century. This 1899 Church was originally built as a Congregational Church and school, has been altered and extended over the years but the height and fenestration belie its original use. Of red brick, with red brick and stone, it is characterised by its semi-circular arched windows and porch, and a small single-storey semi-circular extension. The present-day church, dating from 1910, complements the earlier building with its use of red Ruabon brick and semi-circular arches but is on a larger scale and in Romanesque style. Particularly the single-storey entrance has a more modern character with its lines of elongated arches and squared off tower (previously flat it was capped off with a hipped roof in 1985).*
26. The Conservation Area Management Plan SPD includes numerous relevant policies relating to, for example, the alteration and extension of buildings, the use of appropriate materials and window materials and the retention of boundary walls. :
27. The new development would be bound by buildings of varied design, type and age, albeit all residential properties apart from the main church building to the south-east and the community rooms to the west, with Victorian/Edwardian buildings to the north-east, south-east, south and west, and 1960s/1970s dwellings to the north-west. Plot sizes vary from a spacious plot accommodating a large detached dwelling to the north-east to a relatively tightly packed terrace row to the north-west.
28. The plot is located within the South Hale Conservation Area with the edge of this heritage asset running along the site's north-west side boundary. As noted above the application site itself, the linked main church building to the south-east, the applicant's large dwelling house to the north-east, and the dwelling to the south are all noted as 'positive contributors' in the Conservation Area Appraisal SPD.
29. There is no objection to the demolition of the ancillary buildings and extensions which are not original structures and which are not considered to have any special architectural or historical merit.

#### Siting, Footprint and Plot Openness

30. The amended proposed extensions would be located to the side and rear of the plot and would largely replace the existing non-original extensions. They would

not undermine a building line at this point and they would not result in an overdevelopment of the site. The side extension would be acceptably set in from the north-west side boundary and set back from the front boundary. The proposed works to the front of the plot in the form of amended vehicle entrances, front boundary treatments and hard and soft landscaping including parking are considered to result in an acceptable visual impact subject to conditions requiring the submission of full details of the proposed hard and soft landscaping and front boundary treatments prior to the commencement of above ground works.

31. It is not considered that the proposal would result in an unacceptable overdevelopment and subdivision of the plot, with the scheme having been amended to remove the originally proposed subdivided gardens to the rear of the plot. It is noted that there are several apartment blocks in the vicinity which constitute relatively high density development.

#### Bulk, Scale, Massing and Height

32. The bulk, scale massing and heights of the proposed extensions/amendments would be acceptable with reference to the original/adjoining buildings and surrounding properties, with the new development largely matching those elements to be removed in this regard.

#### External Appearance/Materials

33. It is considered that the proposed external amendments/extensions would result in a degree of harm to the significance of the original building through the introduction of modern dormer windows and roof lights in addition to changes to several window openings and changes to the front boundary treatment, these changes partly undermining the current architectural integrity of the church hall.
34. The proposed external materials would largely match those of the existing building and these are considered to be acceptable with reference to the existing building and its context. Planning permission would be subject to a condition requiring the applicant to submit full material and boundary treatment details for approval prior to the commencement of above ground development.
35. The applicant proposes to install two bin stores within the site and adjacent to the amended car parking area. Planning permission would be subject to a condition that full details of these elements must be submitted to the LPA for their written approval prior to the commencement of above ground development.

#### Loss of Part of Adjacent Plot's Back Garden

36. The loss of a small part of the adjacent plot's back garden to accommodate the grassed area to the rear of the plot is not considered to unacceptably undermine the setting of this neighbouring dwelling.
37. It is noted that the LPA's Heritage Development Officer has not objected to the proposed development.

## Conclusion

38. Applying the tests set down in the NPPF, it is considered that the proposed development would result in 'less than substantial harm' to the significance of the South Hale Conservation Area with reference to NPPF paragraph 196 with the scheme resulting in public benefits through the provision of nine additional dwellings, in addition to the removal of several poorly designed non-original elements to facilitate the development, these positive factors outweighing any harm caused to the significance of the impacted heritage assets through the addition of modern dormer windows and roof lights in addition to changes to several window openings and amendments to the front boundary treatment.
39. In arriving at this decision, considerable importance and weight has been given to the desirability of preserving the impacted heritage assets.
40. As such the proposals would acceptably comply with the guidance in the NPPF. Although the proposal would not "enhance" the Conservation Area, Policy R1 is out of date and can be given limited weight in this respect. In NPPF terms, there is no clear reason for refusing the development.

## **CRIME AND SECURITY**

41. The proposal would result in the reanimation of this currently underused plot with the reuse/introduction of multiple windows and outlooks providing for a degree of passive surveillance including over the proposed parking area to the front of the plot. The proposal would therefore result in an acceptable crime and security impact with reference to Core Strategy Policy L7, the Crime and Security SPG and the NPPF.

## **IMPACT ON RESIDENTIAL AMENITY**

42. Policy L7 of the Core Strategy states: *In matters of amenity protection, development must be compatible with the surrounding area and not prejudice the amenity of the future occupiers and/or occupants of adjacent properties by reason of overbearing, overshadowing, visual intrusion, noise and/or disturbance, odour or in any other way.*
43. The New Residential Development SPG requires new residential developments to result in acceptable privacy, overshadowing and overbearing impacts on neighbouring properties, in addition to the provision of acceptable amenity standards for the future occupants of the proposed development.

## Privacy and Overlooking

44. The proposed development would introduce front, rear and side facing ground level, first floor and loft level habitable room windows, partly through the reuse of existing outlooks and partly through the introduction of new windows and dormer elements. All of these outlooks would result in an acceptable privacy impact on neighbouring occupants with either minimum separation distances being complied with, overlooked areas comprising of front garden areas or non-

sensitive plots including the adjacent main church grounds, or, in the case of the proposed rear facing first floor windows, the attachment of conditions requiring obscure glazing up to a minimum of 1.7m above internal floor levels to prevent unacceptable overlooking, with the impacted window (a bedroom window) being a secondary outlook. The proposed front facing bedroom dormer elements facing the back garden of the adjacent property to the south (No. 254 Ashley Road) would be approximately 30m away, which would be acceptable. Several of the proposed dwellings' secondary bedrooms would be served by roof lights whose bottom edge would be a minimum of 1.7m above internal floor levels.

#### Overbearing/Overshadowing

45. The development would introduce several single and two storey elements to the side and rear of the plot, several of these in place of existing similar elements. None of the new elements would result in an unacceptable overbearing or overshadowing impact on neighbouring plots with reference to the existing elements to be removed. Therefore the proposed Plot 1, whilst resulting in a degree of overshadowing over the adjacent end terrace property to the north (Nos. 9 and 10 Cecil Road) would not have a dissimilar impact as the existing single storey element which would be removed; the overshadowed area principally limited to the area of hard standing and detached garage to the side of this neighbouring property.
46. The development would not detrimentally harm the residential amenity of the neighbouring and surrounding residential properties with reference to Core Strategy policy L7, PG1 New Residential Development and the NPPF.

#### Occupant Amenity

47. The proposed dwellings would provide an acceptable level of internal amenity and circulation space. Whilst several of the properties' bedrooms have outlooks limited to roof lights this is considered to be acceptable as these are secondary bedrooms.
48. The proposed external amenity space would be limited to a shared area to the rear of the plot. Whilst this would be relatively limited this would nevertheless be acceptable especially considering the presence of several footpaths to the south providing access to the open countryside, as well as Springbank Recreation Ground, to the north in Hale Village.
49. The Nuisance consultee has confirmed they have received a single historic noise complaint from local residents relating to the use of St Peter's Assembly Rooms, and therefore requested that planning permission should be subject to conditions to secure a noise assessment and a scheme for sound insulation. In response it is considered that including these conditions would be unreasonable and disproportionate considering there has been a single noise complaint relating to what appears to have been an isolated incident caused by a loud party at the Assembly Rooms and it is not clear that such conditions if fully executed would prevent a similar complaint in the future. In addition there are concerns that including the proposed noise assessment and sound insulation conditions would

result in the incorporation of sound insulation elements which would in turn have an unacceptable visual amenity impact on this heritage asset, the acceptable preservation of which is judged to be the overriding consideration when assessing the current proposal. The further condition relating to a construction management plan is however considered to be acceptable.

50. The proposed development would provide an acceptable degree of amenity for future occupants with reference to Core Strategy Policy L7, the New Residential Development SPG and the NPPF.

## **HIGHWAYS, PARKING AND SERVICING**

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

52. Core Strategy Policy L7 states: *In relation to matters of functionality, development must incorporate vehicular access and egress which is satisfactorily located and laid out having regard to the need for highway safety; and provide sufficient off-street car and cycle parking, manoeuvring and operational space.*

53. The Parking SPD's objectives include ensuring that planning applications accommodate an appropriate level of parking; to guide developers regarding the design and layout of car parking areas; to ensure that parking facilities cater for all users and to promote sustainable developments. The Council's parking standards indicate that the provision of 14 off road car parking spaces is appropriate for the proposed level of development at this location, albeit these are maximum standards.

54. The LHA consultee has confirmed the proposal would be acceptable with reference to the proposed level of parking provision, access amendments and servicing, subject to a condition securing acceptable cycle parking provision is secured.

55. Whilst the LHA consultee has confirmed that the loss of the plot's car parking spaces could impact future use of the adjacent church, it is also noted that there are parking restrictions in force in the local area and the LHA has confirmed that this issue is not a sufficient grounds for objection.

56. The development would have an acceptable highway, parking and servicing impact with reference to Core Strategy policies L4 and L7, the Parking Standards and Design SPD, the New Residential Development SPG and the NPPF.

## **TREES AND ECOLOGY**

57. The proposal would result in the demolition of the various structures on site as well as the removal of vegetation including several trees, followed by extensive hard and soft landscaping works.

58. The arborist has confirmed no objection to the removal of the trees and is supportive of the proposed replacement planting along the front boundary, subject to a planning condition.
59. The GMEU consultee notes the potential presence of bats on site however they have confirmed no objection subject to a condition requiring the removal of roof elements by hand. This consultee has also recommended that permission is subject to further conditions protecting nesting birds and to ensure general biodiversity improvements.
60. Although there would be some loss of trees, there is scope for replacement planting and it is considered the development would not result in unacceptable harm to the natural environment with reference to Core Strategy policy R2, PG1 New Residential Development and the NPPF.

## **DEVELOPER CONTRIBUTIONS**

61. This proposal is subject to the Community Infrastructure Levy (CIL) and is located in the 'hot zone' for residential development, consequently apartments will be liable to a CIL charge rate of £65 per square metre, in line with Trafford's CIL charging schedule and revised SPD1: Planning Obligations (2014).
62. 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 the form of three additional trees per property, which would amount to 27 new trees net of clearance, which would be excessive with reference to the size of the application site. The LPA considers that 10 trees net of clearance would be more appropriate. In order to secure this, a landscaping condition will be attached to make specific reference to the need to provide 10 additional trees net of clearance on site as part of the landscaping proposals. No affordable housing provision is required as the development falls below the thresholds set within the Core Strategy and the NPPF.

## **OTHER MATTERS**

63. Addressing the neighbour comments as noted above and which have not been addressed in the Observation section above, comments are as follows.
64. The originally proposed detached house has been replaced by a residential unit located within an amended side extension, this new unit reduced in scale and set back within the plot.
65. The LPA has complied with the requirements of the Development Management Procedure Order with reference to the level of neighbour consultation. Site notices have been displayed.
66. The proposed extensions including that accommodating Unit 1 can be acceptably dealt with through the current application which as per the original and amended



development descriptions clearly states that the change of use is only part of the proposal with the remainder of the works entailing extensions and other external amendments.

67. Any works impacting common boundaries shared with third parties would be subject to Party Wall legislation.

## **CONCLUSION**

68. The development plan policies which are 'most important' for determining this application, those relating to housing land supply and heritage, are out of date. Paragraph 11(d) of the NPPF is therefore engaged and should be taken into account as an important material consideration.

69. There is no 'clear reason for refusing the development proposed' when considering the application against Paragraph 11(d)(i) of the NPPF. Applying the test set down in paragraph 196 of the NPPF the proposal would result in less than substantial harm to the significance of the South Hale Conservation Area, with this harm outweighed by the proposal's public benefits. Policy R1 is out of date and can be given limited weight in this respect. In NPPF terms there is no clear reason for refusing the development proposed. Paragraph 11(d)(ii) of the NPPF is therefore engaged.

70. All other detailed matters have been assessed, including visual amenity and design, highway safety and residential amenity. These have been found to be acceptable, with, where appropriate, specific mitigation secured by planning condition. All relevant planning issues have been considered and representations and consultation responses taken into account in concluding that the proposal comprises of an appropriate form of development for the site. The adverse impacts of the proposal are significantly and demonstrably outweighed by the benefits.

71. The proposal is therefore considered to be appropriate in principle as well as being acceptable with reference to its design and its impact on the above noted heritage assets, in addition to its impacts on residential amenity, privacy, the local highways network, parking and servicing. It is therefore considered to be acceptable with reference to policies within the Core Strategy, the South Hale Conservation Area SPDs, the Planning Obligation SPD, the Parking Standards and Design SPD, the New Residential Development SPG, the Crime and Security SPG and the NPPF.

## **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 (PL) 002 Rev P, 003 Rev D, 004 Rev D, 005 Rev F, 007 Rev F and 020 Rev A, received 15 March 2019.

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 of materials to be used externally on the building and within the site, (including the proposed front boundary stone columns, rainwater goods and joinery details) 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. 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 location of ten additional trees net of any clearance together with 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 and R2 of the Trafford Core Strategy and the National Planning Policy Framework.

5. No development or works of site preparation shall take place until all trees that are to be retained within or adjacent to the site have been enclosed with temporary protective fencing in accordance with BS:5837:2012 'Trees in relation to design, demolition and construction. Recommendations' with reference to the approved Cheshire Woodlands tree report, reference CW/9245-AS-1, dated 17 October 2018 and the tree protection measures outlined in plan reference (PL)002 Rev P. The fencing shall be retained throughout the period of construction and no activity prohibited by BS:5837:2012 shall take place within such protective fencing during the construction period.

Reason: In order to protect the existing trees on the site in the interests of the amenities of the area having regard to Policies L7, R2 and R3 of the Trafford Core Strategy and the National Planning Policy Framework. The fencing is required prior to development taking place on site as any works undertaken beforehand, including preliminary works, can damage the trees.

6. All new trees are to be planted within a modular system, details of which shall be submitted to and approved in writing by the Local Planning Authority before any tree planting takes place.. The proposed paving must be permeable to allow oxygen and water to reach the tree roots.

Reason: In order to ensure the satisfactory planting of new 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.

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any equivalent Order following the amendment, re-enactment or revocation thereof) upon first installation the windows in the buildings' first floor rear (north-east) facing elevations shall be fitted 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) and retained as such thereafter.

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

8. No development shall take place, including any works of demolition and site preparation until a Construction and Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall address, but not be limited to the following matters:
  - a. Suitable hours of construction and demolition activity;
  - b. The parking of vehicles of site operatives and visitors (all within the site);
  - c. Loading and unloading of plant and materials (all within the site), times of access/egress;
  - d. Storage of plant and materials used in constructing the development;
  - e. The erection and maintenance of security hoardings;
  - f. Wheel washing facilities;

- 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 (prohibiting fires on site);
- i. Measures to prevent disturbance to adjacent dwellings from noise and vibration, including any piling activity;
- j. Information to be made available for members of the public.

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 Policy L7 of the Trafford Core Strategy and the National Planning Policy Framework. The details are required prior to development taking place on site as any works undertaken beforehand, including preliminary works, could result in adverse residential amenity and highway impacts.

9. No above ground works shall take place until full details of the site's proposed cycle and bin stores have been submitted to and approved in writing by the Local Planning Authority. The cycle and bin stores shall be installed in accordance with the approved scheme prior to the first occupation of the building.

Reason: In the interests of visual amenity and residential amenity and in order to encourage sustainable modes of transport, having regard to Policies L4 and L7 of the Trafford Core Strategy.

10. The building's existing roof tiles should be removed by hand with care with the possible presence of bats in mind. If in the unlikely event that bats are found, works should cease immediately and advice sought from a suitably qualified bat worker.

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

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

Reason: In order to prevent any habitat disturbance to nesting birds having regard to Policy R2 of the Trafford Core Strategy and the National Planning Policy Framework. The ecological survey is required prior to development taking place on site as any works undertaken beforehand, including preliminary works, could unacceptably impact potential nesting birds on site.

12. A scheme for the Biodiversity Enhancement Measures, including bat bricks and/or tubes within the new development and native tree and shrub planting, shall be submitted to and approved in writing by the Local Planning Authority. The residential units hereby permitted shall not be occupied unless and until the approved biodiversity enhancement measures have been implemented and shall be retained thereafter.

Reason: To enhance site biodiversity having regard to Policy R2 of the Trafford Core Strategy and the National Planning Policy Framework.

13. The site shall be drained via separate systems for the disposal of foul and surface water.

Reason: To secure a satisfactory system of drainage and to prevent pollution of the water environment having regard to Policies L5 and L7 of the Trafford Core Strategy and the National Planning Policy Framework.

14. No development shall take place until a surface water drainage scheme, based on the hierarchy of drainage options in the National Planning Practice Guidance with evidence of an assessment of the site conditions has been 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. In the event of surface water draining to the public surface water sewer, the pass forward flow rate to the public sewer must be restricted to 6 l/s. The scheme shall be implemented in accordance with the approved details and retained as such thereafter.

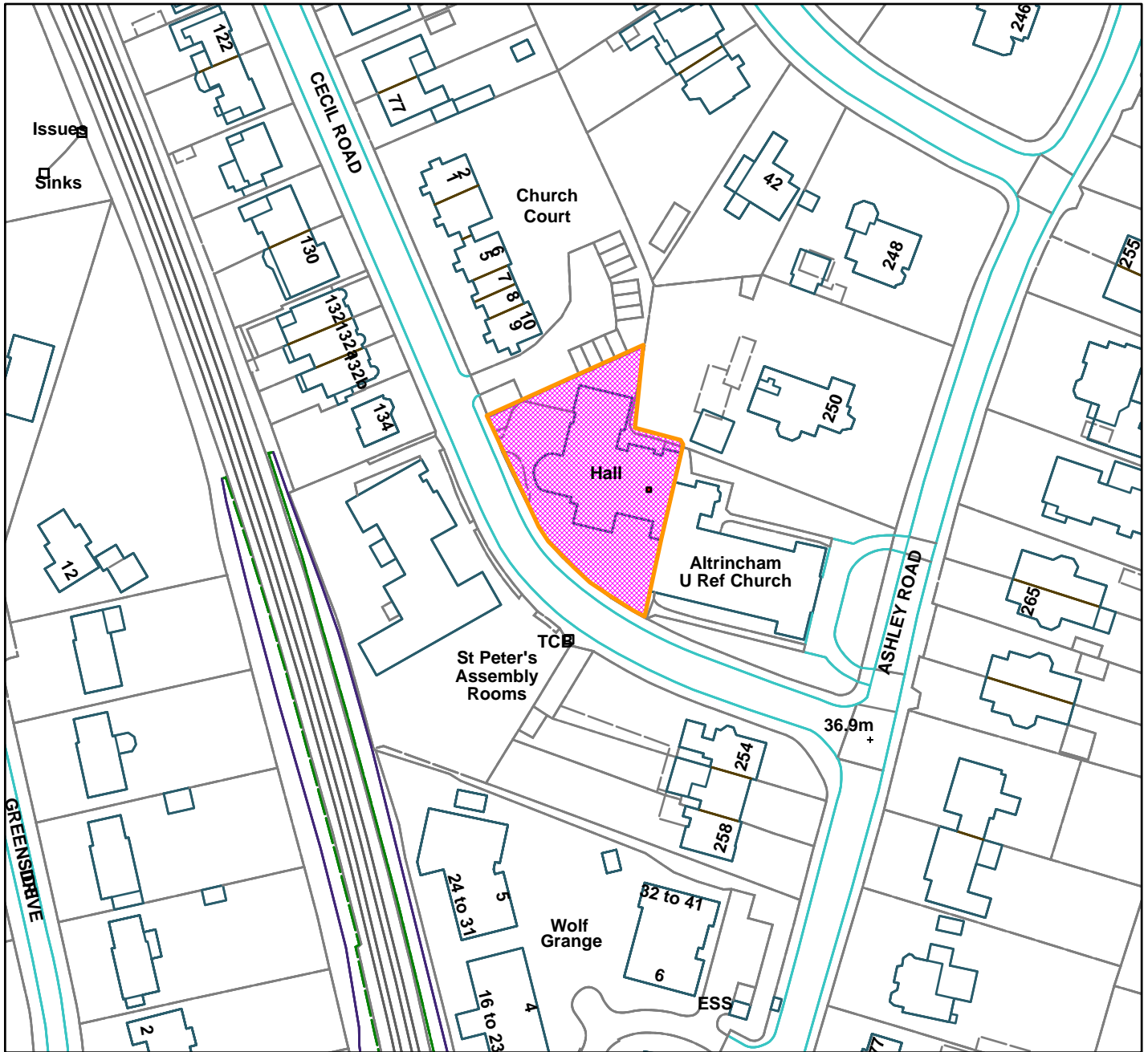
Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution with reference to Policies L5 and L7 of the Trafford Core Strategy and the NPPF. The surface water drainage scheme is required prior to the commencement of development to ensure the approved scheme does not result in an unacceptable drainage impact.

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TP



Altrincham United Reformed Church Hall, 81 Cecil Road, Hale, WA15 9NT (site hatched on plan)



Scale: 1:1,250

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Organisation	Trafford Council
Department	Planning Service
Comments	Committee Date 28/03/2019
Date	18/03/2019
MSA Number	100023172 (2012)

**WARD:** Davyhulme East

**95596/FUL/18**

**DEPARTURE: No**

**Construction of new retail (Use Classes A1, A3 and A5) and leisure (Use Class D2) floorspace, reconfiguration of existing retail (Use Class A1) and leisure (Use Class D2) floorspace, enclosure of mall and provision of additional parking.**

Barton Square, Phoenix Way, Trafford Park

**APPLICANT:** Barton Square Ltd

**AGENT:** Barton Willmore

**RECOMMENDATION: GRANT SUBJECT TO LEGAL AGREEMENT AND/OR UNILATERAL UNDERTAKING**

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**Due to the scale and significance of the application proposal, and in the interests of openness and transparency, the Head of Planning and Development has referred the application to the Planning and Development Management Committee for determination.**

### **SITE**

The application site, which extends to 6.4 hectares and which is broadly rectangular in shape, comprises the existing retail and leisure destination of Barton Square and its adjacent, large surface-level car park. The site is located within the environment of the Trafford Centre in the north-western part of the Borough.

More specifically, the site is situated on the north-eastern side of Barton Dock Road. To the south-west of the site, on the opposite side of Barton Dock Road, is the Trafford Centre. To the south-east of the site is the secondary highway of Phoenix Way, which provides access from Barton Dock Road and the roundabout of Peel Circle to Barton Square's car park. Alterations to Peel Circle are presently underway as part of the delivery of the Metrolink tram extension through Trafford Park. Beyond Phoenix Way is the exhibition hall of EventCity. To the north-west of the site is an Asda superstore, a large retail trade counter (operated by Costco) and some drive-thru food and beverage units. The Bridgewater Canal is situated to the site's north-east and with industrial warehouse units and employment premises (forming part of the Trafford Park area) beyond.

Barton Square takes the form of a two-storey, inward-facing structure which is based around a central, open courtyard. It is linked to the Trafford Centre via a glazed, covered pedestrian bridge.

### **THE CONTEXT**

The Trafford Centre is a shopping, leisure and entertainment destination of regional significance. It opened in September 1998 and comprises approximately 181,000 square metres of retail, food and beverage, leisure and entertainment uses, and is supported by 12,500 free car parking spaces. The Trafford Centre contains over 200 retail stores and over 60 restaurants, cafes and bars. It is owned by Intu Properties, the applicant for the current application.

In 2001 the Secretary of State granted outline planning permission (ref. H/UDC/OUT/43536) for the construction of Class A1 retail warehousing, including facilities for Class A3 use, car parking and service areas on land to the north of Barton Dock Road, which was then known as 'Giants Field.' The site of this 'called-in' planning application has subsequently been developed to become Barton Square, an annex of the Trafford Centre. It opened in March 2008 and is also owned by Intu Properties.

A number of important conditions were imposed by the Secretary of State in granting the Barton Square planning permission. These had the effect of controlling the types of goods to be sold, the minimum size of retail units, and the total quantum of retail floorspace. In line with these controls, upon its opening Barton Square operated - in the main - as a bulky goods destination. It accommodated a number of homewares and furniture retailers from large units, including Habitat, Marks and Spencer Home, Next Home, BHS Home, and Laura Ashley Home. Whilst the original bulky goods function remains, over time there has been some shift in the characteristics of Barton Square, and with planning permissions granted accordingly (as set out in the planning history overview provided below). This has included the subdivision of some units, the introduction of Class D2 leisure uses (to accommodate Legoland and the Sea Life Centre), and the installation of some mezzanine floorspace.

Subsequent to this, a significant planning permission was granted in 2013 (by means of 79105/VAR/2012 and 79106/VAR/2012). Between them these approvals allow for some Class A1 retail floorspace at Barton Square to trade without restriction (i.e. no longer for bulky goods purposes) in terms of the type of goods to be sold (other than to continue to prohibit food sales). This was intended at the time to allow for Primark, the high street retailer, to be accommodated at Barton Square although this retailer is yet to take occupation (albeit it is expected that they will still do so). Further permissions have allowed for the provision of a roof over the central courtyard to Barton Square together with a new first floor walkway. Construction work is presently underway at Barton Square to deliver some of these outstanding permissions. This includes the new covered roof and walkway, and alterations to existing units, in anticipation of Primark's occupation.

The planning history for Barton Square is complex and there have been a number of 'variation permissions' over the years. However, the table below sets out officers' understanding regarding the existing and permitted floorspace at Barton Square when having regard to the cumulative effect of relevant planning permissions and the controls



contained within them. Existing floorspace is provided at ground and first floor levels and then with some ground floor units having a small amount of mezzanine floorspace.

Existing and approved restricted A1 retail floorspace (sq m gross)	18,089
Existing and approved unrestricted A1 retail floorspace (sq m gross)	8,824
<b>Total existing and approved A1 retail floorspace (sq m gross)</b>	<b>26,913</b>
Total D2 leisure floorspace (sq m gross)	6,754
<b>Total existing and approved retail and leisure floorspace (sq m gross)</b>	<b>33,667</b>

## **PROPOSAL**

In summary, the current application proposes development within the existing Barton Square envelope, primarily consisting of a relaxation of existing restrictions on the sale of goods as well as to unit sizes. Unlike with previous approvals, the proposals are sought via a new full planning application, and the submitted Planning and Retail Statement refers to the intention of this application to regularise the planning position at Barton Square and to consolidate all planning controls within one approval.

The proposed changes to floorspace restrictions would enable a greater amount of the existing restricted (bulky goods) Class A1 floorspace to sell open A1 non-food items (in addition to the Primark permission), and would also allow for additional Class D2 leisure floorspace and the introduction of Classes A3 and A5 food and beverage floorspace. The proposal also includes 3,152 square metres of new floorspace, either in the form of mezzanine floorspace within existing units (at ground and first floor levels) or new-build floorspace achieved through both infilling and small units at ground floor level.

As such, the proposal would involve an uplift in the total amount of floorspace accommodated at Barton Square, as well as a shift in the use that this overall floorspace could be put to. However, the application submission is clear that flexibility is sought between the different use classes in order that the development could respond to tenant demand and fluctuations in the retail and leisure market. With this in mind, the application invites a series of new planning controls, based upon the concept of floorspace caps (i.e. a maximum level of floorspace permitted), and with the acceptance that the total floorspace at Barton Square could not then exceed an overall figure of 36,000 square metres gross internal area. The proposed floorspace caps for the separate uses are provided in the table below:

<b>Use</b>	<b>Proposed floorspace caps (square metres gross)</b>
Overall Class A1 retail	22,000
Of which unrestricted Class A1 retail	18,000
Class D2 leisure	13,000
Classes A3/A5 food and beverage	4,000
<b>Total</b>	<b>36,000</b>

In terms of unit sizes, the current stipulation (controlled by condition) is that only eight units of between 450 square metres and 928 square metres (gross) can be accommodated at Barton Square, and no further units are allowed below 929 square

metres (gross). Again, this was in recognition of Barton Square's principal bulky goods function and the desire to maintain larger units conducive to the merchandising of large, cumbersome items. The current application proposes to increase the amount of smaller Class A1 retail units and also to allow for even smaller units for non-retail uses; twelve non-food retail units would have a size of between 310 square metres and 700 metres, and the remainder of the non-food retail units would have a minimum unit size of 700 square metres (gross).

Proposed floor plans have been submitted with the application. Notwithstanding the flexibility that the application seeks, the plans illustrate how the proposed new and reconfigured floorspace could be accommodated. Three alternative 'letting scenarios' have been assumed: one which indicates the maximum amount of Class A1 retail floorspace; one based on the maximum amount of Class D2 leisure floorspace; and the final showing the likely letting mix based on market knowledge and applicant's expectations. The plans illustrate that the new floorspace would be provided within small standalone kiosks within circulation areas at ground floor level, through the provision of an increased amount of mezzanine floorspace to the ground floor units, and through the infilling of existing void floorspace at first floor level. A small amount of new mezzanine floorspace at first floor level would also be introduced to provide customer toilets. The floor plans also illustrate a greater number of smaller units at both ground and first floor levels (achieved through subdivision), and also the ability to access the units at first floor level through a first floor pedestrian walkway.

Some proposed elevational drawings have also been submitted which indicate the installation of a roof to the central area of Barton Square to provide a fully enclosed environment. This work has previously been approved and is currently being implemented. The ongoing constructions works at Barton Square also include the reconfiguration and extension of the existing Barton Square car park to provide an additional 305 spaces (refs. 91474/FUL/17 and 94983/NMA/18). The provision of these spaces is in line with a condition imposed on the Primark permissions (refs. 79105/VAR/2012 and 79106/VAR/2012).

The current application does not propose to further increase the capacity of the Barton Square car park. Rather, the submission refers to the provision of an additional 50 spaces throughout the wider Trafford Centre estate.

For the avoidance of doubt, approval of this application would also encompass the existing, already consented unrestricted (non-food) retail floorspace for occupation by Primark (refs. 79105/VAR/2012 and 79106/VAR/2012). However, the applicant has made it clear that the existing Primark approval would continue to be implemented, independently, if this current planning permission were not now secured.

## **DEVELOPMENT PLAN**

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

- **The Trafford Core Strategy**, adopted 25 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 Unitary Development Plan (UDP), see Appendix 5 of the Core Strategy;
- **The Revised Trafford Unitary Development Plan (UDP)**, adopted 19 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 provided details as to how the Revised UDP is being replaced by the Trafford LDF.
- **The Altrincham Town Centre Neighbourhood Business Plan**. This was made on 29 November 2017 and it since forms part of the Development Plan for Trafford. Its chief purpose is in relation to the determination of planning applications within the defined neighbourhood area.

#### **PRINCIPAL RELEVANT CORE STRATEGY POLICIES**

L4 – Sustainable Transport and Accessibility

L5 – Climate Change

L7 – Design

L8 – Planning Obligations

W2 – Town Centres and Retail

R2 – Natural Environment

R3 – Green Infrastructure

R5 – Open Space, Sport and Recreation

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

OSR2 – Major Leisure Developments

#### **PROPOSALS MAP NOTATION**

Trafford Centre and its vicinity

Non-food, bulky goods retail

#### **SUPPLEMENTARY PLANNING GUIDANCE**

SPD1 – Planning Obligations

SPD3 – Parking Standards and Design

#### **GREATER MANCHESTER SPATIAL FRAMEWORK**

The Greater Manchester Spatial Framework (GMSF) is a joint Development Plan Document being produced by each of the ten Greater Manchester districts. Once adopted it will be the overarching development plan for all ten districts, setting the framework for individual district local plans. The first consultation draft of the GMSF was published on 31 October 2016, and following a redraft a further period of consultation commenced on 21 January 2019. The weight to be given to the GMSF as a material

consideration will normally be limited given that it is currently at an early stage of the adoption process. Where it is considered that a different approach should be taken, this will be specifically identified in the report. If the GMSF is not referenced in the report, it is either not relevant, or carries so little weight in this particular case that it can be disregarded.

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

The Ministry of Housing, Communities and Local Government published the current National Planning Policy Framework (NPPF) on 19 February 2019. The NPPF will be referred to as appropriate in the report.

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

The National Planning Practice Guidance (NPPG) is a web-based resource which brings together planning guidance on various topics in one place. It was first launched by the Government on 6 March 2014 although has since been subject to a number of updates, the most recent of which was made on 19 February 2019. The NPPG will be referred to as appropriate in the report.

### **RELEVANT PLANNING HISTORY**

H/UDC/OUT/43536 – Construction of Class A1 retail warehouses, including facilities for Class A3 use, car parking and service areas  
Approved with conditions by the Secretary of State – 19.12.01

H/ARM/60503 – Erection of Class A1 retail warehousing to include facilities for Class A3 use together with car parking and service access (reserved matters application pursuant to outline approval H/UDC/OUT/43536)  
Approved with conditions – 11.11.04

H/61674 – Erection of a partially enclosed elevated walkway to the Trafford Centre car park and a fully enclosed bridge across Barton Dock Road to connect to the proposed Barton Square retail warehouse development.  
Approved with conditions – 18.05.05

H/62241 – Variation of condition 9 of H/UDC/OUT/43536 to ensure the retail development shall not be subdivided into units of less than 929 square metres, save no more than 8 units of between 450 and 928 square metres  
Approved – 14.07.05

H/62750 – Variation of condition 1 of H/UDC/OUT/43536 to allow an extension of time for submission of reserved matters  
Approved – 28.09.05

H/66535 – Erection of elevated walkway and bridge structure connecting the Trafford Centre to the Barton Square retail warehouse development with feature tower at north end

Approved with conditions – 25.04.07

H/70297 – Creation of leisure unit with ancillary retail (gross internal floorspace of 4,701 square metres) within existing development

Approved with conditions – 24.12.08

H/71126 - Creation of a first floor pedestrian walkway through Barton Square

Approved with conditions – 05.06.09

76915/FULL/2011 – Provision of a new roof over central courtyard of Barton Square to comprise central glazed dome roof and two glazed barrel roofs and creation of first floor walkway to provide maintenance access

Approved with conditions – 03.08.11

77474/VAR/2011 – Variation of condition 8 of H/62750 to increase the maximum gross retail floorspace from 18,580 square metres to 28,966 square metres to be accommodated through the use of existing built floorspace and the provision of new mezzanine floorspace

Approved with conditions – 17.09.12

77475/VAR/2011 – Variation of condition 4 of 76915/FULL/2011 to increase the maximum gross retail floorspace from 18,580 square metres to 28,966 square metres to be accommodated through the use of existing built floorspace and the provision of new mezzanine floorspace

Approved with conditions – 17.09.12

78823/COU/2012 – Change of use from retail (Class A1) to aquarium (Class D2) at ground floor level of Unit D

Approved with conditions – 19.10.12

79105/VAR/2012 – Variation of conditions 7, 8 and 9 of H/62750 to vary floorspace restriction to allow for 8,824 square metres to be used for general non-food retailing including the sale of clothing and footwear, fashion accessories, cosmetics, toiletries and pharmaceutical products, and ancillary sales of books, newspapers, magazines (up to a maximum of 5% of the sales area) and to restrict the proposed additional retail floorspace from future subdivision

Approved with conditions – 07.05.13

79106/VAR/2012 - Variation of conditions 4, 5 and 6 of 76915/FULL/2011 to vary floorspace restriction to allow for 8,824 square metres to be used for general non-food retailing including the sale of clothing and footwear, fashion accessories, cosmetics, toiletries and pharmaceutical products, and ancillary sales of books, newspapers,

magazines (up to a maximum of 5% of the sales area) and to restrict the proposed additional retail floorspace from future subdivision  
Approved with conditions – 07.05.13

91474/FUL/17 – Reconfiguration and extension of existing surface level car park to create 305 additional spaces  
Approved with conditions – 20.07.17

94983/NMA/18 - Application for non-material amendment to 91474/FUL/17 for alteration to car park layout to move the coach drop-off point from centre of the car park and associated works  
Approved with conditions – 06.08.18

### **ENVIRONMENTAL IMPACT ASSESSMENT**

Under the terms of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017, a 'screening' procedure was completed prior to the application's submission to establish whether the proposed development is likely to have *significant effects on the environment* sufficient to warrant the undertaking of Environmental Impact Assessment (EIA). Whilst resolving that the proposal falls within a category of Schedule 2 developments where the need for EIA is at the discretion of the local planning authority, it was concluded by officers that the proposed development is not EIA development on the basis that the *likely effects are not significant* in the manner envisaged by the EIA Regulations and accompanying guidance (ref. 95795/EIASCR/18).

### **APPLICANT'S SUBMISSION**

The applicant has submitted the following documents in support of the application (in addition to plans and drawings):

- Design and Access Statement;
- Planning and Retail Statement;
- Transport Assessment;
- Air Quality Assessment;
- Technical Note in Flood Risk and Drainage;
- Environmental Impact Assessment Screening Report; and
- Supplementary Information Statement

### **CONSULTATIONS**

**Altrincham and Sale Chamber of Commerce** – No response received

**Bridgewater Canal Company** – No response received

**Environment Agency** – No response received

**Greater Manchester Ecology Unit** – No objection, subject to condition (to prevent impacts to the canal during the construction period)

**Greater Manchester Police Design for Security** – No objection, subject to condition (to ensure that the development proceeds in accordance with recommendations designed to ensure public safety)

**Highways England** – No objection

**Manchester City Council** – No response received

**Salford City Council** - No objection, although with this arrived at 'on balance' when noting some perceived shortcomings in respect of the applicant's sequential assessment

**Stockport City Council** – No response received

**Trafford Council Lead Local Flood Authority** – No objection, subject to condition (to ensure the development is carried out in accordance with the preliminary drainage strategy)

**Trafford Council Local Highway Authority** – No objection, subject to condition (to request details of car parking and to ensure its provision, and to ensure the implementation of a Travel Plan)

**Trafford Council Pollution and Licensing (Air Quality)** – No objection, subject to informative (in the event that any asbestos is accounted)

**Trafford Council Pollution and Licensing (Nuisance)** – No objection

**Trafford Council Strategic Planning** – Defer to advice of retail planning consultant in respect of compliance with NPPF tests

**Transport for Greater Manchester (Infrastructure Development, Highways Forecasting Analytical Services)** – No objection

**Transport for Greater Manchester (Metrolink)** – No objection, subject to informative (to advise of the site's proximity to Metrolink extension works)

## **REPRESENTATIONS**

Two letters of objection have been received from Altrincham Unlimited, the Altrincham Business Improvement District (BID) team which operates across Altrincham town centre. The first letter comprised an initial holding objection whilst the second sets out the detail of their concerns, which are principally focussed on the proposal's impact on

Altrincham town centre. The letters have been prepared by a retail planning consultant appointed on their behalf. The key points raised can be summarised as:

- The applicant's submission describes Altrincham as being vital and viable. This analysis, however, is a snapshot that does not acknowledge the extreme economic challenges that the town centre has experienced in the recent past;
- That the town centre's performance was weak was recognised in 2007 by the Trafford Retail and Leisure Study, followed by the Council-commissioned 'Altrincham Strategy – A Town Centre Assessment';
- Whilst there may have been other factors of influence, the development of the Trafford Centre has had a major impact on the health of Altrincham town centre;
- In response to the issues facing the town centre, Altrincham Forward (now Altrincham Unlimited) was formed (in 2010) with the purpose of increasing footfall and strengthening the town centre;
- Further to this, in 2016 the businesses in the town voted for the establishment of a Business Improvement District (BID). The BID represents over 500 businesses located in Altrincham town centre, and cumulatively those businesses have invested millions of their private money into the town;
- The Altrincham Town Centre Neighbourhood Business Plan (2017) has been a further response to the decline of the town centre;
- Total investment that has taken place in recent years and is further planned is in the order of £167 million;
- This investment and accompanying initiatives have yielded positive benefits for the town centre, however the operating environment continues to be challenging;
- The focus of the applicant's assessment of the impact of the application on investment is planned or committed investment; there has been little consideration of the impact on existing investment, which is a further requirement of the NPPF;
- Development elsewhere that impacts upon existing investment and compromises the effectiveness of planned investment would be harmful to the town centre;
- It is considered that there is significant overlap between the application proposal and ongoing aspirations for Altrincham town centre, particularly in terms of improving the attractiveness of the town centre as a family friendly destination;
- The application proposal would further enhance the appeal of the Trafford Centre as an out-of-centre retail and leisure destination, and would also undermine the ability to attract new operators to the town centre;
- The quantitative assessment of impact is based on evidence of shopping patterns provided via a household telephone survey. The survey data has been requested from the applicant but it has not yet been provided. This information is important since it helps to understand town centre market shares that provide the foundation of the subsequent qualitative impact assessment;



- The applicant has assessed the retail impacts of the application on the basis of the uplift in expenditure arising from the difference between Barton Square at present and the turnover of the floorspace within the application. This is not a 'real world' scenario;
- Furthermore, the estimated turnover of the application is understated because the sales density of the proposed floorspace is likely to be higher;
- The consequence of the above two factors is that trade diversion from existing town centres is likely to have been downplayed;
- In addition, the impact assessment does not provide any sensitivity testing to consider a range of plausible scenarios, including a higher level of trade diversion from Altrincham town centre;
- The Trafford Core Strategy contains a policy presumption against large-scale extensions to the Trafford Centre, which supports other priorities of the Core Strategy, including to focus investment in Altrincham as the Principal Town Centre; and
- Overall, it is considered that the application proposal would represent a significant adverse impact on existing and committed investment, and accordingly the application should be refused.

A further letter of objection has been received from the Altrincham Town Centre Neighbourhood Business Plan Working Group. The key points raised in this representation can be summarised as:

- The application proposal would fundamentally change the characteristics of Barton Square and would render it in direct competition with Altrincham town centre;
- There is a particular concern that the proposed development could include a facility that would be directly comparable to Altrincham Market Hall;
- The application submission does not pay sufficient regard to the made Altrincham Town Centre Neighbourhood Business Plan;
- The increase in the retail offer at Barton Square would not come from growth in that sector but would be taken from a declining sector generally, including Altrincham town centre;
- The sequential assessment is based on the outdated presumption that there will be continuing growth in the retail market;
- The quantitative impact assessment is equally unsound in that it also fails to recognise the 'real world' in which the retail sector is now operating; and
- The cumulative impact of the ever-growing Trafford Centre on town centres has not been assessed.

## **OBSERVATIONS**

### **The Decision-taking Process**

1. Section 38(6) of the Planning and Compensation Act 1991 states that planning applications should be determined in accordance with the development plan

unless material considerations indicate otherwise. The NPPF at paragraphs 2 and 47 reinforces this requirement and at paragraph 12 states that the presumption in favour of sustainable development does not change the statutory status of the development plan as a starting point for decision making, and that where a planning application conflicts with an **up to date** (emphasis added) development plan then permission should not normally be granted.

2. The Council's Core Strategy was adopted in January 2012, two months prior to the publication of the 2012 NPPF, but drafted to be in compliance with it. It remains broadly consistent with much of the policy in the 2018 NPPF, particularly where that policy is not substantially changed from the 2012 version. Some Core Strategy policies have been formally recognised as being out-of-date due to them not reflecting current NPPF guidance.
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, it should be given significant weight in the decision making process.
4. Paragraph 11c of the NPPF explains that the presumption in favour of sustainable development means approving development proposals that accord with an up-to-date development plan without delay. Allied to this, paragraph 11 d) is clear 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. When having regard to the nature of this proposal, development plan policies concerning town centres and 'main town centre uses' (as defined by the NPPF) are considered to be 'most important' in determining this application. In this regard, Policy W2 (Town Centres and Retail) of the Core Strategy is the most applicable in setting out the policy position regarding planning for the Borough's town centres and the main uses that relate to them. This policy is considered to be in compliance with the NPPF and its approach to town centre matters, as expressed in Section 7: Ensuring the Vitality of Town Centres. This is particularly so in the context of it deferring, at subsection W2.12, to the need for applications for main town centre uses, when proposed outside of identified centres, *'to satisfy the tests outlined in current Government guidance'*. Thus, Policy W2 can be given full weight in the decision-taking process, it is considered.

6. However, there is a degree of divergence in respect of an isolated aspect of this policy (specifically at subsection W2.13) which refers to there being: *'a policy presumption against large-scale extensions to the Trafford Centre'*. In adopting this position out right, and without qualifying that such proposals may be acceptable in circumstances where compliance with the relevant tests has been demonstrated, it could be argued that this aspect of Policy W2 is out of step with the NPPF. Whether this current application should be categorised as 'a large scale extension', and the implications of doing-so for decision-taking, will be discussed in due course. However, what can be reported at this stage is officers' view that Policy W2, as a whole, remains a relevant development plan policy which is in-date and can be used for decision-taking purposes in the manner envisaged by paragraph 11c of the NPPF; paragraph 11 d) of the NPPF is thus not engaged.
7. Whether other Core Strategy policies that are material (if not 'most important') in determining this application should be regarded as being up-to-date or out-of-date is identified in each of the relevant sections of this report (and, subsequently, the appropriate weight to be applied).
8. For the avoidance of doubt, the discussion in paragraphs 5 and 6 above has also borne in mind the made Altrincham Town Centre Neighbourhood Business Plan (November 2017) which also forms part of the statutory development plan. The policies and objectives of this document, which are set out in further detail in due course, have also been considered as part of the assessment of this application particularly when observing the representations received by the Altrincham Neighbourhood Business Plan Working Group and the Altrincham BID team. This document, which is a little over 12 months old, was drafted within the context of the 2012 NPPF, and thus officers have applied full weight to its policies.

#### The Principle of the Development

9. It is acknowledged that the application proposal relates to an established location which is already well-served by transport connections. Whilst these are principally car-borne, works are presently ongoing within the wider environment to deliver a Metrolink tramline through Trafford Park including to the Trafford Centre. Furthermore, the proposal would involve the increased and improved utilisation of existing built form with very limited external works. Thus, it could be held that the proposal conforms with certain planning principles associated with maximising the potential of previously developed land, buildings and infrastructure. That being the case, it should be commented at the outset that there is some basic policy conflict regarding the use that the proposed development would be put to when having regard to the site's location outwith any identified town centre. This is examined in detail below, and with this commencing with a review of relevant existing and emerging planning policy and guidance.

## Town Centre Uses Planning Policy Overview

10. The emphasis on a 'town centre first' approach to plan-making and decision-taking in the location of new retail and leisure development is inherent to the NPPF. This is in order to ensure the continued vitality and viability of town centres and to support the role they play at the heart of local communities (see paragraph 85). This approach is also reflected within the development plan for Trafford. The Core Strategy, as part of Policy W2, defines a network and hierarchy of centres across the Borough. This commences with Altrincham as the Principal Town Centre, and then with Sale, Stretford and Urmston identified as Other Town Centres. That these town centres are then complemented by the lower-order District Centres of Hale, Sale Moor and Timperley, together with a network of local centres, is referred to. The text accompanying Policy W2 explains that Trafford is a Borough with four town centres, each with its own distinct identity and character. It continues that: *'they are the key drivers in Trafford's economic prosperity and the focus will be on the continued development of these centres as commercial, retail and leisure hubs.'*
  
11. The emerging GMSF, as part of its recently revised draft document (January 2019), also supports the strengthening of town centres. It places particular emphasis on the need to broaden the role of town centres, recognising that they have become increasingly susceptible to changes in retail trends (including the growth of online shopping and the attraction of out-of-centre destinations). This need for town centres to diversify, including as locations for new higher-density residential development, is also reflected in the NPPF (see paragraph 85). The GMSF, by means of emerging Policy GM-Strat 12, then identifies eight Main Town Centres across Greater Manchester; for Trafford this only includes the town centre of Altrincham. The policy states: *'The role of the main town centres as local economic drivers will continue to be developed, providing the primary focus for office, retail, leisure and cultural activity for their surrounding areas.'* A strategic retail hierarchy is then put forward (see emerging Policy GM-E3) in which the eight Main Town Centres are positioned one level beneath Manchester City Centre. The policy explains that: *'appropriate large-scale retail and leisure development will be accommodated within the centres in the upper levels of the hierarchy.'* The accompanying text provides further justification for this approach: *'In accordance with national policy, it is appropriate for retail and leisure facilities to be directed towards designated centres wherever possible.'* Significantly, it continues that: *'the Trafford Centre and Middlebrook Retail and Leisure Park are not designated centres and will continue to be treated as out-of-centre locations.'* Notwithstanding the position of the GMSF and its support for the reinvigoration of Greater Manchester's town centres, it is accepted that the document remains at an early stage of preparation and is not yet part of the statutory development plan (unlike the Core Strategy and the Neighbourhood Business Plan). It follows that it can only be afforded very limited weight in the decision-taking process.

12. In any event, the Core Strategy (Policy W2) also recognises the out-of-centre status of the Trafford Centre and - in reflecting Government guidance - it explains that there will be a presumption against the development of retail, leisure and other town centre-type uses outside of Trafford's defined centres. This is *'except where it can be demonstrated that the proposal would satisfy the tests outlined in current Government guidance'* (see W2.12). That the subsequent section of the policy (at W2.13) is directed specifically at the Trafford Centre and establishes unqualified opposition to 'large-scale extensions' has already been reported.
13. In reflecting the status of Altrincham as the Borough's Principal Town Centre, the Altrincham Town Centre Neighbourhood Business Plan establishes a vision that: *'Altrincham Town Centre evolves into an economically, environmentally and socially attractive and dynamic centre providing the widest possible range of services and facilities to meet the needs of its catchment area population to 2030...'* Following on from that, the Neighbourhood Plan then sets a number of key objectives, which include:
- OB2 – To define a more focussed retail core and the provision of wider areas of mixed use within a revised town centre boundary;
  - OB5 – To build upon the success achieved by Altrincham Market;
  - OB6 – To attract more independent retailers providing goods which are not readily available online; and
  - OB8 – To promote the town centre as a family-friendly social centre.
14. The Trafford Centre and its adjacent Barton Square are major regional out-of-centre shopping and leisure destinations which benefit from a substantial catchment area which encompasses Greater Manchester and beyond. When having regard to the policy objectives, as outlined above, of supporting the vitality and viability of town centres, any proposal to materially strengthen these facilities should be treated with caution. Accordingly, officers appointed an external retail planning consultant to advise on the implications of this application proposal, and specifically its compliance with key policy tests within the NPPF which are intended to safeguard the health of town centres. In turn, the guidance received, and the applicant's position, was re-examined from a legal position. The process and outcome of this exercise (which commenced at pre-application stage), and the resultant position of officers, is set out below. For the sake of clarity, these key tests, which are subsequently described in detail, comprise: 1. the sequential test (paragraph 86 to 88 of the NPPF); and 2: the impact test, with the latter split into two parts and summarised as: a) impact on investment; and b) impact on town centre vitality and viability (paragraph 89 of the NPPF). Paragraph 90 of the NPPF confirms that: *'where an application fails to satisfy the sequential test, or is likely to have a significant adverse impact on one or more of the considerations in paragraph 89, it should be refused'*.
15. The applicant's position on these matters is expressed within a submitted Planning and Retail Statement (prepared by Barton Willmore), and this document

has been the focus of the appointed consultant's review. Some adjustments to the Statement and the provision of further evidence (in the form of a Supplementary Information Statement, also prepared by Barton Willmore) have been requested as part of this audit process, including to respond to the consultation response of Salford City Council and the representations received.

16. However, before the position on the sequential and impact tests is described in full, some further commentary regarding subsection W2.13 of the Core Strategy (the presumption against large-scale extensions to the Trafford Centre) is given.

#### Presumption Against Large-Scale Extensions

17. The supporting text to Policy W2 reaffirms the policy stance as expressed at subsection W2.13: *'The Trafford Centre is an important retail facility, but it is not appropriate to propose any large-scale expansion of its floorspace.'* Accordingly, a key matter for consideration under the terms of this policy is whether the current application should be categorised as a 'large-scale extension' or a 'large-scale expansion' to the Trafford Centre. If it were to be so described, and regardless of any evidence submitted and any case to be made, then the application proposal would instantly be at odds with subsection W2.13 of Policy W2. The applicant's position, as expressed in the Planning and Retail Statement, is that this proposed development would not constitute this large scale extension.
18. In the first instance it is to be recognised that this application does not relate to the main Trafford Centre but rather to Barton Square. However, it is considered reasonable to assume that the application of subsection W2.13 is intended to cover both the Trafford Centre and Barton Square and to any further large scale extensions to both elements that may be proposed. However, it is accepted that this proposal would not involve any expansion in the footprint of Barton Square beyond the existing built form. Some new floorspace is proposed (amounting to 3,152 square metres in total), but a major part of this application relates to existing floorspace which it is proposed would be subject to relaxed restrictions to enable it to sell all non-food goods (amounting to 9,176 square metres). In contemplating whether this, cumulatively, amounts to a large-scale extension, legal advice received has advocated an approach which involves the amalgamation of the 9,176 square metre figure with that element of the new floorspace that is proposed to be used for Class A1 (non-food) retail purposes. In this regard, the applicant's submission indicates that in the order of a third of the new floorspace (3,152 square metres) would be used for such purposes (i.e. 1,060 square metres). Thus, a figure of approximately 10,200 square metres (9,176 square metres relaxed, plus 1,060 square metres new) is arrived at.
19. In the context of a different proposal on a fresh out-of-centre site, 10,200 square metres of new retail floorspace is likely to be deemed 'large-scale'. A new foodstore, such as the new Lidl at Old Trafford, would typically have a gross

floorspace of some 2,800 square metres, which is considerably less. However, in this case, the 10,200 square metres should be considered against the backdrop of the existing Trafford Centre, which it has already been stated accommodates in the order of 181,000 square metres (gross) floorspace. Thus, the effect would be a 5.6% 'increase' in floorspace (when allowing for the 'relaxed' plus the additional retail floorspace); indeed it would only amount to a 0.58% increase if solely the new retail floorspace (of 1,060 square metres) were accounted for. Whether a 5.6% 'increase' (as a maximum) can legitimately be categorised as a large scale extension to the Trafford Centre is a matter of planning judgement. The figure of 10,200 square metres has been regarded, independently, as substantial, but in the context of an established destination, an expansion of less than 6% seems less significant in statistical terms. Of course, it is from the angle of an *existing* out-of-centre development that this aspect of Policy W2 is intended to be applied, rather than in considering the merits of an entirely new out-of-centre proposal. In this regard it is noted that officers' conclusions in respect of the Primark proposal (refs. 79105/VAR/2012 and 79106/VAR/2012), as cited in the officer report to the Planning and Development Management Committee, were that this earlier proposal, in which 8,824 square metres of retail floorspace was 'relaxed', did not amount to a large-scale extension.

20. Against this background, and in the interests of consistency, the planning judgement of officers is that this application proposal similarly does not amount to a large-scale extension to the Trafford Centre. However, officers fully recognise that the situation is finely-balance and that the proposal is probably at the upper limits of what could reasonably be accepted as not falling within the description. On this basis, there is no immediate conflict with subsection W2.13 of Policy W2 - officers have concluded - and therefore what remains is a requirement for the proposal to be examined against the NPPF tests as described in paragraph 14 above. That being the case, in further acknowledgement that the situation is not clearly defined, this report – having presented the findings regarding the key tests – returns to the matter of subsection W2.13 in contemplating a situation in which it is held that officers were mistaken in concluding that this is not a large-scale Trafford Centre extension.

### The Sequential Test

21. Current government policy in relation to the sequential test is set out in paragraphs 86 and 87 of the NPPF, which requires its application in relation to all proposals for 'main town centre uses' that are neither in an existing centre, nor in accordance with an up-to-date plan. 'Main town centre uses' are defined in the glossary to the NPPF as: *Retail development (including warehouse clubs and factory outlet centres); leisure, entertainment and more intensive sport and recreation uses (including cinemas, restaurants, drive-thru restaurants, bars and pubs, nightclubs, casinos, health and fitness centres, indoor bowling centres and bingo halls); offices; and arts, culture and tourism development.* Paragraph 86

requires that these: *'Main town centres 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'* (emphasis added).

22. In considering edge and out-of-centre proposals, paragraph 87 continues that *'...preference should be given to accessible sites that are well-connected to the town centre'*. Paragraph 87 also requires applicants and local planning authorities to demonstrate flexibility *'...on issues such as format and scale'*. On this matter, previous government policy, as first introduced in 2005, encouraged 'disaggregation' when applying the flexibility of the test. However, since its introduction in 2012, the NPPF has made no specific allowance for disaggregation, and this has proven quite significant in the usage of the test.
23. The NPPG provides further advice regarding how the sequential test should be used in decision-taking. It confirms that it is for the applicant to demonstrate compliance with the sequential test, with support from the local planning authority, which has a duty to share any relevant information. The NPPG also confirms the requirement, in assessing the suitability of more central sites, to demonstrate flexibility with respect to format and scale. The NPPG advice continues that *'...use of the sequential test should recognise that certain main town centre uses have particular market and locational requirements which mean that they may only be accommodated in specific locations'*. The NPPG states, however, that there must be a robust justification if a location-specific requirement is being advanced, and that land ownership should not be used as an argument.
24. The wording of the NPPF in relation to the sequential test has been interpreted in a number of important key Court Judgements. Further to this, there have been some significant planning decisions in which the meaning and application of the sequential test, as contained within the NPPF, has been subject to rigorous examination. These appeal examples and case law, the earliest of which dates back to 2012, have established some very useful and persistent benchmarks which continue to be used to inform applicants' and local planning authorities' approaches to the sequential assessment. In interpreting this in the context of this application, the following key matters have been drawn out:
  - Extensions to existing retail developments, such as this proposal, are not immune from the sequential test, and the applicant's stance that the proposed development at Barton Square could not reasonably be located elsewhere is not accepted;
  - The sequential search area should be quite extensive given the catchment area served by Barton Square;
  - Paragraph 87 of the NPPF, and the need to demonstrate flexibility on issues such as format and scale, does not incorporate a requirement to disaggregate;



- In order to be deemed a *'suitable'* alternative, the site/premises in the sequentially preferable location must be capable of meeting the broad type of development which is proposed in the application by approximate size, type and range of goods; and
- The assessment of whether a site is *'available or expected to become available within a reasonable period'* will depend on the particular circumstances of the sequential site and the proposal that it is expected to accommodate, and this is a matter of planning judgement.

25. That disaggregation is not embodied in the NPPF is fully accepted. However, as outlined above in the context of subsection W2.13 of Policy W2 and in noting the scale of Barton Square as a whole, legal advice received has established an important parameter for the application of the sequential test in this instance. Namely, that the assessment of the suitability and availability of sites in sequentially preferable locations should focus on the quantum of retail development for which conditions on the range of non-food goods to be sold are proposed to be relaxed, together with any new floorspace (including new mezzanines) anticipated to be used for non-food Class A1 purposes. Paragraph 18 above established that this amounts to 10,200 square metres (9,176 square metres plus 1,060 square metres). Thus, the key parameter for the sequential search has been set at 10,200 square metres, but with this figure still subject to an appropriate degree of flexibility in relation to matters such as format and scale.

26. Notwithstanding the applicant's initial argument that the proposed development is locationally specific to Barton Square and could not reasonably be located elsewhere, a sequential assessment has been undertaken on the applicant's part and with this contained in the Planning and Retail Statement and the Supplementary Information Statement. It was agreed in pre-application discussions that the sequential search should focus on centres located within the administrative areas of Trafford, Salford, Manchester and Stockport. It is noted that the assessment that has come forward has not examined opportunities for sites within, or on the edge of, smaller local and neighbourhood centres. Rather, the focus has been on the higher order town centres. Whilst the case-law and planning decisions previously referred to have rejected any hierarchical dimension to the sequential test, in this instance this argument has been accepted as appropriate on the basis of the scale of these smaller centres relative to the amount of floorspace proposed and the catchment area that the proposed development would serve.

27. As a consequence, the applicant's assessment examines the suitability and availability of 22 sites located within, or on the edge of, Altrincham, Urmston, Stretford, Sale, Wythenshawe, Eccles and Salford Precinct. Although the original assessment contained no mention of any analysis of sites within, and on the edge of Salford's other centres (at Swinton and Walkden), the supplementary submission (in responding to the consultation comments of Salford City Council)

confirms that it had not been able to identify any sites within Swinton and Walkden that could be considered to be suitable and available. This conclusion has been accepted, and of course the consultation response did not highlight any particular potential site.

28. The 22 sites identified by the applicant have been carefully examined, and it is accepted that 20 of these are clearly not suitable or available for accommodating in the order of 10,200 square metres of non-food retail development. Within Trafford's town centres the 20 sites include the site of Urmston Market, a former MOT depot (Urmston), Stretford Mall, the Essoldo Cinema (Stretford), The Square Shopping Precinct (Sale), Trafford Courthouse (Sale), and the Regent Road car park (Altrincham). They also include sites allocated in the Altrincham Town Centre Neighbourhood Business Plan, such as the former hospital site. In a large proportion of cases, the sites are deemed 'unsuitable' on the basis that they are too small to accommodate the scale of development envisaged at Barton Square (even when allowing for flexibility). Other reasons for the 20 sites being discounted include them being 'unsuitable' for the type of development proposed when noting their allocation for different uses (including sites allocated for residential development in the Neighbourhood Business Plan), or as a consequence of them being 'unavailable' due to them accommodating active uses or them being owned by a different developer.
29. However, two of the sites identified by the applicant have warranted further analysis, and the initial claim that they do not fulfil the 'suitable' and 'available' criteria, and are thus not sequentially preferable, was not accepted. Both sites are located in Altrincham. The first is the Altair site, which is located within the boundary of Altrincham town centre (as defined by the Proposals Map accompanying the statutory development plan) but beyond the town centre's retail core and what would typically be defined as a Primary Shopping Area ('PSA', had they been defined). The second site is the Grafton Centre, located within what would probably be regarded as a PSA (although it is noted that it is within the 'Mixed Use with Ground Floor Active Frontage' area as identified by the Neighbourhood Business Plan).

#### The Altair Site

30. The Altair site (as part of a wider land parcel known as '*land to the east of Stamford New Road and Railway Street*') was designated as an Area for Improvement in the Trafford Unitary Development Plan (adopted in 2006). Indeed, the Altair site has benefitted from an outline planning permission for mixed-use development (including up to 10,536 square metres of non-food retail development since 2008 (ref. H/OUT/68603). The most recent outline permission for mixed-use development at the Altair site was granted in January 2014 (ref. 81115/O/2013). This provides for alterations and extensions to Altrincham Ice Rink to form a new foyer and roof structure, leisure uses including a new leisure centre and bowling alley (Class D2), residential uses (Class C3),

offices and a management suite (Class B1), food and non-food retail (Class A1), restaurants and cafes (Class A3), drinking establishments (Class A4), and hot food establishments (Class A5), together with associated car parking, highway alterations and the creation of new areas of public realm.

31. The most recent outline permission for the Altair site is subject to a number of conditions, the most important of which for the purposes of the sequential assessment, is condition no. 3. This sets indicative total floor areas for each use, with the indicative figure for non-food and food retail, along with cafes, restaurants and bars, being a maximum of 9,090 square metres gross internal area. Within this overall figure it is sensible to assume that the quantum of floorspace associated with Class A1 non-food retail use would be less than the 9,090 square metres maximum (to enable some occupation by the other permitted uses). It follows that the Class A1 non-food floorspace would be self-evidently less than the 10,200 square metres parameter that has been established.
32. The Altair site also benefits from a variation of condition approval, granted in March 2017 (ref. 86661/VAR/15), which allows for the site to be developed in phases. Further to this, the site is the subject of two reserved matters permissions for phases 1 and 2. The phase 1 reserved matters approval (dated from March 2017, ref. 86755/RES/15) relates to the demolition of the ATS MOT building and the construction of 59 residential apartments (Class C3) together with ground and lower ground floor retail, commercial and leisure uses (Classes A1, A3, A4, A5, B1 and D2). A review of the approved plans has confirmed that the aggregate floorspace figure for all ancillary uses is 816 square metres. The phase 2 reserved matters approval (dated from July 2017, ref. 90432/RES/17) allows for the construction of four mixed use buildings to provide 85 residential apartments (Class C3) and a range of retail, commercial, office and leisure uses (Classes A1, A3, A4, A5, B1 and D2). In this case, the approved retail floorspace, which would be provided at ground floor level within the four buildings, is understood to amount to 3,718 square metres. Thus, the total quantum of retail floorspace in the first two phases of the Altair scheme is a maximum of 4,534 square metres (816 square metres plus 3,718 square metres).
33. As such, for the first two phases of Altair, the total quantum of retail floorspace is less than half of the 10,200 square metres parameter that has been established for this sequential assessment. The effect is that the third (and final phase) of Altair would need to contain a substantial quantum of new retail development for it to be considered a 'suitable' opportunity. However, in actual fact the remaining land available for phase 3 of Altair is limited, and furthermore the land that remains was always expected to accommodate, within it, a replacement leisure centre for Altrincham. It is also important to note that the time period for the submission of the reserved matters for phase 3 has now expired (with reference to a condition imposed on the January 2014 outline permission, ref.

81115/O/2013), and a different approach has recently been agreed by the Council in respect of the replacement leisure centre (which the Council, rather than the Altair developer (Nikal), will now deliver). Thus, this would seem to rule out the prospect of phase 3 of Altair, or an equivalent Council development, accommodating a substantial quantum of retail development.

34. Added to this is the separate matter of the 'availability' of the Altair site. Whilst the development has suffered from a very long gestation period, it is understood that a start on phase 1 is now anticipated in the near future. This follows recent positive negotiations between the Council (as the freeholder of the site) and Nikal, and with the lease between the two parties being close to signing. With this in mind, therefore, it seems clear that the Altair site is also not 'available', as well as it not being 'suitable', for retail development of the broad type and quantum proposed at Barton Square.

#### The Grafton Centre

35. In February 2018 the Council acquired the Grafton Centre with a view to reuse and redevelopment. This vacant shopping precinct, which dates from the 1970s, can accommodate, when active, some 4,150 square metres of retail floorspace. There is also a Travelodge hotel (with approximately 90 bedrooms and which is operational) which sits atop. In August 2018 an initial market testing exercise was carried out in which the Council sought expressions of interest from potential development partners. The remit was to come forward with workable ideas for the centre's overhaul with the aim of attracting further investment and enhancing the town centre's retail and leisure offer (and in turn to increase revenue for the Council and/or a capital return). The process generated sixteen responses. It is significant, however, that none of the responses proposed to add to the quantum of retail floorspace within the centre. Rather, and when having regard to what is likely to appeal to the market and what would enable a deliverable scheme, the options put forward included, at best, the retention of the existing retail space and then with additional leisure, food and drink, and residential uses. Further to a decision made by the Council's Executive in January 2019, it is understood that the next stage is for a development brief to be prepared, following a period of further consultation, which will build upon the options put forward. The brief will then be issued to potential development partners who may be interested in entering into a joint venture with the Council.
36. This market testing exercise for the Grafton Centre was undertaken irrespective of this current planning application, although it has nonetheless provided very useful evidence in carrying out the necessary sequential appraisal. However, in direct response to this application and specifically the need to robustly examine sequentially preferable opportunities, the Council commissioned the architectural practice of Sheppard Robson to establish the design feasibility of the Grafton Centre accommodating additional retail floorspace. The work undertaken suggests potential at the Grafton Centre for approximately 9,200 square metres

(gross) of retail floorspace in total. The designs illustrate that this additional floorspace would be provided chiefly at first and second floor levels. This quantum of retail floorspace represents 90 percent of the parameter figure (of 10,200 square metres) that has been employed. However, it has been concluded that this shortfall, in itself, would not necessarily render the Grafton Centre as 'unsuitable' given the need in the NPPF for an appropriate degree of flexibility in relation to format and scale. There are concerns, however, in relation to how this floorspace would be configured relative to the Barton Square proposal, in particular when having regard to the number of units, the size of units and their arrangement (including the largest unit within the Grafton Centre spread over three floors). There is also the issue of car parking at the Grafton Centre, with no on-site provision made for this in contrast to what exists at Barton Square.

37. In returning to a most applicable Court Judgement on this particular matter (dating from 2016), it has been held that a 'suitable' sequentially preferable opportunity is one which is '*suitable for the broad type of development which is proposed in the application by approximate size, type and range of goods*'. When factoring in the discrepancies associated with overall floorspace, together with the issues surrounding the basic organisation of the units and the different approach to car parking at the two sites, it has been concluded that the application proposal would need to be quite markedly altered in order for it to be accommodated at the Grafton Centre. It is considered that this goes beyond the requirement for flexibility as outlined in the NPPF. In essence, the resultant development, at the Grafton Centre, would not be sufficiently comparable or similar to what is proposed at Barton Square. Therefore, on balance, officers have not been persuaded that the Grafton Centre represents a 'suitable' alternative site.
38. There is a further issue concerning the availability of the Grafton Centre. Notwithstanding the general intent of the Council to secure a redevelopment, the applicant's position is that it is unclear when the site is likely to become available, and that any proposed development remains at a very early stage. As previously referred to, the next step for the Grafton Centre is further consultation and then a development brief before a formal procurement exercise can commence. It is anticipated that this would need to be followed by further options appraisals and viability reviews, together with key courses of action needing to receive formal ratification by the Council's Executive. Thus, it would seem that there is indeed uncertainty regarding overall timescales. On this basis, there is some considerable doubt in the officers' minds that the Grafton Centre represents an opportunity that will become '*available within a reasonable period*' of time (as required by the NPPF).

## Conclusions on the Sequential Test

39. Therefore, when all factors are taken into consideration (including important case-law and notable planning decisions), the conclusion of officers is that the Barton Square planning application passes the sequential test. This is because the evidence provided by the applicant, together with officers' own assessment (as supported by the work of the appointed consultant), suggests that there are no sites in sequentially preferable locations within any of the centres considered in Trafford, Manchester, Salford and Stockport that are both 'available' and 'suitable' for meeting the broad type of development that is proposed.

## The Impact Test

40. The NPPF's paragraph 89 sets out the impact test for applications for retail and leisure development that are located outside town centres and which are not in accordance with an up-to-date development plan. It requires applications for such development, which are over 2,500 square metres (or a locally set threshold), to include an assessment of:

- *The impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and*
- *The impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and wider area, up to five years from the time the application is made.*

41. These two tests clearly apply to the Barton Square proposal given that it is acknowledged to be in an out-of-centre location and not in accordance with an up-to-date development plan. Moreover, the application incorporates new and reconfigured retail and leisure floorspace which is well over the 2,500 square metre threshold. To reiterate, paragraph 90 of the NPPF confirms that: '*Where an application...is likely to have a significant adverse impact on one or more of the considerations [in paragraph 89] it should be refused.*'

42. Commentary and conclusions regarding the first strand of the impact test – the *impact on investment* test – are presented first, followed by coverage of the second, *impact on vitality and viability* test.

## Impact on Investment

43. At the outset it should be pointed out that, in addressing the investment impact test, account has been taken of the two representations received on behalf of Altrincham Unlimited and the Altrincham Town Centre Neighbourhood Business Plan Group.

44. In so far as the investment impact test is concerned, additional advice in the NPPG is limited to identifying three considerations, namely:

- The policy status of the investment;
- The progress made towards securing the investment; and
- The extent to which an application is likely to undermine planned investments based on the effect on forecast turnover, operator demand and investor confidence.

45. This advice is considered to be somewhat undeveloped and less detailed relative to the guidance previously offered by the Government on the topic prior to the NPPF and NPPG. Therefore, again, some key principles established via significant planning decisions have been drawn upon. This includes attempts to define what is meant by 'existing', 'committed' and 'planned' investment. 'Existing' investment is to be taken as a reference to investment that has already been made, and 'committed' investment is that which is contractually committed (as private investment) or that which is subject to resolution (public investment). On the matter of 'planned' investment, a particularly important point determined via relevant precedent is that the investment impact test is not there to protect mere 'in principle' intentions, but rather to safeguard actual plans to invest. Further to this, it has also been held that there is no requirement that the investment must be similar to the application proposal or that it should be proceeding along the same timescale. With this latter point in mind, although the committed and planned investments at the Altair and Grafton Centres sites in Altrincham, as well as at the Square Shopping Centre in Sale (ref. 94986/FUL/18) are quite different to what is proposed at Barton Square, it is considered that they are relevant 'investments' in the manner envisaged by paragraph 89 of the NPPF, and thus they require analysis when applying the investment impact test.

46. The applicant's original assessment of impact on existing, committed and planned investment was contained within the Planning and Retail Statement. However, this appraisal was regarded as somewhat superficial and it provided no evidence of any consultations with potential investors in the town centre. An opportunity was given to the applicants, however, to explore the issue in greater depth, and with this then addressed in the Supplementary Information Statement.

#### *The Altair Development*

47. On the matter of the approved Altair development, to reiterate, it is accepted that the first two phases of development are likely to yield a *maximum* retail floorspace of some 4,500 square metres. On this basis, the applicant seeks to argue that the Altair scheme, and its retail offer specifically, would only provide a local role and function for the Altrincham catchment, and thus it asserts that Altair would not be prejudiced by the proposed development at Barton Square, which is intended to perform a very different role over a much wider area. However, that

there is no requirement for the investment proposal to be similar to the application proposal has already been referred to. That being the case, it has already been conceded that there is a site suitability issue; that is unless the final phase of Altair, if it were to be forthcoming, could be designed to accommodate at least a further 5,000 square metres of retail floorspace, which it has already been stated seems unlikely.

48. As referred to in paragraph 45 above, previous significant planning decisions have provided some helpful pointers in seeking to elucidate whether an application proposal would have a significant adverse investment impact, and with these now quite commonly used in the absence of further guidance in the NPPF and NPPG. These have been applied, as set out below, in analysing the evidence provided by the applicant regarding Altair, together with own Council evidence and that gathered by the appointed consultant.
49. Firstly, there is the matter of whether the planned/committed investment is being actively progressed. There is no doubt that the Altair development has suffered from a series of hold-ups, with the original planning permission for a mixed-use development dating back to 2008. The subsequent Compulsory Purchase Order (CPO) process, commenced by the Council in 2009, was not confirmed until 2012. However, after years of delay it is understood that the Council is on the point of granting a lease to the developer (Nikal) in respect of phase 1. To reiterate, phase 1 is a residential-led scheme with only a small commercial/retail component (816 square metres).
50. A second issue for consideration has been whether there is evidence that investment plans have reached further than embryonic sketch (i.e. are there any sketches or designs). Of course, with the granting of reserved matters consents for both phases 1 and 2, it is evident that the first two stages of the development have been designed and planned in detail.
51. Thirdly, there is the matter of any potential land ownership constraints which could prove difficult to overcome and which may jeopardise scheme delivery. In the case of Altair, and following the CPO process, it is understood that the Council owns the freehold for the site, other than a small part used for car parking purposes which remains in the ownership of Northern Rail.
52. A fourth important matter is whether there is an active planning application for the investment, or whether, in fact, planning permission has been granted. The existence of an overall outline permission and reserved matters approvals for phases 1 and 2 of Altair has already been cited. That the time period for the submission of reserved matters for phase 3 has lapsed has also been mentioned. In addition, there are some existing applications that seek to discharge the pre-commencement conditions imposed on the outline permission and also the phase 1 reserved matters approval (refs. 92395/CND/17 and 91345/CND/17). However, and despite the fact that the signing of the lease



between the Council and Nikal is expected imminently, some pre-commencement conditions remain outstanding.

53. A fifth issue regarded as significant in determining impact on planned/committed investment is whether there is a committed developer. The anticipated signing of the lease would indicate that Nikal is committed, and it is also understood that a building contractor has been engaged in respect of phase 1.
54. Whether the investment has been identified in an up-to-date statutory development plan is a sixth consideration. As has already been stated, the allocation of the Altair site dates back to the adoption of the Unitary Development Plan in 2006. Whilst this original designation is obviously now quite dated, it is significant that the Altair site is identified and is being promoted in the Altrincham Town Centre Neighbourhood Business Plan, which was made in 2017.
55. A seventh consideration is whether there is evidence that the proposed planned/committed investment is viable. Indeed, it has been held in relevant precedents that there can be no objection on the grounds that what is proposed in an application would make an unviable scheme even more unviable. In this respect, it is expected that the developer (Nikal) has undertaken its own viability assessment of the Altair scheme, and following on from this it is to be assumed that phases 1 and 2, at least, are viable.
56. Whether the planned/committed investment has stalled, and the reasons behind this, has been a further area of focus. That the Altair development has been in the pipeline for well over a decade, and with periods of inactivity and some uncertainty, has been previously documented. The cause of these delays has been entirely unrelated to the application proposal. However, to reiterate, that phase 1 will start on site in the very near future, subject to the signing off of the pre-commencement conditions and agreement on the lease, is officers' understanding.
57. Finally, there is the issue of whether those behind the planned/committed investment have expressed any serious concerns about the impact of the proposed development. Indeed, from an examination of relevant planning decisions it is noted that the existence of a robust objection from a competing developer/investor, and their presence alongside the local planning authority at any subsequent inquiry, has been afforded great weight by decision-takers in concluding on the matter of town centre investment impact. In this respect, it is regarded as most significant that Nikal has not objected to the Barton Square application.

#### *The Grafton Centre*

58. The second of the investments in Altrincham town centre that the applicant has examined, and invited to explore in more detail, is the Grafton Centre. Clearly

this investment is at a less advanced stage than the Altair development and thus would seem to fall more appropriately within the 'planned' investment category. It follows that the checklist of issues applied to Altair is not so easily transferred.

59. Indeed, the applicant has highlighted the fact that the Grafton Centre, unlike Altair, does not benefit from any site-specific designations in the statutory development plan. Reference is also given to the fact that the site is occupied by buildings, including the 90-bed Travelodge hotel. It continues that the Council's 'Expressions of Interest' document, dated August 2018 and which informed the subsequent market testing exercise, made no mention of the types and quantum of development anticipated, other than a general ambition for the Grafton Centre's remodelling/redevelopment to support the ongoing improvement of Altrincham town centre. That none of the responses to this early-stage process were based on expanding the shopping centre's retail offer to the level proposed at Barton Square has already been outlined (although equally that there is no requirement for the investment proposal to be similar to the application proposal has also been made clear).
60. However, the applicant then refers to the remaining work that would be needed ahead of a joint venture development partner being selected by the Council. This includes the preparation and publication of a development brief, which in itself would be subject to consultation. The applicant asserts that it could take up to a year before the development brief is in place, and even longer before a planning application is submitted. It is on this basis that the applicant's position is that the Council's aspirations for the Grafton Centre are merely embryonic and should not be classified as 'planned' investment of the form that the NPPF seeks to protect.
61. It is maintained, however, that the redevelopment of the Grafton Centre does fall into the 'planned' investment category since the Council is clearly keen to secure its regeneration having invested substantially in acquiring it in February 2018. However, that being the case, what has to be accepted is that the redevelopment proposals are very clearly at an early stage, and no parameters have been established regarding the form that the scheme may take in terms of quantum of floorspace and type of uses.

#### *The Square, Sale*

62. Whilst the Altair site and the Grafton Centre have been the focus of analysis in terms of planned/committed investment impact, paragraph 45 above also referred to the redevelopment of The Square Shopping Precinct in Sale town centre. This is subject to a current application proposal (ref. 94986/FUL/18) which benefits from a recent positive resolution from the Planning and Development Management Committee, subject to the completion of a Section 106 legal agreement. The proposal involves the provision of approximately 3,000 square metres of Class A1 retail and Class A3 café/restaurant uses, a six-screen cinema (Class D2) and 202 residential units. In response to concerns

expressed at the outset that the Barton Square proposal, in seeking to uplift the amount of Class D2 leisure floorspace, could duplicate the cinema offer at The Square, the applicant offered a condition which would serve to exclude a cinema within the leisure component at Barton Square. Notwithstanding the point made previously that there is no requirement that the investment must be similar, the effect of this condition is that there is in fact very little overlap between the two proposals. Moreover, significantly, the condition would serve to ensure that the ability of the Sale developers (Maloneview) to secure a cinema operator would not be undermined. It is also regarded as notable - as with Nikal and Altair - that Maloneview has not objected to the current application.

#### *Investment in Other Town Centres*

63. In the interests of completeness, it is considered beneficial to provide some commentary on planned/committed investment in the Borough's other town centres of Stretford and Urmston. In relation to Stretford, the applicant's assessment refers to the ongoing reconfiguration of Stretford Mall. It is agreed, however, that proposals at the Mall resulting from the opportunities following partial demolition are at a very emergent stage.
64. The applicant has also referred to the proposed investment at Urmston Market under full planning permission ref. 93629/FUL/18 which was approved in October 2018. This involves the erection of a new food hall building for food, drink and leisure uses including a children's play area. Again, and notwithstanding the absence of a 'similar' requirement, it is acknowledged that there is little in the way of common ground between this and the Barton Square proposal.

#### *Response to Representations*

65. A central message of the representations submitted on behalf of Altrincham Unlimited is that the applicant's assessment of investment impact focusses almost exclusively on planned/committed investment, and that it has not satisfactorily addressed impacts on existing investment. It should be noted that a response from the applicant (via the appointed agent) on both submitted representations has been requested and is anticipated.
66. The Altrincham Unlimited representation emphasises the very weak position in which Altrincham town centre found itself in 2010 when the vacancy rate hit a high of 30 per cent. This resulted in Altrincham being identified as one of the most poorly performing town centres in the UK. The representation attributes this weakness to four main factors: competition, most notably from the Trafford Centre but also from Manchester city centre; the economic downturn from 2007 onwards; the growth in internet shopping; and the loss of the unique identity and character of the town centre. The representation then continues by outlining the substantial public and private investment in Altrincham town centre that has taken place since 2010, which has resulted in the town centre's recovery. This

investment, and the role that it has played in transforming the town centre, is fully recognised by officers. The past and committed investment package includes: Altrincham Market Hall and the lower market area; public realm improvements carried out across the town centre (and with further landscape improvements planned); the new Altrincham Hospital; Altrincham Interchange; the Health and Well-being Centre; private investment leveraged as part of the Council's business loan scheme; and private investment in the BID.

67. A health check of Altrincham town centre has recently been undertaken as part of the emerging Trafford Retail and Leisure Study (which, upon its completion, will form part of the evidence base for the new Trafford Local Plan). This outlines that footfall in the town centre has increased, and that the unit vacancy rate (in October 2018) had fallen to 11.2 per cent (44 out of 392 units), and with the floorspace vacancy rate having fallen to 9.9 per cent (8,520 square metres and out of a total stock of 18,640 square metres). In comparison, the Goad plan for June 2010 revealed 101 vacancies (so that the net reduction in vacancies over the past eight years has amounted to 57). The health check accredits the investment in the Altrincham Market Hall, and the unique food and beverage offer that has developed around it, as having a particularly most transformative effect, along with the public realm improvements.

68. However, the representation from Altrincham Unlimited argues that the operating environment in Altrincham town centre continues to be challenging. Reference is given to the national position of struggling high street retailers, and it asserts that if any one of Debenhams, Marks & Spencer or House of Fraser stores in Altrincham were to close then: *'this would have a significant impact on the town centre landscape'*. The representation, as supplemented by the representation from the Altrincham Town Centre Neighbourhood Business Plan Working Group, emphasises the provisions of the Neighbourhood Business Plan, and particularly the desire (at Objective 6) to attract more independent retailers providing goods that are not easily available online, and with Objective 8 seeking to promote the town centre as a family-friendly social centre with a wide variety of social outlets including leisure, events and cultural activities. The inference within the Altrincham Unlimited representation is that, by allowing a greater focus of retail and leisure activity at Barton Square, this would curtail the scope for further enhancements and the continued consolidation of Altrincham town centre, which would impact upon planned/committed investment as well as the continued potential of existing investment.

#### *Conclusions on Investment Impact*

69. The overall conclusion of officers, as supported by the appointed consultant, and when based on the appraisal of evidence prepared by the applicant and by those making representations, is that there is unlikely to be a *'significant adverse impact'* on existing, committed and planned investment in any of the town centres within Trafford, or elsewhere within the catchment area of the proposal.

70. In reaching this conclusion, particular attention has been paid to the potential impacts of the application proposal on the investment which is committed/planned at the Altair site and that which is planned for the Grafton Centre. It seems clear, however, that phases 1 and 2 of the Altair scheme represent residential-led mixed-use development, and that the commercial components, which amount to only around 4,500 square metres in the first two phases would function to support a much more localised catchment than that intended and which exists at Barton Square. There is uncertainty surrounding the timing and delivery mechanism for phase 3, but there is unlikely to be any commonality with the application proposal (in accommodating a new leisure centre). The Altair development has suffered significant delays irrespective of this application proposal, although the position is now much more promising. However, it has been regarded as most notable that the developer, Nikal, has not submitted any objection to the application proposal.
71. For the Grafton Centre, the emerging proposals are at such a premature stage that it is difficult to demonstrate any likelihood of a '*significant adverse impact*'. Furthermore, the information that has emerged to date regarding the centre's regeneration suggests that it is likely to involve a residential-led mixed-use development, and with the quantum of retail floorspace unlikely to materially exceed what currently exists.
72. In turning to the representations, it has been accepted that the applicant's analysis of the impact on existing investment is perhaps somewhat limited, and a response to the points made in the representations on this matter is presently awaited. It follows that officers, as advised by the consultant, have drawn their own conclusions on this matter. When having regard to all available information, there is a clear lack of robust, tangible evidence that the proposed development would have a '*significant adverse impact*' on existing investment in the manner envisaged by the NPPF. Indeed, the Altrincham Unlimited representation, in referring to the key Altrincham high-street retailers of Debenhams, Marks & Spencer and House of Fraser does not suggest that the application would be likely, in itself, to trigger store closure. What is clear to officers is that the public and private investment that has occurred in Altrincham in recent years has been extremely effective in reversing the fortunes of the town centre, and that Altrincham is now in a much better position to withstand further competition posed by other town/city centres and by out-of-centre retail and leisure developments such as the Trafford Centre. That being the case, it is acknowledged that there is no room for complacency, and the proposed further investments in improving the public realm are essential in reducing the likelihood of any future relapse in the town centre's health. However, in taking everything into account, including key findings from important planning decisions and when having regard to retail and legal advice received, it is considered that there is no compelling case for a '*significant adverse impact*' on town centre investment to be demonstrated.

## Impact on Vitality and Viability

73. To repeat, the second strand of the impact test set out in paragraph 89 of the NPPF relates to the impact of the proposed development on the vitality and viability of town centres within the proposal's catchment area, including impacts on local consumer choice and on trading levels. An assessment of impact on vitality and viability is typically based around a quantitative retail impact assessment (in this case on comparison, or non-food, goods).
74. The NPPG provides further advice regarding how the impact on vitality and viability test should be applied. It states that it is for the applicant to demonstrate compliance with the impact test, but that the test should be undertaken in a proportionate and locally appropriate way, drawing on existing information where possible. It then sets out the key considerations in assessing the likely impact on trading levels and on town centre vitality and viability. The advice states that *'...a judgment as to whether the likely adverse impacts are significant can only be reached in light of local circumstances'* and that *'...in areas where there are high levels of vacancy and limited retailer demand, even very modest trade diversion from a new development may lead to a significant adverse impact'*. In instances where the evidence suggests that a *'significant adverse'* impact on the town centre is unlikely, the local planning authority *'...must then consider all other material considerations in determining the application, as it would for any other development'*.
75. That there has been a substantial improvement in the overall health of Altrincham town centre in recent years has already been recorded. As reflected in the emerging health check, and from own observations, there has been considerable progress since the refurbishment and reopening of Altrincham Market in 2014. The investment in the market area, together with the public realm improvements, have been substantial triggers that have helped in securing a much-improved food and retail offer in Altrincham that has boosted footfall both during the day and into the evening. The town centre has also benefitted from other major investments, including the interchange, new hospital, and the Health and Well-being Centre. The overall conclusion of the emerging health check, therefore, is that Altrincham town centre is currently vital and viable. Nonetheless, that it could benefit through additional diversification in its offer, in order that it is less dependent on its food and beverage trade, is a further observation.
76. For Sale town centre, the health check concludes that the current planning application by Maloneview is intended to appreciably improve the town centre offer and to deliver improvements to the public realm and wider environment. In the case of Urmston, it records that there is a strong service offer, which includes pubs, bars, cafes, restaurants and hot-food takeaways, and which would be further reinforced by the approved Urmston Market redevelopment. Indeed, of all of Trafford's town centres, the weakest is Stretford, which is currently suffering

from very high levels of vacancy and low levels of retailer demand, as evidenced by the emerging health check. However, from an analysis of the household shopper survey which forms the basis of the applicant's quantitative assessment, it is evident that Stretford's catchment is highly localised. Similarly, it is clear that both Sale and Urmston are lower order centres within the wider Greater Manchester town centre hierarchy, and thus are generally less susceptible to trading impact from the Trafford Centre/Barton Square than the Borough's Principal Town Centre of Altrincham.

77. The applicant's quantitative assessment of impact on the various town centres within the proposal's catchment area is contained within the Planning and Retail Statement, including a series of spreadsheets within the appendices. Further commentary is provided within the Supplementary Information Statement which contains an updated assessment of cumulative impact to account for an additional retail commitment.
78. The appointed consultant, in reviewing the quantitative assessment (which, to reiterate, focusses on non-food/comparison goods), has confirmed that the methodology employed is robust and is in line with advice set out in the NPPG. Indeed, there was a substantial amount of pre-application discussions in which a number of key inputs to the methodology were agreed. This includes the survey/catchment area (including a series of sub-zones), the household survey questions, the adopted base year and design year, the overall survey area population and separate zonal populations, and per capita expenditure figures. Following on from this, the subsequent appraisal process has confirmed that: the total comparison goods turnover of the existing retail floorspace at Barton Square is reasonable, and likewise for the projected comparison goods turnover of the proposed floorspace at Barton Square; the existing comparison goods market shares for each survey zone are as robust as possible (and derive from the household survey); the existing comparison goods shopping patterns, which are the product of the market shares, are reasonable; and the projected comparison goods shopping patterns under a 'no development' scenario are also agreed.
79. The appraisal process has also served to explore some of the criticisms levelled at the applicant's assessment within the submitted representations. However, the consultant has confirmed acceptance with the applicant's approach to the assessment of turnover uplift, and similarly that the sales densities applied are reasonable and in line with up-to-date guidance (see Mintel's UK Retail Rankings, April 2018). Two important, concurrent steps in the assessment process comprise establishing an appropriate pattern of trade draw, followed by defining a suitable pattern of trade diversion. Both are matters of planning judgement that take into account a number of considerations, including the findings of the household survey. In both cases, the advice received has been that the applicant's judgements, which are based on existing trade draw/diversion patterns for the Trafford Centre (as revealed by the survey), are reasonable.

80. When considering the application proposal in isolation (often referred to as the 'solus' impact), the applicant's assessment anticipates that the main *monetary diversions* would come from Manchester City Centre (£5.96m) and the existing Trafford Centre (£5.68m). Within the Trafford Borough, the next highest monetary diversion is envisaged to come from the out-of-centre Trafford Retail Park (£1.75m). The Trafford town centre that would experience the greatest monetary diversion is identified to be the Principal Town Centre of Altrincham (at £1.25m). Similar town centre diversion levels are predicted for Stockport, Warrington and Bolton. The figures for Sale, Stretford and Urmston range from between £0.21m and £0.33m. However, it is significant that, in all cases and when allowing for the respective turnovers of each town centre, the *percentage impact* is less than 1 per cent. Thus, even if the trade diversions projected by the applicant were doubled (through sensitivity testing, as advised in the representations) the solus impact on each of the centres within the survey area would be less than 2 per cent. Furthermore, the assessment reveals that the post-impact turnover of Trafford's four town centres would be higher than in the base year (2018) through growth in expenditure over time.
81. However, further to this, an assessment of cumulative (comparison goods) impact has also been undertaken, which takes account of the various planning commitments for additional comparison goods floorspace which may also divert trade from town centres. This includes retail commitments within Trafford as well as adjoining authority areas, and with the Supplementary Information Statement including a further commitment for 21,367 square metres of new retail floorspace in Salford. With this in place, the assessment demonstrates that the highest percentage cumulative impacts relate to Salford Shopping City and Walkden where the cumulative impact in each case is anticipated to be around 3 per cent. The identified cumulative impacts for Trafford's town centres are as follows: Altrincham at 0.68 per cent; Sale at 1.07 per cent; Stretford at 1.34 per cent; and Urmston at 1.08 per cent.
82. Following on from this, it is noteworthy that the advice received has outlined that such a level of cumulative impact is unlikely to cause a '*significant adverse impact*' in relation to the vitality and viability of any town centre (within and outwith Trafford). Notable relevant planning decisions have again been drawn upon, and with a much higher solus (i.e. not cumulative) impact of 6.4 per cent (on Bristol city centre) judged to be '*significantly adverse*' in a noteworthy 2018 decision.
83. The applicant's assessment also includes some quantitative analysis of the impact of the proposed Class A3/Class A5 food and beverage uses. However, this reveals that the food and beverage turnover anticipated to be drawn to the Barton Square proposal represents less than 2 per cent of the available food and beverage expenditure within all survey zones within the proposal's catchment area. In addition, and with reference to supporting evidence from a commercial agent (Cushman & Wakefield) contained within the Supplementary



Information Statement, there is some acceptance that the target food and beverage operators for Barton Square are already trading within the Trafford Centre and that there is expected to be some dual-representation. That being the case, the representations on behalf of Altrincham Unlimited are again referred to since concern is expressed that there is potential overlap between the family-friendly brands likely to be attracted to Barton Square and those that are targeted for Altrincham. This is in the context of the Altrincham Town Centre Neighbourhood Business Plan's objective to promote Altrincham as a social centre with leisure-related outlets, events, cultural activities and entertainment for all ages. Whilst some weight is given to these arguments, the force of the Cushman & Wakefield evidence regarding target occupiers and dual representation is accepted. With this in mind, it has been concluded that the proposal to introduce food and beverage floorspace to the Trafford Centre would have no significant adverse impact on existing or potential food and beverage operators in Altrincham, and that it would not materially undermine the objective for this town centre to embrace more nationally recognised food and beverage brands alongside the existing independent outlets.

84. Having reached these separate conclusions regarding firstly retail (solus and cumulative impact in comparison goods terms) and then food and beverage impact, the 'aggregate' impact on town centres has also been considered. This takes into account the diversions in comparison goods expenditure combined with any diversions as a result of the proposed food and beverage offer at Barton Square. However, the advice received has recorded that it is again highly unlikely that there is any real risk of a '*significant adverse impact*' on the vitality and viability of the Borough's town centres or, indeed, any other centre within the catchment area of Barton Square.
85. Finally, in so far as the proposed leisure (Class D2) uses are concerned, the main potential concern would be if Barton Square were to accommodate a cinema (in view of this forming the anchor to the planned/committed mixed-use development at The Square, Sale). However, this concern falls away given the applicant's offer of a 'no cinema' condition. Indeed, other than the existing cinemas and ice rink in Altrincham, and the proposed cinema in Sale, the existing leisure offer in Trafford's town centres is dominated by health and fitness provision, which generally serve highly localised catchments.

#### *Conclusions on Impact on Vitality and Viability*

86. The quantitative impact work undertaken on the applicant's behalf has been carefully scrutinised by the appointed consultant (commencing at the pre-application stage) and it has been identified as being robust. It shows a cumulative comparison goods impact on each of Trafford's town centres of less than 2 per cent. The highest cumulative comparison goods impacts are around 3 per cent, for Salford and Walkden (and with these figures reviewed by Salford City Council). It follows that the advice received has highlighted that there is no

clear evidence of a risk of a significant adverse impact on the vitality and viability of any of the centres within Trafford, or in the wider survey area, based on the diversion of comparison goods trade. It has been explained that, in part, this reflects the fact that the survey area population is vast, at 2.87 million people, with many existing centres available, so that the pattern of trade diversions is diffuse. Moreover, the highest absolute diversions of comparison goods trade are from Manchester City Centre and from the Trafford Centre itself, so that the percentage losses from these very large centres/destinations are minimal. Thus, even when taking into account the combination of retail, leisure and food and beverage impacts, the overall conclusion is that there is no strong evidence of a *'significant adverse impact'* on the vitality and viability of existing centres.

#### Overall Conclusions on the Key NPPF Tests

87. It has been outlined that there are two key tests in the NPPF which apply to an application of this nature: the sequential test (paragraph 86 to 88); and the impact test, with the latter split into two parts and summarised as: a) impact on investment; and b) impact on town centre vitality and viability (paragraph 89).
88. With the interpretation of the sequential test (from case law and relevant planning decisions) in mind, the overall conclusion - on balance - is that the application proposal passes the sequential test. This is because the available evidence suggests that there are no sites in sequentially preferable locations within any of the centres considered in Trafford, Manchester, Salford and Stockport that are both *'available'* and *'suitable'* for meeting the broad type of development which is proposed by approximate size, type and range of goods.
89. The overall conclusion, based on an appraisal of the evidence prepared by the applicant and by those making representations, is that there is unlikely to be a *'significant adverse impact'* on existing, committed and planned investment in any of the town centres within Trafford or elsewhere within the catchment area of the proposal. In reaching this conclusion, attention has been paid to the potential impacts on the Altrincham investments at the Altair site and the Grafton Centre. However, the lack of any expressed concern regarding the Barton Square proposal from the Altair developer (Nikal) has been regarded as significant. For the Grafton Centre, any emerging investment proposals are clearly very under-developed.
90. The quantitative impact work to inform the applicant's assessment of impact on vitality and viability has been found to be thorough. The work shows a cumulative comparison goods impact on each of Trafford town centres of less than 2 per cent. There is no clear evidence, therefore, of a *'significant adverse impact'* on the vitality and viability of any of the centres within Trafford, or in the wider survey area, based on diversion of comparison goods trade. Even when allowing for the combination of retail, leisure and food and beverage impacts, no real risk of this amounting to *'significantly adverse'* has been identified.

91. On this basis, the application has been found to satisfy all relevant tests in the NPPF intended to control new main town uses in non-town centre locations. However, that this conclusion has been reached is dependent on a number of crucial conditions being imposed on any grant of planning permission which reflect the way that the proposal has been appraised. These conditions, which are needed in order to safeguard town centre investment and protect town centre vitality and viability, can be summarised as:

- A condition which would ensure that the overall floorspace at Barton Square to be used for Classes A1, A3, A5 and D2 purposes would not exceed, in total, 36,000 square metres gross internal area;
- A condition to establish various maximum floorspace figures in relation to each of the various Uses Classes, as follows:
  - A total amount of non-food Class A1 floorspace of no more than 22,000 square metres gross internal area;
  - Within this, a total amount of unrestricted non-food Class A1 floorspace of no more than 18,000 square metres gross internal area;
  - A total amount of leisure floorspace (Class D2) of no more than 13,000 square metres gross internal area; and
  - A total amount of food and beverage floorspace (Classes A3 and A5) of no more than 4,000 square metres gross internal area; and
  - This condition shall also specify what trading restrictions apply to the remaining restricted Class A1 floorspace;
- A condition relating to the minimum size of units to be used for Class A1 non-food retail purposes (all of which should have a minimum size of 700 square metres gross internal area, other than no more than 12 units that could fall within the size range of 310 square metres to 700 square metres gross internal area);
- A condition preventing the insertion of any further mezzanines at first floor level at Barton Square (other than for customer facilities); and
- A condition preventing the use of the Class D2 floorspace as a cinema.

92. It has been explained that the application submission, as a full application covering Barton Square in its entirety, has been profiled by the applicant as a means of regularising the overall planning position by consolidating all planning controls within one approval. In light of this, but when also factoring in the level of flexibility surrounding floorspace occupation that the proposal seeks, a further condition is recommended which would serve to request yearly monitoring reports for Barton Square which would specify uses and occupiers at any one time.

## Conclusions on Policy W2 and the Neighbourhood Plan

93. It has been explained, in applying officer judgement, that the current application, on balance, does not represent a 'large scale extension' to the Trafford Centre. It follows that there is no conflict with subsection W2.13 of the Core Strategy. However, that the position is not clear-cut has also been set out. What has been demonstrated, however, is that the application proposal passes all of the national policy tests covering main town centre uses as defined in paragraphs 86 to 90 of the NPPF. Should a contrary view regarding the 'large scale extension' definition be taken, it is considered that the proposal's fulfilment of the NPPF tests represents a relevant material consideration to which weight should be given to overcome any conflict with subsection W2.13 of the Core Strategy.
94. In concluding that the application passes the sequential test, and that it is highly unlikely to give rise to any significant adverse impacts in relation to investment in Altrincham town centre or on the centre's vitality and viability, no material conflict has been found with the Altrincham Town Centre Neighbourhood Business Plan.

## Overall Conclusions

95. For the reasons given previously, there is no convincing evidence that the proposed development would bring about a '*significant adverse impact*' in relation to existing, committed and planned investment, or in relation to the overall vitality and viability of Trafford's town centres. It is accepted, however, that there is likely to be some degree of harm, particularly in relation to Altrincham town centre. Indeed, that - within Trafford - Altrincham town centre has probably been most susceptible to competition from the Trafford Centre has already been documented. Nevertheless, that the application proposal has passed the sequential test and is unlikely to cause any '*significant adverse impact*' is again reiterated. Any level of harm identified, including for Altrincham, is below the '*significant adverse*' threshold.

## Design and Visual Amenity

96. The creation of high quality buildings and places is fundamental to what the planning process should achieve, according to the NPPF. Paragraph 124 explains that '*good design is a key aspect of sustainable development, it creates better places in which to live and work, and helps make development acceptable to communities.*' Within the statutory development plan this objective is expressed by means of Policy L7 of the Core Strategy, with the accompanying text similarly noting that '*high quality design is a key element to making places better and delivering environmentally sustainable developments.*' It has been concluded that Policy L7 is consistent with the NPPF and thus it is up-to-date for the purposes of decision-taking.

97. The Barton Square development comprises of four symmetrical building blocks which enclose an open courtyard, and with planning permission already granted for the provision of a roof structure and first floor walkways (and which are in the course of implementation). To reiterate, the application chiefly involves the reconfiguration of existing floorspace, although with some new floorspace in the form of mezzanines, infill development and small ground floor kiosks. The application submission includes existing and proposed elevational drawings. These confirm that the external elevations of the Barton Square development - those facing the Peel Circle, Phoenix Way, and the car park - would not materially alter. Whilst some physical changes to the internal elevations are proposed, including the installation of shopfronts at first floor level and the provision of infill panels, these would be carried out in a manner which would continue the existing architectural themes present at the building. Furthermore, this work would be undertaken in the context of a newly enclosed shopping mall (for which permission has already been secured). Overall, officers are satisfied that the proposed development would not generate any visual harm, and thus compliance with Policy L7 and the NPPF has been concluded.

#### Highways Matters

98. The NPPF explains that transport policies have an important role to play in facilitating sustainable development and in contributing to wider sustainability objectives (paragraph 103). Accordingly, it advises that planning decisions should ensure that developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised. Development proposals that generate significant amounts of movement should be supported by a Transport Statement/Transport Assessment, it continues. However, development should only be prevented or refused on transport grounds if there would be an unacceptable impact on highway safety, or '*the residual cumulative impacts on the road network would be severe*', it advises (paragraph 109). Policy L4 of the Trafford Core Strategy is the relevant policy at development plan level. This is clear that planning permission will not be granted for new development that is likely to have a '*significant adverse impact*' on the safe and efficient operation of the strategic road network (SRN), and the primary and local highway network. It has been concluded that the *severe* reference within the NPPF is a more stringent test for residual cumulative impacts, and thus Policy L4 is considered to be out-of-date for the purposes of decision-taking.

99. The application is supported by a Transport Assessment (TA) that has been reviewed by the Local Highway Authority (LHA) and Transport for Greater Manchester (TfGM). The scope of the TA had been agreed with the LHA as part of pre-application discussions. The TA describes all modifications to the surrounding highway network that are presently being implemented, including the new Metrolink extension. It is explained that the new line would be accommodated along the frontage of Barton Square before continuing to its

terminus at the Trafford Centre. It is expected to be open in 2020, it is explained, and with it operating with a 12 minute frequency akin to the wider Metrolink network. That Barton Square is also – presently - well-served by bus services is also referred to, and with the nearest bus stop located within the Trafford Centre bus station 700 metres from Barton Square. In response, the consultation comments of the LHA accept that the site is well-served by alternative modes of transport (other than the private car), and they further recognise that this level of provision would increase once the new Metrolink line is completed.

100. However, the fact that Barton Square also attracts car-borne trips is similarly accepted. Accordingly, the TA considers the traffic impacts of the development (i.e. of private motorcar use) and whether any expected uplift in this traffic could be safely accommodated within the local highway network. In this respect, the TA acknowledges the particular circumstances of the proposal (in that it chiefly entails the reconfiguration of existing floorspace) and it makes certain corresponding assumptions regarding the development's trip-generating potential. Acceptance of the TA's approach to trip generation has been confirmed by the LHA (and similarly by TfGM) and likewise in respect of trip distribution (i.e. how cars would dissipate). In turn, both the LHA and TfGM are satisfied that the proposal would not significantly add to existing traffic levels and with no requirement for any highways mitigation. The development 'would not have a severe impact on the surrounding road network', the LHA has concluded.

101. The application's approach to car parking has previously been set out, and the TA provides further information and justification. No additional parking within the Barton Square car park is proposed, but with it explained that this car park is already being expanded to provide an additional 305 spaces in accordance with the Primark consent (see planning permission refs. 91474/FUL/17 and 94983/NMA/18 together with refs. 79105/VAR/2012 and 79106/VAR/2012). In addition to this, and consistent with the assumptions regarding trip generation, that the proposed floorspace would be served by some 'linked trips' as shoppers would access the new services at Barton Square as part of a wider trip to the Trafford Centre is also explained, as well as the increased future potential for customers to arrive via public transport once the Metrolink line is operational. Nonetheless, the application scheme would still deliver an additional 50 car parking spaces, it is explained, but these would be provided in dispersed locations across the wider Trafford Centre environment. Potential locations are identified within the TA, including within the existing Regent 13 car park, the Regent 14 car park, and the Peel 7 (East) car park. It is made clear, however, that these are indicative locations and could be subject to change. In order to ensure the provision of the spaces, a condition has been agreed which would serve to request details of the final location of the 50 spaces, and then their subsequent laying out, before any of the floorspace affected by this proposal could be brought into use. In noting that the Trafford Centre is within the applicant's control, and thus there would be no barriers to the delivery of the spaces, this approach is accepted in procedural terms. Furthermore, the LHA

has confirmed that the provision of 50 extra spaces, despite the more peripheral location, is acceptable and that the parking demands of the proposed development would thereby satisfactorily be met. However, the importance of the applicant continuing to deliver the consented 305 spaces at Barton Square is also referred to (and with the provision of these spaces also referred to within the recommended parking condition).

102. It should be commented that Salford City Council has also considered the traffic and parking impacts of the development. Its consultation response records that it is similarly satisfied with the TA's conclusions when taking account of the potential for some of the new and reconfigured floorspace to be served by existing, longer staying visitors to the Trafford Centre.
103. The conclusions of the LHA regarding both traffic impact and car parking have also been supported by the opportunities afforded by a Travel Plan (TP). The TA explains that a TP has been in operation at the Trafford Centre and Barton Square for a number of years and is monitored by a full-time TP Co-ordinator based at the Trafford Centre. A summary of the key objectives of the existing TP, and the initiatives already in action at the Trafford Centre/Barton Square, has been submitted as an addendum to the TA. The summary of the TA explains that the overriding purpose of the TP is to reduce car usage, particularly single occupancy trips, by both employees and visitors. The TP provides measures and ideas to widen travel choices, particularly when recognising that the majority of staff, if not visitors, live within a 5 mile distance of the Trafford Centre, it is explained. This includes: the promotion of walking (including the concept of 'walking buddies'); the circulation of advice regarding cycling infrastructure and facilities (including references to the Trafford Centre's proximity to the Bridgewater Canal cycleway and the provision of showers within the Trafford Centre available for staff use); and information on public transport options, including bus route maps and service timetables. The forthcoming Metrolink line, which should support further change towards sustainable trip-making, is already featured within the existing TP, it is explained.
104. For qualifying developments, the planning process is used to secure the development and implementation of TPs in seeking to positively influence travel behaviour to and from a site. That the existing TP makes no distinction between Barton Square and the rest of the Trafford Centre has been confirmed. Rather than seek a separate TP specific to this application proposal, it has been accepted that it would be appropriate to subsume any new permission within the existing Trafford Centre-wide TP (which has been done previously in respect of previous planning permissions for Barton Square). This would be controlled via a condition, and the LHA has confirmed acceptance of this approach.
105. In concluding on highways matters, TfGM has identified the proximity of the application site to the current construction activities associated with the delivery of the new Metrolink line. An advisory note is therefore recommended in

the interests of ensuring that any works undertaken in parallel would be carefully coordinated (although, for the avoidance of doubt, this current application does not propose any external works in the vicinity of Barton Dock Road). Finally, in the interests of completeness, it should be noted that the previous Primark approvals (refs. 79105/VAR/2012 and 79106/VAR/2012) included financial contributions (covered within an accompanying Section 106 legal agreement) amounting to over £220,000 towards highway infrastructure and public transport, and with the contributions secured upon occupation of the floorspace. To reiterate, the current planning application also encompasses the already approved Primark floorspace, although continued implementation of these permissions constitute the applicant's fall-back position in the event that this application is not successful. In the period since approval was given for the Primark floorspace, a different approach to planning obligations has been established (via the Trafford Community Infrastructure Levy, CIL) and the use of Section 106 legal agreements to secure financial contributions has been scaled back. The Council's CIL Regulation 123 List identifies the infrastructure projects that it intends to fund, or part fund, via CIL. This includes a number of major strategic transport infrastructure projects, including the extension of the Metrolink through Trafford Park. The effect is that this proposal, which is CIL liable (although only in parts), would still financially contribute, albeit via a different means, to highways infrastructure and public transport. However, in reflecting the means by which the CIL Charging Schedule has been set up, this contribution would be less than that previously secured.

106. Overall, the proposal is considered to comply with the NPPF and Policy L4 of the Core Strategy (to the extent that the latter can be afforded weight in the decision-taking process) on the basis that no severe or significantly adverse impacts on highway safety or traffic generation are anticipated.

#### Crime Prevention and Security Measures

107. Paragraph 127 of the NPPF states that planning policies and decisions should ensure that development proposals create places that are safe, and where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion and resilience. Further to this, in promoting public safety, paragraph 95 advises that new development proposals should take into account wider security and defence requirements, especially in locations where large numbers of people are expected to congregate. These objectives are supported by Policy L7 of the Trafford Core Strategy which requires applicants to demonstrate that a proposed development would help to create a safe environment and reduce the potential for crime.
108. Crime and design is covered within the submitted Design and Access Statement. The existing shopping environment is already protected by CCTV, it is explained, which covers the perimeter of the building and the ground floor courtyard area. In addition, each shop unit benefits from an alarm system which



is connected to a wider security network. There is also dedicated security personnel at the Trafford Centre who also patrol Barton Square. The document continues that this current security strategy would be utilised to cover the new shopping and leisure environment at Barton Square. The intention to extend the CCTV surveillance to include the new first floor walkways is referred to, together with the provision of a new manned customer service desk at Barton Square.

109. The Design and Access Statement has been reviewed by the Greater Manchester Police (GMP), including the Counter-Terrorism unit. The consultation response identifies no significant concerns regarding the vulnerability of the development to crime, anti-social behaviour or terrorist acts, although recommendations are made regarding the specifications of the glazing to be used in order to ensure that it would be blast resistant, and also to require the installation of Hostile Vehicle Mitigation bollards around pedestrian entrances (to replace existing, regular bollards).
110. Overall, therefore, officers are satisfied that the issue of crime prevention and public safety has been suitably addressed within the proposed design and layout. However, a condition is recommended in order to capture the remaining requests of the GMP including as the detailed building design is progressed. Compliance with Policy L7 on this matter has been achieved.

#### Flood Risk

111. The NPPF sets strict tests in order to protect people and property from flooding, which all local planning authorities are expected to follow. In summary these tests are designed to ensure that if there are more compatible sites in flood risk terms for a development, or if a proposed development cannot be made safe from the risks of flooding, then it should not be permitted (see paragraph 157). A similar approach is embodied in Core Strategy Policy L5 (and thus this aspect of Policy L5 is considered up-to-date for the purposes of decision-taking).
112. A technical note covering flood risk and drainage matters has been provided, which has been reviewed by the Lead Local Flood Authority (LLFA). This confirms that the application site is wholly located in Flood Zone 1, which comprises land with the lowest probability of flooding from river or sea sources (a less than a 1 in 1,000 annual probability). In terms of other potential means of flooding, the technical note puts forward a preliminary drainage strategy for dealing with surface-water run-off. The LLFA has confirmed acceptance with this submission, in noting that the proposal involves limited changes to the extent of impermeable areas across the site. As such, the proposal is considered to comply with the flood risk requirements of both the NPPF and Core Strategy Policy L5.

## Ecological Impact

113. Planning policies and decisions should contribute to and enhance the natural and local environment, including by minimising impacts on - and providing net gains for – biodiversity, the NPPF is clear (paragraph 170). At the development plan level, Core Strategy Policy R2 similarly seeks to ensure that new development would not have an unacceptable impact on the Borough's ecological assets, and that it should seek to provide net gains. It has been deemed that Policy R2 is consistent with the NPPF and thus can be afforded full weight.
114. Consultation with the Greater Manchester Ecology unit (GMEU) has taken place, in noting that the Bridgewater Canal to the site's north-east is locally recognised for its ecological interest (a Site of Biological Importance). However, when having regard to the nature of the works proposed (that are principally within the existing Barton Square building and with no extension to the car park and no uplift in surface water drainage), GMEU is satisfied that the development would not have any material impact upon the ecological value of the canal. However, the potential for some short term implications during the construction period have been identified. The risk would be associated with the storage of materials in proximity to the canal or to surface water drains, with the potential for pollutants to enter the system. A condition is recommended to prevent this. The proposal is therefore considered compliant with Policy R2 and the NPPF.

## Air Quality

115. The site lies adjacent to an Air Quality Management Area (AQMA) which has been declared on the basis of exceedances of annual mean nitrogen dioxide and particulate matter. Planning policies and decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the presence of AQMAs, the NPPF states (paragraph 181). In turning to the Trafford Core Strategy, Policy L5 is clear that new development within the Borough's AQMAs will be required to adopt measures to ensure that no adverse impact on levels of air quality would result (and this aspect of Policy L5 has been deemed to be up-to-date for the purposes of decision-taking).
116. The application is accompanied by an Air Quality Assessment (the AQA), which has been analysed by the Air Quality team within the Pollution Service. Despite the adjacency to the AQMA, that Barton Square is located in an area of low sensitivity in air quality terms is referred to within the AQA, in noting that surrounding land uses are typically commercial or industrial. Moreover, the assumptions of the AQA are in conformity with those of the submitted TA in reporting that the proposed development is not expected to bring about a significant uplift in traffic. When having regard to the site's location, the results from the nearest monitoring stations, and the relatively low increase in vehicular

flows, the AQA concludes that the air quality impacts associated with the proposed development are not expected to be significant.

117. The consultation response from the Air Quality team confirms that the submitted AQA is acceptable and has followed relevant national guidelines in reaching its conclusion, and with this conclusion thus endorsed. Overall, the proposal is considered compliant with the NPPF and Policy L5 on the basis that air quality objectives in the local area, including the adjacent AQMA, would be maintained. In the interests of completeness, it is recorded that an advisory note, to be inserted on any grant of planning permission, has been recommended alerting the applicant to the necessary practices and procedures in the event that any asbestos is encountered (although it is not anticipated given the age of the building).

#### Residential Amenity

118. In addition to ensuring that developments are designed to be visually attractive, the NPPF (paragraph 127) also advises that planning decisions should create places that provide a high standard of amenity. Policy L7 of the Core Strategy contains a similar requirement, and with it made clear that new development must not prejudice the amenities of neighbouring occupiers by reason of being overbearing or of overshadowing, overlooking, visual intrusion, noise/disturbance or in any other way. There are no residential uses in the vicinity of the application site and thus there are no concerns regarding the impact of the proposal, in any form, on standards of residential amenity.

#### Landscaping and Specific Green Infrastructure

119. The NPPF is clear that the creation of well-designed places is also dependent on the incorporation of appropriate and effective landscaping (paragraph 127). Policy L7 of the Trafford Core Strategy also refers to the importance of ensuring that new developments are appropriately landscaped. In addition to this requirement, there is a separate Core Strategy expectation (as articulated by Policy L8 and Policy R3, and complemented by SPD1: Planning Obligations) for development proposals to contribute on an appropriate scale to the provision of 'specific green infrastructure' (SGI), which includes tree planting and other forms of soft landscaping. The scale of provision should be tailored to the specifics of the proposal, since the intention is that it would mitigate specific issues in that area, the SPD advises. This could include the effects of urban heat or of air and water pollution, or to address local ecological impacts.
120. There is an expectation, as set out in the SPD, that the provision of SGI will be in the form of on-site enhancements. However, in exceptional circumstances, where it is not possible to implement SGI on site, a financial contribution may be secured to contribute towards a wider scheme within the locality of the development proposed. This approach to SGI was accepted

previously (in the context of the Primark approvals, refs. 79105/VAR/2012 and 79106/VAR/2012) in acknowledging the constraints within the application site and the opportunities for landscaping within the wider area. Based on the previously agreed SGI contribution, together with up-to-date guidance formula which is in place to support the application of SPD1, a new SGI figure of £84,010 has been calculated. This would be used to mitigate the direct impact of the proposed development on the local environment in the absence of any on-site measures.

## **DEVELOPER CONTRIBUTIONS**

121. The proposed Class D2 floorspace is subject to the Community Infrastructure Levy with a charge of £10 per square metre.

122. Other financial contributions to be secured through an appropriate legal agreements and/or unilateral undertaking are as follows:

- £84,010 for specific green infrastructure; and
- £5,000,000 to enhancements and improvements to Trafford's town centres.

123. Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended) sets out in what circumstances a planning obligation may constitute a reason for granting planning permission for a development. It must be:

- a) *necessary to make the development acceptable in planning terms;*
- b) *directly related to the development; and*
- c) *fairly and reasonably related in scale and kind to the development.*

This is reflected in relevant guidance in the NPPG and if obligations meet these tests then they are known as CIL122 compliant.

124. The £84,010 contribution to SGI described above is considered to meet the tests and is CIL122 compliant. This is because it is required as specific mitigation towards the direct impact of the proposed development on the local environment in the absence of any on-site measures. It may therefore be used as a reason for granting planning permission.

125. The £5,000,000 contribution would be used towards enhancements and improvements to town centres in Trafford, and would be paid upon the grant of planning permission. Similar contributions were secured in relation to the Primark approvals (refs. 79105/VAR/2012 and 79106/VAR/2012).

126. It is important to record that the contribution to town centres is not considered to be CIL122 compliant, as the available evidence suggests that the

impact would not be *'significantly adverse'*. The contribution is therefore not necessary to make the development acceptable in planning terms. This in itself does not make the contribution unlawful, and legal advice received has corroborated this. The effect of the contribution not meeting the CIL regulations, however, is that it cannot be treated as a reason for granting planning permission.

127. As similar contributions were secured in respect of the Primark approvals, which this is intended to replace, the developer naturally wishes to avoid becoming liable for both contributions. As such an appropriate legal agreement would be entered into to release the developer from the S111 and S106 obligations associated with the Primark approvals.

### **PLANNING BALANCE AND CONCLUSION**

128. The application, which is submitted in full, relates to the site of the existing retail destination of Barton Square, which lies adjacent to the Trafford Centre and which is also owned by Intu Properties. Barton Square accommodates, in the main, 'bulky goods' non-food Class A1 retail floorspace. This means that there are restrictions (imposed by previous planning permissions) on the types of goods to be sold to prevent occupation by typical high street retailers. There is also some existing Class D2 leisure floorspace. However, in 2013 planning permission was granted to allow for the introduction of Primark to Barton Square, and as such the 'relaxing' of 8,824 square metres of previously restricted Class A1 floorspace was accepted (although food sales remain prohibited).

129. This current application is the next stage in the applicant's vision to re-brand Barton Square. Firstly, it involves a further uplift in the overall quantum of floorspace within the Barton Square building. This would be achieved through processes of reconfiguration, the insertion of infill areas and mezzanines, and small new build kiosks. It is proposed that the overall new floorspace at Barton Square would be subject to a maximum cap of 36,000 square metres (gross internal). The second driver for the current application is the desire to: further increase the amount of non-food Class A1 floorspace that would be freed from trading restrictions (other than continuing to prevent food sales); to increase the amount of floorspace devoted to Class D2 leisure purposes; and to introduce Class A3 and Class A5 uses. Floorspace caps of: 22,000 square metres (for the overall Class A1 non-food floorspace); 18,000 square metres for unrestricted Class A1 non-food floorspace; 13,000 square metres for Class D2 floorspace; and 4,000 square metres for Class A3/Class A5 floorspace are offered. The effect of the floorspace caps would be to enable some flexibility upon scheme implementation and when continuing forward, dependent on tenant and market interest at any one time. The third component of the application is to achieve a relaxation on the minimum size of the Class A1 retail units.

130. The central thrust of policy (as embodied in the NPPF and reflected in the development plan by means of the Core Strategy (Policy W2) and the made Altrincham Town Centre Neighbourhood Business Plan in planning for 'main town centre uses') is for such uses to continue to be located within town centres in order to strengthen and, where appropriate, regenerate them. Barton Square is, in contrast, in an out-of-centre location.
131. In returning to the fundamental decision-taking framework identified at the beginning of this report, 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.
132. Whilst the Core Strategy's adoption (2012) predates the publication of the latest NPPF (2019), to reiterate it is considered that Policy W2 is consistent with the NPPF on key matters and should be given full weight. Namely, this is the policy's reference to proposals for main town centre uses, when proposed outside of identified centres, '*to satisfy the tests outlined in current Government guidance*'. These are the tests, as defined in paragraphs 86 to 89 of the NPPF, of: the sequential assessment; and impact on town centre investment and impact on town centre vitality and viability. Following a robust appraisal process, which has benefitted from both consultant and legal input, it has been concluded that the applicant has complied with the sequential approach; there are no sites in sequentially preferable locations which are both '*suitable*' and '*available*'. Furthermore, it has been concluded that there is no clear evidence that the application proposal would give rise to '*significant adverse impacts*' in relation to existing, committed and planned investment, or in relation to the vitality and viability of existing town centres. On this basis, the application proposal has been found to pass all aspects of the national policy tests set out in the NPPF's paragraphs 86 to 89. That being the case, a series of important conditions are advanced which would assist in defining the scope of the development (if approved) and which are needed to protect town centre investment and town centre vitality and viability.
133. It has been concluded, on balance, that the development proposed does not represent a '*large-scale extension*' to the Trafford Centre, as referred to in subsection W2.13 of Policy W2. However, should an opposing view be taken, on what is a matter of planning judgement, then it is considered that the proposal's fulfilment of the key NPPF tests represents a material consideration to which weight should be afforded to overcome any conflict with this element of Policy W2. However, to reiterate, officers' viewpoint is that the proposal is in full compliance with Policy W2, having satisfied '*the tests outlined in current*

*Government guidance* and having not been categorised as a *'large scale'* Trafford Centre extension. It has also been made clear that there is no material conflict with the policies of the made Altrincham Town Centre Neighbourhood Business Plan which also forms part of the development plan.

134. Despite the conclusions identified, and specifically regarding the NPPF's impact test, it has been acknowledged that there would be some harm to the Borough's town centres, especially in relation to Altrincham town centre. Such harm would, however, be below the *'significant adverse'* level.

135. The application has been found to be acceptable in all other remaining respects, including traffic impacts, car parking provision, design and visual amenity, ecology, crime and public safety, air quality, and flood risk. Conditions are recommended in some cases, however, to provide further safeguards. That the proposal would not provide SGI on-site, but would instead offer a financial contribution towards a SGI scheme in the local area, generates a degree of conflict with SPD1. However, an exceptional approach has been accepted in this instance, when noting the constraints of the site yet the wider opportunities within the site's vicinity, and this is consistent with previous methods of securing SGI for Barton Square.

136. Overall, a very careful and robust approach has been taken in reviewing this application, when acknowledging that it would allow an even greater focus of retail and leisure activity in the area of the Trafford Centre, and also when noting the concerns expressed regarding Altrincham town centre specifically. However, as informed by independent advice received, which has taken account of case-law and relevant precedents, compliance with the keys tests of the NPPF has been found. Some level of harm, particularly, to Altrincham, may arise, but this would be below the *'significant adverse'* threshold; that this is the case is very important to note. Nonetheless, this harm needs to be weighed in the overall planning balance, together with other material considerations, in accordance with the provisions of the NPPG as identified in paragraph 74 of this report. However, when all evidence is considered, the view of officers is that planning permission should be granted on the basis that the application proposal complies with an up-to-date development plan and has met the requirements of the NPPF as a material consideration. Any approval would be subject to the provisions of the legal agreement, as stated, and the recommended conditions.

### **RECOMMENDATION:**

That Members resolve that they would be **MINDED TO GRANT** planning permission for this 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 legal agreement and/or accept a unilateral undertaking to secure:

- A financial contribution of £84,010 for specific green infrastructure;
- The release of the developer from the obligations contained within the S111 / S106 agreements associated with planning permissions ref. 79105/VAR/2012 and 79106/VAR/2012.

[N.B. The £5,000,000 town centres contribution is not included here as it is not a reason for granting planning 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 the legal agreement and/or unilateral undertaking has not been completed within three months of the resolution to grant planning permission.

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

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 be carried out in complete accordance with the details shown on the following approved plans:

Site location plan – ref. 7643 L(20)221

Site plan showing additional parking – ref. 7643 L(20)240 (contained within the Supplementary Information Statement prepared by Barton Willmore and dated February 2019)

Proposed ground floor general arrangement plan – ref. 7643 L(20)222 A

Proposed ground floor mezzanine general arrangement plan - ref. 7643 L(20)223 A

Proposed first floor general arrangement plan – ref. 7643 L(20)224 A

Proposed first floor mezzanine general arrangement plan - ref. 7643 L(20)225 A

Proposed external elevations – ref. 7643 L(20)226

Proposed elevations to internal courtyard – ref. 7643 L(20)227 A

3. For the avoidance of doubt, and in accordance with the proposed first floor mezzanine general arrangement plan - ref. 7643 L(20)225 A, there shall be no mezzanine floorspace created at first floor level, other than the 885 square metres shown hatched in red in this plan which is to be used solely for customer facilities such as toilets, baby changing facilities, centre management and medical facilities.

Reason: To reflect the basis on which the application has been assessed and in order to safeguard investment in, and protect the vitality and viability of, existing town centres, when having regard to Policy W2 of the Trafford Core Strategy and the National Planning Policy Framework.



4. The development hereby approved shall be used for purposes within Use Classes A1, A3, A5 and D2 and shall not exceed a total figure, throughout the development, of 36,000 square metres gross internal area (GIA), including, for the avoidance of doubt, any mezzanine floorspace used for these Class A1, A3, A5 and D2 purposes, but not including mezzanine floorspace at first floor level for customer facilities including toilets, baby changing facilities and medical facilities.  
Reason: To reflect the basis on which the application has been assessed and in order to safeguard investment in, and protect the vitality and viability of, existing town centres, when having regard to Policy W2 of the Trafford Core Strategy and the National Planning Policy Framework.
5. i) The total amount of non-food Class A1 retail floorspace at the development hereby approved, whether 'restricted' or 'unrestricted' in terms of the goods that may be sold, shall not exceed 22,000 square metres GIA. For the purposes of this condition, 'restricted' means prohibition on the sale and display of any of the following goods: clothing and footwear, fashion accessories including jewellery, cosmetics, toiletries and pharmaceutical products, books, newspapers, magazines, confectionary and soft drinks;  
ii) The total amount of non-food Class A1 retail floorspace at the development hereby approved that is 'unrestricted' in terms of the non-food goods that may be sold shall not exceed 18,000 square metres (GIA);  
iii) The total amount of leisure floorspace in Use Class D2 at the development hereby approved shall not exceed 13,000 square metres (GIA); and  
iv) The total amount of food and beverage floorspace in Use Classes A3 and A5 at the development hereby approved shall not exceed 4,000 square metres (GIA).  
Reason: To reflect the basis on which the application has been assessed and in order to safeguard investment in, and protect the vitality and viability of, existing town centres, when having regard to Policy W2 of the Trafford Core Strategy and the National Planning Policy Framework.
6. All of the units used for Class A1 non-food retail purposes shall have a minimum unit size of 700 square metres GIA, save for no more than twelve Class A1 units that may fall within the size range of 310 square metres GIA and 700 square metres GIA.  
Reason: To reflect the basis on which the application has been assessed and in order to safeguard investment in, and protect the vitality and viability of, existing town centres, when having regard to Policy W2 of the Trafford Core Strategy and the National Planning Policy Framework.
7. None of the floorspace to be used for Class D2 leisure purposes shall be used as a cinema.  
Reason: To reflect the basis on which the application has been assessed and in order to safeguard investment in, and protect the vitality and viability of, existing town centres, when having regard to Policy W2 of the Trafford Core Strategy and the National Planning Policy Framework.

8. On the second day of January of every new calendar year following the granting of this planning permission (or the next available working day after the second day of January), a monitoring report shall be submitted to the local planning authority. The monitoring report shall describe the usage of the floorspace at the development (in terms of Use Class, occupier and unit size).

Reason: For the avoidance of doubt and in order to safeguard investment in, and protect the vitality and viability of, existing town centres, when having regard to Policy W2 of the Trafford Core Strategy and the National Planning Policy Framework.

9. None of the floorspace associated with this application proposal (for any Use Class), including mezzanine floorspace, that which is newly constructed or that which is newly released from trading restrictions, shall be occupied unless and until:

- i) An additional 50 car parking spaces have been provided within the wider Trafford Centre site and marked out in accordance with details that shall previously have been submitted to and approved in writing by the local planning authority. The submitted details shall include the location, the size, the number and the type of car parking space, and surfacing details;
- ii) The 305 car parking spaces approved by means of application ref. 91474/FUL/17, as amended by application ref. 94983/NMA/18 have been provided at Barton Square.

The car parking spaces identified at i) and ii) above shall thereafter be retained.

Reason: To ensure that an adequate level of car parking is provided to serve the development, having regard to Policy L4 of the Trafford Core Strategy and the National Planning Policy Framework.

10. None of the floorspace associated with this application proposal (for any Use Class), including mezzanine floorspace, that which is newly constructed or that which is newly released from trading restrictions, shall be occupied unless and until a Travel Plan has been submitted to and approved in writing by the local planning authority. The submitted Travel Plan shall be based upon the existing Trafford Centre estate-wide Travel Plan which shall be amended to accommodate and encompass this approved development. The submitted Travel Plan shall include measurable targets for reducing car travel. On or before the first occupation of the floorspace covered by this permission as described above, the approved Travel Plan shall be implemented and thereafter shall continue to be implemented throughout a period of ten years commencing on the date of this first occupation.

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

11. The development hereby approved shall be carried out in accordance with the submitted Drainage Strategy ref. 379572-MMD-XX-XX-RP-C-0001 (prepared by

Mott Macdonald and dated 30<sup>th</sup> August 2018). None of the floorspace associated with this application proposal (for any Use Class), including mezzanine floorspace, that which is newly constructed or that which is newly released from trading restrictions, shall be occupied unless and until a drainage verification report has been submitted to and approved in writing by the local planning authority. The submitted verification report shall confirm that the approved drainage strategy has been developed and implemented. Thereafter, drainage at the site shall be managed and maintained in accordance with the approved details for the lifetime of the development.

Reason: Such details need to be incorporated into the design of the development to prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site, having regard to Policies L5, L7 and SL1 of the Trafford Core Strategy and the National Planning Policy Framework.

12. The development hereby approved shall be constructed in accordance with the Crime Prevention Plan as identified within Section 4.5 of the submitted Design and Access Statement prepared by Leach Rhodes Walker dated September 2018, as supplemented by the consultation response of the Greater Manchester Police (by email) dated 11<sup>th</sup> March 2019. None of the floorspace associated with this application proposal (for any Use Class), including mezzanine floorspace, that which is newly constructed or that which is newly released from trading restrictions, shall be occupied unless and until a Crime Impact Statement verification report has been submitted to and approved in writing by the local planning authority. The submitted verification report shall confirm compliance with the Crime Prevention Plan and the consultation response. The approved details shall thereafter be retained.

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

13. No development shall take place unless and until details of the location of the contractor's site compound have been submitted to and approved in writing by the local planning authority. The submitted details shall demonstrate that the siting of the compound would not allow for any pollutants generated during the construction phase to enter the Bridgewater Canal or the surface water system. The approved details shall be implemented throughout the construction period.

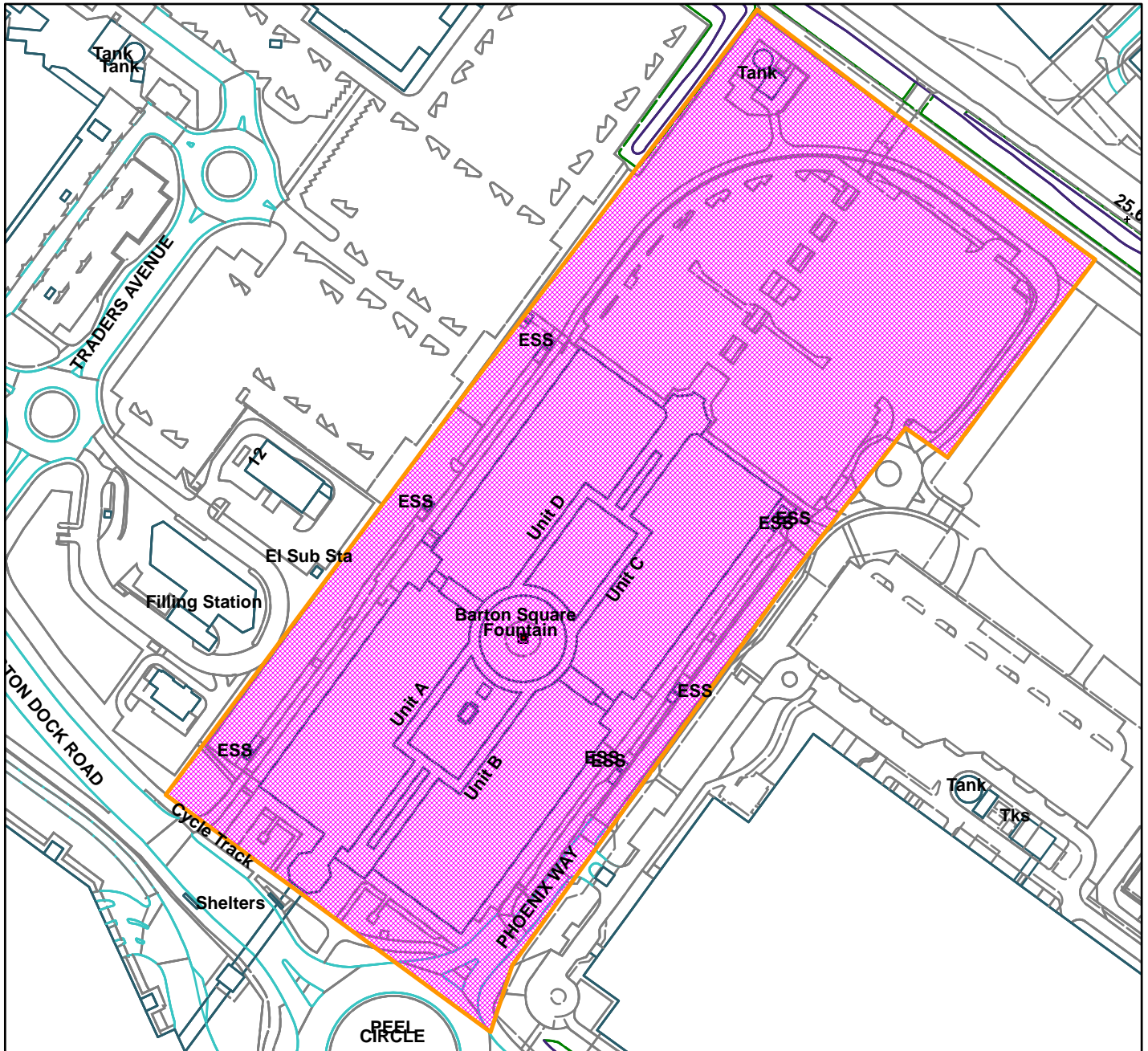
Reason: To provide adequate safeguards for the protection of the Bridgewater Canal, a site of biological importance, during the construction process, having regard to Policy R2 of the Trafford Core Strategy and the National Planning Policy Framework. The scheme is required prior to development taking place on site as any works undertaken beforehand, including preliminary works, could result in pollutant risks.

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BB



Barton Square, Phoenix Way, Trafford Park (site hatched on plan)



Scale: 1:2,500

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Organisation	Trafford Council
Department	Planning Service
Comments	Committee Date 28/03/2019
Date	18/03/2019
MSA Number	100023172 (2012)

**Erection of ground and first floor rear extensions, with a proposed increase to the existing dormer.**

90 Harley Road, Sale, M33 7FP

**APPLICANT:** Ms O'Neill

**AGENT:** Tyler and Co Architects

**RECOMMENDATION: GRANT**

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**The application has been reported to the Planning and Development Management Committee as the number of objections received exceeds 6 as per the Council's Scheme of Delegation.**

**SITE**

The application site comprises a two storey mid-terraced dwelling located on the east side of Harley Road in Sale. The property is constructed in red brick with grey upvc windows. The property has a small private area of hardstanding to the front of the property and a courtyard to the rear. The parking provision for the site is located solely on the street, as is the case with the other surrounding residential properties within the area, which are predominantly terraced.

The property currently benefits from a ground floor rear extension, with an approximate depth of 2 metres and dormer roof extension to the rear roofslope. The rear extension matches the materials of the main dwelling and the dormer is clad in white pvc panels. The dormer adjoins the boundary with No. 88, but is set off the boundary with No. 92, being separated by a chimney.

The application site is located within a well-established residential area with no other designations affecting the site.

**PROPOSAL**

The current proposal is substantially different from the proposal as originally submitted, which following feedback from officers was amended.

Planning permission is sought for the erection of ground and first floor rear extensions, with a proposed increase to the existing dormer.

The proposed ground floor rear extension would have a depth of 2.98 metres, extending the full width of the property and have an eaves height of 2.5 metres and maximum height of 3.1 metres, where it would adjoins the proposed first floor extension.

The first floor extension would have a depth of 1.47 metres, also extending the full width of the property. The roof would be mono-pitched, sloping in towards the main roof and adjoining the rear elevation of the dormer.

The proposal for the dormer is for the existing dormer to be extended in width and depth, re-clad in cement tiles and the existing window replaced. The dormer would measure 3.8 metres wide, 1.8 metres high and have a depth of approximately 3.5 metres. By extending the full width of the roofslope the proposal necessitates the removal of the existing rear chimney, with the one on the front roofslope retained. The proposal also includes the installation of two rooflights within the front roofslope.

Taking into account the existing floorspace of the above, the increase in proposed floorspace, is approximately 12 sq. metres and as such, would not be liable for a CIL contribution.

## **DEVELOPMENT PLAN**

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

- The **Trafford Core Strategy**, adopted 25 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.

## **PRINCIPAL RELEVANT CORE STRATEGY POLICIES**

L4 – Sustainable Transport and Accessibility;  
L7 – Design.

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

## **SUPPLEMENTARY PLANNING DOCUMENTS**

SPD3 – Parking Standards and Design;  
SPD4 – A Guide for Designing House Extensions & Alterations.

## **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. A revised consultation draft was published in January 2019 and a further period of consultation is currently taking place. The weight to be given to the GMSF as a material consideration will normally be limited given that it is currently at an early stage of the adoption process. Where it is considered that a different approach should be taken, this will be specifically identified in the report. If

the GMSF is not referenced in the report, it is either not relevant, or carries so little weight in this particular case that it can be disregarded.

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

The MHCLG published the Revised National Planning Policy Framework (NPPF) on 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**

None.

### **APPLICANT'S SUBMISSION**

None.

### **CONSULTATIONS**

None.

### **REPRESENTATIONS**

In relation to the originally submitted scheme, 12 objections were received with the salient points summarised below:

- Invasion/breach of human rights.
- Directly overlooked.
- Out of character with other terraced houses and would set a precedent for future development.
- Present an eyesore for the street.
- Impact on privacy – Juliet balcony would overlook neighbouring properties.
- Impact on loss of light
- Construction process will affect the ability for others to use and enjoy their garden
- Scale is disproportionate to the existing dwelling.
- Reduces the applicant garden significantly.
- Overdevelopment of the site
- Dominates the house and surrounding area
- Windows in the extension do not match with the original dwelling

The application at this stage was also called into Committee by a Councillor.

Following significant amendments to the scheme a further consultation took place, with one objection received, one objection withdrawn and the Councillor call was

also revoked. However, it remains that 6 or more of the objections were not formally withdrawn as part of the re-consultation period and as such, the item remains to be heard at Planning Committee.

The outstanding singular objection makes the following points:

- Loss of light
- Concerns over overlooking.
- Concerns over the period of time for any building work, including noise.
- Would appear out of sync with the rest of the street.

## **OBSERVATIONS**

### **Design and Visual Amenity**

1. The NPPF (2018) states within paragraphs 124 and 130 that: *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. Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents.*
2. 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.
3. The proposal is for the erection of a part single, part two storey rear extension, along with an extension to the existing dormer, and the installation of 2 roof lights within the front elevation. The only visible aspect of the proposal from Harley Road would be the front rooflights, with the majority of the proposal is located at the rear of the dwelling, which faces towards Waterside. However given the separation from Waterside and scale of the proposal it is not considered that the proposal would be harmful or overly dominant to either the Harley Road or Waterside streetscene.
4. Extensions should be appropriately scaled, designed and sited so as to ensure that they do not appear unacceptably dominant or harm the character of the host property or that of the wider area. The ground floor extension would project by no more than 3 metres, retaining a rear courtyard with a depth of 2 metres. Whilst this would result in a loss of over half of the private amenity space of the property, this is a characteristic shared by a number of properties along Harley Road, with many already extended to a similar depth of the proposal. It is therefore considered that the extension would not be disproportionate to the site, as to harm the character of the area.



5. At first floor the extension would project no more than 1.5 metres, which accords with the Council's policy on extensions of this nature. The roof would be mono-pitched, sloping inwards to adjoin with the outer face of the dormer. The slope of the extension, would not follow the line of the current roofslope, but be slightly higher to enable an appropriate full to ceiling height within the dwelling. The change in roof pitch is not considered to be overly visible due to the proposal for the dormer and scale of the change.
6. In respect in of the two storey extension, whilst this would introduce a new feature to the rear of this section of terrace, it is noted that other two storey extensions, albeit not full width, have been constructed further up the road. On the opposite side of Harley Road the properties were constructed with two storey outriggers as part of the original design. Whilst a two storey addition would be a prominent feature, given the modest depth and roof design, it is considered that it would remain subservient to the main dwelling and designed to complement the character of the property and terrace row in which it is sited.
7. Both the ground and first floor extensions would be built form brick to match the existing and windows would also be of a style and material to match the existing, which is considered to assist in enabling the proposed extension to integrate with the style and character of the dwelling and wider area.
8. The proposed dormer would re-clad and extend the depth and width of the existing dormer in situ. Policy guidance on dormer extensions can be found in SPD 4, which states that; *"Excessively large or too many dormer windows can appear incongruous, top heavy and visually harmful."* The SPD has a preference for pitched roofed dormers, except where it complements the host property. Whilst a pitched roof dormer could work successfully on the applicant's roof, given the proposal is to extend the existing flat roof dormer it is not considered that a pitched roof would be appropriate in this case, due to the width.
9. The proposed dormer, would be set down from the ridge of the roof, but would extend to the eaves of the main roof and be full width. The increase in width would result in the removal of the rear chimney, however this is not considered to be overly harmful to the character of the area, as a front chimney would be retained.
10. Officers acknowledge that the proposed dormer would be of a notable scale, given the size of the main roof. It is also acknowledged that extending dormers to the main outer wall of the original dwelling is often not supported. However it is considered in this case that the proposed two storey extension would successfully integrate with the dormer, reducing its prominence, whilst enabling the applicant to adequately extend their home.
11. The recladding of the dormer and change in window style and scale is also supported and considered to better complement the character of the main dwelling.

12. To conclude, the proposed development is considered to be of a scale and design that is proportionate and appropriate for the host dwelling and wider area. Whilst the scale of the extension to the rear and roof seek to maximise the potential of the property, it is considered that this has been achieved in an acceptable manner and would not result in a development that is unduly dominant and visual harmful to the area. As such it is considered that the proposed development would be in accordance with policy L7 of the Trafford Core Strategy, SPD4 and government guidance contained within the NPPF requiring good design.

### **Residential Amenity**

13. In relation to matters of amenity protection Policy L7 of the Core Strategy states 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.

14. Guidance contained within SPD4 states:

*Extensions which would result in the windows of a habitable room (e.g. living room or bedroom) being sited less than 10.5m from the site boundary overlooking a neighbouring private garden area are not likely to be considered acceptable.*

*Normally, a single storey rear extension close to the boundary should not project more than 3m from the rear elevation of semi-detached and terraced properties and 4m for detached properties.*

*For two storey rear extensions, normally extensions should not normally project more than 1.5m close to a shared boundary. If the extension is set away from the boundary by more than 15cm, this projection can be increased by an amount equal to the extra distance from the side boundary (e.g. if an extension is 1m from the side boundary, the projection may be increased to 2.5m).*

*Windows close to a boundary that are likely to cause a loss of privacy, can sometimes be acceptable if fitted with obscure glazing and top-hung opening windows however this would not be acceptable if it was the main window providing light into a habitable room. (Paragraph 2.15.5)*

15. The depth of both the ground and first floor extension accord with the SPD. At ground floor the extension is considered to not result in any harmful impacts to surrounding occupiers. At first floor, given the position of the windows on the neighbouring properties and depth of the extension it is not considered that the proposal would result in a loss of outlook, overshadowing, daylight, sunlight that would be harmful to the adjoining properties of No. 88 and 92 Harley Road.

16. In regards to privacy the SPD states a desired retained distance to the rear site boundary of 10.5 metres, it is noted that the original dwelling has significantly less than that of the desired distance and it is therefore considered unachievable in ever meeting this criteria. Beyond the rear site boundary, is an access pathway, of which serves those terraced dwellings of Harley Road. This is bound by a wall in excess of 2 metres, with those dwellings on Waterside located on the other side of. The road serving those dwellings on Waterside, is the nearest point to the development and is considered to act as an additional buffer between the proposal and the dwellings of Waterside. Notwithstanding the short distance to the boundary there would still be approximately 29 metres between the nearest window on the extension to the windows of the properties on Waterside and as such the proposal is compliant in regards to privacy distances.
17. The two rooflights on the front elevation are measured offset to neighbouring properties on the adjacent side of Harley Road and as such, are not considered to pose any concern to any neighbouring properties in terms of amenity.
18. Therefore, it is considered that the proposed development, given its scale, location and form, would not adversely harm the occupiers at these addresses with regard to overshadowing, loss of light or an overbearing impact.
19. Given the above, the proposed development would not result in an unacceptable impact on the residential amenity of neighbouring properties and would be in accordance with policy L7 of the Trafford Core Strategy, SPD4 and government guidance contained within the NPPF.

### **Parking**

20. The proposed works do not seek to introduce further bedroom provision and instead seek to increase the size of the existing level of bedrooms (3), as well as incorporating an additional bathroom at first floor level. Therefore, due to the bedroom provision remaining as existing, as well as the nature of the property being serviced by on street parking, it is considered that the proposal would remain compliant with SPD.3 relating to car parking standards.

### **Community Infrastructure Levy**

21. The proposal is for less than 100sqm, measuring approximately 12 metres and would not therefore be liable for the Community Infrastructure Levy (CIL).

### **Conclusion**

22. The proposed development is considered to be acceptable in terms of design and visual amenity, impact on residential amenity and parking provision and would comply with Policies L4 and L7 of the Core Strategy and guidance in the NPPF. It is therefore recommended that planning permission should be granted, subject to conditions.

### **RECOMMENDATION:**

That Members resolve to **GRANT** planning permission for the development 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).

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

- Location Plan;
- Proposed Plans, Sections and Elevations numbered 1116-11 F received on the 5<sup>th</sup> January 2019.

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

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

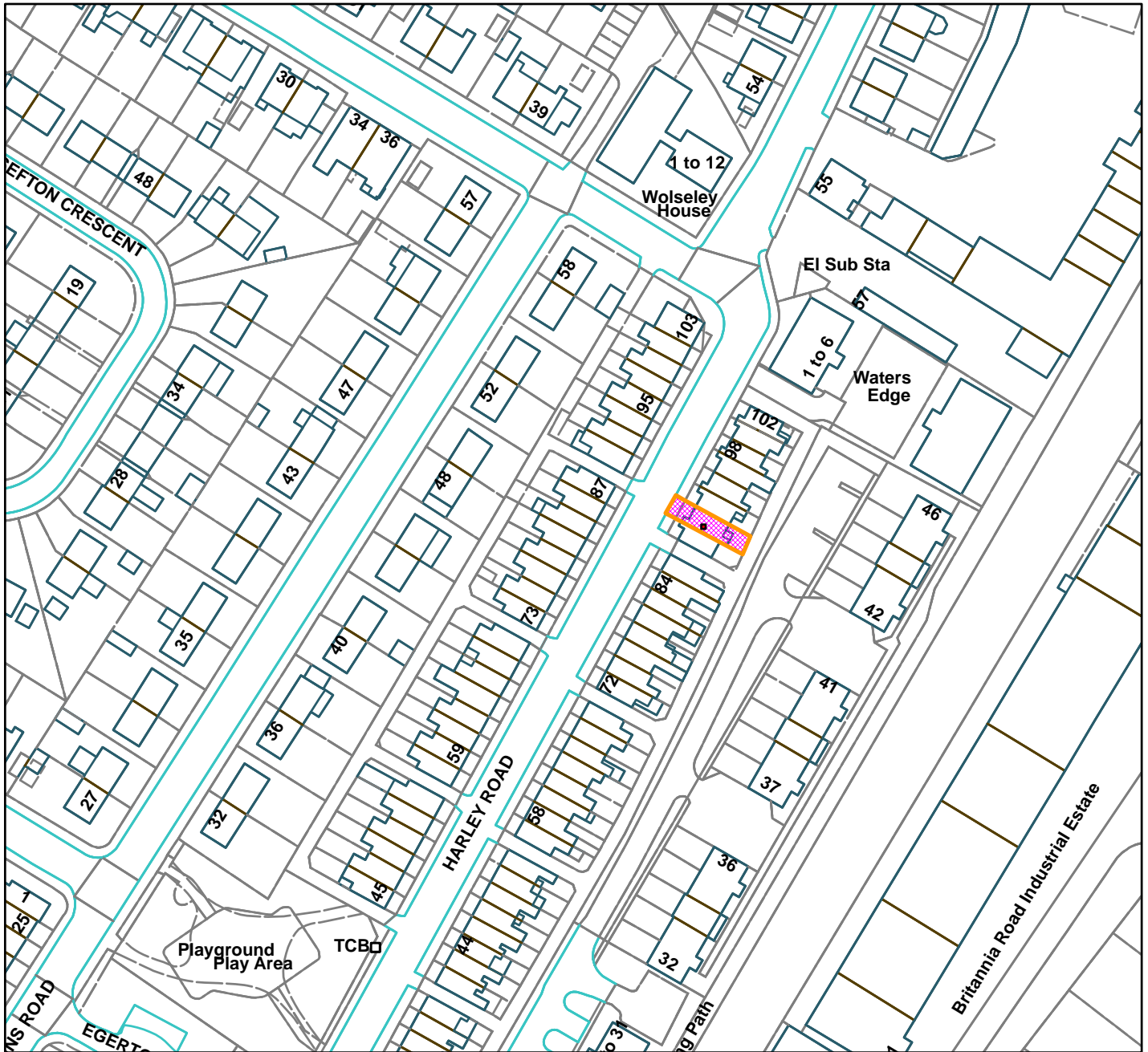
Reason: In order to ensure a satisfactory appearance in the interests of visual amenity having regard to Policy L7 of the Trafford Core Strategy, the Council's adopted Supplementary Planning Document 4: A Guide for Designing House Extensions and Alterations and the requirements of the National Planning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

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**OW**



90 Harley Road, Sale, M33 7FP (site hatched on plan)



Scale: 1:1,250

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Organisation	Trafford Council
Department	Planning Service
Comments	Committee Date 28/03/2019
Date	18/03/2019
MSA Number	100023172 (2012)

**WARD:** Bowdon

**95837/HHA/18**

**DEPARTURE: No**

**Retention of additional glazing within rear elevation.**

67 Langham Road, Bowdon, WA14 3NT

**APPLICANT:** Mr Malthouse

**AGENT:** CA&D Architects

**RECOMMENDATION: GRANT**

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**The application has been reported to the Planning and Development Management Committee as the Scheme of Delegation requires it where a Councillor has an interest in the site. In this case Councillor Sharp has declared a personal interest in the proposal as the application site adjoins his personal residence.**

**SITE**

The application site relates to a semi-detached two storey cottage set within an open courtyard, accessed off Langham Road. The courtyard area is shared with the attached property the Old Coach House at no.67A which fronts onto Langham Road. The whole site is Victorian in age, and comprises of a number of adjoining structures of varying height and forming a 'U' shape. The application property is set back within the site.

The property has been recently been extended to the rear, with planning permission (89163/HHA/16) implemented.

The application site is located within the Bowdon Conservation Area and is considered to be a positive contributor. The site is also located within a Critical Drainage Area.

**PROPOSAL**

The applicant seeks permission for the retention of a triangular window within the rear elevation of the property at first floor level. The window is within the apex of the rear gable and has the same width of bi-folding doors below. The window detail in terms of its material and colour is reflective of the windows and doors within the rear elevation of the approved extension (89163/HHA/16).

**DEVELOPMENT PLAN**

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

- The **Trafford Core Strategy**, adopted 25th January 2012; The Trafford Core Strategy is the first of Trafford's Local Development Framework (LDF) development plan documents to be adopted by the Council; it partially supersedes

the Revised Trafford Unitary Development Plan (UDP), see Appendix 5 of the Core Strategy.

- The **Revised Trafford Unitary Development Plan (UDP)**, adopted 19th June 2006; The majority of the policies contained in the Revised Trafford UDP were saved in either September 2007 or December 2008, in accordance with the Planning and Compulsory Purchase Act 2004 until such time that they are superseded by policies within the (LDF). Appendix 5 of the Trafford Core Strategy provides details as to how the Revised UDP is being replaced by Trafford LDF.

## **PRINCIPAL RELEVANT CORE STRATEGY POLICIES**

L4 – Sustainable Transport and Accessibility

L7 – Design

R1- Historic Environment

In NPPF Paragraph 11 terms, and for the purposes of the determination of this planning application, Policy R1 is considered to be out of date as it does not reflect NPPF policy or case law. All other relevant policies are considered up to date in NPPF terms.

## **SUPPLEMENTARY PLANNING DOCUMENTS**

SPD3 – Parking Standards and Design

SPD4 - A Guide for Designing House Extensions and Alterations

Bowdon Conservation Area Appraisal (July 2016)

Bowdon Conservation Area Management Plan (July 2016)

## **PROPOSALS MAP NOTATION**

Bowdon 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. A revised consultation draft was published in January 2019 and a further period of consultation is currently taking place. The weight to be given to the GMSF as a material consideration will normally be limited given that it is currently at an early stage of the adoption process. Where it is considered that a different approach should be taken, this will be specifically identified in the report. If the GMSF is not referenced in the report, it is either not relevant, or carries so little weight in this particular case that it can be disregarded.

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

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

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

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**

**96673/HHA/19** - Erection of new electric gates and gate posts following demolition of the existing wall to extend the entrance width from the road. This application is currently pending decision.

**92024/VAR/17** - Application for variation of condition 2 on planning permission 89163/HHA/16 (Erection of a single storey side and a two storey rear extension, with glass balustrade to the rear ground floor level and steps leading to the lower ground floor level, following the demolition of the existing double garage). An increase in the area of glazing to the rear elevation of the two-storey rear extension, including the first floor Juliet balcony. Refused 12.10.17 for the following reason:

- 1. The proposal, by reason of the proposed fenestration pattern within the rear elevation of the extension, would result in an incongruous design feature which would appear out of keeping and alien to the host dwelling resulting in harm to the character and appearance of the application site and the Bowdon Conservation Area. The proposal would not preserve or enhance the conservation area and is considered to result in less than substantial harm to the significance of a designated heritage asset in circumstances where no public benefit would accrue from the development. . As such the proposal is contrary to Policies L7 & R1 of the Trafford Core Strategy (2012), the guidance contained within Supplementary Planning Document 4: A Guide for Designing House Extensions and Alterations (SPD4) (2012), Supplementary Planning Document 5.9 Bowdon Conservation Area Appraisal (SPD5.9) (2016), Supplementary Planning Document 5.9a Bowdon Conservation Area Management Plan (SPD5.9a)(2016) and the National Planning Policy Framework (2012).*

**89163/HHA/16** - Erection of a single storey side and a two storey rear extension, with glass balustrade to the rear ground floor level and steps leading to the lower ground floor level extension, following the demolition of the existing double garage. Approved with conditions 4/10/16.

## **APPLICANT'S SUBMISSION**

The applicant has submitted the following documents in support of the application (in addition to plans and drawings):



- Heritage, Design and Access Statement

## **CONSULTATIONS**

None

## **REPRESENTATIONS**

An email has been received by a neighbour stating that there are no objections to the retention of an existing window to the rear of the property.

Councillor Sharp has confirmed that he lives adjacent to the application property but has made no further representation.

## **OBSERVATIONS**

### THE 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 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. 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. Policy R1 of the Core Strategy requires that all new development must take account of surrounding building styles, landscapes and historic distinctiveness. Developers must demonstrate how the development will complement and enhance the existing features of historic significance including their wider setting; in particular in relation to conservation areas, listed buildings and other identified heritage assets. As Policy R1 of the CS is out of date for decision making purposes, the requirements of Paragraph 11 of the NPPF are engaged. Heritage policies in the NPPF could provide a clear reason for refusing the development proposed (NPPF 11d(i)).

## **IMPACT ON DESIGNATED HERITAGE ASSETS**

- 6. The application site is located within the Bowdon Conservation Area and the buildings that relate to the courtyard are collectively designated as being a positive contributor. A “key view” in the Conservation Area is identified outside the entrance to the application site onto Langham Road and further described in Paragraph 4.3.83 of the CAA “*The topography allows for some fine vistas and views. There are views up and down Stamford Road, enhanced by its downhill slope and along Langham Road*”.
- 7. 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.
- 8. The NPPF states that in determining applications, local planning authorities should take account of: the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality. 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. In terms of their significance, the site as part of a group of buildings with the Old Coach House and Vale Bank Cottage are considered to illustrate the development of the settlement within which they sit and reflect the traditional functional character and former uses within the area and has links to Bowdon Old Hall. The site is considered to be in good condition.
- 9. Policy R1 of the Core Strategy states that: All new development must take account of surrounding building styles, landscapes and historic distinctiveness. Developers must demonstrate how the development will complement and enhance the existing features of historic significance including their wider settings, in particular in relation to conservation areas, listed buildings and other identified heritage assets.

However, Policy R1 does not reflect case law or the tests of 'substantial' and 'less than substantial harm' in the NPPF, and is therefore considered to be out of date for the purposes of decision making.

10. Policy L7 of the Trafford Core Strategy states: *In relation to matters of design, development must: be appropriate in its context; make best use of opportunities to improve the character and quality of an area; enhance the street scene or character of the area by appropriately addressing scale, density, height, massing, layout, elevation treatment, materials, hard and soft landscaping works, boundary treatment; and, make appropriate provision for open space, where appropriate, in accordance with Policy R5 of this Plan.*
11. 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). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.'*
12. Paragraph 194 of the NPPF states that *"Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction or from development within its setting) should require clear and convincing justification."*
13. Paragraph 196 of the NPPF advises that *"where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including, where appropriate, securing its optimum viable use."*
14. The relevant policies of the Bowdon Conservation Area Management Plan (CAMP) are as follows:-

#### **Policy 10**

*If the replacement of doors or windows is proposed, whether the existing is of or uPVC, any further replacements should be in timber (unless the original windows can be proven to be of a different material, for example metal) and should represent a significant improvement over the existing. Where windows are replaced, they should respect the size and form of the original opening(s) and glazing bars, and be of an appropriate traditional design. Replacement doors and windows should not detract from the established character of the building.*

#### **Policy 42**

*Any proposed extensions should be high-quality and in-keeping with the character of the surrounding historic rear elevations. Extensions, to an existing historic building, should have regard to its established style by respecting the building's established features, form, proportions and materials. Pastiche copying should be avoided.*

#### **Policy 44**

*Buildings identified as positive contributors (see Map 3) should not to be demolished, partially-demolished or substantially altered in any way that dilutes their contribution to the Conservation Area unless public benefit can be demonstrated that outweighs the harm.*

15. The application seeks permission for the retention of an additional window within the rear elevation of a recently constructed extension. The openings approved in planning permission ref: 89163/HHA/16 are deemed considerably larger and of a contemporary design compared to those openings within the original dwelling and the surrounding pattern of development. However, given the location to the rear of the site and away from the streetscene they were considered acceptable at the time of granting permission. Furthermore, in agreeing to such a contemporary design, it was considered a more light weight appearance and increasing the void to solid ratio was appropriate whilst striking a balance with the original character of the property.
16. The retention of the apex window is considered to be acceptable without significant harm to the character and appearance of the application site, the alteration would retain an appropriate solid to void ratio and would reflect the detailing of the existing approved windows and doors within the rear elevation. This proposal does not go as far as the previous proposals which were refused by the Planning and Development Management Committee in October 2011, which sought to introduce glazing into the vast majority of the rear elevation. The retention of the windows within the apex of the gable given its location to the rear of the site within a contemporary extension, would not appear incongruous and would preserve the character and appearance of the Bowdon Conservation Area.
17. As such, the retention of the apex window would not result in harm to the significance of the Bowdon Conservation Area. In arriving at this decision, considerable importance and weight has been given to the desirability of preserving the Bowdon Conservation Area. Although the development would not strictly 'enhance' the Conservation Area, Policy R1 is out of date and can be given limited weight in this respect. In NPPF terms, there is no clear reason for refusing the development proposed.

#### **RESIDENTIAL AMENITY**

18. Policy L7 of the Trafford Core Strategy states that *"In relation to matters of amenity protection, development must be compatible with the surrounding area; and not prejudice the amenity of the future occupiers of the development and/or occupants of adjacent properties by reason of overbearing, overshadowing, overlooking, visual intrusion, noise and/or disturbance, odour or in any other way"*.

### Privacy and Overlooking

19. The development increases the amount of glazing within the rear elevation of the extension, above an existing habitable room window. This does not change the interface distances to the common rear boundary with properties on Ledward Lane which comply with guidance within SPD4. The retention of the additional glazing would therefore not result in any additional overlooking harmful to privacy to properties to the rear.

### Overbearing/visual intrusion

20. The retention of the window would not appear visually intrusive to the detriment of residential amenity or appear overbearing.
21. The proposal is thereby considered to be acceptable in line with the guidance set out in SPD4 and would not result in harm to the residential amenity of neighbouring and surrounding properties in accordance with Policy L7 of the Core Strategy.

### **PLANNING BALANCE AND CONCLUSION**

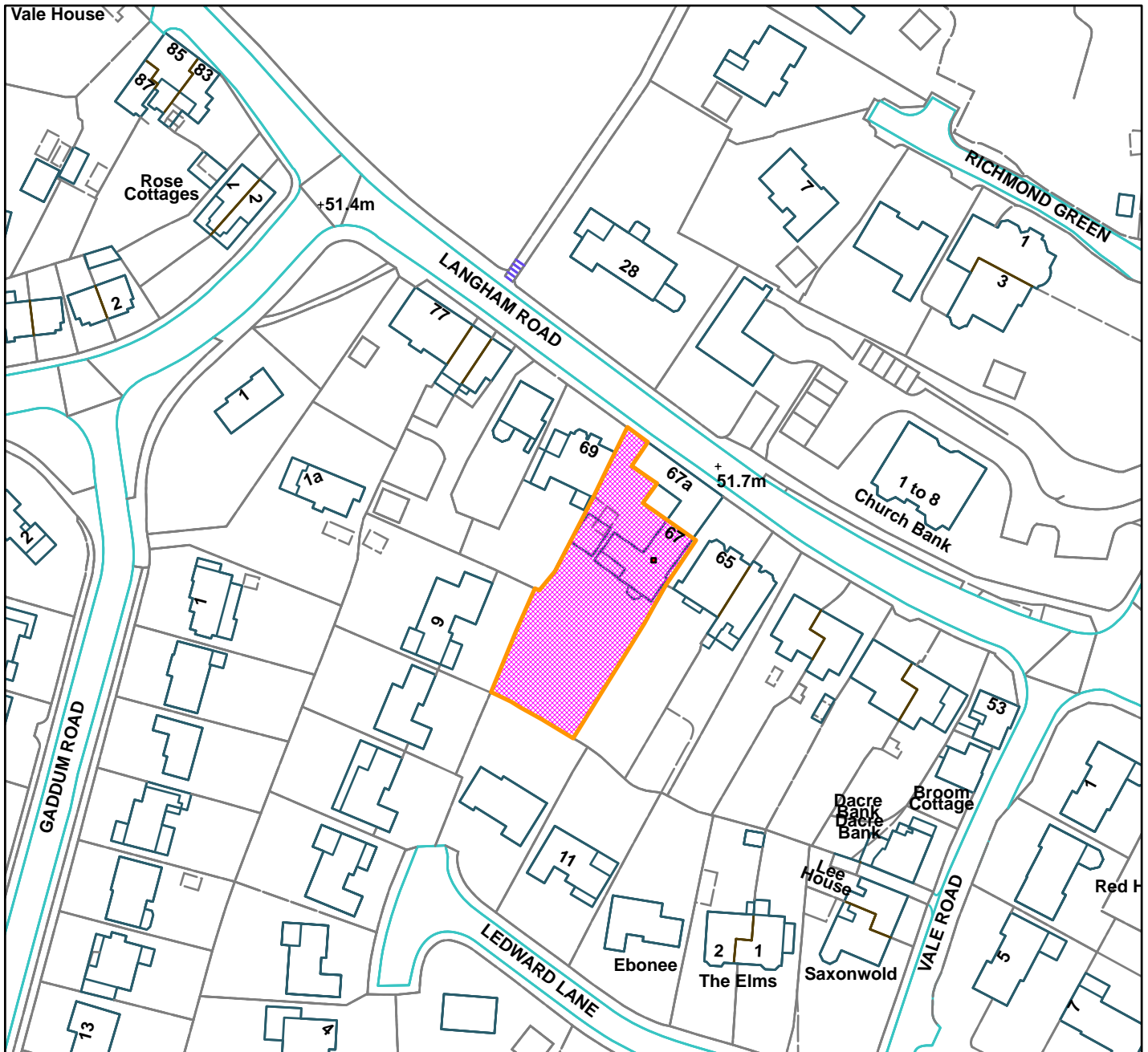
22. S38(6) of the Planning and Compensation Act 1991 states that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise. The proposal would not cause harm to the significance of the Bowdon Conservation Area. Although it would not strictly 'enhance' the heritage asset, Policy R1 is out of date and can be given limited weight in this respect. Paragraph 11(d)(ii) of the NPPF is therefore engaged and there is no clear reason for refusing the development proposed.
23. The proposals would not have any other harmful impacts and otherwise would comply with the development plan. There would be no adverse impacts which would significantly and demonstrably outweigh the benefits. The proposals would therefore be in compliance with Paragraph 11(d)(ii) of the NPPF, which in the absence of up to date development plan policy relating to heritage, is a determinative material consideration. The application is therefore recommended for approval.

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GD



67 Langham Road, Bowdon, WA14 0NB (site hatched on plan)



Scale: 1:1,250

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Organisation	Trafford Council
Department	Planning Service
Comments	Committee Date 28/03/2019
Date	18/03/2019
MSA Number	100023172 (2012)

**Change of use from residential (Use Class C3) to residential home with care (Use Class C2).**

High Gables, 98 Bankhall Lane, Hale Barns, WA15 0NB

**APPLICANT:** Care in Mind

**AGENT:** 4d Planning

**RECOMMENDATION: GRANT**

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**SITE**

The application relates to a large two storey detached property, with accommodation in the roof space, that is situated on the south and eastern side of Bankhall Lane. The property is situated at an elevated ground level to the public footpath and road and faces the junction of Bankhall Lane and Hill Top. The gradient of Bankhall Lane drops as the road bends along the boundary of the application site.

The property benefits from a good sized rear garden and a front and side driveway and the site is characterised by a relatively low level front and side boundary wall on Bankhall Lane, with dense planting and a mature conifer hedge behind. Due to the difference in ground levels, the top of the conifer hedge is approximately between 3m and 4m above street level.

The application site is situated within a predominantly residential area, which is characterised by large detached properties of varying styles. Residential houses bound the site to the south-east and south-west. The site is located within the South Hale Conservation Area.

**PROPOSAL**

The application seeks a change of use of the property from a residential dwelling (Use Class C3) to a residential home with care (Use Class C2). The proposal would provide a seven bed community care home for young adults aged 16 – 25 years of age who have a primary diagnosis of eating disorder.

The care provided would be of a therapeutical and supervisory nature alongside a structured activity programme including low level exercise and mindfulness. The applicant has detailed that the service provided aims to respond to a lack of services for young adults in “bridging” the gap between hospital and independent living within a safe and managed environment. Whilst there will be care provided on site and a range of activities provided, the proposed use is however residential and not a medical facility.

The applicant has confirmed that during the day 11 people will be present on site on a daily basis, 1 manager, 3 carers and 7 young adults.

No external changes are proposed to the property and overall site. No internal changes are proposed at ground floor. The property is currently vacant, but when it was last occupied the applicant has indicated that the property was used as a five bedroom house. The proposed change of use would convert a family room and unlabelled room at first floor level into two further bedrooms, resulting in a total of seven bedrooms. It is noted that these two rooms could have also been converted into bedroom accommodation under its extant use as a 'C3' dwellinghouse without any consent. It is also noted that there are a further four rooms in the attic, which have not been used previously, or proposed to be used as bedroom accommodation.

Car parking to serve the proposed use would be provided in the existing integral garage and front and side driveway. The existing rear garden would provide a private amenity space for the residents and no changes are proposed to the outdoor space around the property.

The application site contains a number of protected trees. The application does not include any works to or the removal of any of these trees.

## **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**

L2 – Meeting Housing Needs

L4 – Sustainable Transport and Accessibility

L7 – Design

R1 – Historic Environment

## **PROPOSALS MAP NOTATION**

South Hale Conservation Area



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

None

### **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. A revised consultation draft was published in January 2019 and a further period of consultation is currently taking place. The weight to be given to the GMSF as a material consideration will normally be limited given that it is currently at an early stage of the adoption process. Where it is considered that a different approach should be taken, this will be specifically identified in the report. If the GMSF is not referenced in the report, it is either not relevant, or carries so little weight in this particular case that it can be disregarded.

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

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

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

DCLG published the National Planning Practice Guidance on 6 March 2014 and it is regularly updated. The NPPG will be referred to as appropriate in the report.

### **RELEVANT PLANNING HISTORY**

90278/TCA/17 - Works to protected trees in a conservation area, specifically the pruning of one Beech tree, three Cypress trees, two Maple trees and one Oak tree – Approved with conditions 03.02.2017.

80635/TW/2013 - Works to protected trees in a conservation area: the pruning of two Copper Beech trees – Approved with conditions 04.06.2013.

H27486 - Erection of detached house – Approved with conditions 31.08.1988.

H24108 - Erection of detached dwelling house with double garage and new vehicular access onto Bankhall Lane – Approved with conditions 04.12.1986.

### **APPLICANT'S SUBMISSION**

The applicant has submitted a Design and Access Statement in support of the application which details the following: -

### Details of use

- The proposed care facility would not provide physical care / intervention as such, with care being of a therapeutic and supervisory nature alongside a structured activities programme, including low level exercise such as yoga and mindfulness on the site.
- Basic physical health monitoring will be provided, typically consisting of basic observations, medical reviews and on occasion blood monitoring via an on-site phlebotomist. Staff will not be required to assist with personal hygiene.
- The role of staff at the site would not be substantially different to the role of a parent within a household environment.
- The average stay for a resident is around 2 years, providing a stable and homely environment. The use of family homes such as this provides a safe and secure environment for young adults to receive specialist care. During their stay, the site will be the resident's sole place of residence.
- The on-site care team is comprised of staff working on a rota system of long days. There will be a maximum of three carers to seven young adults present at any one time.
- During their stay, residents may attend further education facilities alongside their care, living as members of the local community.
- On occasion a manager may work on site during between 09:00 – 17:00, the main business operations will be conducted from Care in Mind's main premises in Stockport. A clinical nurse will visit two days a week. Overnight two staff members will be present.
- Residents would not have access to their own vehicles during their stay.
- Residents will relax together, share mealtimes and all facilities including the living room, kitchen and bathroom areas. All facilities at the site would be communal and staff members would not benefit from separate facilities. The residents and staff therefore live together as a single household.
- Should they wish, residents could come and go as they please.
- The proposal is not akin to a nursing or care home where physical treatment and/or significant levels of care are provided. The applicant is willing to accept a condition restricting the use of the home specific to its needs.

### Site details

- The immediate context of the site is residential in nature, however the wider area is mixed use and contains day to day facilities. Within approximately a 5-10 minutes' walk from the site there are commercial shops, schools, churches and playing fields.
- The area is serviced by public transport, with bus routes on Broad Lane, Arthog Road and Hale Road, which are all within walking distance of the site.

## **CONSULTATIONS**

**LHA –** No objections. The LHA have confirmed that they consider that adequate parking would be provided for the proposed use and that they have no highway safety concerns resulting from the proposal. Full comments are discussed in the Observations section below.

**Pollution & Housing: Nuisance** – No objections, recommend that a condition is attached ensuring that the premises are only used for the use and number of occupants / staff applied for.

**Public Health England** – No comments received.

## **REPRESENTATIONS**

114 letters of objection have been received from 88 properties across Hale Barns, Hale and Bowden and 1 letter from a resident of Salford. 37 of the letters received were from properties on Bankhall Lane, Hill Top, Rappax Road, North Road and Alan Drive, which surround the application site. Many of the letters received contained the same text or merely stated that they agreed with the objection of another resident. A summary of the objections are: -

- Concern for road safety. The blind bend at Hill Top and Bankhall is already a dangerous road in which to cycle, this will be exacerbated by the increased traffic and associated parking issues.
- Bankhall Lane is not well served by public transport, resulting in increased traffic and inconsiderate roadside parking around a very dangerous blind curve. Since January 2019 there is only one bus running around every hour (one each way), this is not a frequent service.
- To have a significant increase in traffic movements from the property would pose an unnecessary risk to public safety both car borne and pedestrians on foot.
- This sort of development should not be built in a residential neighbourhood but in a location with adequate off road parking and served by public transport.
- The turning head within the site would have to be occupied by additional parked cars and so exiting the site in forward gear would not be possible.
- No Travel Plan has been submitted.
- Support the concept of care in the community but the application fails in meeting housing needs, sustainable transport and accessibility, design and pre-application engagement and promoting healthy and safe communities.
- The Design and Access Statement acknowledges that 11 people will be present on site during the day, this is in excess of what could reasonably be expected of a typical dwelling in the neighbourhood.
- The increasing institutionalisation of the neighbourhood and transient nature of residents is inappropriate for the area and will have an unacceptable impact on residential amenity.
- In Bankhall Lane there are about 60 houses all known to be residential in the sense they are occupied by a “family”. Not a single house is known to be a business or commercial centre of activity as this application would turn the site into with all associated issues.
- The additional noise and pollution from the inevitable influx of more residents, staff, medical teams, visitors, friends of patients and service vehicles is not acceptable for a residential area.

- The location is too far away from local facilities such as cafes, restaurants, pubs and shops which the residents would want to use to feel part of the community.
- As a provider offering specialist mental health supported residential placements, the applicant's provision is not contained to just young people with eating disorders. A change of use to a residential care home would be for a generic use, even if consent was conditioned, fail to see how this would be policed or enforced and so the use is entirely incompatible with the surrounding area and prejudice the amenity of occupants of adjacent properties.
- The change of use to residential institution is wide ranging and includes residential care homes, hospitals, nursing homes, boarding schools, residential colleges and training centres. All of these would be unacceptable on the site given location to surrounding properties and substandard access on a dangerous bend.
- It is not the right area for this facility so close to a Children's Nursery and in a residential area with the noise, parking and safety being key issues.
- The current demography of schools within the area catering for young children is not compatible with such a secured mental facility.
- There is a lack of definition of potential occupants, there is the potential for abuse of the use should the wide ranging application be supported.
- The site is located within the Hale Conservation Area and is a residential area occupied by families. The proposal would not preserve the characteristics of the Conservation Area.
- This area is greenbelt and should remain as such. *(This point is not correct as the site is not located within the greenbelt)*
- No evidence has been provided on why this facility is needed in Hale. The Priory Hospital is less than 5 minutes' walk away, which provides a similar function.

A number of other concerns were also raised which are not considered to be planning matters and thus are not a material consideration in the assessment and determination of the application.

Councillor Myers has also objected to the application, raising concerns about the ingress and egress on a dangerous corner in view of the likely number of traffic movements. He also states that this part of Hale is predominantly residential and some distance from local amenities which would be problematic for vulnerable people.

## **OBSERVATIONS**

### PRINCIPLE OF PROPOSAL

1. 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.
2. Policies L2, L7 and R1 of the Trafford Core Strategy are considered to be ‘most important’ for determining this application when considering the application against NPPF Paragraph 11. Policies L2 and L7 of the Core Strategy are considered to be compliant with the NPPF for the purposes of this application and therefore up to date and can be given full weight in the decision making process. Policy R1 of the Core Strategy, relating to the historic environment, does not reflect case law or the tests of ‘substantial’ and ‘less than substantial harm’ in the NPPF. Thus, in respect of the determination of planning applications, Core Strategy Policy R1 is out of date.
3. The NPPF 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 (paragraph 61). This is supported by Policy L2, which refers to the need to ensure that a range of house types, tenures and sizes are provided. Although the application would result in the loss of a substantial large family dwellinghouse, it is considered that a good supply of large family dwellinghouses would remain, particularly within the surrounding area of the application site and Hale Barns overall. Furthermore, whilst the application seeks a change of use, it would be retained for housing provision, although with care provided.
4. Although Policy R1 of the Core Strategy can be given limited weight, no less weight is to be given to the impact of the development on heritage assets as the statutory duties in the Planning (Listed Buildings and Conservation Areas) Act 1990 are still engaged. Heritage policy in the NPPF can be given significant weight and is the appropriate means of determining the acceptability of the development in heritage terms. Analysis later in this report demonstrates that there are no protective policies in the NPPF, including policies related to designated heritage assets, which provide a clear reason for refusing the development proposed. Paragraph 11(d)(ii) of the NPPF 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.

## IMPACT ON HERITAGE ASSESTS / DESIGN

5. 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.
6. National guidance in the NPPF requires that local planning authorities take into account the particular significance of the heritage asset when considering the impact

of a proposal to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal. (para. 190).

Para. 192 indicates that when local planning authorities are determining planning applications, they should take account of:-

- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*
- the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and*
- the desirability of new development making a positive contribution to local character and distinctiveness.*

7. Paragraph 193 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). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
8. As the application site is situated within Character Zone C of the South Hale Conservation Area (SHCA) the proposal should be considered against the policies of the adopted South Hale Conservation Area Appraisal (March 2017) and the South Hale Conservation Area Management Plan (March 2017).

### Summary of Special Interest

9. The SHCA derives its significance partly from its spacious layout, mature landscape and combination of natural and built form. It has many fine individual residences in a variety of architectural styles and from a variety of periods including Victorian, Edwardian and modern. The materials include red and brown brick, some are partially or fully rendered using traditional materials, which is common with arts and crafts houses. There is a high level of architectural integrity and detail. Houses are set in generous gardens, which are characterised by a variety of mature trees and shrubs. The low proportion of the gardens given over to hard standing and the space around the properties give South Hale it's characteristic of spaciousness.
10. The CAA states that in Zone C of the Conservation Area, is centred on the top of the hill. The majority of houses are spacious Edwardian properties, though there are also interwar and modern dwellings. Numerous 1930s properties along Broadway and Broad Lane have been demolished and new development has taken place, creating pockets of modern character. Many of the properties are set back from the street line and obscured by the highly boundary treatments and mature planting.

## Consideration of harm

11. The application site is not within the setting of a Listed Building and within the townscape analysis the application dwelling is not identified as positively contributing to the character and appearance of the conservation area.
12. Concern has been raised by a number of neighbouring residents that the proposed change of use would introduce a business use that would be out of character with the Conservation Area. Whilst the proposal would be operated by a business, the nature of the development is to form a residential home with care. The proposed development would provide a residential home for up to seven young adults. The residents would be supported by up to four members of staff (one manager and three carers) at any one time on the site. It is considered that this is not significantly different to a single large family or a family with members who require support care.
13. The application does not include any external alterations to the building or boundary treatment around the site. It is therefore considered that due to the nature and scale of the proposed use, that the proposal would maintain the appearance of a typical large residential dwellinghouse when viewed from outside the building.
14. Furthermore, whilst residential properties are the predominant character within Zone C of the SHCA, there are no policies within the SHCAA that presume against the change of use of the property. As such, the proposed development would have a neutral impact on the character and appearance of the South Hale Conservation Area and would not cause harm to its significance. It would preserve the character and appearance of the conservation area and thus the heritage asset.
15. In arriving at this conclusion, considerable importance and weight has been given to the desirability of preserving the character and appearance of the South Hale Conservation Area.

## RESIDENTIAL AMENITY

16. 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.
17. The proposal would result in a change of use of the current dwellinghouse to a residential care home, providing therapeutical and supervisory care for young adults who have a primary diagnosis of eating disorder. The proposal would not include any external alterations to the existing building and site and whilst the change of use would result in minor alterations to the internal layout at first floor level to create two further bedrooms from how the property was last occupied, the proposal would not introduce additional habitable room windows to the building. It is therefore

considered that the proposal would not result in a loss of privacy to neighbouring residents.

18. Concerns have been raised by neighbouring residents regarding the commercial use of the site and the detrimental impact this would have on their amenity. The proposal would form the permanent home for each of the residents for a period of approximately two years. The property and overall site would retain its residential characteristics such as the provision of a lounge, dining room, kitchen, bedrooms, bathrooms and private garden space. The applicant has also confirmed that the care home would operate in a way that a manager would not be present on site every day and would only be present between 09:00 and 17:00 hours. Clinical nurses would only visit two days per week and only two members of staff would be present overnight.
19. The care staff would work on long shift patterns in order to help create a homely environment for the residents, which would also reduce the frequency of comings and goings of the staff to and from the site and the frequency of change overs. The applicant has confirmed that staff changes would occur at 07:30am and 21:30pm. Whilst the shift changeover would take place in the early morning and late evening, given the number of staff on site this is not considered to result in a significant level of comings and goings that would be harmful to the amenity of surrounding properties. Furthermore, given the site characteristics, being a large detached dwelling in a generous plot, it is considered that this would further screen and reduce the impacts comings and goings to the site would have on surrounding residents.
20. The applicant has also confirmed that the residents of the home would not be permitted to have a vehicle on the site and the maximum number of care staff and manager on the site combined would be a maximum of 11 at any one time. The running of the home would include strict meal times, activities and management of visiting family and friends of the residents. Whilst it is acknowledged that there will be times when the activity and number of persons on site increases, due to the scale of the proposed operation it is not considered that the extent of comings and goings to the site or activity on site would be at a level that would result in undue noise and disturbance to neighbouring residents.
21. The Council's Housing and Pollution Service were consulted on the application in regards to the potential of the proposal to result in undue noise and disturbance to neighbouring residents. They have raised no objections to the application though recommend that a condition is attached should planning permission be granted to ensure that the premises is only used for the purposes of a care home for young adults accommodating a maximum of seven residents. It is considered that through the implementation of this condition, the change of use would not be open to other 'C2' uses such as hospitals, schools and training centres that could have a more intensive impact on the site, which in turn could result in undue noise and disturbance to neighbouring residents.



22. The private garden area to the property is to be used by the residents with the application details stating that this would be used for gentle exercise and mindfulness activities. It is considered that given the maximum number of residents that would be present on the site and comparing the proposal to the extant use as a large family dwellinghouse, that the nature of the outdoor activities that would be likely to occur would also not result in undue noise and disturbance to adjoining residential properties and gardens. As the garden would operate as a private amenity space for the residents, it is noted that other activities may take place in this space, such as BBQs and informal outdoor games such as football. It is considered that such activities could and do regularly occur in any typical family residential property and thus would not be uncharacteristic of the surrounding area. Therefore given the scale of the operation proposed, characteristics of the existing consented use and distance to surrounding properties it is not considered necessary, reasonable or enforceable to restrict the use of the outdoor amenity space.
23. Concerns have been raised by neighbouring residents regarding the proposed use of the site for the care of young adults with a diagnosis of eating disorders and how this could not be policed or enforced, opening up the site to other mental health conditions, which therefore means that the proposed use is incompatible with the surrounding area, prejudicing the amenity of adjacent properties. Concerns have also been raised regarding the nature of the potential residents and the site's close proximity to schools and children's nurseries. The care provider and operations on site would be subject to other regulatory controls beyond that of Planning, which would require that safeguarding measures are put in place for the residents, but also the public.
24. It is considered that it would not be reasonable or enforceable to restrict the use of the site to residents with a specific diagnosis. The applicant has detailed however that the service provides a 'bridging facility' between hospital and independent living within a safe and managed environment. It is therefore anticipated that it would be unlikely that patients within a hospital environment would be discharged to a care home such as this until it was deemed appropriate to do so. .
25. Concerns have been raised regarding the lack of services and facilities such as schools, shops and open space near the site to serve the future residents. It is considered that the site provides an acceptable level of amenity for future residents of the site, as it has done for the previous residential occupants of the site and the adjoining residents to the site. The centre of Hale is approximately a 15 minute walk from the site, which is considered a reasonable distance for residents.
26. It is therefore considered that the proposed change of use would not have an unacceptable detrimental impact on the residential amenity of the neighbouring and surrounding residential properties and would provide an acceptable level of amenity for the future occupants of the site. As such the proposal would comply with Core Strategy Policy L7 and the NPPF in this respect.

## HIGHWAYS, PARKING AND SERVICING

27. Core Strategy Policy L4 states: *[The Council will prioritise] the location of development within the most sustainable areas accessible by a choice of modes of transport. Maximum levels of car parking for broad classes of development will be used as a part of a package of measures to promote sustainable transport choices.*
28. Core Strategy Policy L7 states: *In relation to matters of functionality, development must incorporate vehicular access and egress which is satisfactorily located and laid out having regard to the need for highway safety; and provide sufficient off-street car and cycle parking, manoeuvring and operational space.*
29. SPD3: Parking Standards and Design for Trafford states that for residential care homes in this location require the provision of one car parking space per five beds. The application proposes the provision of seven bedrooms and therefore two car parking spaces are required. The applicant has detailed that there would be a maximum of four staff on the site at any one time and that the residents would not be permitted to have their own vehicles on the site. The building contains an existing single integral garage that meets the dimension standards set out in SPD3. The applicant has also submitted a site plan that demonstrates that five further car parking spaces can be accommodated within the site, thus creating a total of six car parking spaces. The LHA has confirmed that proposed car parking provision and layout is acceptable. It is therefore considered that the proposed change of use would not result in an increase in on-street car parking.
30. SPD3 requires the provision of one cycle parking space per 40 bedrooms (with a minimum of two spaces) for a residential care home, thus generating the need for two cycle parking space. Although no details have been submitted for the creation of the cycle parking space, the LHA considers that there is adequate space within the site, including the existing integral garage, to accommodate the two cycle parking spaces.
31. The application would not result in any changes to the site access and egress. It is noted that concerns have been raised by neighbouring residents regarding the access to the site and the location of the site close to a blind bend. A 'Highways Review' has also been submitted by a highways consultant on behalf of an objector. The LHA has considered this 'Highways Review' and are of the view that whilst the existing access arrangements to the site could benefit from some localised widening, the proposal would not generate a significant increase in parking demand on the site compared to the demand generated by the existing five bedroom property on the site. It would therefore be unreasonable to require access improvements as part of this application. The LHA note the proximity to the Bank Hall Road / Hill Top junction and have confirmed that they have no Highway safety concerns.
32. The applicant has confirmed that as the carer's shifts are long in nature, there would be two shift changes, one at 07:30am and another at 21:30pm, thus resulting in

limited comings and goings occurring to/from the site during the daytime, additional to a typical large family home. The LHA therefore considers that the vehicle movements associated with the proposed use will be relatively small in number

33. The applicant has not provided details regarding the provision of refuse and recycling storage within the site. It is considered that this is unlikely to be significantly above and beyond the provision required for a large family dwellinghouse and it is further considered that there is sufficient space within the site to accommodate the required provision in a way that would not be detrimental to highway safety or the amenity of neighbouring residents.

#### DEVELOPER CONTRIBUTIONS

34. This proposal is subject to the Community Infrastructure Levy (CIL) as an Institutional Facility, and 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).

35. No other planning obligations are required.

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

36. There is no 'clear reason for refusing the development proposed' when considering the application against Paragraph 11(d)(i) of the NPPF. The proposal would not cause harm to the significance of The South Hale Conservation Area. Although it would not strictly 'enhance' the Conservation Area, Policy R1 is out of date and can be given limited weight in this respect. In NPPF terms there is no clear reason for refusing the development proposed. Paragraph 11(d)(ii) of the NPPF is therefore engaged.
37. All other detailed matters have been assessed, including residential amenity and highway safety. These have been found to be acceptable, with, where appropriate, specific mitigation secured by planning condition. All relevant planning issues have been considered and representations and consultation responses taken into account in concluding that the proposals comprise an appropriate form of development for the site. The adverse impacts of the proposal are significantly and demonstrably outweighed by the benefits.
38. The proposal is therefore considered to be appropriate in principle as well as being acceptable with reference to its impact on the above noted heritage asset, in addition to its impacts on residential amenity, privacy, the local highways network, parking and servicing. It is therefore considered to be acceptable with reference to Core Strategy Policies L2, L4, L5, L7 and R1, the South Hale Conservation Area SPDs, the Parking Standards and the NPPF.

**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 OS01, SR01B, SR02B, SR03B, SR04, SR05 and BP01.

Reason: To clarify the permission, having regard to Policies L2, L4 and L7 of the Trafford Core Strategy and the National Planning Policy Framework.

3. The site shall only be used as a care home for young adults (aged between 16-25 years old) and for up a maximum of 7 residents at any one time and for no other purposes within Class C2 of the Town and Country Planning (Use Classes) Order 1987 (as amended) and the Town and Country Planning (General Permitted Development) (England) Order 2015 or any equivalent Order following the amendment, revocation and re-enactment thereof.

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

4. A maximum of 4 care staff, including the site manager, shall be present on the site at any one time.

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

5. The car parking, servicing and other vehicular access arrangements shown on the approved plans to serve the development hereby permitted shall be made fully available prior to the development being first brought into use and shall be retained thereafter for their intended purpose. Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 or any equivalent Order following the amendment, revocation and re-enactment thereof, no development (other than that carried out in accordance with this permission) shall take place on any of the areas so provided.

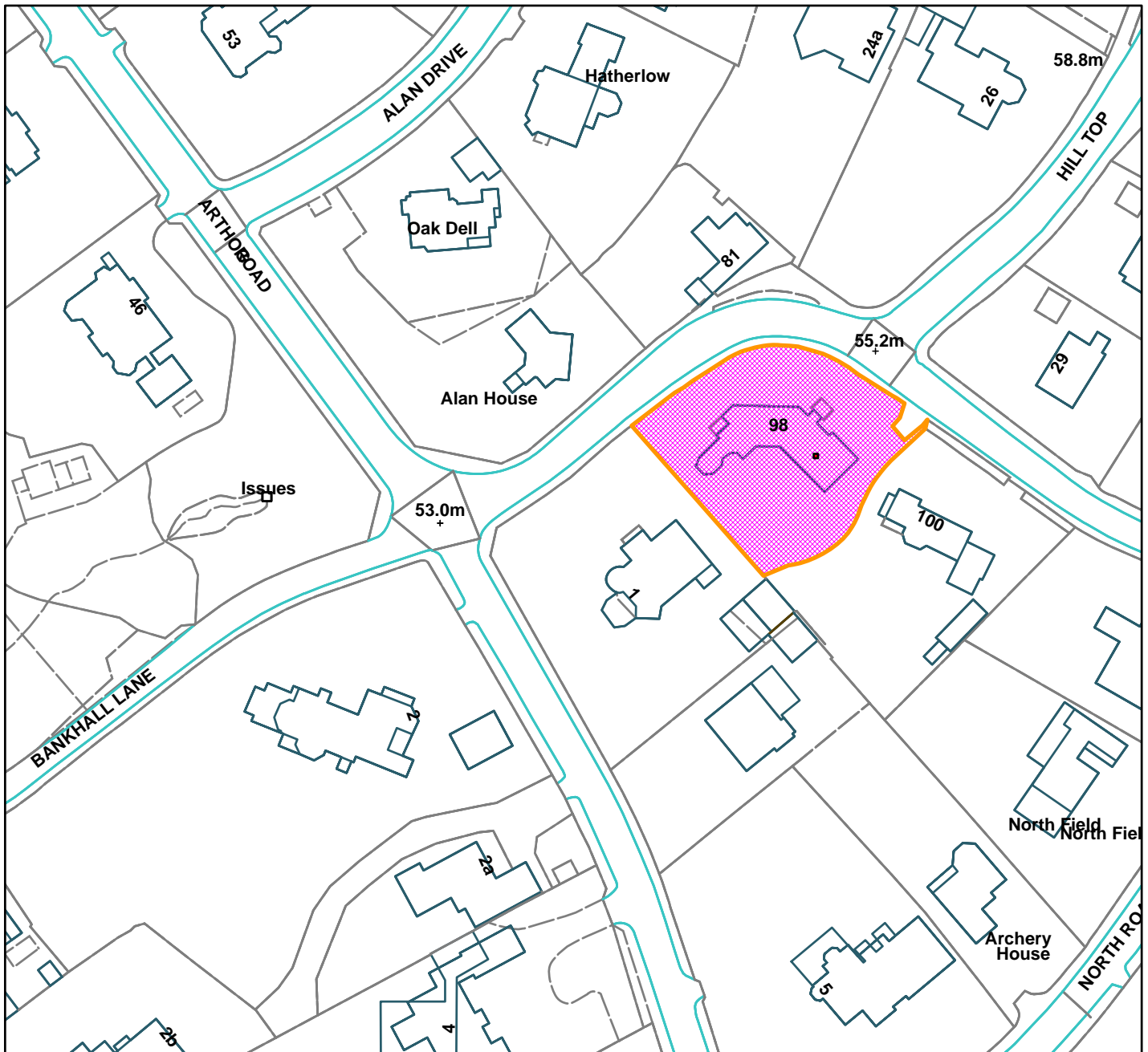
Reason: To ensure that satisfactory provision is retained within the site for the accommodation of vehicles attracted to or generated by the proposed development, having regard to Policies L4 and L7 of the Trafford Core Strategy and the Council's adopted Supplementary Planning Document 3 - Parking Standards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

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VW



High Gables, 98 Bankhall Lane, Hale Barns, WA15 0NB (site hatched on plan)



Scale: 1:1,250

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Organisation	Trafford Council
Department	Planning Service
Comments	Committee Date 28/03/2019
Date	18/03/2019
MSA Number	100023172 (2012)

**Conversion of attached garage to habitable accommodation, erection of single storey side and rear extension, rear glazed garden room, timber framed car port and associated landscaping.**

43 Dunham Road, Altrincham, WA14 4QG

**APPLICANT:** c/o agent

**AGENT:** Bowker Sadler Architecture

**RECOMMENDATION: GRANT**

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**SITE**

The application site relates to a detached property “Deep Fields” located between Dunham Road to the north and Devisdale Road to the south and sited within the original garden area of “Oakleigh” immediately to its northern boundary. The site is accessed via a shared driveway linking Oakleigh and Tall Trees and a private driveway running alongside the eastern boundary of Oakleigh. The property currently is over two floors to its front elevation, revealing basement accommodation and access onto a subterranean patio area towards its rear with steep lawned embankments up to normal ground levels. The property also has a subterranean swimming pool that is directly beneath a lawned area on the northern side of the property. There is substantial planting to the property’s southern and western boundaries with “Hurst Dale” and “Chaseley”, with boundary fencing predominantly along its northern boundary with “Oakleigh”, and along the north eastern boundaries shared with “Tall Trees” and “West Lynn”.

The property is a characteristic brick built property with a pronounced principal entrance and flat roof attached garage with informal landscaping to its frontage. It was built circa 2014 and has its principal elevation facing in a north eastern direction directly facing the side boundary with “West Lynn”; a large building with apartments set over five floors with external private balconies facing a southerly direction overlooking large informal communal grounds. The application site has a row of conifer trees within its curtilage adjacent to this boundary that has recently been reduced in height but still provides mature screening.

Directly adjacent to the southern boundary, “Hurst Dale” has a detached coach house with accommodation at first floor level only, with high level velux windows within the northern roof plane facing the application property and habitable room windows within the southern elevation facing its own courtyard and driveway. This is also a substantial building set over three floors that has been converted into apartments, with a large, single storey flat roof extension towards its western elevation relating to ground floor apartments and associated rear patio areas. Habitable windows face towards the front and rear of the building, with none directly facing the application site. A service area and side access gate is located between the coach house and the main building. A single

storey side extension providing a bedroom to apartment No.1 is towards the north western corner of “Hurst Dale” with a small patio area. Direct views from that habitable room window are limited, with some screening provided by an embankment and planting.

Substantial planting including mature trees within the curtilage of the application site are sited upon a ridge that runs alongside the southern boundary with Hurst Dale and mature planting lies along the western boundary with Chaseley beyond.

The property is within the Devisdale Conservation Area and although not itself identified as a positive contributor, the neighbouring properties of Chaseley, West Lynn and Hurst Dale are.

## **PROPOSAL**

The proposal includes:

- The conversion of an existing attached garage to habitable accommodation with a contemporary extension immediately towards its rear with sliding doors and balustrade overlooking a remodelled subterranean level patio with additional soft landscaping.
- Erection of open-sided carport with spaces for 3no. vehicles, one of which has a drainage system for cleaning of vehicles.
- Natural stone water feature within front driveway to create a natural turning area for vehicles within an enlarged hardstanding area.
- Proposed landscaping including 2m high boundary hedge within south eastern corner, planting of trees alongside boundary adjacent to Oakleigh and other multi-stem trees and ornamental planting beds within the application site.

The increase in floor space of the proposed development would be less than 100m<sup>2</sup>.

## **VALUE ADDED**

The proposal has been amended during the application process. The key amendments comprise:

- The omission of an all-weather games pitch with associated 3m high fencing and rebound boards.
- Improvements to hard and soft landscaping with additional tree planting to boundary edges to improve the appearance of the dwelling within the Conservation area and improve residential amenity to neighbouring occupiers.
- Removal of glass balustrade and retention of existing steel balustrade.
- Alterations to proposed car port with reduction from five to three parking spaces, a reduction of both eaves and ridge height and a more simplistic design to provide increased spaciousness and subordinate design.



## **DEVELOPMENT PLAN**

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

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

### **PRINCIPAL RELEVANT CORE STRATEGY POLICIES**

L4 – Sustainable Transport and Accessibility

L7 – Design

R1- Historic Environment

In NPPF Paragraph 11 terms, and for the purposes of the determination of this planning application, Policy R1 is considered to be out of date as it does not reflect NPPF policy or case law. All other relevant policies are considered up to date in NPPF terms.

### **SUPPLEMENTARY PLANNING DOCUMENTS**

SPD3 – Parking Standards and Design

SPD4 - A Guide for Designing House Extensions and Alterations

SPD5.10 – Devisdale Conservation Area appraisal (July 2016)

SPD5.10a – Devisdale Conservation Area Management Plan (July 2016)

### **PROPOSALS MAP NOTATION**

Devisdale 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. A revised consultation draft was published in January 2019 and a further period of consultation is currently taking place. The weight to be given to the GMSF as a material consideration will normally be limited given that it is currently at an early stage of the adoption process. Where it is considered that a different approach

should be taken, this will be specifically identified in the report. If the GMSF is not referenced in the report, it is either not relevant, or carries so little weight in this particular case that it can be disregarded.

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

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

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

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**

80636/FULL/2013 - Erection of detached dwellinghouse to rear of Devisdale House, with associated driveway; landscaping throughout to include erection of gate piers and gates. Approved November 2013.

#### Tall Trees

H/66400 - Demolition of existing house and garage followed by erection of detached dwelling and detached garage with living accommodation above. Approved June 2007.

#### Oakleigh

H/69587 - Demolition of existing orangery. Erection of single storey side extensions; increase to basement area to form swimming pool; alterations to existing garage; erection of side dormer and porch and various external alterations. Approved July 2008.

### **APPLICANT'S SUBMISSION**

The applicant has submitted the following documents in support of the application (in addition to plans and drawings):

- Heritage, Design and Access Statement
- Arboricultural Impact Assessment
- Arboricultural Method Statement
- Phase 1 Habitat Survey

### **CONSULTATIONS**

#### **Tree Officer**

- The AIA states that the trees can be retained during construction and of the opinion that the trees can be retained as long as the advice within this report and the Arb Method Statement is followed.
- Supportive of proposed landscape enhancements, however states that the proposed tree planting between the northern boundary and the existing

swimming pool would need amendment due to the limited rooting space available. The two *Carpinus Betulus* (*hornbeams*) are considered to be too big for this space and so suggests the fastigate variety of hornbeam *Capinus betulus Frans Fontaine*.

### **GMEU**

- The proposed works do not appear to impact on any feature or trees that could be used by roosting bats. There should therefore be no ecological issues associated with the proposals.

### **CADENT GAS LTD**

- Cadent have identified operational gas apparatus within the application site boundary. Advises that all developers are required to contact Cadent's Plant Protection Team for approval before carrying out any works on site and ensuring requirements are adhered to.

### **Altrincham and Bowdon Civic Society**

- Significant loss of gardens including football pitch and parking via inappropriate development. Currently, 12% of the plot is hard surface. With the proposed development, this would be increased to 39% of the overall site, which would have a severe detrimental impact upon the ecology of the Devisdale Conservation Area.
- The construction of a football pitch dominating the rear garden would be out of character with the character and culture of the Conservation Area.
- The proposed pitch, with 1.2m high rebound boards and surrounding enclosure would present a fortress like structure of modern materials completely inappropriate for a conservation area. Although there was once a tennis court within the site, this is not comparable to an all-weather football pitch.

### **REPRESENTATIONS**

Objection – 13no. letters of objection have been received, which raise the following points (in summary):

- Potential noise and lighting relating to proposed football pitch, particularly in the summer months
- Noise generated by rebounding footballs from kick boards
- The glazed garden room would create additional noise
- Concerns raised regarding access from the A56
- Car port and associated parking issues arising from visitors to the site
- Heavy equipment and amount of earth-works regarding construction process causing noise and disturbance.
- Wildlife and ambience of area would be affected
- Development is not suitable for a private dwelling

- Issues regarding car port and its proximity to boundary leading to maintenance difficulties
- Extension to side of property adjacent to Hurts Dale would cover the lawned area with views towards brick and glass walls contrary to CAMP.
- Views from 45 Dunham House would directly overlook proposed football pitch which would be difficult to monitor
- Possible water retention issues relating to proposed pitch

## **OBSERVATIONS**

### THE 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 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. 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. Policy R1 of the Core Strategy requires that all new development must take account of surrounding building styles, landscapes and historic distinctiveness. Developers must demonstrate how the development will complement and enhance

the existing features of historic significance including their wider setting; in particular in relation to conservation areas, listed buildings and other identified heritage assets. As Policy R1 of the CS is out of date for decision making purposes, the requirements of Paragraph 11 of the NPPF are engaged. Heritage policies in the NPPF could provide a clear reason for refusing the development proposed (NPPF 11d(i)).

## IMPACT ON DESIGNATED HERITAGE ASSETS

6. The application site is located within the Devisdale Conservation area and the site is considered to be a neutral contributor.
7. 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.
8. The NPPF states that in determining applications, local planning authorities should take account of: the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality. 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. In terms of their significance, the site itself is not a Positive Contributor, however it is surrounded by converted historical properties that are. These, as part of a group of buildings are considered to illustrate the development of the settlement within which they sit and reflect the traditional functional character and former uses within the area.
9. Paragraph 124 of the NPPF states that *“The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps to make development acceptable to communities.”*
10. Paragraph 127 states that decisions should ensure that developments *“will function well and add to the overall quality of the area...are visually attractive as a result of good architecture, layout and appropriate and effective landscaping...are sympathetic to local character and history, including the surrounding built environment and landscape setting.”*
11. 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). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.’*

12. Paragraph 194 of the NPPF states that “*Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction or from development within its setting) should require clear and convincing justification.*”
13. Paragraph 196 of the NPPF advises that “*where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including, where appropriate, securing its optimum viable use.*”
14. Policy R1 of the Core Strategy states that: All new development must take account of surrounding building styles, landscapes and historic distinctiveness. Developers must demonstrate how the development will complement and enhance the existing features of historic significance including their wider settings, in particular in relation to conservation areas, listed buildings and other identified heritage assets. However, Policy R1 does not reflect case law or the tests of ‘substantial’ and ‘less than substantial harm’ in the NPPF, and is therefore considered to be out of date for the purposes of decision making.
15. Policy L7 of the Trafford Core Strategy states: *In relation to matters of design, development must: be appropriate in its context; make best use of opportunities to improve the character and quality of an area; enhance the street scene or character of the area by appropriately addressing scale, density, height, massing, layout, elevation treatment, materials, hard and soft landscaping works, boundary treatment; and, make appropriate provision for open space, where appropriate, in accordance with Policy R5 of this Plan.*
16. SPD4: A Guide to Designing House Extensions and Alterations sets out detailed guidance for appropriate design of house extensions. However, for cases where a contemporary design is proposed, the document acknowledges in Paragraph 2.2.3 that the guidelines are ‘*predominantly for proposals that are reflective of or are in keeping with the traditional built form of the original property... a contemporary design or approach may be acceptable, however such proposals must be justified and explained in detail as to why the individual proposal is appropriate, responsive to the character of the property and the surrounding context... needs to demonstrate high quality design and a clear design process that is thorough, well thought through and carefully responsive to its context*’.
17. As the application site is situated within the Devisdale Conservation Area the proposal should be considered against the policies of the adopted Devisdale Conservation Area Appraisal (July 2016) and the Devisdale Conservation Area Management Plan (July 2016).
18. The special character of The Devisdale Conservation Area relevant to this application derives from the following elements:

- There are many large, fine, individual residences in the area, in a variety of architectural styles. Some of the houses are the work of renowned architects.
- The area is characterised by its gradients and associated views. There are important views out to the north across the Mersey Basin. Similarly St. Margaret's Church Tower is a landmark from outside and inside the area. The wide tree lined roads within the Conservation Area, such as St. Margaret's Road and Green Walk, also offer important views.
- The area is characterised by the boundary treatment of the properties and the mature trees both on the roads and in the spacious gardens of the houses. Streets are lined with low garden walls of large stone blocks, with hedges of various species above and trees along the boundary.

19. The Conservation Appraisal identifies the application site as lying within Character Zone A: Northern Residential Zone: This character zone is comprised of residential properties from the Victorian, Edwardian post war and mid-20th to early 21st centuries. There are a variety of architectural styles, scale, massing and plot size throughout the area. The character of this zone is one of an affluent residential suburb. Some areas feel more secluded than others due to the properties being set back from the street, but the prevalence of low stone walls with mature planting above unifies the entire zone. Mid-20th century to early 21st century development tends to be further forwards on the plot and more central, but shielded from view by taller boundary treatments such as railings or stone walls.
20. The application site is not within the setting of a Listed Building and the application property is not identified as a positive contributor to the conservation area in the Conservation Area Appraisal or Management Plan. However, a 'Key View' in the conservation area is identified outside the gated entrance facing onto Dunham Road and described further in Paragraph 4.3.29 of the CAA "*Views in both directions along Dunham Road, although a busy thoroughfare, show the rises and falls in the landscape. To the south, there are views out over the Cheshire landscape, including chestnut paling fencing and mature trees and shrubbery*". The positive contributors are again highlighted as being "Chaseley", "Oakleigh", "West Lynn" and "Hurst Dale" that surround the site in all directions.
21. The specific policies of the Devisdale Conservation Area Management Plan that relate to this proposed development are as follows:-

**Policy 5**

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

**Policy 30**

*Key views should be preserved. These include linear views along...Dunham Road. Development which will negatively impact [on the view] will not be permitted.*

*Policy 50*

*Extension of an existing building should have regard to its established style by echoing the building's established features, form, proportions and materials.*

*Policy 53*

*Single storey extensions to the modern 20<sup>th</sup> century developments within Character Zone A and C may be acceptable, subject to proposed size, scale, design and materials.*

CONSIDERATION OF HARM

22. The site lies within Character Zone A of the Devisdale Conservation Area with surrounding positive contributors. The Devisdale Conservation Area Appraisal and associated Management Plan (SPD5.10 and SPD5.10a), were adopted in July 2016. Both have been reviewed in considering the implications of the proposed development for the Conservation Area.
23. The proposed development proposes various elements relating to an oak framed car port and associated hard and soft landscaped areas to the eastern side of the property, the conversion of an existing attached garage to habitable accommodation to the southern side of the property with contemporary extension towards its rear which would include a natural stone wall, brise soleil and a rear facing glazed elevation with sliding doors and glass balustrade. This element would overlook a subterranean courtyard with associated single storey frameless extension and associated landscaping including a living green wall, water features and tiled walls.
24. The proposed carport is considered to provide sufficient spaciousness between it and the principal elevation of the property, with additional and replacement planting to enable it to be subordinate and secondary in its appearance to the main building. The outbuilding is therefore considered not to form a cramped form of development, with sufficient hardstanding and soft landscaping improvements to add further interest to the eastern side of the application site which would comply with policy L7 of the Trafford Core Strategy regarding its design within a Conservation Area and the relevant heritage paragraphs of the NPPF. Furthermore, the siting of this element to the rear of 2no. neighbouring properties is considered not to affect the importance of views along Dunham Road. There would be a negligible impact on the setting of the adjacent positive contributors surrounding the site given the distances involved.
25. The proposed conversion of the attached garage to a habitable room is considered acceptable in principle due to the amount of hardstanding to the property's frontage. The replacement of the garage door with reclaimed brickwork from the existing rear elevation of the garage with niches and stone mullions are



considered, on balance, to be appropriately designed with topiary trees sited directly in front to soften its appearance.

26. The NPPF specifically advocates that Council's should not impose particular architectural styles or tastes and should not stifle innovation, although it is appropriate to seek to promote or reinforce local distinctiveness. Further support for the design approach is given by the NPPF in Paragraph 131, *'great weight should be given to... innovative designs which... help raise the standard of design more generally in an area'*.
27. SPD4: A Guide to Designing House Extensions and Alterations sets out detailed guidance for appropriate design of house extensions. However, for cases where a contemporary design is proposed, the document acknowledges in Paragraph 2.2.3 that the guidelines are *'predominantly for proposals that are reflective of or are in keeping with the traditional built form of the original property... a contemporary design or approach may be acceptable, however such proposals must be justified and explained in detail as to why the individual proposal is appropriate, responsive to the character of the property and the surrounding context... needs to demonstrate high quality design and a clear design process that is thorough, well thought through and carefully responsive to its context'*. The SPD4 guidelines for design are not, as they themselves acknowledge, a particularly useful tool when considering this application. They should be given limited weight. Consequently, the design of the extension has been considered on its own merits, taking into account the design approach and the particular site context to determine whether the proposals comply with Policy L7 of the Core Strategy and the NPPF.
28. In this instance the proposed development towards to the rear of the property would be a contemporary addition, but due to the siting of the frameless glazed extension below surrounding ground level, this element is considered to be appropriate in terms of its size, scale and lightweight design. Furthermore, the extension to the rear of the converted garage is considered to represent a sympathetic contemporary addition in contrast to the traditional appearance of the main dwelling with a modern design through the use of natural stone, natural living walls and terraces, glazing voids and a generally lightweight appearance and would be able to be accommodated within the site which has mature planting to its side boundaries. Sufficient distances between it and neighbouring properties would also ensure that the development would not harm the prevailing character of the area which is distinguished by its spaciousness and verdant appearance and would not harm the setting of adjacent positive contributors.
29. It is therefore considered that the design of the proposed extensions and alterations would not appear incongruous within the context of the design and character of the main dwelling, which in itself is a recent addition to the Conservation Area and would preserve the character and appearance of the Devisdale Conservation Area. It is also considered to comply with the relevant Policies of the Devisdale CAMP and Policy L7 of the Core Strategy.

30. Objections have been received regarding the inappropriateness of a proposed pitch which has now been removed and the size of the originally submitted carport which has been reduced in its size and design. The CAMP states within 2.10.19 that inappropriate development is defined as *“The significant loss of gardens or grounds in favour of hardstanding or parking. Where buildings are set further forwards in their plot such development will not be permitted. Buildings within a larger plot and/or set further back from their front boundaries will have greater flexibility but still need to respect a sympathetic balance of hard surface area to garden”*. The proposed amended plans are considered to adhere to the general guidance with relation to development within a private residence with sufficient provision of soft landscaping and additional planting proposed to mitigate the visual impact of the proposal within the Devisdale Conservation Area
31. As such, the various elements described above would not result in harm to the significance of the Devisdale Conservation Area and the additional landscaping is considered to enhance the setting of the dwelling in close proximity to neighbouring “Positive Contributors”. In arriving at this decision, considerable importance and weight has been given to the desirability of preserving the Devisdale Conservation Area. Although the development would not strictly ‘enhance’ the Conservation Area, Policy R1 is out of date and can be given limited weight in this respect. In NPPF terms, there is no clear reason for refusing the development proposed.

#### RESIDENTIAL AMENITY

32. In respect of residential amenity the guidance in SPD4: A Guide for Designing House Extensions and Alterations is relevant to these proposals and can be given full weight in determining whether the proposed extension complies with Policy L7 of the Core Strategy.
33. Policy L7 of the Trafford Core Strategy states that *“In relation to matters of amenity protection, development must be compatible with the surrounding area; and not prejudice the amenity of the future occupiers of the development and/or occupants of adjacent properties by reason of overbearing, overshadowing, overlooking, visual intrusion, noise and/or disturbance, odour or in any other way”*.
34. SPD4 (A Guide for Designing House Extensions and Alterations) provides guidance regarding the design and layout of extensions to existing buildings with the purpose of protecting the privacy of neighbouring occupiers. Window to window separation distances of 21 metres between principal elevations (which would contain habitable room windows) of facing properties are encouraged.
35. The proposed development would include the closing up of an existing garage door with no window openings, with glazed elements towards the rear. The extensions would be lightweight in their construction to reduce their visual impact and are considered to have habitable areas within appropriate locations with

relation to the boundaries of the application site, with no direct views to neighbouring properties.

36. As the extensions to the south and western sides of the existing property would be sited in an existing recessed section of the building there would be no other potential impacts on neighbouring occupiers from overbearing, overshadowing or in any other way. As such, the proposed development would be compliant with SPD4, Policy L7 of the Core Strategy and the NPPF in this respect.

#### PARKING

37. The proposed development would reduce available car parking as a result of the conversion of the proposed garage, however would create an oak framed car port for 3no. vehicles and additional hardstanding for circulation space around a water feature. This provision of off-street car parking is considered appropriate for the site and no harm to residential amenity or highway safety would arise. The proposed development would thereby comply with the guidance within SPD3: Parking Standards.

#### OTHER MATTERS

38. The objections raised regarding previous noise and disturbance at the property are noted. This is however a civil matter and not a material planning consideration and therefore does not have a bearing on the determination of this application.

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

39. 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 proposal would have a neutral impact upon and would not cause harm to the significance of the Devisdale Conservation Area. Although it would not strictly 'enhance' the heritage asset, Policy R1 is out of date and can be given limited weight in this respect. Paragraph 11(d)(ii) of the NPPF is therefore engaged and there is no clear reason for refusing the development proposed.
40. The proposals would not have any other harmful impacts and otherwise would comply with the development plan. There would be no adverse impacts which would significantly and demonstrably outweigh the benefits. The proposals would therefore be in compliance with Paragraph 11(d)(ii) of the NPPF, which in the absence of up to date development plan policy relating to heritage, is a determinative material consideration. 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).

2. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, reference 17109/1013 REV A, 17109/1014 REV A, 17109/1015 REV A, 186/01 REV C and 186/02 REV B

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

3. No development involving the use of materials to be used in the construction of the external surfaces of the building (including rainwater goods and joinery details of windows and doors) hereby permitted shall take place until details of the materials have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure satisfactory external appearance in the interests of visual amenity and the character and appearance of the Devisdale Conservation Area, having regard to Policies L7 and R1 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.

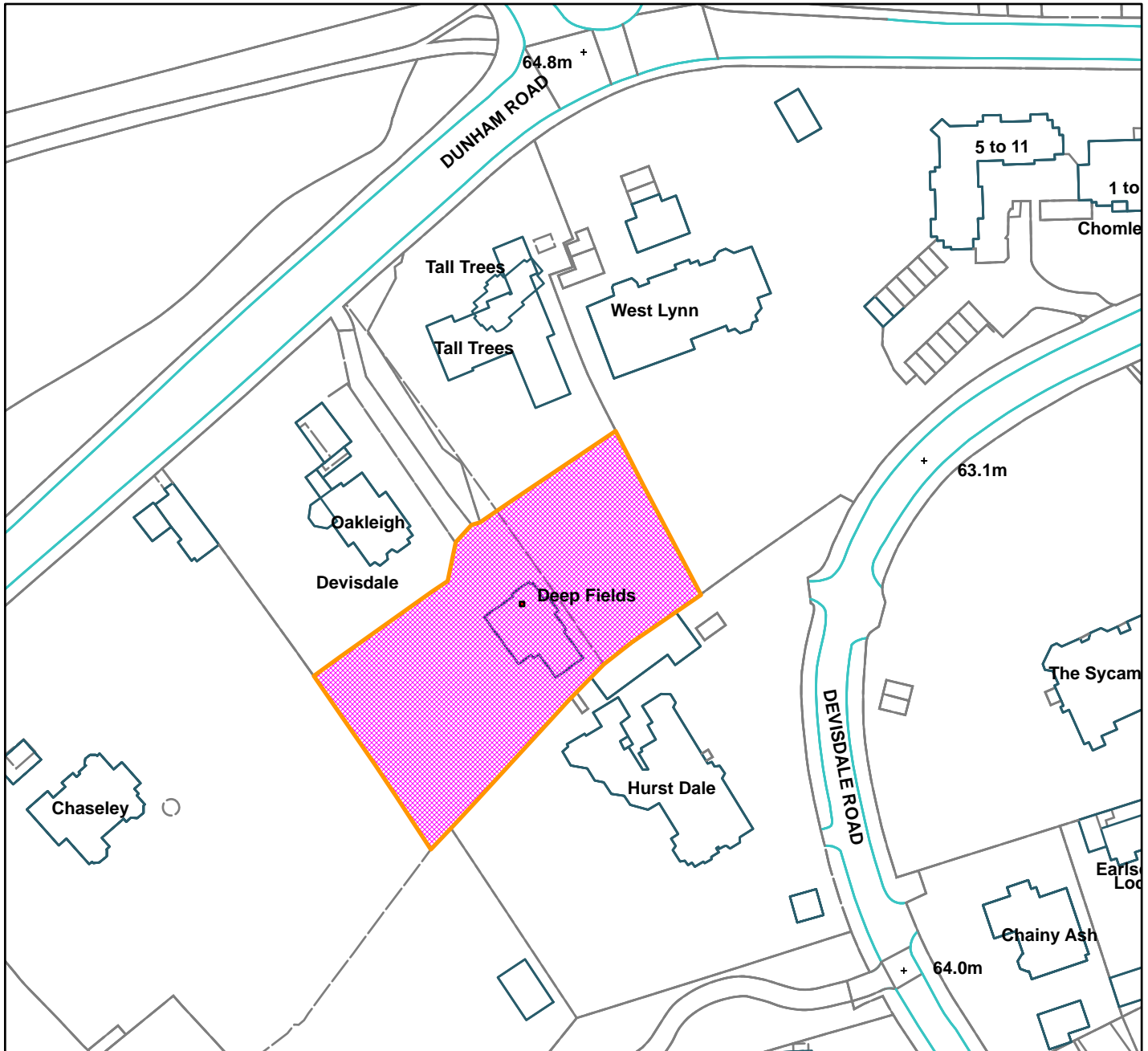
Reason: To ensure that the site is satisfactorily landscaped having regard to its location, the nature of the proposed development and having regard to Policies L7, R2 and R3 of the Trafford Core Strategy and the National Planning Policy Framework.

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GD



43 Dunham Road, Altrincham, WA14 4QG (site hatched on plan)



Scale: 1:1,250

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Organisation	Trafford Council
Department	Planning Service
Comments	Committee Date 28/03/2019
Date	18/03/2019
MSA Number	100023172 (2012)