

WARD: Bowdon

100346/FUL/20

DEPARTURE: No

Demolition of two existing buildings and the erection of seven residential dwellings (C3), access, parking and landscaping

Former Panflora Nurseries, Barns Lane, Warburton, WA13 9UG

APPLICANT: Edgefold Homes Limited

AGENT: P4 Planning Limited

RECOMMENDATION: GRANT

This application is being reported to the Planning and Development Management Committee as it has received more than six representations contrary to Officer Recommendation

SITE

The application site comprises 0.497ha of land that forms part of the former Panflora Nurseries (landscape gardener's business), which is located to the north-west of Barns Lane, Warburton, and has been vacant since 2018. The wider site is approximately 1 ha and together includes three buildings, a couple of oil tanks, a large area of hard surfacing, and a copse of trees adjacent Sawpit Street.

The area surrounding the site is rural in character. A cluster of cottages are located on Sawpit Street, to the east of the application site, and a couple of residential properties are located on land to the west of the site. To the south of the site lies an orchard, the Trans Pennine Trail and post-war properties located on Paddock Lane, plus the Rope and Anchor Public House located on Station Road at the east end of Paddock Lane. Overhead power lines run south-west to north-east at the north-western edge of the site. Beyond these lie agricultural fields and, further afield, additional residential properties, farm and livery businesses.

The application site includes two buildings: 'Building one' (as marked on plan) is a large, low-rise, barn parallel to Barns Lane; and 'Building three' (as marked on plan) is a modern agricultural unit with largely open sides located in the centre of a large area of hardstanding. A purpose built office for the former landscaping business (building two) is situated within the applicant's ownership but outside of the application site. Building one (originally a chicken shed) measures approximately 47m x 20m and comprises of a dual pitched roof with an eaves height of 3m, rising to circa 7m at its apex. It comprises of red facing brickwork and corrugated roof sheeting. Building three consists of a steel framed building with brick gable walls, which measures approximately 27m x 14m, and a smaller lean-to brick enclosed building on the southern elevation, which measures approx. 5.5m x 14m. The larger element is roofed in asbestos sheeting and the lean-to is tiled. The

height of the main structure is approximately 4.5m at eaves level and 6.5m at its ridge, whilst the lean-to is approximately 2.9m at eaves and rises to the eaves of the main building. Building two as well as the copse of trees is situated outside of the red edged boundary, although in the same ownership.

The application site is located wholly within the Green Belt, Flood Zone 1 and Settled Sandlands' landscape character. The site does not contain any listed buildings or TPOs and is not located within a conservation area. Dunham Woodhouse Conservation Area is situated south of the Trans Pennine Trail (cycle/walking route, which stretches from Lymm to Altrincham) and is approximately 160m from the application site. The closest listed building is over 360m from the site.

PROPOSAL

Planning permission is sought for the redevelopment of the site, which will include demolition of two buildings and construction of seven residential dwellings with associated landscaping, access and parking. All dwellings would be detached and two storeys in height. Whilst the dwellings would vary (in terms of scale, height and design), they would utilise a consistent material palette across the development, including red brick, thin edged tiles, and architectural details, such as brickwork patterning, brick corbelled verges and shallow arched windows. Plots 1 and 2 would have detached car barns, whilst plots 3, 5 and 6 would include attached car ports to the side. The car barns/ports would be constructed from timber with tiled roofs.

Boundary treatments to the frontages would include 1.2m high metal estate style railings/gates and 1.8m tall brick linking walls. Boundary treatments within private gardens would consist of 1.5m close boarded timber fence with 0.3m trellis above. Native and ornamental hedging is also proposed behind the railings and to the side of fencing along the northwest edge of the application site. The landscaping scheme includes 47 new trees within and outside of the site. Most notable are the two medium/large trees indicated as birch/ beech, which would be located to the front of plots 2 and 7.

The proposal includes a detention basin (SUDS), which would be located in the western corner of the application site.

As aforementioned the proposed dwellings would vary in size, the following is a table of approximate dimensions (please note that not all dwellings are rectilinear in shape and thus is a guide):

Plot number	Maximum width x depth (m)	Number of bedrooms	Ridge height (m)	Eaves height (m)
Plot 1	13.6 x 8.9	4	8.4	5.1
Plot 2	13 x 9.9	5	9.2	5.1
Plot 3	14 x 10	5	8.5	5.1
Plot 4	11.3 x 9.3	4	9.1	5.1
Plot 5	14 x 10.1	5	8.5	5.1

Plot 6	14.7 x 9	4	8.6	5.1
Plot 7	13 x 9.8	5	9.4	5.1
Car barns	6 x 5.5	N/A	4.2	2.3

One of the three existing buildings would be retained and is outside the application site. This building was granted on the basis that it would be used solely for the purposes of an agricultural or landscape gardener's business and for no other purposes. The reason given at the time was because the development is not one which would usually be permitted in this rural location and to restrict its use to the specific development required. As such the use of this building for any other purpose would require planning permission and thus a further planning application.

Value Added

The proposals were revised during this application and the changes are summarised below:

- Revised red edge boundary
- Introduction of Detention Basin (SuDS)
- Reduction in number of proposed residential units – from nine to seven
- Layout and design of dwellings amended
- Removal of garages and introduction of open car barns

The total floorspace of the proposed development would be 1245.3 m².

DEVELOPMENT PLAN

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

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

PRINCIPAL RELEVANT CORE STRATEGY POLICIES

- L1: Land for New Housing
- L2: Meeting Housing Needs
- L4: Sustainable Transport and Accessibility
- L5: Climate Change
- L7: Design
- L8: Planning Obligations

R2: Natural Environment

R4: Green Belt, Countryside and Other Protected Open Land

Core Strategy Strategic & Place Objectives

RCO1: To safeguard and protect, from inappropriate residential development, the character; appearance; and amenity of Warburton, Dunham Town and Dunham Woodhouses and the Green Belt. (SO1)

RCO6: To safeguard and enhance the landscape character, environment, biodiversity, amenity and visual attractiveness of the area for the recreational use of residents and visitors to the Borough. (SO5)

RCO7: To protect and enhance the very high quality natural environment, archaeological features and landscape character of the area. (SO5)

RCO13: To protect and enhance the historic buildings and the character of the rural villages embedded in the countryside. (SO8)

PROPOSALS MAP NOTATION

Green Belt

Protection of Landscape Character

PRINCIPAL RELEVANT REVISED UDP POLICIES/PROPOSALS

C4 – Green Belt

ENV17 – Areas of Landscape Protection

SUPPLEMENTARY PLANNING DOCUMENTS / GUIDANCE

SPD1: Planning Obligations

SPD3: Parking Standards and Design

SPG1: New Residential Development

SPG24: Crime and Security

SPG30: Landscape Strategy

OTHER GUIDANCE

Warburton Village Design Statement

PLACES FOR EVERYONE (FORMERLY GREATER MANCHESTER SPATIAL FRAMEWORK 2020)

The Greater Manchester Spatial Framework (GMSF) was a joint Development Plan Document being produced by the Greater Manchester districts. The first consultation draft of the GMSF was published on 31st October 2016, and a further period of consultation on the revised draft ended on 18th March 2019. The GMSF is now being progressed by nine GM districts as 'Places for Everyone' (PFE) and, once adopted, will be the overarching development plan for these districts, setting the framework for individual district Local Plans. PFE is not yet at Regulation 19 stage and so will normally be given limited weight as a material consideration. Where it is considered that a different approach should be taken, this will be specifically identified in the report. If PFE / GMSF 2020 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) 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 was updated on 1st October 2019. The NPPG will be referred to as appropriate in the report.

RELEVANT PLANNING HISTORY

81502/CLOPD/2013 - External alterations to existing building to include enclosure of side elevations with metal cladding on north east elevation and roller shutter doors on south western elevation with associated ram raid gates – Approved 2013

H/35578 - Erection of office building, amendment to previous permission H/29834 – Approved 1992

H/29834 - Erection of office & barn & retention of hard standing and change of use from agriculture to mixed use as agriculture, nursery & landscape gardener's office, stores, barn & workshop – Approved 1990

APPLICANT'S SUBMISSION

- Design and Access Statement
- Planning Statement (including Statement of Community Involvement)
- Phase 1 Site Investigation Preliminary Risk Assessment
- Drainage Strategy Report
- Transport Technical Note
- Tree Survey and Constraints Report
- Phase 1 Habitat Survey
- Bat Survey
- Landscape and Visual Impact Assessment
- LVIA Montage
- Covering letter

Revised submission on Monday 22nd December 2020

- Revised drawings pack
- Cover Letter
- Design and Access Statement Addendum
- Drainage Strategy Report, Revision B, 19 November 2020 (D and D consulting engineers)
- Transport Technical Note, 17 December 2020 (SCP)
- Update LVIA View Montages Appendix 3 (tpm landscape)

CONSULTATIONS

Arboriculturist Officer – No objections to the proposed development, subject to conditions in relation to tree protection and landscape maintenance plans

Cadent Gas/ National Grid - No objections

Environmental Health (Nuisance) – No objections to the proposed development, subject to conditions discussed in report

Environment Health (Contaminated Land) – No objections, subject to a conditions requiring an Investigation and Risk Assessment in relation to contamination on site and a Verification Report

Greater Manchester Ecology Unit – No objection subject to conditions in relation to birds and owls associated with building 2 and biodiversity enhancement measures plus an informative for bats.

Lead Local Flood Authority – No objection subject to conditions in relation to the submitted Drainage Strategy and mitigation measures, and a management and maintenance plan for the sustainable drainage scheme.

Local Highway Authority – No objection, subject to condition in relation to Construction Management Plan

Strategic Planning (Policy) - No objection, comments discussed in report.

Warburton Parish Council – No objection to the proposed development as amended. Request/ Comments received in relation to the visibility splays at the junction of Barns Lane and Sawpit Street.

REPRESENTATIONS

Dunham Massey Parish Council – Three letters have been received from Dunham Massey Parish Council in relation to this application. In summary, the final letter advises that the concerns previously raised have been addressed (particularly noting the reduction from nine to seven dwellings), however notes the continued importance of ensuring adequate drainage.

The previous concerns were in relation to road traffic, exclusion of office building, volume and density of proposed housing, design of development, drainage, and affordable housing.

National Trust – The following comments were made in relation to the original submission: *No objection in principle to the development of this previously developed site*

for residential use. The density of the development appears suitable for a site of this size and have no particular concerns around the proposed design of the dwellings, subject to the Council being satisfied that the volume and height of the units will have no greater impact on the openness of the green belt in this location and accords with NPPF advice paragraph 145 in this respect.

- Note layout design for open views but appears formal in a rural location, typically cottages and farmsteads in more irregular patterns
- Loss of hedgerows and trees on frontage (question if there is scope to translocate hedge)
- Control mechanism for enhanced landscaping in blue area
- Comments on drainage

Neighbours – Representations have been received from a total of 13 addresses following notification of the originally submitted scheme. The majority of letters welcomed some form of development at the application site, however most agreed that the originally proposed nine dwellings would be too many and the design, including the materials, is out of keeping with the surrounding area. Additionally, a number of concerns were raised in relation to pedestrian and driver safety, particularly around the junction near the bridge, due to the additional traffic created by the proposed development.

Neighbours were re-notified on the amendments made to the proposed development and three letters have been received. The concerns raised are in relation to: increase in traffic; the dwellings should appear in-keeping with the existing properties and look over 150 years old; demolition and construction issues (traffic, pollution, noise and disturbance). Another representation stated that they were pleased to see improvements, however considered it was still too many properties proposed, still appears suburban, modern development and not in keeping with the style of properties in the green belt, the size and scale is out of context, and expressed concerns in relation to parking spaces and impact of traffic and air pollution.

The concerns from both consultation periods are summarised in bullet points below:

- Overdevelopment
 - 9 dwellings = significant number of properties/ seems excessive for size of plot
 - 7 dwellings = still too many
- Detract from landscape
- Quiet and calm nature of local area should remain undisturbed
- Design
 - Modern new build housing that resembles suburban setting/ modern estates in Altrincham
 - Too urban
 - Not in keeping/unsympathetic with rural aesthetics/ character of Dunham Massey and Warburton
 - Affect the character of neighbourhood
 - Design and number should reflect Dunham Massey
 - Fails to complement the building style of the area

- Materials are out of keeping with the surrounding area
- Insufficient garden space – Country living should include benefits of extra space
- Highway safety
 - The junction between Barns Lane and Dunham Road is particularly difficult because it is on a tight bend at a bridge.
 - Increased risk of accident from additional traffic created by development
 - There is already a significant accident risk at this junction and tragically there was a fatality at that junction in late 2018.
 - Issues with junction/ entry on Barns Lane on the approach to the bridge – a no. of accidents and fatalities have occurred
 - The junction between Barns Lane and Sawpit Street has poor visibility and the increase in traffic presents an accident risk
 - Insufficient infrastructure – existing infrastructure doesn't appear to be adequate or sustainable
 - Potential of overflow parking on the surrounding lanes, which are already dangerous to pedestrians
- Drainage
 - Adverse impact on local drainage facilities/ poor drainage with high water table
- Important to ensure that any development does not set a precedent for infilling developments that would encroach on the local Green belt
- No clarification/information in relation the office building, which is to be retained

OBSERVATIONS

The Decision-Taking Framework

1. S.38(6) of the Planning and Compensation Act 1991 requires applications to be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF at Paragraphs 2 and 47 reinforces this requirement and at Paragraph 12 states that the presumption in favour of sustainable development does not change the statutory status of the development plan as a starting point for decision making, and that where a planning application conflicts with an up-to-date (emphasis added) development plan, permission should not normally be granted.
2. The Council's Core Strategy was adopted in January 2012, prior to the publication of the 2012 NPPF, but drafted to be in compliance with it. It remains broadly compliant with much of the policy in the 2019 NPPF, particularly where that policy is not substantially changed from the 2012 version.
3. 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.

4. In this particular case, it is first necessary to consider whether the site's location in the Green Belt would lead to 'a clear reason for refusing the development proposed' under NPPF Paragraph 11d)(i). If it does not, then as this is an application for housing development the 'tilted balance' in NPPF Paragraph 11d)(ii) is triggered automatically due to the Council's housing land supply and delivery position (footnote 7 of the NPPF), irrespective of how up to date development plan policy is considered to be. For the avoidance of doubt it is considered that Policy R4 of the Core Strategy, which relates to development within the Green Belt, is up to date in NPPF terms. .

GREEN BELT

Policy context

5. The NPPF at paragraph 133 advises the Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. Furthermore, it goes on to say (under paragraph 134) the Green Belt serves five purposes:
 - a) to check the unrestricted sprawl of large built-up areas;
 - b) to prevent neighbouring towns merging into one another;
 - c) to assist in safeguarding the countryside from encroachment;
 - d) to preserve the setting and special character of historic towns; and
 - e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
6. Paragraph 145 states that local planning authorities should regard the construction of new buildings as inappropriate in the Green Belt. An exception to this includes:

g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:

 - i. **not have a greater impact on the openness of the Green Belt than the existing development;** or
 - ii. not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority. (emphasis added)
7. The application is considered to be previously developed land and the proposal does not seek to contribute towards affordable housing, as such the first point of

paragraph 145.g) (as emphasised above) is the relevant test when assessing this proposal.

8. The Court of Appeal judgement of *Turner v S of S for Communities and Local Government and East Dorset Council* [2016] provides the established position in terms of assessing the impact of development on openness for the purposes of Green Belt planning policy. This effectively supersedes the approach advocated through the preceding judgements as set down in *R (Timmins) v Gedling BC* [2014] and *R Heath and Hampstead v Camden LBC* [2007] both of which favoured an approach whereby the impact on openness was predominantly based on the physical size of the development. As per the Turner judgement the concept of openness was not limited to the extent of physical development (for example the volume or floor space created). In line with the Turner judgement the **decision maker should have due regard to the physical and visual dimensions of openness** when coming to a balanced judgement for the purposes of Green Belt planning policy. 'Matters relating to the volumetric size of the development remain relevant, although such consideration should be balanced against the visual impact with due regard for views through the site.' (emphasis added)
9. Following this decision, government guidance was updated (22-07-2019) and states:
 - *Assessing the impact of a proposal on the openness of the Green Belt, where it is relevant to do so, requires a judgment based on the circumstances of the case. By way of example, the courts have identified a number of matters which may need to be taken into account in making this assessment. These include, but are not limited to:*
 - *openness is capable of having both spatial and visual aspects – in other words, the visual impact of the proposal may be relevant, as could its volume;*
 - *the duration of the development, and its remediability – taking into account any provisions to return land to its original state or to an equivalent (or improved) state of openness; and*
 - *the degree of activity likely to be generated, such as traffic generation.*
10. This report will approach both quantum of development and the visual impact in turn as well as the degree of activity.

Physical dimensions

11. The existing and proposed dimensions are detailed in the table below:

	Existing built form	Revised Submission	Percentage Change
Footprint (external)	1395m ²	741m ²	47% decrease

Height (tallest ridge) AOD	30.000	32.750	9% increase
Volume	7061m ³	4805.2m ³	32% decrease
Hardstanding	3867m ²	2300.4m ²	41% decrease

12. The revised scheme clearly demonstrates a demonstrable decrease in terms of footprint, volume and hardstanding compared with the existing built form and hardstanding on site.
13. It is acknowledged that the height of the proposed dwellings would be taller than the existing buildings on site and that the layout of the proposed development would differ from the existing. This is discussed in more detail within the visual impact upon openness assessment.

Lawful use & degree of activity

14. The lawful use of the site is a landscaping business, which at full operation involved (and could again without permission) numerous deliveries, outdoor storage, outdoor fuel tanks, material bays positioned the length of the north-western boundary of the wider site (outside application site), widespread staff and operational vehicle parking and fencing to perimeters. The Design and Access Statement (Rev B by Bowker Sadler Architecture) includes photographs of the site when in operation as Hultons Landscapes (notably pages 1-3). It is acknowledged that some of the abovementioned operations could be considered temporary in nature and have, to a degree, been remediated since the operations concluded in 2018. However it is of note that the lawful use of the site when in full operation would have had more materials and machinery on site, which would have had a greater impact on openness, as well as a greater degree of activity (albeit more so during working hours) than is currently apparent on the vacant and redundant site.
15. The proposed residential use comprising of seven dwellings is considered to result in a reduced degree of activity compared with the lawful use, albeit the coming and goings from residential properties would not be restricted to working hours.

Visual impact upon openness

16. The existing site includes a large building along the frontage of Barns Lane, albeit with low eaves height, which from the perspective of Barns Lane restricts views into and through the application site. A second large agricultural unit is sited within the centre of the site, perpendicular to Barns Lane. A number of fuel tanks, and concrete constructed bays are located within the site. The existing office building, located outside of the application site, is sited to the northeast of the existing vehicle access. A copse of trees, also outside of application site, are located adjacent to Sawpit Street, a belt of trees are located along the southwest boundary, a hedge is located along the frontage of Barns Lane and small areas of soft

landscaping/vegetation can be seen within the site. A close board fence is present along the northwest boundary, adjacent to the open fields.

17. The overall visual appearance of the existing site is of three large buildings, within a large area of hardstanding with trees and hedging to some borders. It is noted that a Certificate of Lawfulness (81502/CLOPD/2013) was approved in 2013 to enclose the existing open sides of the central agricultural building (Building 3), and as such the assessment has been made on the basis that the building has solid side elevations. In any case, it is noted that the views through this building are only appreciated from within the site and glimpsed views from Sawpit Street.
18. The main public views of the site are considered to be from Barns Lane from the southeast and from Gorsey Lane over the existing agricultural fields from the northwest.
19. The application was accompanied by a Landscape & Visual Impact Appraisal (LVIA) Report which identified the application site as having a medium sensitivity level at both national and local-regional level.
20. A landscape and visual appraisal and assessment (Appendix 1 & 3) was undertaken, which looked at a number of locations and the possible views to the site. The report concluded on openness that - *Following the full completion of mitigation and landscape works the proposals are expected to offer a neutral or beneficial impact on the openness of the Green Belt across the site and its immediate surroundings.*
21. The main report was completed based on an illustrative plan, which has since changed, however the consultant has confirmed as part of the revised Montage Views assessment that the extent of visibility is little different from the original submission layout and the level and coverage of mitigation planting is also similar, bringing a similar level of screening and reduction in effect. As such the conclusions of the original submission and report still stand.
22. As aforementioned the proposed development would result in an overall reduced amount of built form (footprint, volume, and hardstanding), however it would be constructed in a different pattern of built form, thereby altering the visual appreciation of the site and existing open views through the site.
23. Plots 1 and 2 are situated within the existing footprint of the brick barn building (Building 1) and would open up views between. Plot 1 would be sited 1.2m – 1.7m back from the building line of the existing barn (Building 1), whilst the side elevation of Plot 2 would be built up to the building line. Building 1 is 47m wide along the Barns Lane frontage. The Barns Lane elevations of Plots 1 and 2 (excluding chimney, porch and boundary walls) would equate to approximately 23m, which is a marked reduction from the existing building. The gap between Plots 1 and 2 would be circa 18.7m. Within this gap it is noted that a 1.8m high brick wall would

be sited approx. 2.8m in to the site from the existing building line/footprint with a width of 9.7m and positioned to the side of Plot 2. Furthermore the siting of plots 3 to 7 would allow views through the centre of the site from Barns Lane as opposed to the current narrower views to either side of the existing open sided building (Building 3).

24. The ridge heights of the buildings vary across the site and range from 8.4m to 9.4m, whilst the existing ridge height of Building 1 is 7m. In addition, the proposed site levels/falls are proposed to be amended (by up to 350mm) in order to allow for gravity drainage system. As such the maximum height increase would be approximately 2.75m for certain dwellings, however the majority of the proposed dwellings would have an increase of around 1.5m. Whilst the increase in height is acknowledged, it is considered that this is compensated by the significantly reduced volume and footprint and clear open views created through the site and around the proposed dwellings as well as the fact that there would be significantly less built development on the Barns Lane frontage from where the site is much more visible than from other public vantage points.
25. The proposed development includes a landscaping scheme which would enhance the boundaries, particularly along the north-western border, as well as within the site. The proposals includes two medium/large trees, which would be the focal points of the development with a large number of small/medium and orchard trees plus hedges to be planted across the site, both inside and outside of the (red edge) application site.
26. The views from around the site would be filtered by the surrounding built form, hedgerows, hedgerow trees, copse of trees, and the layering effect of these over such a flat landscape. The proposed landscaping scheme would overtime further filter these views of the site.
27. The montage views illustrate that the built form would be similar to the existing views. Indeed some aspects of the proposed development would be more noticeable from the submitted viewpoints, whilst other aspects would open up views through the site and thereby improving the openness of the Green Belt.
28. It is considered that the visual impact of the proposed development, taken as whole, would not result in a greater impact upon the openness of the Green Belt than the existing site, taking account of the lawful use, and having regard to both the physical volume and visual impact of the proposed development.

Green Belt Conclusion

29. The proposed development would decrease the footprint, volume and amount of hardstanding of the existing development. The degree of activity from seven family homes is considered to be no greater than the lawful use (landscaping business). The proposed development is also considered to have no greater visual impact on

openness than the existing site, which would include all the paraphernalia associated with both a landscaping business and residential properties. However, it is considered that permitted development rights (for extensions, outbuildings, etc.) should be removed for these properties in order to ensure the impact on openness is not later adversely impacted. Furthermore, it is considered that the proposed development would not undermine the fundamental aim of Green Belt policy or the five purposes which the Green Belt serves (NPPF paragraphs 133 and 134) as the application site is previously developed land that has a lawful use as a landscape business.

30. Overall, it is considered the proposed development would be a complete redevelopment of previously developed land that would not have a greater impact on the openness of the Green Belt than the existing development. As such the proposal is in line with exception (g) of paragraph 145 of the NPPF and thus would not be inappropriate development within the Green Belt. The proposed development is therefore in accordance with Policy R4 of the Core Strategy and NPPF.

Principle of Residential Development

Housing Land Supply

31. 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.
32. The site is not identified within Trafford's SHLAA (Strategic Housing Land Availability Assessment). The plot was previously in use as a landscape business and is apart from strips of soft landscaping is covered in hardstanding with two buildings, it is therefore considered to be previously developed land (brownfield land), as identified in the NPPF.
33. The Core Strategy aims to prioritise the development of previously developed land. Core Strategy Policy L1.7 sets a target of 80% of all new dwellings to be provided on brownfield land across the Borough. This proposal would therefore contribute to delivery on brownfield sites in accordance with the objectives of this policy.

Sustainable location

34. The housing policy objectives within the NPPF include providing new housing in suitable locations which offer a good range of community facilities and with good access to jobs, services and infrastructure, including public transport. The NPPF defines sustainable development in three overarching objectives: an economic objective, a social objective and an environmental objective.

35. In relation to rural housing the NPPF states: In rural areas, planning policies and decisions should be responsive to local circumstances and support housing developments that reflect local needs (Paragraph 77). To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities (Paragraph 78).
36. The Core Strategy, Policy L4 in particular, promotes development within the most sustainable locations, or where development comes forward in less sustainable locations in the Borough will deliver, or significantly contribute towards the delivery of measures to improve the sustainability of the location.
37. Policy L2 of the Core Strategy, which is entitled “Meeting Housing Needs”, states that all new residential development proposals will be assessed for the contribution that will be made to meeting the housing needs of the Borough and the wider aspirations of the Council’s Sustainable Community Strategy. It requires new development to be (a) On a site of sufficient size to accommodate adequately the proposed use and all necessary ancillary facilities for prospective residents; (b) Appropriately located in terms of access to existing community facilities (c) Not harmful to the character or amenity of the immediately surrounding area and; (d) To be in accordance with L7 and other relevant policies within the Development Plan for Trafford.
38. The proposed development is located within the parish of Warburton, directly adjacent to the border of Dunham Massey. The application site is located 5.8km (via roads/ a 10-15 minute car journey) from Altrincham town centre and a public house (Rope and Anchor) is located within 0.4km of the application site. A bus stop is located at Rope and Anchor, which is served by the Cat5 bus service, which runs a regular service between Warrington and Altrincham. It is also noted that a dedicated walking/ cycling route between Oldfield Brow (Altrincham) to Grappenhall (Warrington) known as the Trans Pennine Trail is located to the south of the site and accessed from Station Road a distance of 0.3km. Notwithstanding the access to public transport and walking/cycling routes, it is acknowledged, given the rural setting, that any future resident would more likely be reliant upon private transport than in a more urban location.
39. The proposed development includes the provision of electric charging points and cycle stores for all units (which would be secured via suitably worded planning condition) and thereby providing small but positive measures to improve the sustainability of the location. The development of this previously developed (brownfield) site would contribute to the vitality of nearby rural communities within Warburton and Dunham Massey.

Housing Type and Mix

40. The NPPF at paragraph 61 requires local planning authorities to plan for an appropriate mix of housing to meet the needs of its population and to contribute to

the achievement of balanced and sustainable communities. This approach is supported by Core Strategy Policy L2, which refers to the need to ensure that a range of house types, tenures and sizes are provided. Policy L2 as a whole is generally consistent with the NPPF however references to housing numbers and housing land supply are out of date.

41. The application proposes the erection of seven large, family dwellings, comprising of 3 no. 4 bedroom properties and 4 no. 5 bedroom properties. The proposed development therefore contributes towards the need for family homes in the Borough.
42. In relation to affordable housing the application site is located within a “hot” market location and therefore CS Policy L2 stipulates that the minimum threshold for qualifying sites is 5 residential units. However this policy is out of date in NPPF terms. Paragraph 63 of the NPPF states the provision of affordable housing should not be sought for residential developments that are not major developments, other than in designated rural areas (where policies may set out a lower threshold of 5 units or fewer). To support the re-use of brownfield land, where vacant buildings are being reused or redeveloped, any affordable housing contribution due should be reduced by a proportionate amount.
43. The application site is under 0.5 hectares in size and although in Trafford’s rural communities, is not a ‘designated rural area’ as defined by the NPPF (which includes National Parks, Areas of Outstanding Natural Beauty and areas designated by order of the Secretary of State as ‘rural areas’ under Section 157 of the Housing Act 1985). This application proposes less than 10 residential units. As such the application is not deemed ‘major development’ for housing as defined by NPPF. The proposed development has not provided any affordable housing and is not required to do so under NPPF.
44. In any case, the proposal involves the re-use of brownfield land and therefore vacant building credit in relation to the vacant buildings being redeveloped would more than likely offset any required affordable housing contribution. However for the above reasons, this calculation has not been necessary.

Loss of employment use

45. The application site has been vacant since 2018. Previously the site operated as a nursery and landscaping business from 1970 to 2018. An Employment Land Assessment (P4P) was submitted with the application. It is understood that there was limited interest in the site during the marketed period. The report poses the following range of constraints that may have contributed to the limited interest:
 - Use class restriction
 - Surrounding land uses
 - Location and general accessibility

- Development plan policy
46. The application has demonstrated that there is no viable interest in retaining the existing use of the site or any other employment use. The surrounding area is characterised by rural residential properties, farms and agricultural businesses. Furthermore, the application site is not in a location where the Core Strategy focuses employment uses. The Strategic Policy team have reviewed the proposals and raised no objections. As such it is considered the loss of employment is acceptable in this location and in accordance with Policy W1.

Conclusion of principle of development

47. The proposed development would make a small but positive contribution to the housing land supply in line with Policy L1. The site is currently vacant and considered previously developed land. The proposal contributes to the housing needs of the Borough by providing seven large (4 & 5 bedroom) family homes in line with Policy L2. The rural location is noted, however the site can be reached by sustainable transport to nearby settlements including Altrincham, Lymm, Warrington and Partington. The proposals also include the provision of Electric Vehicle Charging Points and thus in line with Policy L4. Finally, the site is a former employment use, however, it meets the tests in terms of loss of employment land, and therefore in accordance with Policy W1.

Landscape Character Impact

48. The NPPF (paragraph 127) states that planning decisions should ensure that developments, inter alia, are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities). Further, paragraph 170 of the NPPF states planning decisions should contribute to and enhance the natural and local environment by, inter alia, protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan).
49. Core Strategy R2 (Natural Environment) states the LPA's aim to protect and enhance the landscape character, biodiversity, geodiversity and conservation value of its natural urban and countryside assets (which include open countryside landscape character areas) having regard not only to its immediate location but its surroundings.
50. Saved Policy ENV17 of the UDP states the Council will protect, promote and enhance the distinctive landscape character and quality of the areas identified on the Proposals Map. Where development is acceptable in principle, the Council will apply the following criteria in assessing the suitability in relation to the landscape type and character of their setting:

- The appropriateness of design and construction materials with regard to local/regional building traditions.
 - The degree and quality of landscaping.
 - The impact on the landscape quality of the immediate area and the wider setting and on features of importance to wildlife.
51. The application site is located in an Area of Landscape Protection as designated by the Adopted Policies Map. The Landscape Strategy (SPG20, September 2004) designates the site as being within the 'Settled Sandlands' character area. It is noted that the 'key features' for this area are: Dominant agricultural land use, arable with some pasture; medium to large sized fields, generally defined by hedgerows and prominent hedgerow trees; generally low-lying, gently rolling topography, particularly down to the River Bollin floodplain; dispersed farmsteads throughout, linked by meandering country lanes with two main cluster settlements at Dunham Woodhouses and Warburton; the vernacular style, particularly in farm buildings, with their traditional use of materials, is a distinguishing visual feature; small, isolated blocks of woodland; the presence of several watercourses and ponds.
 52. The 'pressures' identified include: Development on the fringes of the area; loss of hedgerows and hedgerow trees; the loss of traditional style buildings; new building and modern details that are out of character with the vernacular; loss and degradation of woodland.
 53. The Greater Manchester Landscape Character and Sensitivity Report (2018), which was commissioned by GMCA to support the GMSF, identifies Landscape Character Types (LCT) and Landscape Character Areas (LCA) across Greater Manchester. The application site falls within LCT Mosslands and Lowland Farmland and within LCA 44 Warburton and Carrington Mosses. This report concludes that the LCT and LCA are of moderate sensitivity to residential or transport related change.
 54. The application was accompanied by a Landscape & Visual Impact Appraisal (LVIA) Report which identified the application site as having a medium sensitivity level at both national and local-regional level. The visual effects of the scheme was considered across 10 viewpoints. The main report was completed based on an illustrative plan, which has since changed, however the consultant has confirmed that the conclusions of the original submission and report still stand.
 55. The application site forms only a small part of a wider local and regional character area. The report concluded that the landscape effect for the LCA would be "Slight-Moderate Adverse reducing to Slight Neutral due to the proposed development establishing as part of the established settlement along Barns Lane and within the wider LCA and the ability of mitigation to both integrate and screen the proposals and to enhance the LCA in terms of its ecological and habitat diversity".

Furthermore, “no landscape receptors are assessed as experiencing notable or substantial effects”.

56. The proposal would result in the demolition of a former chicken shed, which is a low-rise brick building with corrugated roofing, and a modern steel framed agricultural building with brick lean-to elements. The site would be redeveloped to form seven residential properties. The design of the dwellings is discussed in more detail later in the report, however the dwellings would be constructed from a simple palette of materials, which reflect the locality and comprises a design which adopts subtle references from the Warburton Design Guide. The revised scheme has sought to achieve a rural hamlet appearance, which would respect the local vernacular. One of the concepts of the layout design was to frame/provide a sense of enclosure to the two green areas by the dwellings.
57. The proposed landscaping scheme includes the retention of trees along the southwest boundary as well as the copse of trees adjacent Sawpit Street and existing vegetation around the existing office building (outside the red edge but within applicant’s ownership). The scheme proposes 36 small/medium deciduous trees (hawthorn/cherry), 2 no. medium/large deciduous trees (birch/beeceh), 9 no. orchard type trees (apple/pear) and native and ornamental hedgerow.
58. The proposed development would result in the loss of the existing hedgerow along Barns Lane, however the boundary does not qualify for protection under the Hedgerow Act and moreover it is proposed to be replaced. The proposed planting, particularly the hedgerow, the orchard (northwest of the proposed dwellings), and 2 no. large trees, would enhance the landscape character and reflect the rural setting. The proposed hedgerow would ensure the strong rural boundary is maintained and the metal estate style railings would be in keeping with the area. Furthermore, the amended scheme is less formal since its removal of ‘large box headed topiary trees’.
59. The proposed development (as amended) now includes a pond (Detention Basin) as well as a mixture of Wildflower meadows, which are considered to enhance the ecological features of the site.
60. In conclusion, it is considered the proposed development would be sympathetic to the local character, in terms of both the built environment and landscape setting. The proposed dwellings comprise of materials, and architectural details and are arranged in such a layout that would be sympathetic to and respect the surrounding vernacular. The proposed landscape scheme, by reason of the retained trees, quantity and quality of proposed trees, and native hedge along Barns Lane as well as the pond, would enhance and integrate the proposal with the surrounding environment as well as biodiversity enhancements. The proposed development is therefore in accordance with Core Strategy Policy R2, Saved Policy ENV17 of the UDP, SPG20 and the NPPF.

DESIGN & APPEARANCE

61. The NPPF 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.
62. Policy L7 of the Trafford Core Strategy states that “In relation to matters of design, development must: Be appropriate in its context; Make best use of opportunities to improve the character and quality of an area; Enhance the street scene or character of the area by appropriately addressing scale, density, height, massing, layout, elevation treatment, materials, hard and soft landscaping works, boundary treatment; and, Make appropriate provision for open space, where appropriate, in accordance with Policy R5 of this Plan”.
63. Warburton Village Design Statement (WVDS) explains that there are three distinct settlement patterns present in the village, each owing their structure to historical agricultural and strategic factors. A) The ‘village’; b) Small hamlets; c) Linear settlement (Page 3). Many of the historic buildings in the area were designed by local architect John Douglas, whose work was heavily influenced by the Arts and Crafts movement. This style emphasised the traditions of vernacular architecture, in particular, brick and tile mullioned windows, terracotta detailing such as finials and dogtooth work and projecting shaped purlins to the roof. (page 13)
64. WVDS advises that the village is characterised by a very limited palette of materials and materials of new buildings should match the traditional materials used elsewhere in the village, including ‘Cheshire orange/red brick; thatch, ‘Rosemary’ type plain clay tiles, and natural slate. It notes that larger scale concrete interlocking tiles would not be considered appropriate. Roof pitches should be 40-50 degrees. With regard to windows, WVDS states windows in new buildings should reflect the local traditional glazing patterns and proportions. Large areas of glazing should be subdivided by the use of mullions and transoms. Window frames should be of a material that allows for narrow frame sections to avoid large bulky framing. Chimneys are a traditional element of the village roofscape and where required should be appropriately detailed with corbelled/over sailing brick top courses.

Layout

65. The amended scheme incorporates an informal layout, which includes two dwellings positioned on Barns Lane and the remaining five positioned in a staggered format. The irregular layout of dwellings has intentionally formed a sense of enclosure around two green areas, which would each contain a

medium/large sized tree to create focal points. It is noted that the green areas are within the curtilage of Plots 2 and 7, however these areas form part of the front gardens and would be enclosed by 1.2m high railings with hedge and thus are considered to provide an open and verdant appearance, which would be appreciated from the public domain.

66. The positions of the dwellings would provide visual stops and frame key landscaped areas, whilst ensuring that open views are maintained through the site as to not have a greater impact upon openness (as discussed above within Green Belt section). The proposed car parking areas (driveways and car barns) are now discretely positioned behind soft landscaping, boundary treatment and/ or dwellings and thus well screened from main public vantage points (i.e. Barns Lane). Furthermore the revised layout ensures that cars and unsympathetic hard landscaping would not dominate the development.
67. The proposed layout, as amended, is considered to be compatible with the rural character of Warburton and neighbouring Dunham Massey.

Built Form

68. The revised scheme includes seven individually designed dwellings, which whilst distinct would encompass a consistent, coherent design approach. The design of the dwellings is considered to have adopted a good level of both traditional elements and contemporary interpretations of the local vernacular. The scheme has taken cues from the Arts and Crafts style through incorporating brickwork pattern/detailing (on key areas and horizontal coursing), shallow-arched window heads and simple fenestration patterns, repeated gables, relatively steep roof pitches, brick corbelled verges, strongly expressed chimneys, and groupings of windows with a strong vertical rhythm. Furthermore the proposed materials – Cheshire red brick, thin edged roof tiles (reconstructed slates) and oak timber doors – would be sympathetic to the surrounding area. It is proposed that the windows would comprise of a grey UPVC frame. The proposed dwellings also include feature box windows on key elevations, which would be constructed from grey aluminium or brick to match. It is considered that grey upvc window frames would not be appropriate in this rural location. Furthermore, it is acknowledged that uPVC is not a traditional material and although uPVC slimline products are available, the appearance of uPVC mullions, transoms and glazing bars do not fully reflect the appearance of traditional timber windows. It is therefore recommended that, notwithstanding the materials detailed on the submitted drawings, a suitably worded condition requiring material samples and specifications, and window details is attached to any permission.
69. The proposed dwellings are considered to be of a scale and form that would be in keeping with the surrounding area. The proposed two storey dwellings feature a gable roof design with repeated gables as well as exposed chimney breasts. The proposed ridge heights vary slightly across the site to offer depth, visual variety

and hierarchy.

70. The proposed car barns/ports would be constructed from green oak structures with dark grey tiles. They would be modest in scale and sited in discreet locations to the rear of the plots or to the side of the dwellings. The car barns/ports are considered to provide a functional purpose, whilst in-keeping with the rural vernacular.
71. The proposed site plan illustrates bin and cycle stores within the rear gardens of each plot. No details have been provided for these, however it is considered that given their location within the rear gardens that a condition requiring further details would be satisfactory and ensure appropriate design.

Landscape & Boundary treatment

72. The proposed development includes metal estate railings (1.2m high) to borders fronting Barns Lane and the new access road. A 1.8m high brick wall is proposed between the dwellings and to the sides of Plots 1 and 2. Timber fencing (1.5m close boarded fence plus 0.3m high trellis) is proposed to the rear gardens. New hedging is proposed along the northwest boundary and adjacent to the metal estate railings.
73. In addition to the new hedging, a number of trees are proposed, within and outside of the application site, as part of the soft landscaping scheme. A condition requiring a landscaping scheme and associated maintenance plan for 10 years, to cover all land within the applicant's ownership (blue edge), is recommended with any permission to ensure acceptable plant species and maintenance is secured.

Conclusion on design and appearance

74. The proposed development, as amended, consists of an informal layout, which focusses on soft landscaping and provides visual frames of key areas, whilst enabling adequate screening of hardstanding for cars. The proposed development is considered to deliver a contemporary yet respectful design approach on the Arts and Crafts traditional vernacular found within Warburton and Dunham Massey. The proposed development overall is considered to enhance the appearance of the existing site and reflect the character and appearance of the wider context. As such the proposed development would be in accordance with Policy L7 of the Core Strategy and NPPF requiring good design.

RESIDENTIAL AMENITY

75. In addition to ensuring that developments are designed to be visually attractive paragraph 127 of the NPPF advises that planning decisions should create places that provide a high standard of amenity for existing and future users.

76. Policy L7 of the Trafford Core Strategy advises 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.
77. The Council's adopted PG1: New Residential Development sets out the guidelines that relate to all forms of new residential development. With regards to privacy, the Council's Guidelines require, for new two storey dwellings, that the minimum distance between dwellings which have major facing windows is 21 metres across public highways and 27 metres across private gardens. With regard to overshadowing PG1 states that 'In situations where overshadowing is likely with a main elevation facing a two storey blank gable then a minimum distance of 15 m should normally be provided. A distance of 10.5 metres is usually required between first floor windows and rear garden boundaries.
78. In relation to gardens, PG1 states that most new dwellings should provide some private outdoor space and that this is necessary for a variety of functional requirements such as sitting out and children's play. The guidance provides details of recommended garden sizes and advises that for 3-bedroom semi-detached houses 80sq.m of garden size will normally be considered acceptable but for smaller houses this figure can be reduced.
79. A number of issues relating to residential amenity have been considered and are in turn considered below, including any impacts on both existing and future occupiers.

Impact on existing adjacent properties

80. Given the rural location, there are few nearby residential properties. The closest residential dwellings are Ivy Barn and Barns Lane Farm, which are located southwest of the application site. These properties are 1-1.5 storey in scale. Ivy Barns is accessed from Barns Lane and is located 12.3m from the application site, whilst Barns Lane Farm is accessed off Dunham Road and 22m from the application site.
81. Plot 1 would be approximately 10m from its rear boundary with Barns Lane Farm. This distance falls short of the recommended distance of 10.5m. The land to which this property would overlook is a large green area measuring over 60m long, which does not form part of the private garden area. Furthermore, the only window in the side (southwest) elevation of Plot 1 is a single window at ground floor. It is considered that the proposed boundary treatment would provide adequate screening. Plot 4 would be sited nearest to the southwest boundary, at a distance of approximately 13m, and therefore complies with PG1.

82. The application site would be approx. 30m from the nearest residential property on Sawpit Street – The Nursery – which is located on the other side of the copse of trees, which are to be retained as part of the proposed development.
83. The proposed development is of a scale and distance from nearby residential properties as to not result in an adverse impact upon amenity, in terms of loss of privacy, overlooking, overshadowing or overbearing impact. Furthermore, the proposed residential use would likely result in less noise and disturbance than the lawful landscaping use.

Future Occupants

84. The proposed site layout with regards individual plots throughout is generally compliant with the requirements of PG1 in terms of stated parameters to prevent any impact on amenity with regards overlooking, loss of light or visual intrusion. The revised scheme has been developed to achieve an informal layout and as a result some of the relationships between the individual plots are below the suggested guidelines as per PG1. Although not strictly complying on every aspect the proposed development has been carefully designed as to not prejudice the amenity of prospective residents. The proposals, overall, are considered to be in line with the core values of the guidance. Moreover, the dwellings all form part of the same development and therefore there is a degree of flexibility with regards to applying such parameters in a rigid manner, which can impede well designed development.
85. The proposed houses are all individual and sited in a manner as to avoid any principal windows directly facing each other. For instance Bedroom 3 of Plot 5 has 2 no. windows and the secondary window would be approx. 16.3m from Bedroom 4 of Plot 6, as such it is recommended that the secondary window in Plot 4 is obscurely glazed. A similar situation occurs between: Bedroom 1 of Plot 5, which would also have a secondary window in the side elevation circa 1m from Plot 4; and also Bedroom 2 of Plot 1 and Bedroom 3 of Plot 2. As such the secondary windows at Plot 1, Plot 5 are also recommended to be obscurely glazed. In addition, a number of en-suite windows located on side elevation facing other dwellings are also recommended to be obscurely glazed.
86. Plots 2 and 3 have an irregular, non-rectilinear rear garden and as such the boundary from the rear elevation of Plot 3 increases from a minimum distance of 1.4m (for a very small section) to up to a length of 20m for the majority of the garden. The first floor rear windows have been positioned towards the northwest side of this elevation in order to comply with the overlooking distances and as such are considered acceptable.
87. The proposed irregular layout would result in some built form projecting beyond habitable room windows, however given the siting and orientation, plus noting that

the development is to be built as a whole, it is considered the proposed development would not result in an unacceptable level of overshadowing or overbearing impact that would prejudice the amenity of future occupiers.

88. The proposed gardens vary in sizes but all comfortably exceed the requirements set out in PG1.

Contaminated land

89. Paragraph 118 of the NPPF states that planning decisions should give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs and support appropriate opportunities to remediate contaminated land. Paragraph 178 of the NPPF advises that decisions should ensure that a site is suitable for its proposed use taking into account ground conditions and any risks arising from contamination.
90. Policy L5 also states that 'Development that has potential to cause adverse pollution (of air, light, water, ground), noise or vibration will not be permitted unless it can be demonstrated that adequate mitigation measures can be put in place'.
91. The applicant has submitted a Phase 1: Preliminary Risk Assessment which has considered the proposed development with regards ground conditions and contamination.
92. The Councils Pollution section have advised that the Phase 1 report confirms that the site has been contaminated by a former commercial usage. The report highlights that the potential contamination sources affecting the site were identified as heavy metals, PAHs, sulphate, asbestos, pesticides, hydrocarbons and gas (carbon dioxide and methane). These contaminants may pose a risk to site users (via ingestion, dermal contact, inhalation pathways and explosion), controlled waters (via migration through permeable strata and preferential pathways), buildings and structures (direct contact and explosion), water pipes (direct contact) and flora (root uptake).
93. The Councils Pollution section have advised that to ensure the protection of future site users (residential use) and the wider environment a condition be included requiring further ground site investigation and risk assessment which details a remediation strategy for the site with a further condition requiring the submission of a verification report which demonstrates that the site has been appropriately remediated.
94. Air Quality
95. The Planning Statement submitted in support of the application, confirms that Electric Vehicle Charging Points (EVCP) would be provided for each property. A condition requiring an EVCP scheme is therefore recommended with any

permission to ensure delivery, improve local air quality and help promote the uptake of low emission vehicles.

Other matters

96. The Environmental Health Officer and Local Highway Authority have requested a Construction & Environmental Management Plan. Such a condition is considered appropriate for this development.
97. The Environmental Health Officer also requested conditions in relation to noise levels and hours of use of the retained office building. This building is outside of the application site and in any case would likely require planning permission for its use, as such it would not be necessary or reasonable to seek to impose conditions in relation to this building through this application.
98. The proposals do not include any details on external lighting. It is considered appropriate, given the rural context and lack of street lighting/light pollution, to attach a condition requiring a lighting scheme (if required) for this development.

Conclusion on residential amenity

99. For reasons set out above, the proposed development, subject to conditions, is considered acceptable and in accordance with Policy L7 of the Core Strategy and relevant paragraphs of the NPPF.

HIGHWAYS, ACCESS AND PARKING

100. Paragraph 109 of the NPPF states that 'Development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe'.
101. Policy L4.7 states that 'The Council will not grant planning permission for new development that is likely to have a significant adverse impact on the safe and efficient operation of the Strategic Road Network, and the Primary and Local Highway Authority Network unless and until appropriate transport infrastructure improvements and/or traffic mitigation measures and the programme for the implementation are secured'.
102. Policy L4 of the Trafford Core Strategy states that "maximum levels of car parking for broad classes of development will be used...to promote sustainable transport choices, reduce the land-take of development, enable schemes to fit into central urban sites, promote linked-trips and access to development for those without use of a car and to tackle congestion."
103. Policy L4.14 to L4.16 sets out the requirement to comply with the adopted maximum car and cycle parking standards as set out in Appendix 3 to the Core

Strategy and within adopted SPD3. The setting of maximum parking standards as set out in section L4.15 and Appendix 3 is inconsistent with the NPPF and in that regard is considered out of date and less weight should be afforded to this part of the policy.

104. Policy L7 states that 'In relation to matters of functionality, development must: Incorporate vehicular access and egress which is satisfactorily located and laid out having regard to the need for highway safety; and provide sufficient off-street car and cycle parking, manoeuvring and operational space.
105. The applicant has provided a Transport Technical Note (SCP) for both the original submission and revised scheme. An additional site plan, which clearly illustrated the location and dimensions of car park spaces, was also submitted following discussions with the LHA.

Access

106. The proposed development would incorporate a 5.5m wide (plus 2m service strip) shared use access which will be located slightly south of the existing access. The access would service five of the seven proposed dwellings as well as the retained office.
107. The Transport Technical Note used TRICS data for retail outlets and builders' merchants to show that the permitted use would generate more traffic than the proposed residential use of seven dwellings. Furthermore the Technical Note reports on the 7-day Automatic Traffic Count (ATC), which was undertaken for the period 2nd to 8th November 2019. It revealed 85th percentile wet-weather design speeds of 34.4 mph northbound and 32.3mph southbound, and therefore the minimum required visibility splays are noted as 2.4m x 50m and 2.4m x 45m, respectively. The drawings submitted in support of the application (numbers: SCP/190777/SK01 Rev. E, and 18062 1256 (no revision)) demonstrate that the required visibility splays can be achieved. The latter drawing also confirms sufficient internal space will be provided to accommodate vehicles turning, thus allowing vehicles to enter and exit the site in a forward gear.

Servicing Arrangements

108. Each dwelling of the proposed development would be provided with a bin store located to the rear or side of the properties, depending on the plot. Although it is understood that the internal highway features would be privately owned and maintained and no part of the proposed development would be put forward for adoption by the LHA, the proposed internal road would be built to adoptable standards. Furthermore, it has been demonstrated (drawing number SCP/190777/ATR01 Rev. E) that a refuse vehicle would be able to enter and exit in a forward gear.

Car Parking Arrangements

109. The proposed dwellings comprise of four or more bedrooms and therefore the maximum parking standards for this location require three parking spaces per property. It is considered that maximum standards are required on this development due to the limited sustainability of the location. The proposed site plan clearly demonstrates that this can be achieved.
110. The retained existing office building is excluded from the application site, however it is acknowledged that 12 no. car parking spaces can be provided within the wider site adjacent to the retained building. The parking and use of this building would be considered further as part of a separate planning application.

Cycle Parking and Storage Arrangements

111. The proposal includes cycle stores for each dwelling. The Technical Note confirms that these stores could accommodate for up to four cycles. As no details have been provided a condition requesting further details is considered appropriate for any permission.

Other matters

112. Warburton Parish Council has requested the applicant improves the visibility splays at the junction of Barns Lane and Sawpit Street by cutting back the existing hedge and erecting metal estate railings. The Proposed Site Plan includes an annotation referring to the Sawpit Street hedge and states 'Shrubs pruned back to accommodate visibility splay and new railings.
113. A number of objections have also been received raising concern with regard to highway safety, particularly at the junctions at both ends of Barns Lane. The information provided has satisfied the LHA that traffic generation from the proposed development of seven dwellings would be an improvement from the lawful use. As such, it is considered the proposed development would not have a detrimental impact upon highway safety. It is nevertheless considered that the maintenance of the hedge around the northeast corner of the site could be managed as part of the landscape maintenance plan, required for the wider (blue edge) site.

Conclusion on highway matters

114. It is considered that the proposed access arrangements and site layout including bicycle and car parking levels are acceptable. There are no adverse impacts identified with regards traffic generation and subject to appropriate conditions as stated in the above section, it is concluded that the development would have an acceptable highway, parking and servicing impact with reference to Core Strategy Policies L4 and L7 and the NPPF.

FLOOD RISK AND DRAINAGE

115. Policy L5 of the Trafford Core Strategy states that “the Council will seek to control development in areas at risk of flooding, having regard to the vulnerability of the proposed use and the level of risk in the specific location”. At the national level, NPPF paragraph 155 has similar aims, seeking to ensure that development in high risk areas of flooding is safe without increasing flood risk elsewhere.
116. The application site is located within the Environment Agency Flood Zone 1 - the lowest risk of flooding. The application is supported by a Drainage Strategy Report, which was revised during the course of the application as the proposal now includes a Detention Basin. The report advises exceedance flows have been catered for by ensuring a positive fall to the lowest part of the site with any such overland waters flowing towards the existing Highway as is the current situation. Infiltration has been assessed on site with inadequate percolation rates being available resulting in a storage and attenuation drainage system. In accordance with the drainage hierarchy, the existing connection to the nearby Ordinary Watercourse is proposed as the most appropriate outfall to minimise flood risk on and off site.
117. The report confirms that the peak flow is to be limited to Greenfield rates, which in this case is limited to 5.0l/s. It was also confirmed through discussions with the LLFA that attenuation storage (Detention basin) volume would have a minimum 65 cubic metres required for the 100 year plus 40% climate change storage. Furthermore, a treatment plant will be required for the foul water disposal, which due to the poor infiltration conditions will be disposed of via the existing drain which discharges to the Ordinary Watercourse to the Northeast of the site, currently also used by the outfall from the office septic tank. It is noted that due to the treatment plant generating more than 5cu.m per day a permit will be required to be obtained.
118. The Lead Local Flood Authority has raised no objections subject to two conditions in relation to surface water drainage and a management & maintenance plan. United Utilities (in addition to a surface water drainage scheme) have also commented that foul and surface water should be drained on separate systems. It is therefore considered that the proposed development subject to conditions is acceptable with regard to drainage and flood risk.

TREES & LANDSCAPING

119. Policy R3 of the Core Strategy seeks to protect and enhance the Boroughs green infrastructure network. Policy R5 states that all development will be required to contribute on an appropriate scale to the provision of the green infrastructure network either by way of on-site provision, off-site provision or by way of a financial contribution. Both these policies are considered to be up to date in terms of the NPPF and so full weight can be afforded to them.

120. None of the trees located within or surrounding the application site are protected under a Tree Preservation Order nor does it lie within the conservation area. It is also noted that the boundary hedgerows adjacent Barns Lane for this site do not qualify for protection under the Hedgerow Act.
121. A Tree Survey and Constraints Report (Amenity Tree Care) was submitted in support of the application. The Tree Retention, Removal & Protection plan – indicates 13 no. trees (T3, T4, T19 –T29) to be removed to facilitate development. It is noted that post survey, trees T19-T29 have already been removed.
122. The Council's Arboricultural Officer has reviewed the revised proposal and have advised they have no objections, providing the adjacent wooded area along Sawpit Street is retained and the tree protection fencing proposed in the submitted Tree Retention, Removal & Protection plan (drawing No. 102 revision B) is in place prior to the demolition starting on site. It is also requested that details are provided of how management of the area of the proposed wildflower meadow within the development is carried out and by whom to prevent the shared areas becoming neglected.
123. The proposed landscape scheme has already been discussed in some detail and it is considered that the proposals are acceptable in principle, however a condition requiring final species choices and methodology is recommended with any permission.

ECOLOGY AND BIODIVERSITY

124. Paragraph 170 of the NPPF identifies that planning decisions should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity. When determining planning applications, paragraph 175 of the NPPF, states the following principle, inter alia, should be applied: development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.
125. Policy R2 of the Core Strategy seeks to protect and enhance the landscape character, biodiversity, geodiversity and conservation value of its natural urban countryside assets and protect the natural environment throughout the construction process. Policy R2 is considered to be compliant with the NPPF and therefore up to date as it comprises the local expression of the NPPFs emphasis on protecting and enhancing landscapes, habitats and biodiversity. Accordingly, full weight can be attached to it in the decision making process.

126. This application was accompanied by an Ecological Reports: Daytime Bat Survey and Barn Owl Report (Rachel Hacking Ecology, September 2018) and Extended Phase 1 Survey Report (Rachel Hacking Ecology, November 2019).
127. The survey did not find any bats or signs of bats and all three buildings currently on site are considered to have negligible potential to support roosting bats. No further surveys are therefore considered necessary. Notwithstanding the above, bats are mobile in their habits and can be found in the most unlikely places. If bats are found or suspected at any time during the works, work should cease immediately and advice sought from a suitably qualified bat worker. An informative to this effect is therefore recommend to be placed on any permission.
128. The survey found that building 2 (building 3 on Existing Site Plan and as referred to throughout this report), the open agricultural barn was found to have numerous old birds' nests present. The mixed woodland, introduced shrubs, hedgerows and scattered trees also have the potential to support nesting birds. All birds, with the exception of certain pest species, and their nests are protected under the terms of the Wildlife and Countryside Act 1981 (as amended). As such it is recommended that a condition requiring works to building 2, trees, shrubs, hedgerows and the woodland should not be undertaken in the main bird breeding season (March-August inclusive), unless nesting birds have found to be absent, by a suitably qualified person, should be attached to any permission.
129. In addition, a barn owl box is present within building 2 (building 3 on Existing Site Plan and as referred to throughout this report), and evidence of past use by barn owl was found within the shed (deteriorated barn owl pellets). Although no evidence was found to indicate that the building was being used by barn owls at the time of the survey. GMEU therefore recommend that a condition is attached, which requires building 2 to be inspected for the presence of barn owl, by a suitably qualified person, prior to any works commencing.
130. It is noted that the proposed development proposes native hedging, wildflower meadows and a detention basin, all of which would contribute to biodiversity enhancement, however it is nevertheless recommended that a condition in relation to biodiversity enhancement measurements is attached with any permission to ensure compliance with paragraphs 170d) and 175d) of the NPPF.

Conclusion on Ecology and Biodiversity

131. Subject to this condition, the proposed development is considered to be acceptable having regard to ecology and biodiversity.

DEVELOPER CONTRIBUTIONS

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

will be liable to a CIL charge rate of £80 per square metre, in line with Trafford's CIL charging schedule and revised SPD1: Planning Obligations (2014).

133. In accordance with Policy L8 of the Trafford Core Strategy and revised SPD1: Planning Obligations (2014) it is necessary to provide an element of specific green infrastructure. In order to secure this, a landscaping condition will be attached to make specific reference to the need to provide soft landscaping on site as part of the landscaping proposals.
134. The application site area is less than 0.5Ha and the proposed number of residential units is seven. Affordable housing is triggered under the development plan policy, however Policy L2 is out of date in NPPF terms. The proposal is not a 'major development' for housing in NPPF terms and therefore the proposed development does not need to provide affordable housing.

PLANNING BALANCE AND CONCLUSION

135. Paragraph 38(6) of the Planning and Compulsory Purchase Act 2004 states that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise. The proposal complies with the development plan, when taken as a whole, which would indicate in itself that planning permission should be granted.
136. The NPPF is a material consideration in planning decisions, and, as the Government's expression of planning policy and how this should be applied, should be given significant weight in the decision making process. As the council does not have a five year supply of housing land, the tilted balance in Paragraph 11 of the NPPF is engaged.
137. With regard to Paragraph 11(d)(i) and the assessment of the Green Belt (protected area), the assessment has concluded the proposed development involving the redevelopment of previously developed land to create seven residential dwellings with a new access and associated landscaping and detention basin would not have a greater impact on the openness of the Green Belt than the existing development. As such the proposed development would not be inappropriate development within the Green Belt, given the compliance with the exception at Paragraph 145(g). It is therefore considered in relation to Paragraph 11(d)(i) that there is not a clear reason for refusal of the application when considering the Green Belt.
138. 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.

139. The proposed development would make a small but positive contribution to Trafford's housing land supply and needs in line with Policies L1 and L2, by reason of providing seven large family homes on vacant and previously developed land. Furthermore the site can be reached by sustainable transport and the proposal includes measures to improve the sustainability of the site.

140. The proposed development, subject to conditions, is considered to be acceptable in terms of design and appearance, its impact upon the landscape character, residential amenity (for both existing and future occupiers), contaminated land, highway matters, flood risk, ecology & biodiversity and trees & landscaping. The proposed development is therefore considered in accordance with Core Strategy Policies L1, L2, L4, L5, L7, L8 R2 and R4 and the NPPF and there are no adverse impacts that would significantly and demonstrably outweigh the benefit of granting planning permission. The application should consequently be approved, subject to the following conditions.

RECOMMENDATION: GRANT subject to the following conditions

Time limit

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.

Approved Plans

2. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans:
 - 1202 – Site Location Plan
 - 1210 - Plot 1 Floor Plans
 - 1211 - Plot 1 Elevations
 - 1215 - Plot 2 Floor Plans
 - 1215 - Plot 2 Floor Plans
 - 1216 - Plot 2 Elevations
 - 1220 - Plot 3 Floor Plans
 - 1220 - Plot 3 Floor Plans
 - 1221 - Plot 3 Elevations
 - 1225 - Plot 4 Floor Plans
 - 1226 - Plot 4 Elevations
 - 1230 - Plot 5 Floor Plans
 - 1231 - Plot 5 Elevations
 - 1235 - Plot 6 Floor Plans
 - 1236 - Plot 6 Elevations

1240 - Plot 7 Floor Plans
1241 - Plot 7 Elevations
1245 - Car barns to Plots 1 and 2
1255 Rev A - Proposed Site Plan with Levels
1257 - Proposed Site Roof Plan
1262 Rev A – Proposed Site Plan illustrating location and size of parking spaces

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

Material samples

3. Notwithstanding any description of materials in the application no works involving the use of any materials listed below shall take place until samples and full specification of materials to be used externally on the buildings and car barns, including brick sample panel, tiles, window frames, doors, oak frames, and rainwater goods, have been submitted to and approved in writing by the Local Planning Authority. The specifications shall include the type, colour and texture of the materials. The samples shall include constructed panels of all proposed brickwork patterns illustrating the type of joint, the type of bonding and the colour of the mortar to be used, with these panels available on site for inspection, and retained for the duration of the build.

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.

Architectural Technical Drawings of fenestration, brick patterns and roof edges

4. 3. Notwithstanding any description of façade treatment in the application no above-ground construction works shall take place unless and until a detailed façade schedule for all elevations of the buildings has first been submitted to and approved in writing by the local planning authority. The schedule shall be provided in tabulated form with cross referencing to submitted drawings, include the provision of further additional drawings and the building of sample panels on site as necessary and shall include:
 - (i) All brickwork detailing
 - (ii) All fenestration details and recesses (including heads, cills, mullions, transoms, casement and jambs. Recesses are to be no less than 100mm)
 - (iii) Roof edge, including verges and eaves details
 - (iv) The means of dealing with rainwater and any necessary rainwater goods that may be visible on the external façade of the building
 - (v) Siting of any external façade structures such as meter boxes

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

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

M&E services

5. No above-ground construction works shall take place unless and until a detailed scheme for the provision of all energy supplies, meter boxes, external plant, and mechanical and electrical systems (M&E) has first been submitted to and approved in writing by the Local Planning Authority. The scheme shall ensure:
 - (i) There are no individual extraction vents or flues to dwellings visible on the front elevation of the buildings, and that the M&E solutions do not impact on the fenestration detailing shown on the approved elevational drawings
 - (ii) There are no gas supply pipes or meter boxes fitted to the street front elevation.Development shall proceed in accordance with the approved scheme.

Reason: In the interests of visual amenity and design quality, specifically to protect the original design intent of the architect and the quality of the proposed development, having regard to Core Strategy Policy L7 and the National Planning Policy Framework, and the National Design Guide.

Construction Method Statement

6. 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 hoarding 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 and procedures to be adopted in response to complaints of fugitive dust emissions
 - vii. a scheme for recycling/disposing of waste resulting from demolition and construction works (prohibiting fires on site)
 - viii. days and hours of construction activity on site (in accordance with Trafford Council's recommended hours of operation for construction works), hours of construction and demolition activity
 - ix. contact details of site manager to be advertised at the site in case of issues arising
 - x. measures to prevent disturbance to adjacent dwellings from noise and vibration, including any piling activity

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.

Site Levels

7. Other than the demolition of buildings and structures down to ground level, and site clearance works, including tree felling, no development shall take place until details of existing and finished site levels relative to previously agreed off-site datum point(s) have been submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved details.

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

Nesting Birds

8. No removal of or works to any hedgerows, trees or shrubs and no works or demolition of Building 2 on Existing Site Plan (drawing number 1201) shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation shall be submitted to and approved in writing by the Local Planning Authority.

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. Details for this condition need to be submitted prior to the commencement of works on site because mitigation measures need to be in place prior to any operations taking place on site [all nesting birds their eggs and young are protected under the terms of the Wildlife and Countryside Act 1981 (as amended)].

Barn Owl

9. No works to, including the demolition of, Building 3 on Existing Site Plan (drawing number 1201), shall take place unless and until this building is inspected further for the presence of barn owls, by a competent ecologist, and the findings are submitted to and approved in writing by the Local Planning Authority. Should evidence be found to indicate that Building 3 is being used by barn owls a method statement giving details of mitigation measures to be taken in relation to barn owls shall be submitted to and approved in writing by the Local Planning Authority. The

development shall not be carried out other than in full accordance with the approved method statement.

Reason: In order to protect any barn owls that may be present on the site having regard to Policy R2 of the Trafford Core Strategy and the National Planning Policy Framework.

Biodiversity enhancements

10. No above ground construction works shall take place unless and until a scheme to include measures to enhance biodiversity at the site and provide a net gain for biodiversity, together with a timetable for their provision has been submitted to and approved in writing by the Local Planning Authority. The measures should include barn owl boxes, bat boxes and/ or native tree and shrub planting, and shall be provided in accordance with the approved scheme and timetable and retained thereafter.

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

Contaminated Land

11. Other than the demolition of buildings and structures down to ground level, and site clearance works, including tree felling, no development shall take place until an investigation and risk assessment in relation to contamination on site (in addition to any assessment provided with the planning application) has been submitted to and approved in writing by the Local Planning Authority. The assessment shall investigate the nature and extent of any contamination on the site (whether or not it originates on the site). The assessment shall be undertaken by competent persons and a written report of the findings submitted to and approved in writing by the Local Planning Authority before any development takes place other than the excluded works listed above. The submitted report shall include: i) a survey of the extent, scale and nature of contamination ii) an assessment of the potential risks to human health, property (existing or proposed) including buildings, crops, livestock, pets, woodland, and service lines and pipes, adjoining land, ground waters and surface waters, ecological systems, archaeological sites and ancient monuments; iii) where unacceptable risks are identified, an appraisal of remedial options and proposal of the preferred option(s) to form a remediation strategy for the site. iv) a remediation strategy giving full details of the remediation measures required and how they are to be undertaken v) a verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

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

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

Contaminated Land – Verification report

12. The development hereby permitted shall not be occupied until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation has been submitted to and approved in writing by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan, where required (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

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

Drainage

13. The development hereby permitted shall not be carried out except in complete accordance with the details included with the approved Drainage Strategy (19/11/20 / JSD/J025 / D and D Consulting Engineers) and the following mitigation measures detailed within the document:
 - Limiting the surface water run-off generated by the development to 5 l/s so that it will not increase the risk of flooding on and off-site.
 - Provision of a minimum 65m³ attenuation flood storage on the site to a 1 in 100-year storm event with a 40% allowance for climate change.

Reason - To prevent flooding by ensuring the satisfactory storage of and disposal of surface water from the site in accordance with Trafford Core Strategy L5 and relevant sections of the NPPF.

SUDS maintenance plan

14. The development hereby approved shall not be occupied until a management and maintenance plan for the lifetime of the development, which shall include the arrangements for adoption by an appropriate public body or statutory undertaker,

management and maintenance by a Residents' Management Company or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime, has been submitted to and approved in writing by the Local Planning Authority. Management and maintenance shall be carried out in accordance with the approved plan.

Reason: To prevent the increased risk of flooding; to improve and protect water quality; to improve habitat and amenity; and to ensure the future maintenance of the sustainable drainage structures, having regard to Trafford Core Strategy Policy L5 and relevant sections of the NPPF.

Cycle stores

15. The residential units hereby approved shall not be occupied unless and until details of the cycle storage (for 4 no. spaces per property) has been implemented in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. The approved cycle storage shall be retained at all times thereafter.

Reason: To ensure that satisfactory cycle parking provision is made in the interests of promoting sustainable development, having regard to Policies L4 and L7 of the Trafford Core Strategy, the Council's adopted Supplementary Planning Document 3: Parking Standards and Design, and the National Planning Policy Framework.

Bin Stores

16. 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 first occupation of the dwellings 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. S

Landscaping scheme

17. 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

Landscaping management plan

18. No part of the development shall be occupied until a landscape management plan for the area edged in blue on Site Location Plan (drawing no. 1202) for a minimum period of 10 years has been submitted to and approved in writing by the Local Planning Authority. The landscape management plan shall include details of the arrangements for the implementation of the approved landscaping scheme, a schedule of maintenance, and details of responsibilities and management of the area. The schedule of maintenance shall be implemented in accordance with the approved landscape management plan.

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.

Parking to be retained in situ

19. The development hereby approved shall not be occupied until the means of access and the areas for the movement, loading, unloading and parking of vehicles been provided, constructed and surfaced in complete accordance with the submitted plans and the details approved in relation to condition 2. These areas shall thereafter be retained and not be put to any other use than their intended purpose.

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

Boundary Treatment details

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

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

EVCP scheme

21. The development hereby approved shall not be occupied unless and until a scheme for the provision and implementation of electric vehicle charging points has first been submitted to and approved in writing by the Local Planning Authority. Development shall proceed in accordance with the approved scheme and retained thereafter.

Reason: In the interests of promoting sustainable travel having regard to Policies L4 and L5 of the Trafford Core Strategy and the National Planning Policy Framework.

Lighting scheme

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

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

Tree protection

23. 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' and Tree Retention, Removal & Protection plan (drawing No. 102 revision B). 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.

PD removal

24. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 Schedule 2 Part 1 and 2 (or any equivalent Order following the amendment, re-enactment or revocation thereof):
- (i) no extensions shall be carried out to the dwellings;
 - (ii) no garages or carports shall be erected within the curtilage of the dwellings other than those expressly authorised by this permission;
 - (iii) no buildings, gates, walls, fences or other structures shall be erected within the curtilage of the dwellings; and
 - (iv) no windows or dormer windows shall be added to the dwellings other than those expressly authorised by this permission;
- unless planning permission for such development has first been granted by the Local Planning Authority.

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

PD restriction – windows

25. 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:-
- all first floor side elevation windows serving bathrooms; en-suites and stairwells; and
 - the first floor secondary bedroom windows on the northeast elevations of Plots 1 and 5,

shall be fitted with 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.

Foul and surface water drainage

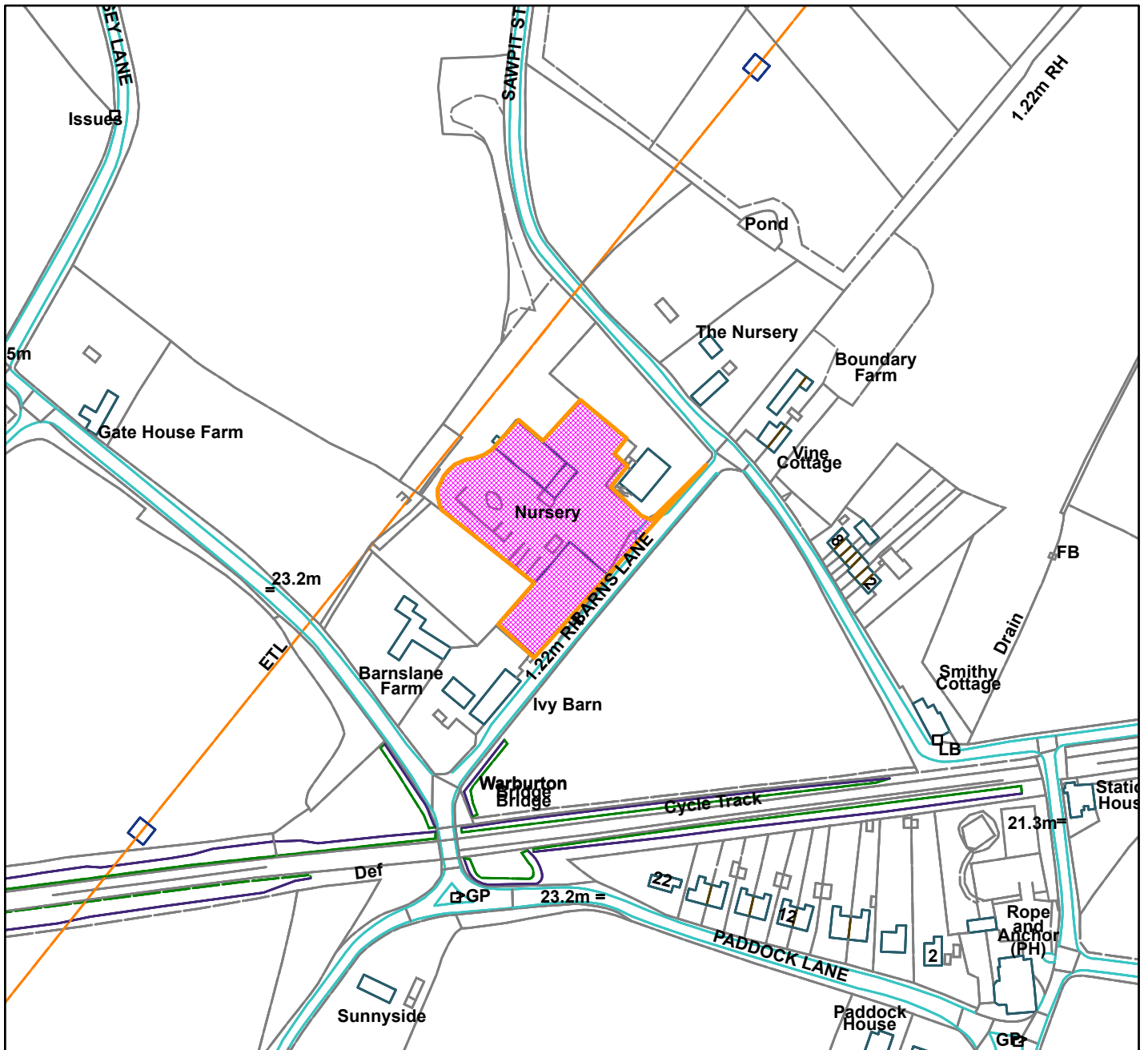
26. The site shall be drained via separate systems for the disposal of foul and surface water.

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.

LT



Former Panflora Nurseries, Barns Lane, Warburton(site hatched on plan)



Scale: 1:2,500

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Organisation	Trafford Council
Department	Planning Service
Comments	Committee date 11/03/2021
Date	01/03/2021
MSA Number	100023172 (2012)

WARD: Broadheath

101748/VAR/20

DEPARTURE: NO

Application for variation of condition 7 on planning permission H/68719 (Development of a local centre incorporating a supermarket, 5 units falling within Use Classes A1, A2, A3 and D1 with associated car parking, servicing and highway works.). To allow for deliveries to the site to be made between 07.00 and 22.00 for a temporary 1 year period.

Waitrose, 10 Draybank Road, Altrincham, WA14 5ZL

APPLICANT: Waitrose Foodstore

AGENT: Mr Tim Williams, Firstplan Ltd

RECOMMENDATION: GRANT

The application is reported to the Planning and Development Management Committee due to receiving more than 6 representations contrary to officer recommendation.

SITE

This application relates to Waitrose supermarket in Altrincham. The site is bound by Turnbull Road to the east, Sinderland Road to the south and Draybank Road to the west, from where it takes its vehicular access. The site is occupied by a supermarket with a number of smaller commercial units attached. These include a gym, a beauty salon and retail uses.

PROPOSAL

Planning application H/68719 granted planning permission for the development of a local centre consisting of a supermarket, five commercial units and associated car parking, servicing and highway works.

Condition 7 of H/68719 restricts the hours for deliveries to and waste collections from the site to between 0700 -2100 on any day. The condition states: -

“Deliveries to and waste collections from the development hereby approved shall not be permitted between the hours of 2100-0700 on any day.

Reason: To safeguard the amenity and existing characteristics of the area for the benefit of neighbouring residents, having regard to Proposal D1 of the Revised Trafford Development Plan.”

This application seeks the variation of this condition to allow for extended delivery hours of 0700-2200 for a temporary one year period.

Value Added

The hours applied for have been reduced from 0700-2300 on any day to 0700-2200 on any day following concerns being raised with regard to nuisance. Similarly, rather than granting permission on a permanent basis, the proposal has been amended to allow the development to operate in accordance with the varied delivery hours for a temporary period which will allow for any nuisance impacts associated with the scheme to be monitored.

Section 73 Application

This is an application under s73 of the Town and Country Planning Act and it is noted that when deciding such applications the LPA should normally limit its appraisal to the relevant conditions, albeit it does result in the grant of a new permission. Should this s73 application be approved the other conditions attached to the original grant of planning permission which have yet to be discharged will continue to be attached to the new permission.

When assessing variation of condition applications the LPA does not only have the option of either approving or refusing the proposed varied condition wording, but also has the power to impose an amended condition, the wording of which has not been requested by the applicant, as well as the option of imposing additional conditions should this be deemed necessary.

DEVELOPMENT PLAN

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

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

PRINCIPAL RELEVANT CORE STRATEGY POLICIES

L7 - Design

PROPOSALS MAP NOTATION

Sinderland Development Area- MD1

PRINCIPAL RELEVANT REVISED UDP POLICIES/PROPOSALS

None

PLACES FOR EVERYONE (FORMERLY GREATER MANCHESTER SPATIAL FRAMEWORK 2020)

The Greater Manchester Spatial Framework (GMSF) was a joint Development Plan Document being produced by the Greater Manchester districts. The first consultation draft of the GMSF was published on 31st October 2016, and a further period of consultation on the revised draft ended on 18th March 2019. The GMSF is now being progressed by nine GM districts as 'Places for Everyone' (PFE) and, once adopted, will be the overarching development plan for these districts, setting the framework for individual district Local Plans. PFE is not yet at Regulation 19 stage and so will normally be given limited weight as a material consideration. Where it is considered that a different approach should be taken, this will be specifically identified in the report. If PFE / GMSF 2020 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) 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 was last updated on 1st October 2019. The NPPG will be referred to as appropriate in the report.

RELEVANT PLANNING HISTORY

101755/CND/20- Application for approval of details reserved by conditions of grant of planning permission 99647/FUL//19. Condition numbers: 6(Noise mitigation) and 7 (Noise Mitigation). Full Discharge of Conditions- 13.10.2020.

99647/FUL/19- Construction of new warehouse extension (B8) within existing private service yard area, with associated site and yard alterations. Approved with Conditions- 12 August 2020.

H/68719- Development of a local centre incorporating a supermarket, 5 units falling within Use Classes A1, A2, A3 and D1 with associated car parking, servicing and highway works. Approved with Conditions- 23 September 2008.

APPLICANT'S SUBMISSION

- Covering Letter- The proposal to amend the approved delivery hours will enable Waitrose to respond to the increased demand for home delivery services, click and collect services, meet customer expectations and ensure the store remains fully stocked. The proposals can be achieved without detriment to neighbouring amenity or highway safety.
- Noise Impact Assessment
- Technical Memo

CONSULTATIONS

Environmental Health (Nuisance) – No objection subject to conditions.

Local Highway Authority - No objection.

REPRESENTATIONS

Letters of representation have been received from 13 separate properties in response to a neighbour consultation exercise. 12 letters object to the proposal and one neither objects nor supports it.

The letters of objection make the following points:

- HGVs arrive early and wait outside the service yard with their engines running.
- Vibrations to neighbouring properties are caused by the site's gate and delivery vehicles.
- Home delivery vans beep their horns when entering and existing the site.
- Wire cages are pushed around late at night which causes disturbance. This has happened at 3.30am.
- Proposal will result in more disturbance in the evenings.
- Deliveries currently take place outside of conditioned times.
- Large vehicles are unsuitable for the small residential road.
- Home deliveries should be carried out from an industrial area.
- Current noise levels prevent neighbours from opening windows in the evenings.
- Extended deliveries will disturb wildlife.
- HGVs cause fumes that are noticeable at nearby properties.
- The proposal would contravene Article 8 of the Human Rights Act 1998 by infringing on the right to family life.
- Extended delivery hours could harm property prices.
- Worse congestion on the road and worse parking conditions.

Section 6 of the Human Rights Act 1998 requires public authorities to act in a way that is compatible with the European Convention on Human Rights. Various Rights may be relevant to this application including Article 1 (protection of property) and Article 8 (Right to respect for a private and family life). The European Court has recognised that “regard

must be had to the fair balance that has to be struck between the competing interests of the individual and of the community as a whole". Any interference must be necessary and proportionate. The rights of the individual have been considered against the wider public interest and it is determined that the Articles will not be triggered.

The letter which neither objected to nor supported the application made the following comments:

- Noise levels upon vehicles arriving prior to 07:00 hours have been excessive sometimes as early as 05:30 hours (eg refrigeration units running, reversing voice alarms, tractor unit noise).
- No unloading or loading of any vehicle should take place prior to 07:00 hours as has been the case in the past with cages being unloaded and rattling across the yard. Empty pallets from within the premises should not be dropped in the yard prior to 07:00 hours.

OBSERVATIONS

BACKGROUND

1. It is understood that the applicant wishes to extend the hours for deliveries to the site and for home deliveries that are made from the site.
2. Planning application H/68719 granted planning permission for the development of a local centre consisting of a supermarket, five commercial units and associated car parking, servicing and highway works.
3. Condition 7 of H/68719 restricts the hours of deliveries to the site to 0700-2100 on any day. There is no condition on application H/68719 that restricts the hours of home deliveries from the site however. This application therefore only considers the proposed extension to the hours for deliveries to the site.
4. Planning application 99647/FUL/19 granted planning permission for an extension to the applicant's warehouse. This permission includes a planning condition that restricts the hours of deliveries to the warehouse and the hours of home deliveries from the warehouse. The applicant has concurrently applied to vary this condition to allow for deliveries to the site and home deliveries from the site to take place between 0700-2200 on any day. This is considered under separate planning application 102090/VAR/20 elsewhere on this agenda.

PRINCIPLE OF DEVELOPMENT

5. S38(6) of the Planning and Compensation Act 1991 states that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise.

6. 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.
7. Paragraph 11 of the NPPF states that decisions should apply a presumption in favour of sustainable development. At paragraph c), it clarifies that this means approving development proposals that accord with an up-to-date development plan without delay.
8. The key issue in determining this application is the impact that extended delivery hours would have on the residential amenity of nearby occupiers. Policy L7 of the Core Strategy, is considered 'most important' for determining this application. Policy L7 is consistent with the NPPF and therefore up to date. The development plan therefore remains the appropriate means of assessing the acceptability of the proposal.

RESIDENTIAL AMENITY

9. 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.
10. Permission is sought to extend the delivery hours to the site from 0700-2100 on any day to 0700-2200 on any day. This represents one additional hour in the evenings.
11. The application site is in close proximity to residential properties. The site's vehicular access for deliveries is immediately opposite residential units at a distance of approximately 10m. Moreover, the access is taken from Draybank Road which necessitates delivery vehicles passing a number of residential properties that front onto this road.
12. It is recognised that a number of objections have been received on the grounds of noise and disturbance related to deliveries at the site. These relate to the delivery vehicles themselves as well as noise emanating from the warehouse as part of the unloading of the vehicles. Reference is also made to the current unsociable hours of delivery.
13. A Written Ministerial Statement (WMS) by the Secretary of State for Housing, Communities and Local Government was made on the 13 March 2020 which made clear that Local Planning Authorities should ensure that planning controls are not a barrier to food delivery over the period of disruption caused by the

coronavirus. Specifically, it states that planning enforcement action should not be taken which would result in unnecessarily restricting deliveries of food and other essential deliveries during this period.

14. It is understood that Waitrose has been operating under the provisions of the WMS during the Covid-19 pandemic; including during this application process. As a consequence, comments received from neighbours relating to Waitrose already operating outside the permitted hours are understood to be explained by Waitrose operating under the temporary provisions of the WMS. These therefore would not be expected to represent conditions in the area under 'normal' circumstances.
15. The applicant has submitted a Noise Impact Assessment which concludes that the impact of the proposal on neighbouring residential properties would be acceptable. Environmental Health have commented that the issue of noise can be subjective however and that the BS4142 assessment that was carried out is more effective at assessing the impact of noise sources likely to be carried on for extended periods rather than the impact of sudden noises that are short in duration but are nonetheless intrusive. For this reason, it is not considered that the Noise Impact Assessment alone is sufficient in demonstrating that the proposal is acceptable in terms of noise and disturbance.
16. The Environmental Health consultee recommended that permission for the extended delivery hours be granted on a temporary one year basis. This would be to allow Environmental Health to monitor the noise impacts over that period which could be used to fully assess any subsequent application to make the extended delivery hours permanent. Subject to the permission being granted on a temporary basis, and an effective Noise Management Plan being implemented, Environmental Health raise no objection to the application.
17. A Noise Management Plan has been submitted with this application however this requires amendments to be acceptable. It is anticipated that an updated Noise Management Plan will be submitted to the LPA prior to the Planning and Development Management Committee meeting taking place. An update in relation to this will be reported in the Additional Information Report alongside any associated changes to the recommended conditions.
18. It is recognised that the proximity of the site to residential properties creates the potential for noise and disturbance to be introduced to the occupiers of those properties by an extension to delivery hours. It is considered that the implementation of an appropriate Noise Management Plan would offset this however. Nevertheless, the temporary nature of the application provides the Council with the ability to review the proposal in future should the applicant seek to make the change permanent.
19. It is therefore considered that, subject to the submission of an acceptable Noise Management Plan and a temporary one year condition, the proposal would be

acceptable in residential amenity terms with regard to Policy L7 of the Core Strategy and NPPF guidance.

HIGHWAY SAFETY AND PARKING

20. Policy L7 of the Core Strategy states, “in relation to matters of accessibility, development must:
- Be fully accessible and useable by all sections of the community;
 - Provide good connections within the site and to adjoining areas;
 - Where relevant ensure that streets and public spaces are designed to provide safe and attractive environments for walkers and cyclists; and
 - Provide safe, convenient links to public transport and community facilities.
21. The proposal does not involve any changes to the site’s access or parking arrangements. The LHA raise no objection to the application. It is considered acceptable and in accordance with Policy L7 of the Core Strategy in this regard.

DEVELOPER CONTRIBUTIONS

22. There are no developer contributions relevant to this application.

PLANNING BALANCE AND CONCLUSION

23. The site is in close proximity to residential properties and so there is potential for extended delivery hours to introduce some noise and disturbance to neighbouring occupiers. It is considered that the submission of an appropriate Noise Management Plan would ensure that the extended delivery hours do not introduce excessive noise or disturbance to neighbouring residential occupiers and a one year temporary condition will allow Environmental Health to monitor the noise impacts over that period prior to any subsequent application to make the extended delivery hours permanent.
24. The proposal therefore complies with Policy L7 of the Core Strategy and NPPF guidance with regard to the protection of residential amenity. It is recommended that the application be approved for a temporary one year period and subject to conditions including the implementation of the Noise Management Plan during this period.

RECOMMENDATION

GRANT subject to the following conditions:-

1. The permission hereby granted is for a temporary period expiring one year from the date of this permission. Following the expiry of this period, the operation of the site including hours of deliveries shall be in accordance with the conditions approved under planning permission H/68719.

Reason: To allow the extended delivery hours to be monitored in the interests of residential amenity with regard to Policy L7 of the Trafford Core Strategy.

2. The net retail floor space of the supermarket excluding the checkout area hereby approved by this permission shall not exceed 1,430sq.m unless otherwise agreed in writing by the Local Planning Authority. The checkout area identified on drawing no. 0748-AG(P)-G02 Rev D shall not be used for the display of goods for sale.

Reason: There is insufficient evidence to demonstrate that a larger supermarket would be consistent with the objectives of sustainable development, having regard to Policy W2 of the Core Strategy and NPPF guidance.

3. The net area of the supermarket hereby approved devoted to the sale of comparison goods shall not exceed 237sq.m.

Reason: In accordance with the submitted details and having regard to Policy W2 of the Trafford Core Strategy

4. At least three of the units 1 to 4 hereby approved shall be restricted to A1 (retail).

Reason: In accordance with the submitted details and having regard to Policy W2 of the Trafford Core Strategy.

Deliveries to and waste collections from the development hereby approved shall not be permitted between the hours of 2200-0700 on any day.

Reason: To safeguard the amenity and existing characteristics of the area for the benefit of neighbouring residents and to allow the local planning authority to assess the impact of the development on the amenity of the surrounding area, having regard to Policy L7 of the Trafford Core Strategy.

5. The site shall be operated entirely in accordance with the submitted Noise Management Plan.

Reason: For the protection of amenity with regard to Policy L7 of the Core Strategy.

6. All areas for the movement, loading, unloading and parking of vehicles provided in accordance with this permission shall be made available for those purposes at all times when the premises are in use; notwithstanding the provisions of any General Development Order, 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.

7. No other external lighting equipment may be used within the development other than as approved in writing by the Local Planning Authority.

Reason: To safeguard the amenity and existing characteristics of the area for the benefit of neighbouring residents, having regard to Policy L7 of the Trafford Core Strategy.

8. Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from the development shall be passed through an oil interceptor designed and constructed to have a capacity and details compatible with, the site being drained. Roof water shall not pass through the interceptor.

Reason: To prevent pollution of the tributary of Sinderland Brook. Detergents entering oil interceptors may render them ineffective.

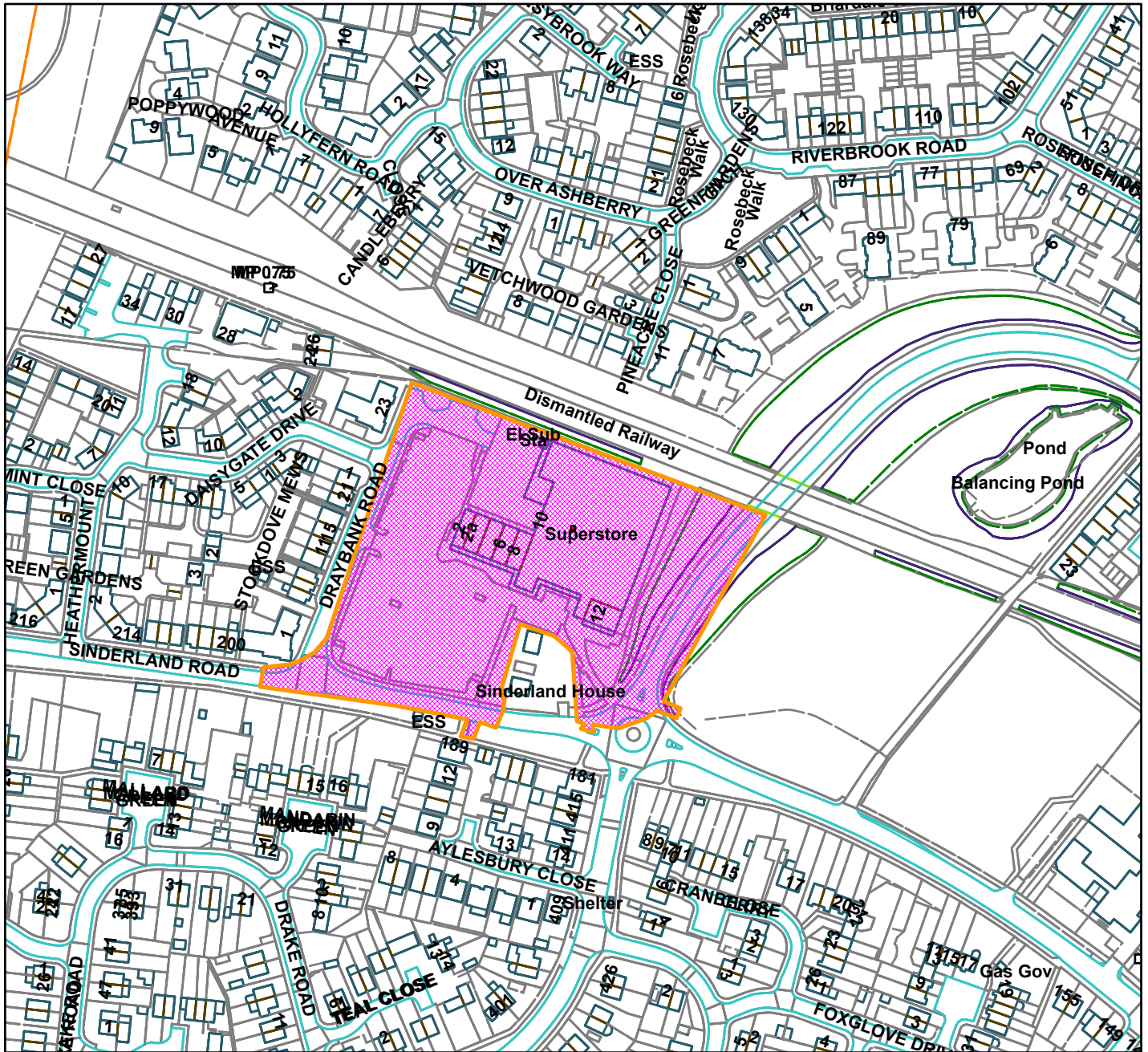
9. The development hereby permitted shall not be carried out otherwise than in accordance with drawing numbers: 0748-AE(P)-001, 0748-YZ(P)-001 Rev A, 0748-AX(P)-001, 0748-AD(P)-001, 0748-AE(P)-003 and 0748-AE(P)-002 received on 15th January 2008; TR270777/SP01 Rev E, TR270777/SP03, TR270777/04 Rev B received on 4th April 2008; 0748-AZ(P)-004 Rev B, 0748-AG(P)-101 Rev D, 0748-AG(P)-G01 Rev E, 0748-AZ(P)-001 Rev A, D1498.001C received on 9th April 2008.

Reason: For the avoidance of doubt because amended and additional plans were submitted subsequent to the receipt of the application.

JW



Waitrose, 10 Draybank Road, Altrincham (site hatched on plan)



Scale: 1:2,500

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Organisation	Trafford Council
Department	Planning Service
Comments	Committee date 11/03/2021
Date	01/03/2021
MSA Number	100023172 (2012)

WARD: Broadheath

101819/HHA/20

DEPARTURE: No

Erection of front porch and part single/part three storey rear extension, plus garage conversion and alterations to elevations.

ADDRESS: 6 Robin Road, Altrincham, WA14 5WD

APPLICANT: Dr. Ghaffar

AGENT: Studio Tashkeel Architecture

RECOMMENDATION: GRANT

The application is reported to the Planning and Development Management Committee due to receiving 6 objections contrary to officer recommendation.

SITE

The application site comprises a three storey (including the loft) detached dwelling house located to the north-east of the end of Robin Road – a small cul-de-sac within Altrincham. The dwelling has an attached garage to the north-west side. The property has a relatively short rear garden that backs onto Riverbrook Road, whilst a public footpath runs adjacent to the rear boundary.

PROPOSAL

The proposal is for the erection of a front porch and part single, part three storey rear extension, as well as a garage conversion and external alterations. This would create a bedroom with en-suite and enlarged kitchen at ground floor, a kitchenette at first floor and an en-suite to the third bedroom at second floor.

VALUE ADDED

The proposal has been amended significantly with the omission of a first floor side extension and a reduction in the scale, height and depth of the part single / part three storey rear extension due to concerns about the design of the proposed extension and its impact on the spaciousness of the area.

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 – Parking;

L7 – Design.

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

OTHER LOCAL POLICY DOCUMENTS

SPD3 – Parking Standards and Design;

SPD4 – A Guide for Designing House Extensions & Alterations

PROPOSALS MAP NOTATION

None

PRINCIPAL RELEVANT REVISED UDP POLICIES/PROPOSALS

None

NATIONAL PLANNING POLICY FRAMEWORK (NPPF)

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

NATIONAL PLANNING PRACTICE GUIDANCE (NPPG)

MHCLG published the National Planning Practice Guidance on 6th March 2014, and was updated on 1st October 2019. The NPPG will be referred to as appropriate in the report.

GREATER MANCHESTER SPATIAL FRAMEWORK

The Greater Manchester Spatial Framework (GMSF) was a joint Development Plan Document being produced by the Greater Manchester districts. The first consultation draft of the GMSF was published on 31st October 2016, and a further period of consultation on the revised draft ended on 18th March 2019. The GMSF is now being progressed by nine GM districts as ‘Places for Everyone’ (PFE) and, once adopted, will be the overarching development plan for these districts, setting the framework for individual district Local Plans. PFE is not yet at Regulation 19 stage and so will normally be given limited weight as a material consideration. Where it is considered that a different approach should be taken, this will be specifically identified in the

report. If PFE / GMSF 2020 is not referenced in the report, it is either not relevant, or carries so little weight in this particular case that it can be disregarded.

RELEVANT PLANNING HISTORY

H41981 - Land At Brookside Farm – Development of land for residential purposes (approx. 645 houses) and open space, with construction of link road between Manchester Rod and Sinderland Road including diversion of public footpath within the site. Approved with conditions 04.07.2000

H/ARM/55664 - Land At Brookside Farm - Erection of 253 dwellings (Phase One), provision of local access roads, associated drainage works and landscaping. (Reserved matters application of outline planning permission H/OUT/41981). Approved with conditions

PD Rights removed - see details below

Condition 4

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification)

- (i) no external alterations shall be carried out to the dwellings
 - (ii) no extensions shall be carried out to the dwellings
 - (iii) no garages or carports shall be erected within the curtilage of the dwellings
 - (iv) no vehicle standing space shall be provided within the curtilage of the dwellings
 - (v) no means of enclosure shall be provided to the front elevation of the car ports
 - (vi) no buildings, gates, wall fences or other structures shall be erected within the curtilage of the dwellings
 - (vii) no means of access shall be constructed to the curtilage of the dwellings
 - (viii) no windows or dormer windows shall be added to the dwellings
- other than those expressly authorised by this permission, unless planning permission for such development has been granted by the Local Planning Authority.

APPLICANT'S SUBMISSION

None

CONSULTATIONS

None

REPRESENTATIONS

- 6 objections were received, raising the following issues in relation to the proposal;
- not in keeping with the character of the property and surrounding area,
 - the proposal does not respect the scale and proportions of the original dwelling,
 - create a terracing effect,
 - incongruous in the street-scene,

- represent a cramped form of development and an overdevelopment of the site,
- loss of parking,
- would breach the Stamford Brook Community Trust Declaration,
- would result in overbearing, overshadowing and overlooking impacts.

OBSERVATIONS

1. The proposal is for an extension to an existing residential property, within a predominantly residential area. Therefore, the proposed development needs to be assessed against the requirements and limitations of Policy L7 of Trafford's Core Strategy and SPD 4.

Design and Visual Amenity

2. 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 of the NPPF 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."*
3. Policy L7 requires that development is appropriate in its context; makes best use of opportunities to improve the character and quality of an area by appropriately addressing scale, density, height, layout, elevation treatment, materials, landscaping; and is compatible with the surrounding area.
4. SPD 4: A Guide for Designing House Extensions and Alterations requires extensions to reflect the character, scale and form of the original dwelling by matching and harmonising with the existing architectural style and detailing and the SPD sets out specific guidance in order that proposals can successfully do this.
5. The proposed rear extension would project 3m from the existing rear elevation at ground floor level and 2m at first / second floor level. The two / three storey element would have a gabled roof form whilst the ground floor element would have a part hipped, part lean-to roof. A gap of 2.7m would be retained to the shared boundary with No.5, 5.1m would be retained to the shared boundary with No.7, and between 2m and 2.6m would be retained to the tapered rear boundary of the plot. The ridge of the second floor gable roof would be 1.2m lower than the ridge of the main roof. The extension, as amended, would be half the width of the dwelling at first floor level and, given the fact that the height and depth of the extension have also been reduced, it is considered that it would be proportionate to the original dwelling and would not overly dominate the property. It is recognised that the extension would be relatively close to the rear boundary and, for this reason, it would be prominent from the public footpath that runs to the rear of the property and also from Riverbrook Road beyond this.

6. The two neighbouring properties immediately to the west (Nos.4 and 5) are designed so that the gable of number 4 projects forward of the front elevation of number 5 by 1.8m towards the road on that side of the property. It is therefore considered that the projection of the first / second storey element, as amended, would be similar to that on No. 4 with the latter gable being higher and wider than that proposed on the application property. Whilst, it is recognised that the eastern section of the rear boundary of the application property is splayed, reducing the depth of the garden further at this point, the proposed extension would be on the western side of the rear elevation where the rear boundary is roughly parallel with the rear elevation of the property. Having regard to these factors and the fact that the extension, as amended, would be clearly subservient to the existing dwelling in design terms, it is considered that it would not have an over-dominant impact from the adjacent footpath or within the street scene of Riverbrook Road. Whilst the single storey element would project closer to the boundary, this would have less impact due to its lower height and the existing boundary treatment.
7. The proposed eaves of the gable would continue at the existing height of the eaves of the main dwelling, and the roof slope would be the same as the existing roof. The fenestration has been amended to align satisfactorily with the existing windows and the red stone lintel, jambs and sill material will match the existing. Two large roof lights are proposed on the front elevation and these would relate acceptably to the windows below them. Proposed brickwork, slate roof tiles, upvc windows and rear aluminium bi-fold doors would acceptably match the appearance of existing materials to be in keeping with the character of the existing property and the surrounding area.
8. The front porch would project 1m from the front elevation, to meet flush with an existing rectangular bay. This element is considered to retain an acceptable sense of spaciousness and would be acceptable in scale and in design terms.
9. As such, it is considered that the proposal would be acceptable in terms of design and visual amenity and would comply with Policy L7 of the Core Strategy and the NPPF in this respect.

Residential Amenity

10. Guidance contained within SPD4 states it is important that extensions or alterations do not impact adversely upon neighbour amenity.

Impact on No.5 Robin Road

11. The proposed rear extension would project 3m beyond the rear elevation of No.5 at ground floor, 2m at first floor and 2.3m at second floor, given the overhang of the eaves. Given the gap of 2.7m that would be retained to the shared boundary, the proposal would comply with SPD4 guidelines and is not considered to cause an unacceptable overbearing or overshadowing impact to No.5. There would be

no windows facing No.5 and therefore there are no overlooking concerns in relation to that property.

Impact on No.7 Robin Road

12. The rear elevation of the application property is angled slightly away from the rear elevation of No.7, and the proposed rear extension would retain a gap of 5.1m to the shared boundary – there are therefore no unacceptable overbearing or overshadowing impacts on No. 7 as a result of the amended proposal. There are proposed to be two new second floor windows on the existing side elevation facing No.7, as well as a first floor window in the side elevation of the proposed extension. These are all proposed as obscure glazed and non-opening up to 1.7m above floor level. It is recommended that a condition should be added to ensure that these windows are retained as obscure glazed and non-opening up to 1.7m in height in order to prevent any unacceptable overlooking impact in relation to the private amenity space of No.7's rear garden.

Impact on properties to the rear

13. The proposed windows in the rear elevation would retain over 21m to the front elevation windows of No.1 Collingham Road on the opposite side of Riverbrook Road, and the proposed second floor window would be obscure glazed. As such there are no further overlooking concerns towards the rear.

Impact on properties to the front

14. There is a proposed new second floor front elevation window to the third bedroom – this would not directly face any private amenity space or habitable room windows. The existing front elevation roof lights to the fourth bedroom would be made significantly taller. They would not directly face any habitable room windows and would retain over 17m to the rear garden of No.10 Robin Road – they are therefore considered not to result in any unacceptable additional overlooking impact.

15. As such, the proposal would not have any unacceptable impact on the residential amenity of any neighbouring dwellings and would comply with Policy L7 of the Core Strategy and guidance in the NPPF.

Parking

16. The proposal would result in the loss of the garage parking space. It would also result in an increase in the number of bedrooms from four to five, although this does not generate any additional parking requirement in terms of the Council's adopted SPD3 parking standards. Space exists for one vehicle on hardstanding to the front of the property, and unrestricted parking exists on Robin Road. It is considered that the loss of one off street parking space would not have a significant additional impact in terms of on-street parking such as to justify the refusal of the application on the grounds of impact on either highway safety or residential amenity. It is therefore considered that the proposed development is acceptable in

terms of its parking impacts.

DEVELOPER CONTRIBUTIONS

17. The proposed development will increase the internal floor space of the dwelling by less than 100m² and therefore will be below the threshold for charging. No other planning obligations are required.

PLANNING BALANCE AND CONCLUSION

18. The proposed development is not considered to cause harm to the character or visual appearance of the street scene or the surrounding area by reason of its design, scale and materials, and therefore it is considered acceptable within its context. In addition, the proposed development would not have any unacceptable impacts on the residential amenity of any neighbouring properties. It is therefore considered that the proposal would meet the aims of SPD4, the Core Strategy and the NPPF and it is recommended that planning permission should be granted, subject to conditions.

RECOMMENDATION:

GRANT subject to the following conditions

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

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

2. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted drawings, "PL_006 B" and "PL_007 B", received by the Local Planning Authority on 07 January 2021, "PL_008 C" and "PL_009 B", received by the Local Planning Authority on 25 January 2021, "PL_010", received by the Local Planning Authority on 4 February 2021, and PL-001.

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

3. The materials used in any exterior work 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.

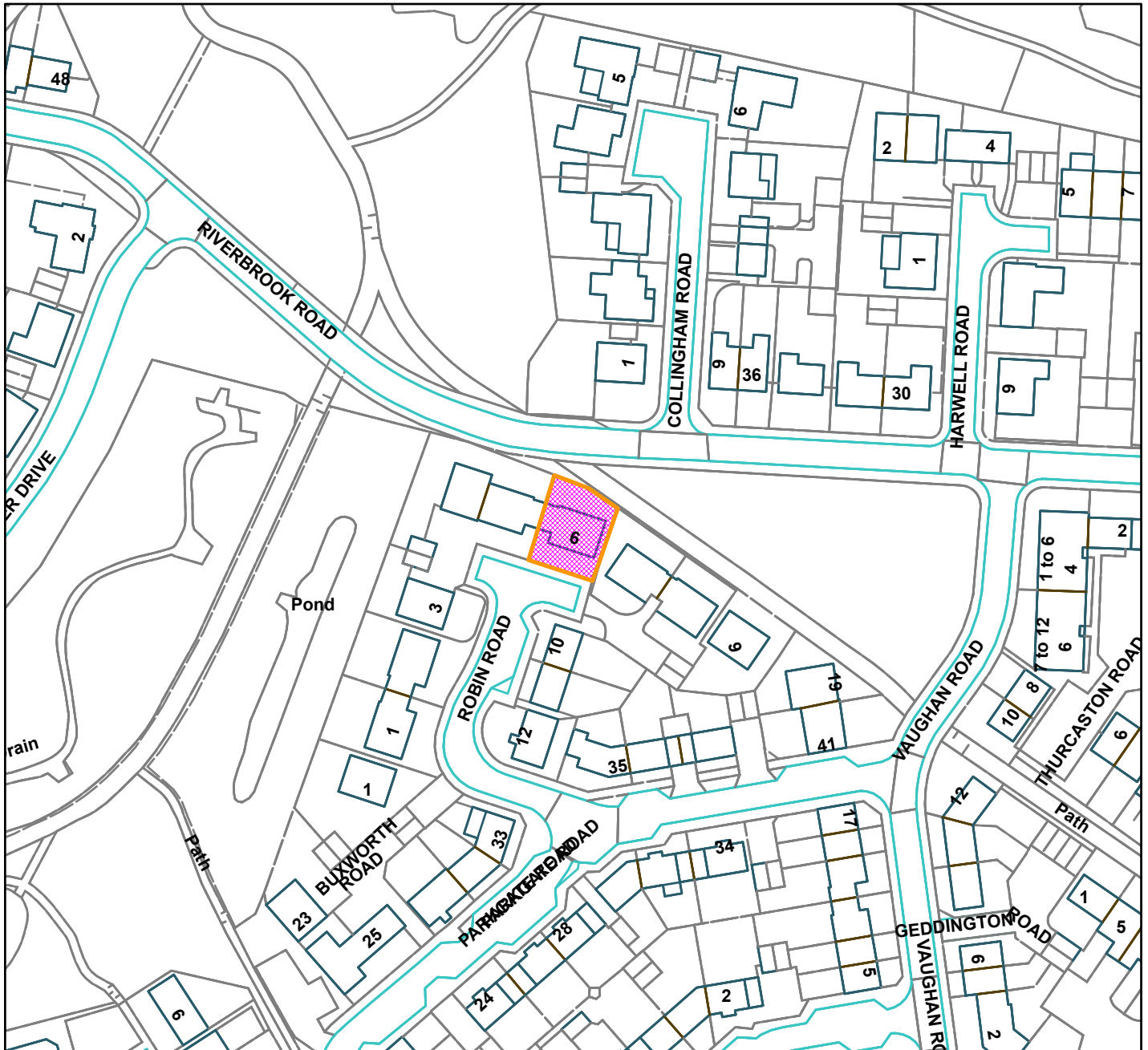
4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any equivalent Order following the amendment, re-enactment or revocation thereof) upon first installation the windows in the first and second floors on the side elevations facing east 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.

CH



6 Robin Road, Altrincham (site hatched on plan)



Scale: 1:1,250

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Organisation	Trafford Council
Department	Planning Service
Comments	Committee Date 11/03/2021
Date	26/02/2021
MSA Number	100023172 (2016)

WARD: Stretford

101917/VAR/20

DEPARTURE: No

Application for variation of Conditions 4 and 5 on planning permission 84550/FUL/14. (Change of use of Stretford Public Hall from Offices (B1) to community and office based accommodation to be occupied on a flexible basis by uses falling within Classes B1 (including offices and an artist's studio), D1 (non residential uses) and D2 (Assembly and Leisure Uses) and by a Sui Generis Use (Tattoo Artist's studio only). To allow changes to hours of operation, use, playing of amplified music and management.

Stretford Public Hall, Chester Road, Stretford, Manchester, M32 0LG

APPLICANT: Friends of Stretford Public Hall

AGENT: Friends of Stretford Public Hall

RECOMMENDATION: GRANT TEMPORARY PERMISSION SUBJECT TO CONDITIONS

This application is being reported to the Planning and Development Management Committee as it has received more than six representations contrary to Officer Recommendation.

SITE

The application relates to Stretford Public Hall, situated on the edge of Stretford Town Centre. The building dates from 1878 and is Grade II Listed.

Stretford Public Hall is surrounded by three highways; Kingsway to the south, Dorset Street to the north and Chester Road (A56) to the east. Residential properties are located within Davies Court which adjoining the western boundary of the site, and along the northern side of Dorset Street.

The character of the wider area is mixed, with Stretford Mall Shopping Centre located on the opposite side of Kingsway to the south, residential properties along Dorset Street, Cyprus Street and Jackson Street to the north and west and Chester Road to the east.

In 2014, permission was granted to change the use of the building from B1 Offices to a mix of uses falling within the following classes:

- B1 – business
- D1 – non-residential uses (with the exception of clinics and health centres)
- D2 – assembly and leisure (with the exception of concert halls)
- Tattoo artists salon (sui generis)

PROPOSAL

The proposal seeks to allow extended opening hours and extended hours for amplified music in order to allow for more use of the hall for events and functions. Additionally, it is proposed to vary the restriction with regard to doors and windows to allow for natural ventilation.

Specifically this application seeks the following amendments:

- To remove a clause restricting windows and doors to be kept closed at all times, except in the case of emergency.
 - o In order to allow for natural ventilation via opened windows on some occasions when amplified music is played.
- To allow amplified music from 10.00 - 23.00 Thursday, Friday and Saturday (and to continue with the previously approved hours for music playing 10.00 to 21.00 Sunday to Wednesday.)
 - o To allow additional late night events.
- To extend the hours of operation of the building from 06.00 - midnight (Monday to Sunday), including the following public use hours to between the hours of 07:00 - 22:00 Monday to Wednesday; 07:00 - 00:00 Thursday, Friday and Saturday; and 07:00 – 22.30 Sunday.
 - o To allow increased cleaning of the building, in line with the building's Covid-19 risk assessment. Later business use will allow staff and volunteers time to clean up after public events, which will end at 23:00, as well as allowing tenants access to the building until later in the evening.

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

W1 – Economy

W2 – Town Centres and Retail

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

R1 – Historic Environment

For the purpose of the determination of this planning application, Policy R1 is considered 'out of date' in NPPF Paragraph 11 terms.

PROPOSALS MAP NOTATION

Town and District Shopping Centres (Stretford Town Centre)

PRINCIPAL RELEVANT REVISED UDP POLICIES/PROPOSALS

S5 – Development in Town and District Shopping Centres

PLACES FOR EVERYONE (FORMERLY GREATER MANCHESTER SPATIAL FRAMEWORK 2020)

The Greater Manchester Spatial Framework (GMSF) was a joint Development Plan Document being produced by the Greater Manchester districts. The first consultation draft of the GMSF was published on 31st October 2016, and a further period of consultation on the revised draft ended on 18th March 2019. The GMSF is now being progressed by nine GM districts as 'Places for Everyone' (PFE) and, once adopted, will be the overarching development plan for these districts, setting the framework for individual district Local Plans. PFE is not yet at Regulation 19 stage and so will normally be given limited weight as a material consideration. Where it is considered that a different approach should be taken, this will be specifically identified in the response. If PFE / GMSF 2020 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) in 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 is regularly updated. The NPPG will be referred to as appropriate in the report.

RELEVANT PLANNING HISTORY

100115/LBC/20 - Listed building consent is sought for the refurbishment of the Ballroom and associated facilities. Proposal to redevelop the south-eastern antechamber at Stretford Public Hall from 2 store rooms to 3 new unisex toilets, 1 new accessible toilet and 1 store room, with deck storage space above. Within the Ballroom, proposals

include demolishing an existing corridor wall, new lighting scheme and creating a new opening at the western end of the south wall to form a new servery. Proposals also include reinstating a principal staircase landing opening; altering a ground floor fire escape door; redecoration; replacement of fixtures -& fittings
Approved April 2020

98072/VAR/19 - Application for variation of Conditions 4 and 5 on planning permission 84550/FUL/14. (Change of use of Stretford Public Hall from Offices (B1) to community and office based accommodation to be occupied on a flexible basis by uses falling within Classes B1 (including offices and an artist's studio), D1 (non-residential uses) and D2 (Assembly and Leisure Uses) and by a Sui Generis Use (Tattoo Artist's studio only). To allow amplified music to 10.00 - 23.00 Friday and Saturday and continue music playing 10.00 to 21.00 Sunday to Thursday. Operation of building 07.00 - midnight (Monday to Sunday).
Approved September 2019

97201/VAR/19 - Application for variation of conditions 4 (noise) and 5 (hours of use) on planning permission 84550/FUL/14 (Change of use of Stretford Public Hall from Offices (B1) to community and office based accommodation to be occupied on a flexible basis by uses falling within Classes B1 (including offices and an artist's studio), D1 (non-residential uses) and D2 (Assembly and Leisure Uses) and by a Sui Generis Use (Tattoo Artist's studio only). To allow amplified music to be played from 10:00 - 23:00 on any day (Monday - Sunday), the building shall be open for public use between the hours of 07:00 - 00:00 (midnight) Monday to Sunday and the building's opening hours to be changed to 07.00 - 00.00 (midnight) Monday to Sunday.
Withdrawn May 2019

95390/LBC/18 - Listed Building Consent sought for various internal alterations to include: removing several partition stud walls and the reintroduction of a historic doorway to improve emergency egress. External alterations to include replacement of roof covering.
Approved March 2020

84550/FUL/14 - Change of use of Stretford Public Hall from Offices (B1) to community and office based accommodation to be occupied on a flexible basis by uses falling within Classes B1 (including offices and an artist's studio), D1 (non-residential uses) and D2 (Assembly and Leisure Uses) and by a Sui Generis Use (Tattoo Artist's studio only).
Approved 2016.

APPLICANT'S SUBMISSION

Case for support (FOSPH, September 2020)
Appendix 1 – Events held at the hall 2017-2020
Appendix 2 – Sound readings from public events
Appendix 3 – Complaints and Correspondence Log

Appendix 4 – Ingleton Wood letter

Noise Management Plan Review 2020 (FOSPH, September 2020)

Noise Impact Assessment (PDA Acoustic Consultants, 21 January 2021)

CONSULTATIONS

Local Highway Authority – No objections on highway grounds to the proposal.

Pollution and Licensing (Nuisance) – No objections, subject to a number of conditions in relation to a 12 month temporary permission, restrictions on hours of use and amplified music, updated NMP, register of complaints, noise levels, window restrictions, outdoor and entry restrictions, lighting, and deliveries.

REPRESENTATIONS

Six letters of representation have been received in relation to this application. Three of the letters were in the form of a petition and written on behalf of a number of addresses on Dorset Street and Davis Court (a total of 7 owner/occupiers). The main concerns are in relation to noise and light pollution, however the comments are summarised as follows:

Parking issues

- As residents of Dorset Street, it is difficult to park near house when the public hall is open, due to visitors parking there
- Drivers going the wrong way down Dorset Street (a one-way road), to enter the Hall car park

Noise and disturbance

- Amplified music being played with windows being open will cause disruption to families including children's sleep patterns, which could affect school work
- Amplified music being played with windows open on Chester Road will allow residents on Trafford Grove to hear the music
- No buffer to sound, bedrooms are located on the front of houses on Dorset Street
- Taxis can only wait on Dorset Street, therefore
 - Noise from additional pedestrian footfall, and
 - Additional traffic noise
- The building is not sound proofed (which residents were assured would happen back in 2016)
- No measure taken by the Hall to mitigate any noise escaping from the building
- Previous complaints not been dealt with properly
- Additional traffic flow from taxis on Dorset Street
- The venue at first floor directly faces Dorset Street and is opposite bedroom windows at a distance of less than 10m

Light pollution

- Sensors have been installed to the rear of the building (following 'a 2 year battle'), however sensors are not for the main hall; Stressful timing of the application, given recent cellars flooding with waste due to blockage on Dorset Street by side of the Hall the disco lighting, along with the actual lighting we are putting up with, will also be shining directly in to the bedrooms across the road and will do every night until 11pm and longer.
- FOSPH have highlighted 4 out of 7 windows will have blackout curtains, however the same problems will arise with almost 50% of windows
- Note that the FOSPH also concede that lights in artist studio are likely to be on later should this application take place

Other points

- Public nuisances also include odour, vermin and pest infestations, accumulations of refuse and litter, and anti-social behaviour
- The supporting documentation (provided by FOSPH) does not actually satisfy many of the objections
- FOSPH suggest only a certain level of complaints, however, they fail to understand that the residents of Dorset Street have for the most part allowed complaints to slide as this in itself affects our lives and so it is only when pushed to the brink that most complaints are raised.
- To clarify it is the evening events that residents take issue with
- This application seems unnecessary as a licence has been granted at Stretford Mall (nearby) for a late licence with alcohol and amplified music in a non-residential area.
- Plenty of other alcohol serving, late night, venues opening (when covid issues allow), across the Kings road in the Stretford Mall, where there are no issues with residents living within a 15 metre proximity to the said venues.
- Questionable application process in that the applicant is working with the council to make amendments and resubmit, *which in any other industry would be classed as conflict of interest & unethical, if not illegal) ... It seems to raise a question mark on the impartiality of the council, especially as many of the councillors have offices at the Hall.*

OBSERVATIONS

Background

1. Planning application Ref: 84550/FUL/14 for Change of use of Stretford Public Hall from Offices (B1) to community and office based accommodation to be occupied on a flexible basis by uses falling within Classes B1 (including offices and an artist's studio), D1 (non-residential uses) and D2 (Assembly and Leisure Uses) and by a Sui Generis Use (Tattoo Artist's studio only) was approved in March 2016 under delegated powers. The premises have been occupied by Friends of Stretford Public Hall (FOSPH) since 2016.

2. Two of the conditions attached to application ref. 84550/FUL/14 were as follows:
3. Condition 4 - Prior to the first occupation of the building, a detailed Noise Management Plan (NMP) shall be submitted to, and approved in writing by, the Local Planning Authority. The NMP shall describe all mechanisms to be put into place to control noise break-out from the building, including noise generated by access/egress, deliveries/waste collections, and servicing. The NMP shall include, but not be limited to, the following details/measures:
 - a) A target assessment criterion of 'inaudibility' at the façade of properties on Dorset Street and Davies Court.
 - b) Confirmation that the use of amplified music by any service provider will be subject to a hire agreement to ensure the management and control of amplified and, in particular, low frequency (bass) octaves.
 - c) Confirmation that the doors and windows of rooms that are used for the playing of amplified music shall be kept closed at all times, except in the case of emergency.
 - d) Confirmation that amplified music shall not be played outside of the hours of 10:00 - 21:00 on any day (Monday - Sunday).
 - e) That the building shall only be open for public use between the hours of 07:00 - 22:00 Monday to Sunday.
 - f) That the outside space immediately to the north-west and south-west of the public hall shall not be used as a play space or breakout/smoking area.Thereafter all uses within the building shall comply with the approved NMP, unless otherwise agreed in writing by the LPA.
4. Condition 5 - The premises shall only be open for business or public use between the hours of: 07:00 - 21:00 Monday to Sunday.
5. The above conditions were considered necessary in the interests of residential amenity, having regard to Core Strategy Policy L7. The current application seeks to vary the above conditions to increase the opening hours and extend the hours for amplified music to allow for additional events as well as allow for some windows to be open for specified times to allow for natural ventilation. This is considered in more detail below.
6. In September 2019, an application to vary conditions 4 and 5 (ref: 98072/VAR/19) was granted, which gave consent until 17th September 2020 (a 12 month temporary permission) for amplified music to be played up to 23:00 on Fridays and Saturdays for up to 12 occasions a year and limited to no more than 2 occasions per calendar month; with the building to be open for public use between 07:00-22:00 Sunday to Thursday and 07:00-23:00 Friday and Saturdays. This permission has now expired.

Issues for consideration

7. This section 73 application seeks to amend conditions 4 and 5 of planning application reference 84550/FUL/14. With a section 73 application, regard should be had to any material changes to the site or the surrounding area and any changes to planning policy since the original application was considered. In this case, there has been material changes to the Use Classes of which this permission relates. Use Classes, B1, D1 and D2 have been replaced in England with Use Classes E, F.1 and F.2. This application does not seek to amend the uses but given this change to regulations, the condition will be updated to reflect the 2020 Use Classes Order. In determining a S73 application, the LPA can amend any other conditions as it considers appropriate and necessary.
8. The primary issue for consideration is whether the impact of the variation to the previously imposed conditions would have an acceptable impact on the residential amenity of neighbouring properties, particularly those located on Dorset Street and Davis Court.

Policy Context

9. 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.
10. 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.
11. 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.
12. Paragraph 11 c) of the NPPF indicates that plans and decisions should apply a presumption in favour of sustainable development which means approving development proposals that accord with an up-to-date development plan without delay.
13. Policies protecting residential amenity are considered to be 'most important' for determining this application. Policy L7 of the Core Strategy is up to date. The tilted balance is not engaged and the application should be determined in accordance with the development plan unless material considerations indicate otherwise.

Impact on Listed Building

14. The application building is a Grade II Listed Building.
15. Section 66 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.
16. National Planning Policy Framework (NPPF) is also a significant material consideration, and in this particular case, paragraph 193 of the NPPF advises that “*when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be)*”.
17. 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.
18. The listing description for the Public Hall notes the original use as a library with offices and lecture rooms and the architectural detailing of the building both internally and externally. The current proposal however does not seek to make any physical alterations to the building or change the ongoing, viable community use of the building.
19. Officers therefore do not consider that there will be any harm to the significance of the Listed Building or its setting. The application will however assist in retaining the Listed Building in active, viable use, which could therefore assist with its long term maintenance. The application is therefore considered acceptable in terms of its impacts on the Listed Building in line with the NPPF and R1 of the Trafford Core Strategy.

Residential Amenity

20. Policy L7 states that in relation to matters of amenity protection, development must:
 - Be compatible with the surrounding area
 - Not prejudice the amenity of the future occupants of the development and / or occupants of adjacent properties by reason of being overbearing, overshadowing, overlooking, visual intrusion, noise and/or disturbance, odour or in any other way.

Background

21. The original permission **84550/FUL/14** gave consent (under condition 4) for the building to be open for public / business use between the hours of 07:00 - 22:00 Monday to Sunday and stipulated that amplified music shall not be played outside of the hours of 10:00 - 21:00 on any day (Monday - Sunday). An application to vary conditions 4 and 5 (ref: **98072/VAR/19**) was granted in September 2019, which gave consent until 17th September 2020 (a 12 month temporary permission) for amplified music to be played up to 23:00 on Fridays and Saturdays for up to 12 occasions a year and limited to no more than 2 occasions per calendar month; the building to be open for public use between 07:00-22:00 Sunday to Thursday and 07:00-23:00 Friday and Saturdays.
22. The current application seeks to extend the hours of operation of the building to 06:00 – 00:00/midnight (Monday to Sunday) and to extend the restriction on amplified music to be played to 10:00 – 23:00 hours on Thursday, Friday and Saturday only, and up to 22:00 on Sundays. The application also seeks for windows and doors along Chester Road and Dorset Road to be allowed to open. During the application process, the applicant confirmed that FOSPH seek a minimum of up to 36 occasions per annum that would be limited to three occasions per month and not permitted on three consecutive evenings.
23. The main reason given by the applicant for the aforementioned changes is to adapt to Covid-19 and to allow the building to be Covid-secure. The need for extended hours and permitted occasions per annum allowing amplified music to be played is sought to be able to hold more late night events (e.g. cinema nights, live music events) and to allow more commercial hires, which are critical to the FOSPH business plan to make Stretford Public Hall financially viable. The submission expresses the financial difficulties and losses due to Covid-19. The earlier opening hours are required to allow increased cleaning of the building, in line with the building's covid-19 risk assessment. Later business use would allow staff and volunteers time to clean up after public events, which would end at 11pm, as well as allowing tenants access to the building until later in the evening. The need to open windows is to enable natural ventilation to the ballroom and other rooms.
24. The Case for Support explains that *only one direct complaint from a neighbour regarding noise, following the late night opening of our Art Exhibition in November 2018. Since this incident, we have implemented a number of measures to avoid future disturbances to residents:*
 - *Training of new staff, to fully understand the Hall's Noise Management Plan and the control measures in place to control noise break-out.*
 - *New Booking Terms and Conditions, which introduce new measures to help control noise.*

- *Improved communication with Dorset St. residents, including sharing of Centre Manager’s email address and mobile phone number, so they can direct complaints and concerns straight to management.*

25. A Noise Impact Assessment (NIA), prepared by PDA, dated 21st January 2021, was submitted in support of the application in response to comments from the Council’s Environmental Health Officer (EHO). The report was carried out to justify the following desired changes:

- “To be permitted to use the building until 10:30pm Sun – Wed, and 12am on Thurs, Fri & Sat”
- “To be permitted to play amplified music until 10pm Sun – Wed, and 11pm on Thurs, Fri & Sat”
- “To remove the existing condition which states that all windows must remain closed when amplified music is playing.”

26. The EHO has reviewed the report and is satisfied that the January NIA refers to current published reference material and that the criteria therein is relevant. The report has demonstrated that it is possible to have certain windows open whilst amplified music is being played, provided that particular source sound levels (figure 1) are not exceeded, and that the situation is monitored by management to ensure that these arrangements/protocols are enforced.

27. The source sound levels criteria for music being played in the ballroom is indicated in table 5 of the report (figure 1), and is modelled on the type of music likely to be used for celebration functions and films. It is noted however that these levels will likely be exceeded by live bands with drum kits, bass guitar etc., and with any amplified music with a noticeable bass content. The Noise Management Plan (NMP) approved under application 89307/CND/16 in October 2016 provides detail on the arrangements in place where there is any doubt regarding compliance.

Figure 1.

SOURCE SOUND LEVELS

The source sound levels for music noise in the ballroom are indicated below:

Table 5 - ‘Medium music / film’ levels similar to those likely for functions held in the ballroom

L _{Aeq} [dB]							
Broadband	63 Hz	125 Hz	250 Hz	500 Hz	1 kHz	2 kHz	4 kHz
85	85	85	86	82	79	74	74

28. The report has established that

- It is possible for music and film events (which meet the criteria within table 5) to take place within the Ballroom, up to 1900 hours, with the windows on Dorset Street façade open, Monday to Sunday.
- After 1900 hours, windows on Dorset Street must be closed, and specifically on Sundays, windows AND acoustic curtains must be closed on Dorset

Street.

- It is important to note that this does not translate to 'inaudibility' outdoors. It means that the resultant level is considered unlikely to cause significant disturbance to residents given compliance with relevant criteria.
- The report also concludes that the windows on the Chester road façade can be opened at any time, and that this will not result in exceedance of criteria.

29. The report recommends the speakers within the ballroom be located away from the Dorset street windows, that the management conduct outdoor monitoring when events are taking place to ensure that the content (lyrics and words) is not clearly audible/identifiable, and that any third party hosts are aware of the criteria and that there is a mechanism in place to ensure compliance. A condition requiring the approved NMP to be updated to reflect the contents of the NIA is recommended within any permission.

30. It is recognised that the extension of opening hours, increased number of occasions when hours of amplified music are extended, and the possibility to open windows could potentially have additional impacts on the amenity of nearby residents. Nine objections have been received from residents (on Dorset Street, Davis Court and Trafford Grove) with the main concerns being undue noise and disturbance, light pollution as well as highway and parking issues (discussed in later sections).

31. It is acknowledged by Officers that the objections received raise material planning considerations and the concerns of a detrimental increase in activity and noise and disturbance have been considered throughout the current and previous applications. In discussion with the EHO and the Applicant, Officers consider that the potential disturbance to the amenity of local residents through the proposed changes (extended hours and windows permitted to be open at certain times) can be mitigated through the use of planning conditions. It is important that any extension of operation hours / hours of amplified music are sufficiently conditioned, to ensure there is not unacceptable, additional impact on residential amenity.

32. It is acknowledged that a temporary permission was imposed on the previous variation application - 98072/VAR/19 – and that NPPG states (paragraph 014) that it will rarely be justifiable to grant a second temporary permission, except in cases where changing circumstances provide a clear rationale. It is understood that due to the Covid-19 pandemic that the premises has not been used in the manner proposed or at the capacity proposed under planning application 98072/VAR/19. As such it is considered that the global pandemic – Covid-19 – are exceptional circumstances and because of the pandemic it has not been possible to determine whether the use has been acceptable. For this reason (and given the sensitivities of the proposal) it is considered necessary to grant a further temporary permission. However, public events will not be able to be held until at least June 2021 due to ongoing Covid restrictions, and therefore it is

considered expedient to allow a full 12 month period following this to be able to assess the impact of the revised hours of use. The other activities, excluding events, are very unlikely to have any detrimental impact on residential amenity from taking place earlier in the morning / later in the evening, and therefore these could take place immediately, and for a 15 month period, with 12 months being given for events.

33. The applicant wishes for 36 occasions per annum in which amplified music can be played until 2300 (late night events), compared to 12 occasions approved under 98072/VAR/19. Officers have duly noted the reasons of the applicant, which include the viability of the FOSPH business plan. It is also noted that the Council have not received any noise complaints within the 12 months of the permission granted Ref 98072/VAR/19. However, as aforementioned it is understood that the premises due to the impact of the Covid pandemic, has not been used in the manner proposed or at the capacity proposed, which may have influenced this outcome. For this reason it is recommended that a condition restricting no more than 24 per annum and no more than 4 per calendar month should be attached to any permission in order to protect the amenity of neighbouring properties.
34. Whilst other conditions limiting noise and hours can also be applied to mitigate any impact on residents, it is considered that the temporary period and limit on event numbers is essential to allow for a full and representative assessment of the nature of any disturbance from the extended hours. This will allow for a review at the end of this temporary period as to whether the extended hours have, on balance, resulted in any unacceptable increase in disturbance for residents and if so, the temporary use can be discontinued, reverting back to the originally approved opening hours under 84550/FUL/14.
35. With regard to the hours of operation of the building, although the application is for the extension of hours of operation from 6:00 until midnight Monday to Sunday, it is considered that there should be separate conditions relating to the hours of use of the building by the businesses and workers sited at the premises and the hours of opening of the building to the public. This is in order to allow for employees to work earlier and later when needed throughout the week and weekends, whilst ensuring that the public events are limited to those as set out through condition.
36. With regard to mitigating the noise levels of the amplified music, a Noise Management Plan was required by the original 2014 permission, and it is considered necessary that this NMP should continue to be reviewed and updated over the 12 month temporary consent period to ensure that noise is not breaching agreed limits and to ensure that any complaints from neighbours are fully investigated and appropriate corrective action is undertaken. This information would inform any application for the continuation of extended hours and hours of amplified music at the end of the 12 month temporary consent

period recommended. EHO have also requested that the NMP is updated to reflect the content of the NIA and that the noise emanating from the building will not exceed the levels shown in Table 5 of the NIA.

37. With regard to the management of events and the treatment of complaints, it is recognised that due to the nature of the area (a mixed use area on a major road junction on the edge of the town centre) and uses of the Public Hall, there may well be occasional instances where certain activities result in some level of disturbance for residents. It is important that any disturbance is kept to a minimum and the management of events and treatment of complaints are key in achieving this. The application documents detail how training of staff and on site procedures have been employed to control noise and disturbance to surrounding residential properties. A condition in relation to a register of complaints received by the public is recommended with any permission. This register would be made available for inspection by the Council on request.
38. In addition, conditions in relation to restricting the use of outdoor areas within the site, restricting the hours of use of the Dorset Road entrance, and adhering to previously approved Travel Plan and Car Park Management Plan. It is considered that these measures would help to significantly reduce any likely disturbance from the use and hours proposed.
39. Finally, with regard to the potential for lighting within the building to cause disturbance to residents due to the extended hours, it is considered that a condition ensuring compliance with professional standards and recommendations be imposed.

Highways, Parking and Servicing

40. 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.*
41. 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.*
42. Users of Stretford Public hall arriving by car will have access to the building's 52-space car park, which is accessed from Dorset Street and additional public parking is available in the large car park at Stretford Mall (approx. 200m away). The hall is also highly accessible by sustainable transport being sited on a regular bus route and just 200m from Stretford Metrolink Stop. No changes are

proposed to the existing access or parking arrangements as part of this application and the LHA have no objection.

43. While it is accepted that the proposal would result in a higher number of people leaving the hall, up until around midnight, it is considered that the existing car park and vehicle access are sufficient to result in no unacceptable impact on highway safety. Any additional noise or disturbance from pedestrians / vehicles leaving / picking up from the premises at these times could be mitigated against by effective management of events by both the event organisers and by the staff of FOSPH as noted above.
44. During the week there may be some of employees working later into the evenings, but it is considered that this would result in only a small number of individuals leaving the premises later, and if these people are travelling by car, they would be using the Hall's car park in any case.
45. The development would have acceptable highways, parking and servicing impact with reference to Core Strategy Policies L4 and L7, the Parking Standards and Design SPD and the NPPF.

Other Matters

46. Comments from a nearby resident have made remarks that the nature of the applications are highly circumspect as the FOSPH can apply, read objections and then working with the council withdraw their application, make modifications/justifications and reapply to avoid a flat rejection and the subsequent time delays. It is of note that NPPF paragraph 38 states that: ***Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.*** (emphasis added).
47. Comments also made reference to licensing, it is noted that applications for licensing is a separate to planning with its own legislation and therefore not a material planning consideration. Furthermore other venues are not relevant to this application.

Developer Contributions

48. The proposal results in no changes to internal floorspace and as such CIL charging is not applicable.

PLANNING BALANCE AND CONCLUSION

49. Whilst Officers understand the objections of local residents it is considered the impact of the increase in hours of use (including amplified music), and windows allowed to be open for limited periods, is acceptable subject to a further 12 month temporary permission and restriction of the number of late night events to 24 per annum in order to allow ongoing monitoring of any noise and disturbance, and subject to the below listed conditions aimed at minimising and mitigating any noise and disturbance.

50. The proposal is considered to be appropriate in principle as well as being acceptable with reference to its impact on residential amenity, the local highway network, parking and servicing. It is therefore considered to be acceptable with reference to Core Strategy Policies R1, L4, L7 and W2 and the NPPF.

RECOMMENDATION: GRANT subject to the following conditions:-

1. This planning permission is granted for a limited period until 30 June 2022, following which the use of the building shall revert back to operate in accordance with the permission as granted by 84550/FUL/14.

Reason: To enable the Local Planning Authority to assess the effect of the proposed development on the amenities of the surrounding area, having regard to Policy L7 of the Trafford Core Strategy and the National Planning Policy Framework.

2. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbered 001 (Site Plan); SSL:16388:100:1:1:ELV; 100 Rev: B; 101 Rev: B; 102 Rev: B; 053 (car parking plan), unless otherwise agreed in writing by the Local Planning Authority.

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

3. The premises to which this permission relates shall be occupied only by uses within Use Class E (c), (g) - Business; Class F.1 – Learning and Non-Residential Institutions; Class F.2 (b) and (d) – Local Community and Sui generis (S), (T), (V) and (X) and as a Tattoo Artists and occupied only by uses that comply with the Noise Management Plan required under condition 5 of this permission.

Reason: Uses outside of the above may have a detrimental effect on residential amenity and / or highway amenity/safety and the restriction to the use proposed will enable the Local Planning Authority to consider any further change of use on its merits, having regard to Policies L4 and L7 of the Trafford Core Strategy.

4. Use of the premises shall be restricted as follows;

- a) The building shall not be open between the hours of 0000 and 0600 on any day.
- b) Amplified music shall not be played outside of the hours of 1000 to 2200 on any day, save for 24 occasions per annum, with no more than 4 occasions per calendar month, when amplified music may be played between 1000 and 2300 on Thursdays, Friday and Saturdays or between 1000 and 2200 on Sundays.
- c) The building shall not be open to the public between the hours of 2330 and 0600 hours on any day, apart from on the 24 occasions per annum, when amplified music may be played until 2300 on Thursdays, Fridays or Saturdays, when the building shall be open to the public until midnight.

Reason: In the interests of residential amenity and having regard to Policy L7 of the Core Strategy.

- 5. a) All measures set out within the detailed Noise Management Plan (NMP) approved by the Local Planning Authority under application 89307/CND/16 on 14/10/2016 shall be updated to reflect the contents of the 'Noise Impact Assessment – Variation of Conditions, Stretford Public Hall Report Reference No. J003174-4750-SFM-01' dated 21st January 2021, prepared by PDA and submitted in support of 101917/VAR/20, and shall be retained to control noise break-out from the building, including noise generated by access/egress, deliveries/waste collections, and servicing. All uses within the building shall continue to comply with the approved NMP.
- b) A quarterly review of the Noise Management Plan shall be undertaken throughout the duration of the 12 month consent period (for the purpose of addressing any new noise complaints). The updated NMP (detailing the corrective action implemented) shall be submitted to the LPA for approval within 4 weeks from the date of the review. The review date will be at 3 month intervals following the date of this permission.

Reason: In the interests of the residential amenities of the area, having regard to Policy L7 of the Trafford Core Strategy.

- 6. The noise emanating from the building (including all activities carried out in connection with the operation of the application site) shall be controlled in accordance with the procedures described within the Noise Management Plan. Noise from music and film shall be limited to the levels shown in Table 5 of the 'NIA -Variation Of Conditions, Stretford Public Hall Report Ref. J003174-4750-SFM-01', 21st January 2021, PDA.

Reason: In the interests of the residential amenities of the area, having regard to Policy L7 of the Trafford Core Strategy.

7. Windows on the Dorset Street façade shall not be opened on after 1900 hours on any day that music or film is being played within the ballroom, or adjoining rooms, and on Sundays, acoustic curtains will also be closed after 1900 hours on the Dorset Street façade. Windows on any façade should only be opened during permitted hours in accordance with the approved NMP approved by the Local Planning Authority under application 89307/CND/16 on 14/10/2016.

Reason: In the interests of the residential amenities of the area, having regard to Policy L7 of the Trafford Core Strategy.

8. a) A register of all complaints received by the public documenting the date, time and nature of complaint shall be maintained. The register shall be made available for inspection by the Council on request.
b) A contact telephone number for the public to register complaints should be displayed externally on the building.
c) A register of the dates when amplified music is played between the hours of 21:00 – 23:00 shall be maintained. The register shall be made available for inspection by the Council on request.

Reason: In the interests of the residential amenities of the area, having regard to Policy L7 of the Trafford Core Strategy.

9. The outside space immediately to the north-west and south-west of the public hall shall not be used as a play space or breakout/smoking area.

Reason: In the interests of the residential amenities of the area, having regard to Policy L7 of the Trafford Core Strategy.

10. The Dorset Street entrance shall not be used between the hours of 22:00 – 07:00 on any day.

Reason: In the interests of the residential amenities of the area, having regard to Policy L7 of the Trafford Core Strategy.

11. The car park shall continue to operate in accordance with the Car Park Management Plan approved by the Local Planning Authority under application 89307/CND/16 on 14/10/2016.

Reason: In the interests of the residential and highway amenities of the area, having regard to Policies L4 and L7 of the Trafford Core Strategy.

12. The Travel Plan approved by the Local Planning Authority under application 89307/CND/16 on 14/10/2016 shall continue to be implemented throughout the duration of this permission.

Reason: To reduce car travel to and from the site in the interests of residential amenity and highway safety, having regard to Policies L4 and L7 of the Trafford Core Strategy.

13. The cycle storage, details of which were approved by the Local Planning Authority under application 89307/CND/16 on 14/10/2016 and shall be retained throughout the duration of this permission.

Reason: To comply with Policies L4 and L7 of the Trafford Core Strategy.

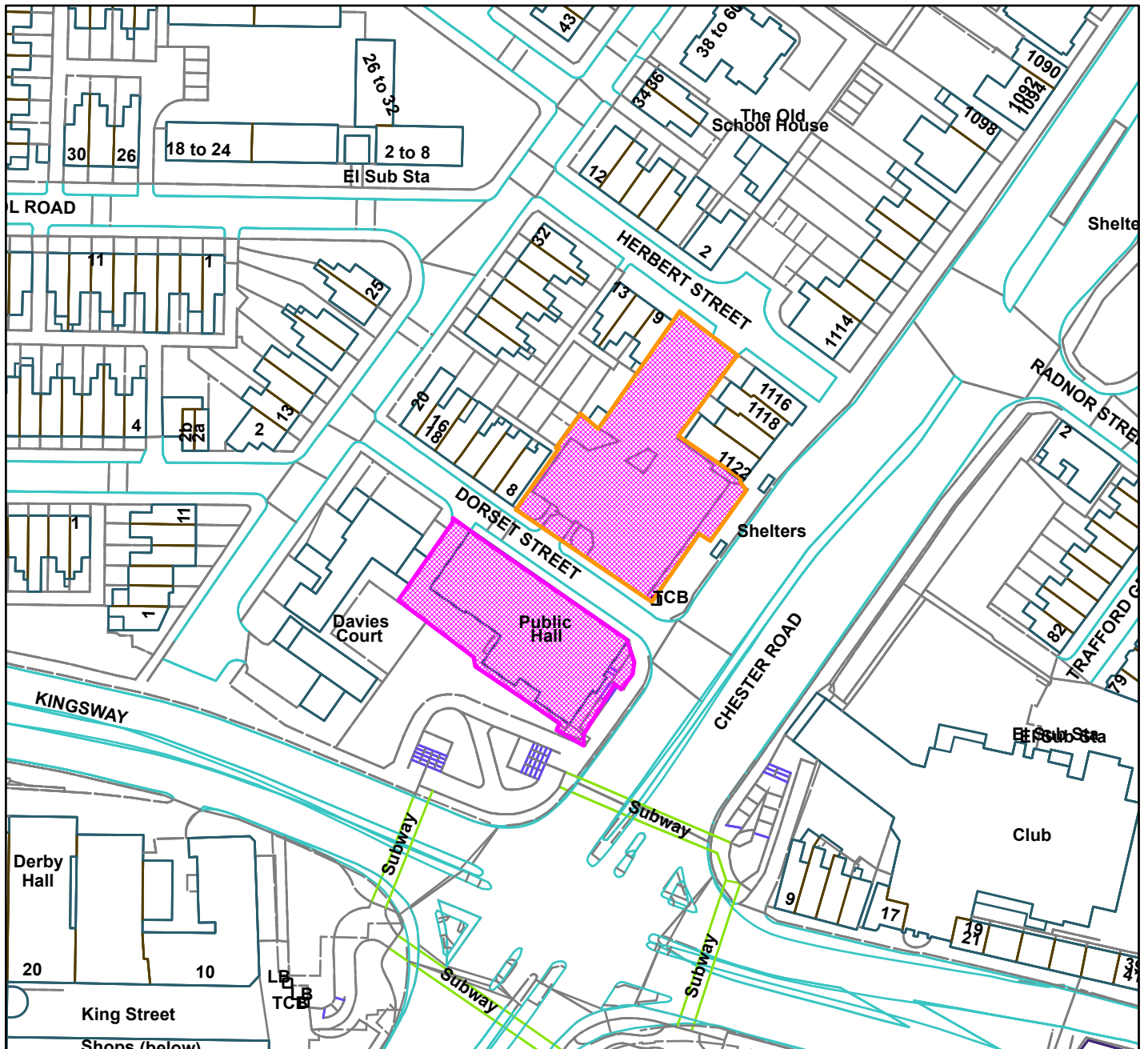
14. The lighting from the building complies with the criteria described within Table 2 of the Institution of Lighting Professionals (ILP) Guidance Notes for the Reduction of Obtrusive Light GN01:2011, for Environmental Zone E3 in respect of light spillage into windows at sensitive receptors (measured as lux).

Reason: In the interests of the residential amenities of the area, having regard to Policy L7 of the Trafford Core Strategy.

LT



Stretford Public Hall, Chester Road, Stretford (site hatched on plan)



Scale: 1:1,250

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Organisation	Trafford Council
Department	Planning Service
Comments	Committee Date 11/03/2021
Date	26/02/2021
MSA Number	100023172 (2016)

WARD: Timperley

101923/FUL/20

DEPARTURE: No

Provision of a Multi Use Games Area (MUGA) including erection of new 2m high perimeter fencing.

The Willows Primary School, Victoria Road, Timperley, WA15 6PP

APPLICANT: Mrs Warren

AGENT:

RECOMMENDATION: GRANT

The application has been reported to the Planning and Development Management Committee as the school is a Local Authority School (Trafford Council) and representations have been received contrary to Officer's recommendation.

SITE

The application relates to The Willows Primary School, which comprises of a single storey building and playgrounds that lie to the southern side of the site and playing fields that lie to the north and west.

The site is situated on the north-western side of Victoria Road, which is a cul-de-sac. Two storey semi-detached properties on Mossgrove Road and Grove Lane bound the site to the north-east, north-west and south-west and also face the site from the south-eastern side of Victoria Road.

PROPOSAL

The application proposes the installation of a multi-use games area (MUGA), including the erection of a 2m high perimeter fencing around the new games area. The MUGA is proposed on an existing playing field to the west of the existing school building, parallel to the western boundary of the site.

The proposed MUGA would measure 36m in length and 18m wide. A footpath leading from the existing playground to the MUGA would also be provided.

The applicant has confirmed that the proposed development would make a significant addition to existing outstanding PE offering at the school, which has a School Games rated Gold. However they currently struggle to provide high quality PE and School Sport all year round, which the MUGA is intended to assist with.

Value Added

Following consultations with Sport England, the applicant has amended the proposal to increase the size of the MUGA from 35m x 17 to 36m x 18m to ensure that it meets the standards set out by Sport England Policy Exception E5 (para97© of the NPPF).

The applicant has also confirmed that the School currently lets both of its fields and buildings to the wider community and that the use of the MUGA will be included as part of their letting agreements.

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

R4 – Green Belt, Countryside and Other Protected Open Space

R5 – Open Space, Sport and Recreation

PROPOSALS MAP NOTATION

The playing fields within the curtilage of the site are allocated as Protected Open Space

PRINCIPAL RELEVANT REVISED UDP POLICIES/PROPOSALS

None

PLACES FOR EVERYONE (FORMERLY GREATER MANCHESTER SPATIAL FRAMEWORK 2020)

The Greater Manchester Spatial Framework (GMSF) was a joint Development Plan Document being produced by the Greater Manchester districts. The first consultation draft of the GMSF was published on 31st October 2016, and a further period of consultation on the revised draft ended on 18th March 2019. The GMSF is now being progressed by nine GM districts as 'Places for Everyone' (PFE) and, once adopted, will be the overarching development plan for these districts, setting the framework for individual district Local Plans. PFE is not yet at Regulation 19 stage and so will normally be given limited weight as a material consideration. Where it is considered that a different approach should be taken, this will be specifically identified in the report. If PFE / GMSF 2020 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) in 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 is regularly updated. The NPPG will be referred to as appropriate in the report.

RELEVANT PLANNING HISTORY

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

97948/FUL/19 - Construction of a detached log cabin for small group teaching area – Approved with conditions 26.07.2019.

91316/FUL/17 - Application for the erection of a free standing canopy – Approved with conditions 25.09.2017.

82318/FULL/2014 - Erection of extensions to existing school to provide additional classroom / office facilities to facilitate expansion of school to a one and a half form entry. External alterations and works including extension to car park and external play areas and alteration to vehicular / pedestrian access. Erection of cycle/scooter shelter and re-location of PTA store within external areas. Demolition of water tower. – Approved with conditions 14.04.2014.

H/67250 - Erection of storage shed – Approved with conditions 24.07.2007.

H/64921 - Construction of additional classroom – Approved with conditions 29.08.2006.

H/LPA/52850 - Erection of single storey extension to nursery to form additional classroom – Approved with conditions 31.01.2002.

APPLICANT'S SUBMISSION

The applicant has submitted a supporting statement setting out the reasons for the proposed development and its intended use. The information provided within the statement is discussed where relevant within this report.

In response to concerns raised by neighbouring residents, the applicant has also submitted a supporting statement, which states the following: -

1. All construction works will be carried out at the rear of the school and access will be via the main school gates. No disruption will be caused to Victoria Road, especially the cul-de-sac end of Victoria Road.

2. No flood lights will be installed as part of this project.
3. They accept and agree to a condition proposed by the Council's Environmental Health Officer at Trafford's Pollution and Housing Team, which includes:
 - The proposed MUGA shall only be used between 0900 to 1900 hrs Monday to Friday and 1000 hrs to 1700 hrs Saturday with no usage on Sundays and Public Holidays.
 - There shall be no floodlights related to this or existing pitches on site.
 - Any works to implement the development if approved must accord with the following restrictions:
 - i. Open fires to be prohibited on site
 - ii. Site working hours to be restricted as follows:
 - iii. Monday - Friday: Start 7:30am (with a restriction on the hours of operation heavy plant and machinery and major demolition and construction works until 8:00am) and finish at 6pm.
 - iv. Saturday: Start 9am and Finish at 1pm. • Sundays and Bank Holidays: No work permitted.
4. The hours of use and construction are considered necessary and reasonable, however given the nature of the proposal it is not considered necessary to restrict opening fires.

CONSULTATIONS

Sport England – No objections subject to a condition requiring a Community Use Agreement.

Pollution & Housing: Nuisance – No objections subject to conditions relating to hours of use, lighting and hours of construction. Full comments are discussed in the Observations section below.

United Utilities – No objections, conditions relating to drainage recommended.

Cadent Gas – No objections, there is operational gas apparatus within the application site boundary and standing advice is provided accordingly.

REPRESENTATIONS

In response to the first consultation sent to neighbouring residents, prior to the submission of amended plans for a slightly larger MUGA, a letter of objection was received from a neighbouring resident on Mossgrove Road. The objection seeks assurances that the MUGA would only be used on school days and not during the evening. It also seeks a guarantee that there will be no lighting associated with the proposal, either now and or in the future.

A representation from a neighbouring resident on Victoria Road, raising concerns about construction traffic and a second representation from another resident of Mossgrove Road seeking a guarantee that the MUGA would not be floodlit, were also received. The applicant provided a statement (as detailed above) addressing these concerns, following which the latter two residents have confirmed that they no longer object to the application.

Following the submission of amended plans to increase the footprint of the MUGA, neighbouring residents were re-consulted. No further representation was received.

OBSERVATIONS

PRINCIPLE OF DEVELOPMENT

1. Paragraph 38(6) of the Planning and Compulsory Purchase Act 2004 states that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise. Paragraph 11 (c) of the NPPF reinforces this requirement and indicates that proposals that accord with an up-to-date development plan should be approved without delay.
2. The playing fields within the curtilage of the School grounds are allocated as Protected Open Space on the Revised UDP Proposals Map. Paragraph 97 of the NPPF states: Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:
 - an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
 - 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
 - the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.

In relation to Open Space, Sport and Recreation Policy R5 of the Trafford Core Strategy explains that the *Council will secure the provision and maintenance of a range of sizes of good quality, accessible, play, sport, leisure, informal recreation and open space facilities*, as well as address key areas of deficiency in quality and quantity of open space and indoor/ outdoor leisure provision

3. Policy R5.4 states: *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.* Policy R5 is considered to be largely up to date in NPPF terms.
4. The Town and Country Planning (Development Management Procedure) (England) 2015 Order defines a playing field as 'the whole of a site which encompasses at least one playing pitch'. Sport England considers proposals

affecting playing fields in light of the National Planning Policy Framework (NPPF) (in particular Para. 97) and against its own playing fields policy, which states:

- a. *‘Sport England will oppose the granting of planning permission for any development which would lead to the loss of, or would prejudice the use of:*
 - *all or any part of a playing field, or*
 - *land which has been used as a playing field and remains undeveloped, or*
 - *land allocated for use as a playing field unless, in the judgement of Sport England, the development as a whole meets with one or more of five specific exceptions.’*
5. One of the exceptions E5, states: *“The proposed development is for an indoor or outdoor facility for sport, the provision of which would be of sufficient benefit to the development of sport as to outweigh the detriment caused by the loss, or prejudice to the use, of the area of playing field.”*
6. The proposed development comprises the creation of a multi-use game area on part of a playing field within the school grounds. The school has confirmed that not only would the proposed MUGA enable them to provide high quality PE and School Sport all year round, which is currently not possible during the winter months, it would also enable them to provide access to a broader range of sports more regularly.
7. Sport England have reviewed the proposal and following the submission of amendments to increase the footprint of the MUGA, include the provision of a footpath from the school to the MUGA and the submission of a statement from a local football club who currently use the school playfields supporting the proposal; they raise no objections to the proposal subject to a condition being attached requiring the submission of a Community Use Agreement.
8. It is therefore considered that the proposed development would meet Sport England’s Policy Exception E5, Policy R5 of the Core Strategy and paragraph 97(c) (the third bullet in paragraph 1 above) of the NPPF subject to securing a Community Use Agreement. The proposed development is therefore considered acceptable in principle.

DESIGN AND APPEARANCE

9. The NPPF 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.

10. Policy L7 of the Trafford Core Strategy states that “In relation to matters of design, development must: Be appropriate in its context; Make best use of opportunities to improve the character and quality of an area; Enhance the street scene or character of the area by appropriately addressing scale, density, height, massing, layout, elevation treatment, materials, hard and soft landscaping works, boundary treatment; and, Make appropriate provision for open space, where appropriate, in accordance with Policy R5 of this Plan”.
11. 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.
12. A 2m high Dulok (double wire panel) fencing coloured green would be erected around the perimeter of the proposed MUGA, with the two ends containing a recessed goal. The proposed fencing is typical in design of that found around sports pitches and in school grounds. The style of fencing would also complement the existing green metal railings along the full length of the front boundary of the site with Victoria Road.
13. A minimum distance of 43m would lie between the proposed MUGA and the front boundary of the site with Victoria Road. Due to the siting of the existing school buildings, the proposed MUGA would only become visible from Victoria Road at the south-western end of the road. The use of green fencing would also help to soften the appearance of the proposed development against the existing green backdrop of mature hedging and trees that lie along the northern and western boundary of the site.
14. It is therefore considered that whilst the proposed development would form a new enclosure on an area within the site that is currently open in its setting, it would not be out of character with the school setting and would not appear unduly prominent within the existing street scene. It is recommended that a condition is attached requiring that the fencing is colour treated green and maintained as such.

RESIDENTIAL AMENITY

15. In relation to matters of amenity protection, Policy L7 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.

16. Residential properties on Mossgrove Road bound the application site to the west and properties on Grove Lane bound the site to the north. A minimum distance of 25m would lie between the proposed MUGA and the rear boundaries of properties on Mossgrove Road. A minimum distance of 55m would lie between the proposed MUGA and the rear boundaries of properties on Grove Lane. It is also noted that these properties all benefit from long rear gardens. A minimum distance of 57.6m would also lie between the MUGA and the front elevation of neighbouring properties on the opposite side of Victoria Road. It is therefore considered that the proposed development would not have an overbearing impact on neighbouring properties and gardens.
17. It is noted that concerns have been raised by a neighbouring resident in relation to the hours of use of the MUGA and in regards to lighting of the MUGA. Firstly in relation to hours of use, the Council's Pollution and Housing service has recommended a condition that restricts the use of the MUGA to between 0900 to 1900 hrs Monday to Friday and 1000 hrs to 1700 hrs Saturday with no usage on Sundays and Public Holidays. It is considered that these hours are typical of the times in which a school may use its playing fields, including the use by 'after school clubs' and local community groups who may also use the school building and grounds. The school has confirmed that they agree to a condition restricting the use of the MUGA to these times. It is therefore considered that the proposal would not result in undue noise and disturbance to neighbouring residents.
18. Secondly, the school has confirmed that the proposed MUGA does not include the installation of floodlighting. Should the school decide in the future that they wish to install lighting around the MUGA, planning permission would be required and the impact of the any proposed lighting would be assessed accordingly at that time. It is therefore considered that the proposed development would not result in light disturbance to neighbouring properties and gardens.

ACCESS, HIGHWAYS AND CAR PARKING

19. 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".
20. The proposed development would not result in a loss of any existing car parking provision within the site and would not result in additional staff at the school. The proposed MUGA would therefore not impact on parking provision and demand on the site.
21. The site has an existing set of access gates off Victoria Road, at the head of the cul-de-sac, which is predominantly used for emergency access and maintenance.

A distance of over 56m would lie between the proposed MUGA and this access. The proposed development would therefore not impact on any access or egresses to the site.

22. The proposed development is therefore considered acceptable on highways grounds.

DEVELOPER CONTRIBUTIONS

23. This proposal is subject to the Community Infrastructure Levy (CIL) and comes under the category of 'public or institutional facility' development, consequently the development 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).

24. No other planning obligations are required.

PLANNING BALANCE AND CONCLUSION

25. Paragraph 38(6) of the Planning and Compulsory Purchase Act 2004 states that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise. Paragraph 11 (c) of the NPPF reinforces this requirement and indicates that proposals that accord with an up-to-date development plan should be approved without delay.

26. With regards to development on a playfield, the proposed MUGA would meet Sport England's Policy Exception E5, Policy R5 of the Core Strategy and paragraph 97(c) of the NPPF subject to securing a Community Use Agreement. The proposed development is considered to be acceptable in terms of its design and appearance, its impact on residential amenity and with regard to highway safety. As such the proposal is considered to be compliant with Policies L4, L7 and R5 of the Trafford Core Strategy and should therefore be approved without delay. The application is therefore recommended for approval subject to conditions.

RECOMMENDATION: GRANT subject to the following conditions

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

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

2. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, number WIL07 and titled

'MUGA Location', 'MUGA Plan' received on the 12th January 2021 and plan titled 'MUGA Cross Section' received on the 2nd November 2020.

Reason: To clarify the permission, having regard to Policies L7 and R5 of the Trafford Core Strategy and the National Planning Policy Framework.

3. Prior to the first use of the MUGA hereby approved, a community use agreement, prepared in consultation with Sport England, shall be submitted to and approved in writing by the Local Planning Authority. The agreement shall apply to the Multi Use Games Area and natural turf pitches and include details of pricing policy, hours of use, access by non-educational establishment users, management responsibilities and a mechanism for review. The development shall not be used otherwise than in strict compliance with the approved agreement.

Reason: To secure well managed safe community access to the sports facility/facilities, to ensure sufficient benefit to the development of sport and to accord with Policy R5 of the Trafford Core Strategy and paragraph 97(c) of the NPPF.

4. The fencing and gates to the MUGA hereby approved shall be powder coated green prior to their installation. Thereafter they shall be retained in that colour.

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

5. Any works to implement the development hereby approved must accord with the following restrictions:
 - a. Site working hours to be restricted as follows:
 - Monday - Friday: Start 7:30am (with a restriction on the hours of operation heavy plant and machinery and major demolition and construction works until 8:00am) and finish at 6pm.
 - Saturday: Start 9am and Finish at 1pm.
 - Sundays and Bank Holidays: No work permitted.

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

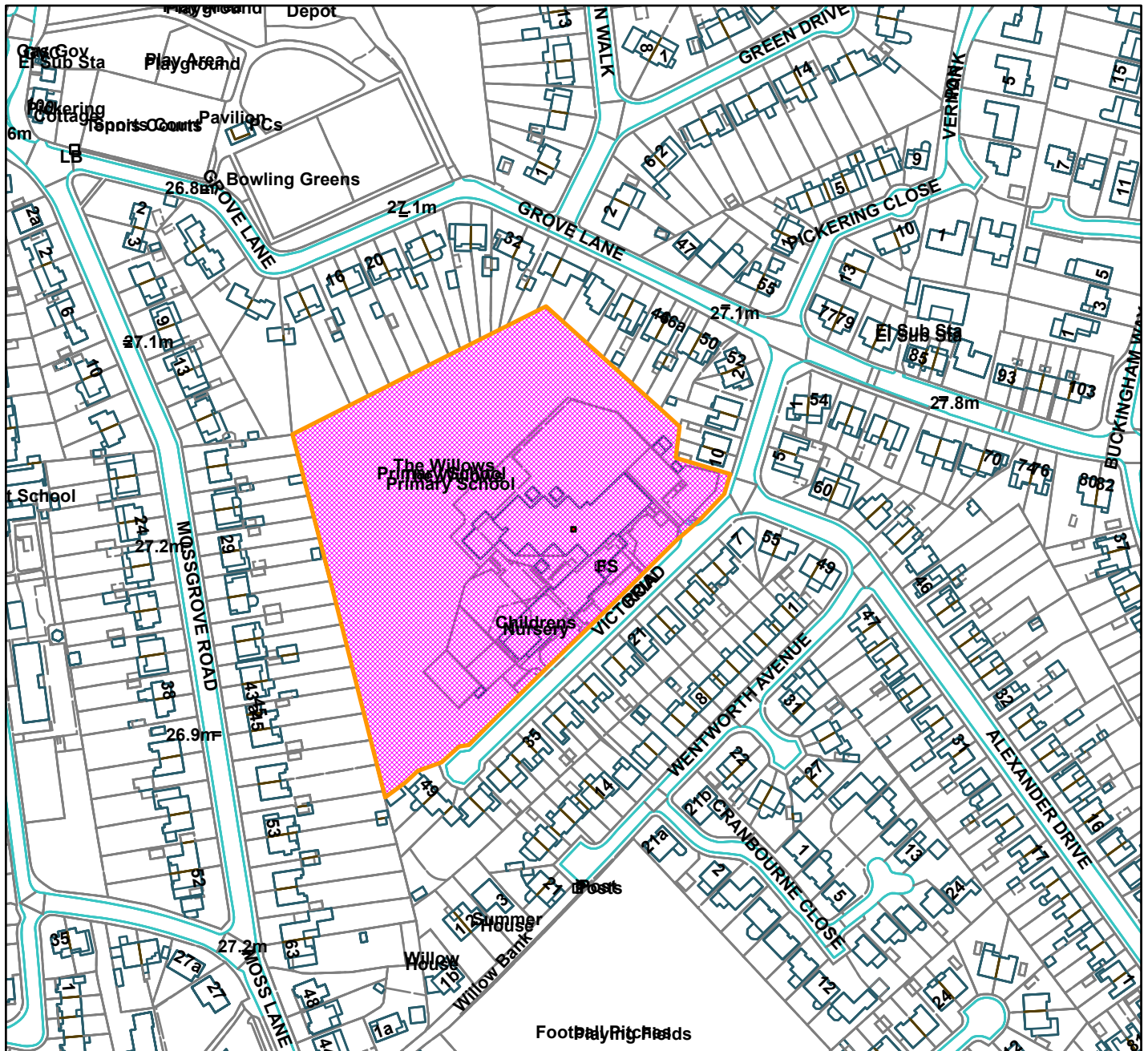
6. The MUGA hereby approved shall only be used between 0900 to 1900 hrs Monday to Friday and 1000 hrs to 1700 hrs Saturday with no usage on Sundays, Bank Holidays and Public Holidays.

Reason: To protect the amenity of neighbouring residents, having regard to Policy L7 of the Trafford Core Strategy and the requirements of the National Planning Policy Framework.

VW



The Willows Primary School, Victoria Road, Timperley (site hatched on plan)



Scale: 1:2,500

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Organisation	Trafford Council
Department	Planning Service
Comments	Committee date 11/03/2021
Date	01/03/2021
MSA Number	100023172 (2012)

WARD: Broadheath

102090/VAR/20

DEPARTURE: NO

Application for variation of condition 5 on planning permission 99647/FUL/19 (Construction of new warehouse extension (B8) within existing private service yard area, with associated site and yard alterations.). To allow for deliveries to the site and home deliveries from the site to be made between 07:00 and 22.00 for a temporary 1 year period.

Waitrose, 10 Draybank Road, Altrincham, WA14 5ZL

APPLICANT: Waitrose Ltd

AGENT: Mr Tim Williams, Firstplan Ltd

RECOMMENDATION: GRANT

The application is reported to the Planning and Development Management Committee as a concurrent and interdependent planning application has received 6 or more objections contrary to officer recommendation.

SITE

This application relates to Waitrose supermarket in Altrincham. The site is bound by Turnbull Road to the east, Sinderland Road to the south and Draybank Road to the west, from where it takes its vehicular access. The site is occupied by a supermarket with a number of smaller commercial units attached. These include a gym, a beauty salon and retail uses.

PROPOSAL

Planning application 99647/FUL/19 granted planning permission for the erection of a warehouse extension at the site.

Condition 5 of 99647/FUL/19 restricts the hours for deliveries to and from the site as follows:

“Deliveries to and from the development hereby approved (including those associated with the online delivery part of the business) and waste collections from the development hereby approved shall not be permitted between the hours of 2100-0700 on any day.

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

This application seeks the variation of this condition to allow for extended delivery hours to and from the site of 0700-2200 for a temporary one year period.

Value Added

The hours applied for have been reduced from 0700-2300 on any day to 0700-2200 on any day following concerns being raised with regard to noise impacts. Similarly, rather than granting permission on a permanent basis, the proposal has been amended to allow the development to operate in accordance with the varied delivery hours for a temporary one year period which will allow for any noise impacts associated with the scheme to be monitored.

Section 73 Application

This is an application under s73 of the Town and Country Planning Act and it is noted that when deciding such applications the LPA should normally limit its appraisal to the relevant conditions, albeit it does result in the grant of a new permission. Should this s73 application be approved the other conditions attached to the original grant of planning permission which have yet to be discharged will continue to be attached to the new permission.

When assessing variation of condition applications the LPA does not only have the option of either approving or refusing the proposed varied condition wording, but also has the power to impose an amended condition, the wording of which has not been requested by the applicant, as well as the option of imposing additional conditions should this be deemed necessary.

DEVELOPMENT PLAN

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

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

PRINCIPAL RELEVANT CORE STRATEGY POLICIES

L7 - Design

PROPOSALS MAP NOTATION

Sinderland Development Area- MD1

PRINCIPAL RELEVANT REVISED UDP POLICIES/PROPOSALS

None

PLACES FOR EVERYONE (FORMERLY GREATER MANCHESTER SPATIAL FRAMEWORK 2020)

The Greater Manchester Spatial Framework (GMSF) was a joint Development Plan Document being produced by the Greater Manchester districts. The first consultation draft of the GMSF was published on 31st October 2016, and a further period of consultation on the revised draft ended on 18th March 2019. The GMSF is now being progressed by nine GM districts as 'Places for Everyone' (PFE) and, once adopted, will be the overarching development plan for these districts, setting the framework for individual district Local Plans. PFE is not yet at Regulation 19 stage and so will normally be given limited weight as a material consideration. Where it is considered that a different approach should be taken, this will be specifically identified in the report. If PFE / GMSF 2020 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) 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 was last updated on 1st October 2019. The NPPG will be referred to as appropriate in the report.

RELEVANT PLANNING HISTORY

101755/CND/20- Application for approval of details reserved by conditions of grant of planning permission 99647/FUL//19. Condition numbers: 6(Noise mitigation) and 7 (Noise Mitigation). Full Discharge of Conditions- 13.10.2020.

99647/FUL/19- Construction of new warehouse extension (B8) within existing private service yard area, with associated site and yard alterations. Approved with Conditions- 12 August 2020.

H/68719- Development of a local centre incorporating a supermarket, 5 units falling within Use Classes A1, A2, A3 and D1 with associated car parking, servicing and highway works. Approved with Conditions- 23 September 2008.

APPLICANT'S SUBMISSION

- Covering Letter- The proposal to amend the approved delivery hours will enable Waitrose to respond to the increased demand for home delivery services, click and collect services, meet customer expectations and ensure the store remains fully stocked. The proposals can be achieved without detriment to neighbouring amenity or highway safety.
- Noise Impact Assessment
- Technical Memo

CONSULTATIONS

Environmental Health (Nuisance) – No objection subject to conditions.

Local Highway Authority - No objection.

REPRESENTATIONS

Letters of representation have been received from three separate addresses in response to a neighbour consultation exercise. These make the following points:

- Ecommerce vehicles that leave the site at 10pm could return as late as midnight.
- Late night returning vehicles will cause disturbance with engines running, reversing alarms in operation and doors banging.
- All noise should cease by 11pm as it is a residential area.
- The properties along Vetchwood Gardens have not been sufficiently considered.
- There are family houses in the area with potential for impact on children sleeping.
- The moving around of wire cages causes disturbance.
- Noise levels should have been measured at residential properties rather than modelled.
- Vans need to be loaded before leaving the site which will result in early morning noise.
- The noise survey is not representative of the activities in Waitrose.
- Waitrose has had HGVs arrive before 7am during lockdown so may not comply with a 10pm restriction.
- The extension of the delivery hours contravenes Article 8 HRA as it will infringe on the right to family life due to the noise that will be generated late on in the night and early in the morning by the deliveries.
- There is pollution- plastic bags from Waitrose and diesel fumes from HGVs.
- Wildlife will be harmed by extended delivery hours.

Section 6 of the Human Rights Act 1998 requires public authorities to act in a way that is compatible with the European Convention on Human Rights. Various Rights may be relevant to this application including Article 1 (protection of property) and Article 8 (Right to respect for a private and family life). The European Court has recognised that “regard must be had to the fair balance that has to be struck between the competing interests of the individual and of the community as a whole”. Any interference must be necessary

and proportionate. The rights of the individual have been considered against the wider public interest and it is determined that the Articles will not be triggered.

OBSERVATIONS

BACKGROUND

1. It is understood that the applicant wishes to extend the hours for deliveries to the site and for home deliveries that are made from the site.
2. Planning application H/68719 granted planning permission for the development of a local centre consisting of a supermarket, five commercial units and associated car parking, servicing and highway works.
3. Condition 7 of H/68719 restricts the hours of deliveries to the site to 0700-2100 on any day. There is no condition on application H/68719 that restricts the hours of home deliveries from the site however. The applicant has applied to vary this condition to allow for extended delivery hours under concurrent planning application 101748/VAR/20.
4. Planning application 99647/FUL/19 granted planning permission for an extension to the applicant's warehouse. This permission includes a planning condition that restricts the hours of deliveries to the warehouse and the hours of home deliveries from the warehouse to 0700-2100. The current application seeks the variation of this condition to allow deliveries to the warehouse and home deliveries from the warehouse to take place between 0700-2200.

PRINCIPLE OF DEVELOPMENT

5. S38(6) of the Planning and Compensation Act 1991 states that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise.
6. 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.
7. Paragraph 11 of the NPPF states that decisions should apply a presumption in favour of sustainable development. At paragraph c), it clarifies that this means approving development proposals that accord with an up-to-date development plan without delay.
8. The key issue in determining this application is the impact that extended delivery hours would have on the residential amenity of nearby occupiers. Policy L7 of the Core Strategy is considered 'most important' for determining this application. Policy L7 is consistent with the NPPF and therefore up to date. The development

plan therefore remains the appropriate means of assessing the acceptability of the proposal.

RESIDENTIAL AMENITY

9. 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.
10. Permission is sought to extend the hours for deliveries to the site and for home deliveries from the site from 0700-2100 on any day to 0700-2200 on any day. This represents one additional hour in the evenings.
11. The application site is in close proximity to residential properties. The site's vehicular access for deliveries is immediately opposite residential units at a distance of approximately 10m. Moreover, the access is taken from Draybank Road which necessitates delivery vehicles passing a number of residential properties that front onto this road.
12. It is recognised that several objections have been received on the grounds of noise and disturbance related to deliveries at the site and home deliveries from the site. These relate to the delivery vehicles themselves as well as noise emanating from the warehouse as part of the unloading of the vehicles. Reference is also made to the current unsociable hours of delivery.
13. A Written Ministerial Statement (WMS) by the Secretary of State for Housing, Communities and Local Government was made on the 13 March 2020 which made clear that Local Planning Authorities should ensure that planning controls are not a barrier to food delivery over the period of disruption caused by the coronavirus. Specifically, it states that planning enforcement action should not be taken which would result in unnecessarily restricting deliveries of food and other essential deliveries during this period.
14. It is understood that Waitrose has been operating under the provisions of the WMS during the Covid-19 pandemic; including during this application process. As a consequence, comments received from neighbours relating to Waitrose already operating outside the permitted hours are understood to be explained by Waitrose operating under the temporary provisions of the WMS. These therefore would not be expected to represent conditions in the area under 'normal' circumstances.
15. The applicant has submitted a Noise Impact Assessment which concludes that the impact of the proposal on neighbouring residential properties would be acceptable.

Environmental Health have commented that the issue of noise can be subjective however and that the BS4142 assessment that was carried out is more effective at assessing the impact of noise sources that are likely to be carried on for extended periods rather than the impact of sudden noises that are short in duration but are nonetheless intrusive. For this reason, it is not considered that the Noise Impact Assessment alone is sufficient in demonstrating that the proposal is acceptable in terms of noise and disturbance.

16. The Environmental Health consultee recommended that permission for the extended delivery hours be granted on a temporary one year basis. This would be to allow Environmental Health to monitor the noise impacts over that period which could be used to fully assess any subsequent application to make the extended delivery hours permanent. Subject to the permission being granted on a temporary basis, and an effective Noise Management Plan being implemented, Environmental Health raise no objection to the application.
17. Planning permission 99647/FUL/19 included a condition which required a Noise Management Plan be submitted to and approved in writing by the LPA prior to the extended warehouse being brought into use. The Noise Management Plan was approved in October 2020 and includes specific points to reduce the noise impacts of the site on neighbouring residential properties. The Plan only relates to home deliveries from the site and not deliveries to the site. This includes the following requirements among others:
 - Delivery vehicles will be driven around the site in a considerate manner, e.g. speed being kept to a practical minimum and all items properly fastened in order to ensure rattles and bangs are kept to a minimum;
 - Delivery vehicles parked in the four bays marked as 'reserved Waitrose.com delivery vans only' should not be left to idle;
 - There is a general requirement for all drivers and Partners engaged in the delivery process to minimise noise at all times;
 - The Plan limits the operation of home delivery vehicles to a maximum of 5 vehicles in any one hour period within dedicated loading bays.
18. It is understood that the Noise Management Plan has only recently been brought into effect following the warehouse extension being brought into use. This has taken place during the consideration of this application. With regard to neighbour concerns in relation to deliveries outside of the permitted hours and the noisy operation of the site, it is likely that these concerns have been exacerbated by the site operating under the WMS and primarily relate to operations prior to the Noise Management Plan coming into force. Consequently, the measures included within the Noise Management Plan represent additional controls beyond the situation at the site at the time most representations were received.
19. This application involves extending the hours of both deliveries to the site and home deliveries from the site however and so the current Noise Management Plan needs to be updated to ensure that it adequately mitigates any disturbance. It is

anticipated that an updated Noise Management Plan will be submitted to the LPA prior to the Planning and Development Management Committee meeting taking place. An update in relation to this and any associated change to the recommended conditions of this report, will be set out in the Additional Information Report.

20. It is recognised that the proximity of the site to residential properties creates the potential for noise and disturbance to be introduced to the occupiers of those properties by an extension to the hours of deliveries to and from the site. It is considered that the implementation of an appropriate Noise Management Plan would offset this however. Nevertheless, the temporary nature of the application provides the Council with the ability to review the proposal in future should the applicant seek to make the change permanent.
21. It is therefore considered that the proposal is acceptable in residential amenity terms with regard to Policy L7 of the Core Strategy and NPPF guidance.

HIGHWAY SAFETY AND PARKING

22. Policy L7 of the Core Strategy states, “in relation to matters of accessibility, development must:
 - Be fully accessible and useable by all sections of the community;
 - Provide good connections within the site and to adjoining areas;
 - Where relevant ensure that streets and public spaces are designed to provide safe and attractive environments for walkers and cyclists; and
 - Provide safe, convenient links to public transport and community facilities.
23. The proposal does not involve any changes to the site’s access or parking arrangements. The LHA raise no objection to the application. It is considered acceptable and in accordance with Policy L7 of the Core Strategy in this regard.

DEVELOPER CONTRIBUTIONS

24. There are no developer contributions relevant to this application.

PLANNING BALANCE AND CONCLUSION

25. The site is in close proximity to residential properties and so there is potential for extended delivery hours to and from the site to introduce some noise and disturbance to neighbouring occupiers. It is considered that the submission of an appropriate Noise Management Plan will ensure that the extended delivery hours do not introduce excessive noise or disturbance to neighbouring residential occupiers. In addition, a temporary one year condition will allow Environmental Health to monitor the noise impacts over that period prior to any subsequent application to make the extended delivery hours permanent.

26. The proposal therefore complies with Policy L7 of the Core Strategy and NPPF guidance with regard to the protection of residential amenity. It is recommended that the application be approved subject to conditions.

RECOMMENDATION

GRANT subject to the following conditions:-

1. This permission is granted for a temporary period expiring one year from the date of this permission. Following the expiry of this period, the operation of the site including hours of deliveries shall be carried out in accordance with the conditions approved under planning permission 99647/FUL/19.

Reason: To allow the extended delivery hours to be monitored in the interests of residential amenity with regard to Policy L7 of the Trafford Core Strategy.

2. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers 19065-BAR-XX-00-DR-A-10100 Rev. P06, 19065-BAR-XX-XX-DR-A-13100 Rev. P01, 19065-BAR-XX-ZZ-DR-A-14100 Rev. P01 and 19065-BAR-XX-XX-DR-A-13200 Rev. P01.

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

3. The development hereby permitted shall be constructed entirely of the materials details which are shown on plan No 19065-BAR-XX-ZZ-DR-A-14100 Rev. P01.

Reason: To ensure that the appearance of the development is acceptable, having regard to Policy L7 of the Trafford Core Strategy and the National Planning Policy Framework.

4. 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.

5. Deliveries to and from the development hereby approved (including those associated with the online delivery part of the business) and waste collections from the development hereby approved shall only be permitted between the hours of 0700-2200 on any day and not at any time outside these hours.

Reason: In the interest of amenity and to allow the local planning authority to assess the impact of the development on the amenity of the surrounding area,

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

6. The site shall operate in accordance with the Noise Mitigation Scheme approved under discharge of condition application 101755/CND/20.

Reason: For the protection of amenity with regard to Policy L7 of the Core Strategy.

7. The site shall operate entirely in accordance with the submitted Noise Management Plan.

Reason: For the protection of amenity with regard to Policy L7 of the Core Strategy.

8. The rating level (LAeq,T) from all fixed plant and machinery associated with the development, when operating simultaneously, shall not exceed the background noise level (LA90,T) at any time when measured at the nearest noise sensitive premises. Noise measurements and assessments should be compliant with BS 4142:2014 "Rating industrial noise affecting mixed residential and industrial areas".

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

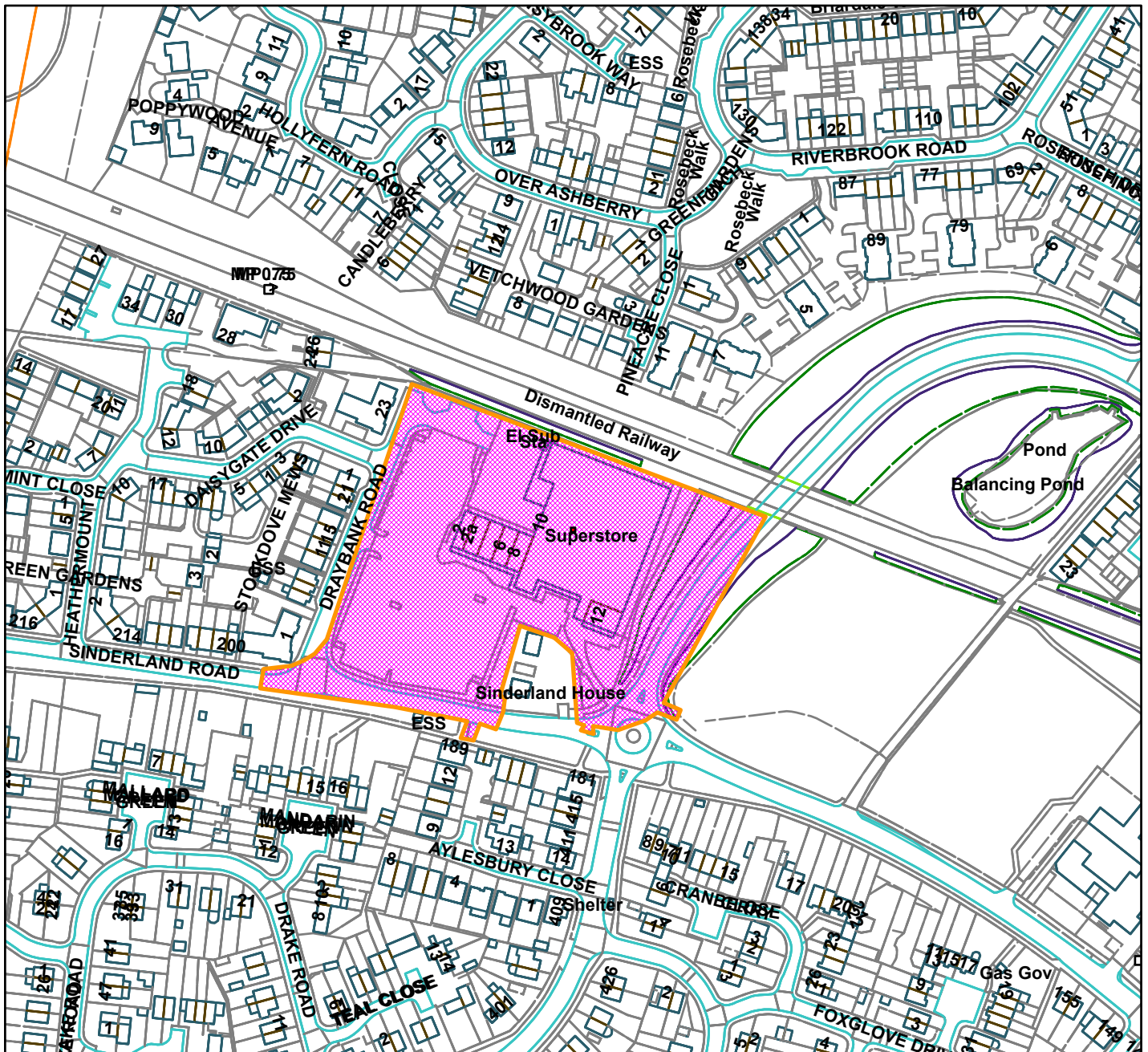
9. Development shall be carried out entirely in accordance with the Construction Method Statement submitted to the Council via email on 23.07.2020.

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

JW



Waitrose, 10 Draybank Road, Altrincham (site hatched on plan)



Scale: 1:2,500

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Organisation	Trafford Council
Department	Planning Service
Comments	Committee date 11/03/2021
Date	02/03/2021
MSA Number	100023172 (2012)

WARD: Davyhulme East

102544/HHA/20

DEPARTURE: No

Erection of two-storey side extension, single storey front extension, single storey rear extension and loft conversion with rear dormer extension.

ADDRESS: 43 Furness Road, Davyhulme, M41 0UQ

APPLICANT: Mr & Mrs Keane

AGENT: EBR Designs

RECOMMENDATION: REFUSE

The application is reported to the Planning and Development Management Committee due to receiving 9 letters of support contrary to officer recommendation.

SITE

The application site comprises a two storey semi-detached dwellinghouse located on the western side of Furness Road – a residential street within Davyhulme. The dwelling has an attached garage to the north side, a single storey rear outrigger, and hardstanding exists to the front of the property. Davyhulme Primary School is located to the rear of the property.

PROPOSAL

The proposal is for the erection of a two-storey side extension, single storey front extension, single storey rear extension, and loft conversion with rear dormer extension. This would create an open plan kitchen at ground floor, an enlarged third bedroom and study at first floor, and a fourth bedroom in the loft.

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 – Parking;
L7 – Design.

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

OTHER LOCAL POLICY DOCUMENTS

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

PROPOSALS MAP NOTATION

None

PRINCIPAL RELEVANT REVISED UDP POLICIES/PROPOSALS

None

NATIONAL PLANNING POLICY FRAMEWORK (NPPF)

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

NATIONAL PLANNING PRACTICE GUIDANCE (NPPG)

MHCLG published the National Planning Practice Guidance on 6th March 2014, and was updated on 1st October 2019. The NPPG will be referred to as appropriate in the report.

GREATER MANCHESTER SPATIAL FRAMEWORKThe Greater Manchester Spatial Framework (GMSF) was a joint Development Plan Document being produced by the Greater Manchester districts. The first consultation draft of the GMSF was published on 31st October 2016, and a further period of consultation on the revised draft ended on 18th March 2019. The GMSF is now being progressed by nine GM districts as 'Places for Everyone' (PFE) and, once adopted, will be the overarching development plan for these districts, setting the framework for individual district Local Plans. PFE is not yet at Regulation 19 stage and so will normally be given limited weight as a material consideration. Where it is considered that a different approach should be taken, this will be specifically identified in the report. If PFE / GMSF 2020 is not referenced in the report, it is either not relevant, or carries so little weight in this particular case that it can be disregarded.

RELEVANT PLANNING HISTORY

None

APPLICANT'S SUBMISSION

Bat Survey – The building has negligible suitability for use by roosting bats, no field signs of use by bats were found internally or externally during the inspection, and no further survey work is required.

CONSULTATIONS

None

REPRESENTATIONS

9 letters of support received making the following comments: -

- The proposals are sympathetic and proportionate in terms of design, scale and appearance.
- A lot of similar extensions have been built in the area over the years.
- The applicant should be fully supported as they have chosen this area to bring their family up. The Council should be supporting people to invest in the area rather than leaving.
- The only neighbouring property that could be affected has given their support to the proposals.
- The proposal will not generate any significant overlooking, overbearing or any other impact on amenity that would justify refusal.
- SPD4 guidelines should be interpreted flexibly.

The neighbour at 132 Canterbury Road states that the extension will not be overbearing as the garage at the bottom of their garden creates a buffer between the properties.

OBSERVATIONS

1. The proposal is for an extension to an existing residential property, within a predominantly residential area. Therefore, the proposed development needs to be assessed against the requirements and limitations of Policy L7 of Trafford's Core Strategy and SPD 4.

Design and Street Scene

2. Policy L7 requires that development is appropriate in its context; makes best use of opportunities to improve the character and quality of an area by appropriately addressing scale, density, height, layout, elevation treatment, materials, landscaping; and is compatible with the surrounding area.
3. SPD 4: A Guide for Designing House Extensions and Alterations requires extensions to reflect the character, scale and form of the original dwelling by matching and harmonising with the existing architectural style and detailing and the SPD sets out specific guidance in order that proposals can successfully do this.

4. The proposed single storey front extension would project 0.7m from the front elevation – the same extent as the existing porch. The front extension would have a lean-to roof and the proposed new front and garage doors are of acceptable appearance. This element of the proposal would therefore not have any undue visual impact upon the street scene.
5. The proposed two storey side extension would project 2.9m from the main side elevation of the dwelling and retain 1m to the shared boundary with No.132 Canterbury Road. The first floor of the side extension would be set back 0.3m from the front elevation. The two storey side extension would have a gable end and the dual-pitched roof ridge would meet the existing roof 0.1m lower than the main roof ridge. The proposed first floor front and rear elevation windows would acceptably align with existing windows. The side extension would appear proportionate in relation to the existing property and would not have any detrimental impact on the spaciousness of the area.
6. The proposed single storey rear extension would project 3m from the main rear elevation of the dwelling and retain 12m to the rear boundary. The single storey rear extension would have a lean-to roof with 3no. roof lights and the rear elevation would have bi-fold doors and an additional window at ground floor. This element would therefore also not have any detrimental impact on the character of the area.
7. The proposed dormer would be 4m wide, 3.5m deep and would retain 0.7m to the eaves and 0.2m to the roof ridge. It would contain a small WC window and a full height window serving the bedroom. A rooflight is also proposed in the main rear roof slope. Paragraph 3.6.3 of SPD4 states that the design of a dormer should complement the parent roof, that pitched roofs are normally more appropriate and that flat roofs will not normally be accepted except where it can be clearly demonstrated that they complement the host property. The dormer would have a flat roof but it is recognised that it would be relatively modest in scale in relation to the overall rear roof slope, would be set back from the eaves and constructed in materials that would be of similar appearance to the existing roof. On balance, it is considered that it would not have an unacceptable impact on the character of the application property or the visual amenity of the surrounding area.
8. Brickwork, roof tiles, and upvc windows/doors would match the materials of the existing property.
9. The overall proposal is therefore considered to be acceptable in design terms and is acceptable in scale and retains an adequate sense of spaciousness.

10. As such, it is considered that the proposal would comply with Policy L7 of the Core Strategy and the NPPF in this respect.

Residential Amenity

11. Policy L7 of the Core Strategy states that in relation to matters of amenity development must 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 overbearing, overshadowing, overlooking, visual intrusion, noise and/or disturbance, odour or in any other way.
12. Guidance contained within SPD4 states it is important that extensions or alterations do not impact adversely upon neighbour amenity.
13. Paragraph 2.16.1 states that “An extension positioned too close to a boundary, may cause a loss of sunlight and/or daylight to a neighbour’s window or garden. An extension that would overshadow your neighbour to an unreasonable extent would not be considered acceptable. Care should be taken that the extension is not positioned in such a way as to cause unreasonable overshadowing to a neighbouring house or a well-used part of a garden, e.g. siting a tall wall in close proximity to a boundary.”
14. Paragraph 2.17.1 of SPD4 states that “A large expanse of brickwork can be overbearing to the amenities of a neighbouring property. Windows and gardens of neighbouring properties will be protected from undue overbearing. The maintenance of adequate separation distances may help to avoid overbearing relationships between properties.”
15. Paragraph 2.17.2 states that “The factors that may be taken into account when assessing a potential loss of light or overbearing impact include

The size, position and design of the extension
Orientation of the property
Presence of other habitable room windows / sources of light in neighbouring rooms
Relative position of neighbouring houses and existing relationship
Size of the garden.”
16. Paragraph 2.17.3 states that “For two storey extensions with a blank gable wall that would face a neighbouring main habitable room window, a 15m minimum separation distance would be required. However, there may be exceptions and every application will be considered on its own merits having regard to

The size of the extension

Its relationship with the affected window(s) including orientation
It's impact on the spaciousness of the area.”

17. The proposed two-storey side extension would create a blank gable wall that would not retain 15m to the rear elevation of No.132 Canterbury Road. The submitted site plan shows that a distance of 12.5m would be retained to the main rear elevation, whilst planning permission for a two storey side extension at No.132 Canterbury Road from 2001 (H/50996) shows that the two storey westerly rear bay window to the lounge and Bedroom 2 projects a further 0.7m from the rear elevation. Therefore the blank gable wall would be under 12m from these windows and considerably under the 15m guidelines outlined in SPD4. The gable wall would face the rear elevation windows head-on, would project the full depth of the property – thereby reducing outlook either side, and would be sited directly to the south of the property of No.132.
18. There is an existing single storey outbuilding on the rear boundary of No.132, and it is recognised that this, together with the fact that the extension would be positioned 1m off the boundary, would reduce the impact on the garden area of No. 132 to some extent, given that the extension would not be immediately adjacent to this private amenity space. There have been 9 letters in support of the proposal and it is noted that this includes the occupiers of No. 132 who have stated that they have no concerns about the proposals and are fully in support of the application. Notwithstanding this, it is necessary to consider the impact on the amenity of both current and future occupiers of the property. The proposed extension would be significantly below the Council's guideline of 15m in terms of its relationship to the main habitable room windows in the rear of No. 132 and would be directly to the south. It is therefore considered that the proposal would have an unacceptable overbearing and overshadowing impact on the rear amenity space and rear windows of No. 132.
19. The side elevation of the extension would not contain any windows at first floor level and the ground floor window and door would face the outbuilding at No. 32. As such, it is considered that there would not be any undue overlooking of that property. The proposed single storey front and rear extension, as well as the loft conversion with rear dormer extension, would comply with SPD4 in terms of distances to boundaries and main habitable room windows and are not considered to cause unacceptable overbearing, overshadowing or overlooking impacts.
20. As such, it is considered that the proposal would have a detrimental impact on the residential amenity of the occupiers of No. 132 Canterbury Road by reason of overbearing and overshadowing impact and would not comply with Policy L7 of the Core Strategy and guidance in the NPPF.

Parking

21. Whilst the proposal would result in the creation of an extra bedroom (increasing the total from three to four), space would exist for two vehicles on hardstanding to the front of the property, and unrestricted parking exists on Furness Road. As such, it is considered that the proposal would not result in an unacceptable parking impact.

DEVELOPER CONTRIBUTIONS

22. The proposed development will increase the internal floor space of the dwelling by less than 100m² and therefore will be below the threshold for charging. No other planning obligations are required.

PLANNING BALANCE AND CONCLUSION

23. The proposed development is not considered to cause harm to the character or visual appearance of the street scene or the surrounding area by reason of its design, scale and materials, and therefore it is considered acceptable within its context. However, it is considered that the proposed development would have an unacceptable impact on the residential amenity of a neighbouring property, No. 132 Canterbury Road, by reason of undue overbearing and overshadowing impact on the rear windows and rear garden of that property. It is therefore considered that the proposal does not meet the aims of SPD4, the Core Strategy and the NPPF and it is recommended that planning permission should be refused.

RECOMMENDATION:

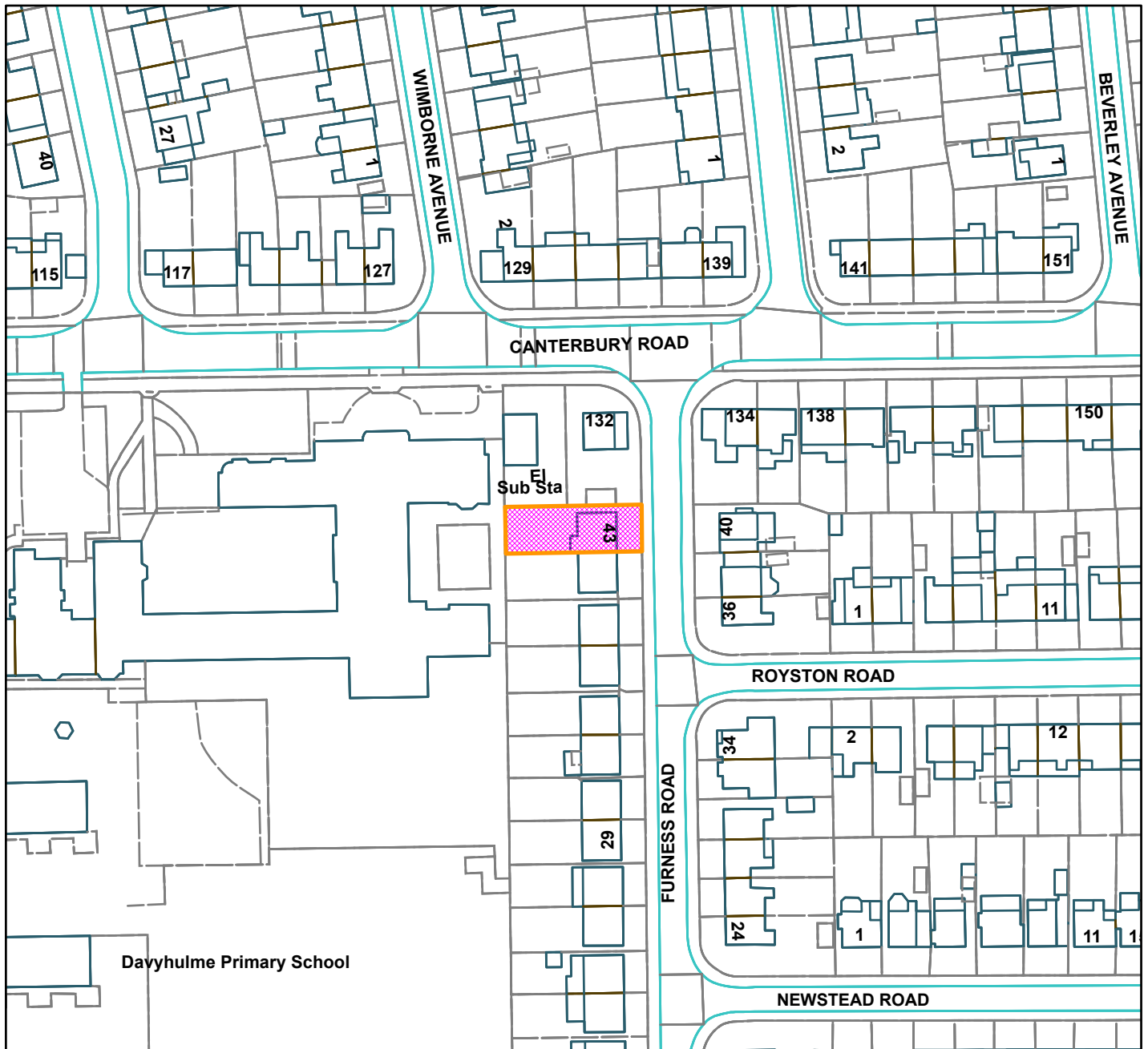
REFUSE

1. The proposed two storey side extension, by reason of its size, scale, height, massing and proximity to the common boundary with No.132 Canterbury Road, would result in an unacceptable overbearing and overshadowing impact upon the rear main habitable room windows and rear amenity space of that property to the detriment of the amenity that the occupiers of that property could reasonably expect to enjoy. As such, the proposed development would be contrary to Policy L7 of the Trafford Core Strategy, guidance in the Council's Supplementary Planning Document, SPD4: A Guide for Designing House Extensions and Alterations and guidance in the NPPF.

CH



43 Furness Road, Davyhulme (site hatched on plan)



Scale: 1:1,250

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Organisation	Trafford Council
Department	Planning Service
Comments	Committee Date 11/03/2021
Date	26/02/2021
MSA Number	100023172 (2016)

WARD: Ashton On Mersey **102822/FUL/20**

DEPARTURE: No

Full planning application for the erection of a residential development comprising 38 apartments in 2 blocks, 40 townhouses and 6 semi-detached dwellings with associated means of access, reconfiguration of existing gyratory and creation of road infrastructure, car parking, public realm, open space including a pocket park and other site infrastructure.

Former Magistrates Court, Ashton Lane, Sale, M33 7NR

APPLICANT: Trafford Council and Seddon Developments Limited

AGENT: Avison Young

RECOMMENDATION: GRANT

The application has been reported to the Planning and Development Management Committee due to six or more representations being received contrary to Officer recommendation and because the application is for development by the Council to which an objection has been made which is material to the development proposed.

SITE

The application site comprises two parcels of land to the west of Sale town centre; the site of the former Trafford Magistrates Court on the western side of the A56 (Cross Street) and land further to the west known as the 'gyratory'. The total area of the application site extends to approximately 1.38 hectares.

The former Trafford Magistrates Court site is a roughly square shaped site bounded by Cross Street to the east, Ashton Lane to the south, York Road to the west and Brighton Grove to the north. The site was previously occupied by the Magistrates Court building and its associated car park. The building was demolished in 2019 and the site is now vacant, comprising a large area of hardstanding, a number of mature trees to the perimeter and enclosed by hoardings. Access to the former car park on the site was from both Ashton Lane and York Road.

The application site also includes an irregular shaped parcel of land to the west of the Magistrates Court site (known as the 'gyratory') which is enclosed by Ashton Lane and York Road. This area comprises trees, vegetation, grass and continuation of the pavement along the north side of Ashton Lane. A smaller area of land forming part of the gyratory system is also included within the application site.

The site is within a mixed-use area which transitions between predominantly commercial uses in the town centre and along the A56 to the east and predominantly residential areas to the north and west. To the east on the opposite side of Cross Street

is a terrace of commercial properties and the Bulls Head public house. To the north is terraced housing on Brighton Grove and Howells Avenue. To the west are flats, terraced and semi-detached dwellings on York Road and detached and semi-detached dwellings on Park Road. To the south on the opposite side of Ashton Lane is a terrace of commercial properties in retail and other business use. Cranleigh Drive to the south comprises terraced dwellings and townhouses nearest to the site and Sale Ambulance and Fire Stations are further south.

The nearest listed building to the site is the former Tatton Cinema to the south. There are also a number of non-designated heritage assets in the immediate vicinity of the site, including The Bulls Head Public House on Cross Street and no. 2-4 Washway Road.

PROPOSAL

Full planning permission is sought for a residential development comprising 38 apartments, 40 townhouses and 6 semi-detached dwellings with associated means of access, reconfiguration of existing gyratory and creation of road infrastructure, car parking, public realm, open space including a pocket park and other site infrastructure.

The two apartment blocks are proposed alongside Cross Street and comprise a 3 storey block extending parallel with Cross Street from the Ashton Lane junction (Block A1) and a 4 storey block extending parallel with Cross Street from Brighton Grove (Block A2). The 40 proposed townhouses comprise 24 x 2 storey dwellings with accommodation also in the roofspace along Ashton Lane, York Road and Brighton Grove and 16 x 3 storey townhouses along a new street to be created within the site. The 6 semi-detached dwellings are 2 storey with accommodation also in the roofspace and are proposed along Ashton Lane. The mix of units comprises 18 x 1-bed apartments, 20 x 2-bed apartments, 12 x 3-bed dwellings and 34 x 4-bed dwellings.

Access to the former Magistrates Court part of the site is proposed from York Road in the same position as the existing site access, whilst to the gyratory part of the site a new access is proposed on the west side of York Road. A number of proposed dwellings would have access direct from York Road and Brighton Grove. A total of 104 car parking spaces would be provided across the site, including 1 or 2 spaces per dwelling (84 spaces in total), 12 spaces for the proposed apartments and 8 visitor/non-designated spaces. Storage space for bicycles is proposed within the curtilage of all dwellings and communal bicycle storage is proposed within the two apartment buildings.

The proposed development also includes a pocket park adjacent to Cross Street, two areas of private outdoor amenity space, street trees within the pavement on the adjacent roads, tree, hedge and shrub planting throughout the site, and a substation.

The proposal includes the provision of 21 affordable units (25%) as part of the development, comprising 13 apartments and 8 houses. The applicant has indicated the

apartments would be provided for affordable rent and the houses would be for shared ownership.

The total floorspace of the proposed development would be approximately 9,217 m².

Value Added – Amendments and further information has been submitted during the application process in response to officer comments and consultation responses. This includes various amendments to improve the design of the scheme, amendments in response to highway comments and an amended split of affordable units to provide a better balance of houses and apartments than originally proposed. A minor change has also been made to the application site boundary adjacent to no.2 Park Road to exclude a small strip of land that is not within the applicant's control.

The amendments to the design of the buildings include ridge and eaves heights reduced and roof pitch amended to those dwellings with pitched roofs; amendments to fenestration of all buildings including wider windows to all dwellings; recessed brick panels omitted from dwellings; brick corbel detail added to all dwellings; amendments to front corner of apartment buildings including red sandstone door and window surrounds and ceramic/terracotta panel introduced; top floor of Block A2 amended to brick; and low brick wall instead of railings along Ashton Lane.

DEVELOPMENT PLAN

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

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

PRINCIPAL RELEVANT CORE STRATEGY POLICIES

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

R2 – Natural Environment
R3 – Green Infrastructure
R5 – Open Space, Sport and Recreation

PROPOSALS MAP NOTATION

None

PRINCIPAL RELEVANT REVISED UDP POLICIES/PROPOSALS

None relevant

SUPPLEMENTARY PLANNING DOCUMENTS/GUIDANCE

PG1 – New Residential Development
Revised SPD1 – Planning Obligations
SPD2: A56 Corridor Development Guidelines
SPD3: Parking Standards and Design

PLACES FOR EVERYONE (FORMERLY GREATER MANCHESTER SPATIAL FRAMEWORK 2020)

The Greater Manchester Spatial Framework (GMSF) was a joint Development Plan Document being produced by the Greater Manchester districts. The first consultation draft of the GMSF was published on 31st October 2016, and a further period of consultation on the revised draft ended on 18th March 2019. The GMSF is now being progressed by nine GM districts as 'Places for Everyone' (PFE) and, once adopted, will be the overarching development plan for these districts, setting the framework for individual district Local Plans. PFE is not yet at Regulation 19 stage and so will normally be given limited weight as a material consideration. Where it is considered that a different approach should be taken, this will be specifically identified in the report. If PFE / GMSF 2020 is not referenced in the report, it is either not relevant, or carries so little weight in this particular case that it can be disregarded.

NATIONAL PLANNING POLICY FRAMEWORK (NPPF)

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

NATIONAL PLANNING PRACTICE GUIDANCE (NPPG)

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

NATIONAL DESIGN GUIDE

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

RELEVANT PLANNING HISTORY

95797/FUL/18 - Erection of 2.4 metre timber boundary hoardings and metal framed double gates to the main entrance for a temporary period of up to 2 years. Approved 17.12.18

95647/DEM/18 - Demolition of the existing Magistrates Court. (Consultation under Schedule 2, Part 11 of the Town and Country Planning (General Permitted Development) (England) Order 2015.). Approved 11.10.18

APPLICANT'S SUBMISSION

The applicant has submitted the following reports in support of the application. These documents will be referred to as necessary within this report:-

- Supporting Planning Statement
- Design and Access Statement
- Acoustic Planning Report
- Air Quality Assessment and subsequent Technical Note
- Arboricultural Impact Assessment and Method Statement
- Archaeological Appraisal
- Biological Impact Assessment
- Crime Impact Statement
- Drainage Strategy
- Extended Phase 1 Habitat Survey
- Flood Risk Assessment and Outline Drainage Strategy
- Heritage Statement
- North West SuDS Pro-Forma
- Phase 1 - Preliminary Risk Assessment
- Statement of Community Involvement
- Sustainability Report
- Transport Assessment
- Stage 1 – Road Safety Audit
- Residential Travel Plan Framework

The Supporting Planning Statement includes the following key points in support of the proposed development:

- The proposals have been designed with due regard given to the technical assessments undertaken by the applicant's project team. The proposed development represents a comprehensive and high-quality scheme undertaken in line with best practice guidance.

- The principle of residential development is acceptable; the site is deliverable and the proposed development will positively contribute to delivering new homes on a brownfield site. Furthermore, the development would also contribute to the delivery of new homes in the short term, contributing to the Council's five-year housing land supply, which it cannot currently demonstrate.
- The development has been carefully designed to improve the site and deliver a scheme that's in keeping with the surrounding area.
- The proposed development accords with local and national planning policy and there are no environmental or technical constraints that preclude the proposed development.

The applicant has undertaken consultation with the local community prior to submission of the application, including with local Ward Councillors, local community groups and the local community. This included a leaflet drop in November 2020 to approximately 1,100 properties in the vicinity of the site, consultation boards at Sale Library, a dedicated website and a dedicated mailbox to comment. A description of the consultation undertaken and an analysis of the responses received and the applicant's response are set out in the submitted Statement of Community Involvement.

CONSULTATIONS

Education – As the majority of Trafford primary schools in the Sale area are oversubscribed and any vacancies at Sale secondary schools are needed to maintain an operational surplus, a contribution towards new school places is requested. This will be used to expand existing schools.

GMAAS – No objections. Comment that given the high level of previous ground disturbance associated with construction of the former Magistrates Court together with the limited archaeological interest that has been established through the appraisal study, GMAAS consider that no further archaeological mitigation is required.

Greater Manchester Ecology Unit – No objections subject to a condition relating to removal or works to hedgerows, trees or shrubs during the main bird breeding season. Details of the off-site mitigation required to mitigate for the loss of biodiversity on site should be provided prior to the determination of the application.

GM Fire and Rescue Service – Comment that the proposal should meet the requirements for Fire Service access, as summarised in the report below.

GMP (Design for Security) – Recommend a condition requiring the development to reflect the physical security specifications set out in the Crime Impact Statement.

Heritage Development Officer - Considers that the proposed development will result in no harm to the setting of the nearby listed building and negligible harm to the setting of non-designated heritage assets. Comments are incorporated in the Observations section of this report.

Housing Strategy and Growth – No objections, comments incorporated in the report.

LLFA – No objections subject to conditions requiring development to be carried out in accordance with the approved Drainage Strategy including the detailed mitigation measures (limiting surface water run-off and provision of attenuation flood storage), and submission of a management and maintenance plan for the lifetime of the development.

LHA – No objection in principle, although further clarification is required on a number of matters as set out in the report. Recommend conditions including a review of TROs in the surrounding area, retention of garages for parking, details of cycle parking and storage arrangements, Travel Plan, and Construction Method Statement. Any further comments will be included in the Additional Information Report.

NHS Trafford CCG – No objections and no contribution required.

Pollution and Housing (Air Quality) – No objections subject to condition requiring a Construction Method Statement. Originally recommended a condition that an alternative method of ventilation is required to habitable rooms that face onto the A56, however in response to an updated AQA are satisfied that this is not required.

Pollution and Housing (Contaminated Land) – No objections subject to conditions requiring investigation and risk assessment, remediation strategy and a verification report prior to the occupation of the development.

Pollution and Housing (Nuisance) – No objections subject to conditions requiring that the detailed design reflects the technical requirements and recommendations made in the Acoustic Planning Report and shall be submitted for approval; post-construction verification plan to detail the mitigation provided for each unit; and a Construction and Pre-Construction Environmental Management Plan.

Strategic Planning – No comments received

TfGM – No comments received at time of preparing report.

Tree Officer – Comments are incorporated in the Observations section of this report.

United Utilities – Request that the applicant provides a detailed drainage plan and without provision of this information conditions are recommended requiring a surface water drainage scheme and that foul and surface water is drained on separate systems. A detailed drainage plan has since been submitted and any further comments from United Utilities in response will be included in the Additional Information Report.

Waste Management – No objections provided that the vehicle tracking is acceptable to the LHA.

REPRESENTATIONS

Neighbours - 33 objections received and 1 comment, summarised as follows: -

Development on the gyratory system / loss of green space

- The existing gyratory system works well for traffic calming.
- The land is well used as a pedestrian crossing including by children as it's a safe place and by dog walkers. The land has been used by sunbathers and for picnics.
- The land contains trees, plants and wildlife. It hosts nesting birds in the spring and should be preserved for the local wildlife.
- The open space is well-maintained and attractive, respected and valued by local people. Development will be a loss of amenity and to the environment. Green spaces should be protected as resident facilities.
- This is the only significant green space in the vicinity of Sale town centre and in this heavily populated area. It provides the only green space for residents of Trident Apartments and residents on Cranleigh Drive and other properties. This is at the very least 114+ residences.
- Provision of decent recreational/health provision for residents is essential, particularly during the pandemic.
- The land helps offset the effects of vehicle pollution in an area where air quality is already very poor.
- Unnecessary given the loss of trees and it only represents 10% more properties.
- The land within the gyratory system is only suitable for a maximum of 2 houses.
- The pocket park is small and does not offset the loss of green space from the gyratory and does not adhere to SO5 of the Core Strategy. The gyratory should be replaced by a meaningful sized park inside the development.
- The land should remain to provide green space for the development.
- The green space is not part of the former Magistrates Court site and is public space for surrounding residents.
- Trafford residents and Council Tax payers have a right to continue to use the local green space and the Council should ensure it is here to stay.
- An alternative solution would be to build houses on the Oaklands Drive car park which is always empty.

Traffic and highway safety issues

- The gyratory system works well for traffic calming, reducing speed and allows traffic to flow. Its removal will cause traffic problems/congestion and increase the risk of accidents.
- Removal of the gyratory is based upon questionable evidence and baseless claims that it is inefficient and the proposed layout would be more conducive to pedestrian and cycle use.
- The current junction enables safe exit from York Road, traffic is already slowed by the junction, good visibility, plenty of space to avoid close overtaking by cars, and avoids the need to right turn across oncoming traffic.

- The proposed arrangement will create two junctions close together and requiring vehicles to make right turns across traffic and increase in potential for accidents.
- Highway England's COBA formula indicates 0.97 accidents each year on average which is much higher than current levels (0.05 accidents per year).
- The proposed junction and extra traffic on Cranleigh Drive will result in more pollution and noise and more danger to pets.
- The plans do not appear to have considered the effect of increased traffic on the residents of Cranleigh Drive due to the new Town Centre development proposals combined with the Magistrates Court development.
- A right turn for traffic from Sibson Road onto Cross Street is needed to avoid traffic driving around three residential one-way streets and to balance out the increased traffic of the development.
- The Transport Assessment looks at the impacts of changing the junctions in theoretical terms only and ignores the practical impact on road users.
- The change of priority on Cranleigh Drive will deprioritise ambulances and fire engines and delay emergency responses. Reducing the junction to a single lane instead of left and right turning lanes will further impact this.
- Technical concerns about the Transport Assessment and whether this is leading to false confidence about the low impact of removing the gyratory.
- No accounting for changes in trip destinations and purposes due to of Covid-19.
- The assessment uses average hour traffic figures which assumes a consistent or uniform arrival of vehicles, however arrivals at the Cranleigh Drive/Ashton Lane junction are groups of vehicles meaning larger queues than the forecasts predict.
- The TRICS data used for trip rates seems to be entirely based on non-Greater Manchester areas.
- Disingenuous to imply the road layout will be comparably safe with the gyratory layout. The gyratory brings about the low level of accidents.
- Removal of the road space provided by the gyratory when there are problems on the A56 will aggravate the problem and could delay emergency vehicles.
- The volume and regularity of heavy traffic on Cranleigh Drive creates significant highway safety issues. Vehicles driving around the sharp bend accelerate to the end of the one-way system.
- Increase in traffic using Cranleigh Drive, York Road, Park Road, York Avenue and Park Avenue will exacerbate existing problems.
- Cars speed down York Road and the entrance to the new development will be an accident hot spot.
- Increased road parking due to the lack of parking will lead to increased dangers.
- Increased danger to the high percentage of elderly residents in this area.
- Increase in difficulty for vehicles travelling south on Park Road and York Road attempting to access the laundrette and Sports Direct fitness centre.
- Two way traffic on York Road will create a bigger problem of vehicles driving the wrong way to take a short cut.
- The change of traffic flow outside the undertakers will cause problems when a bus waits at the bus stop with traffic trailing back to Cranleigh Dive, possibly blocking the entrances to the emergency services and driveways.

- Traffic calming should be considered for Oaklands Drive - traffic speeds up to the bend at the fire station and traffic is backed up from Ashton Lane.
- York Avenue is unsuitable for HGVs and construction traffic and will increase noise and volume of traffic to an undesirable level. The company used to demolish the Law Courts re-routed their vehicles to avoid Park Avenue and York Avenue and construction traffic should follow their example.

Car parking

- Insufficient car parking is provided particularly for the proposed apartments.
- Residents and visitors are likely to park on the surrounding roads meaning existing residents will find it harder to park. This will inconvenience existing residents on York Road, Palace Road, Brighton Grove and Howells Avenue.
- Overspill parking will lead to obstruction of nearby streets.
- Lack of parking provision means residents and visitors will park in Brighton Grove/Howells Avenue. Parking is already limited with 29 houses and only up to 30 parking spaces. There is no alternative parking for existing residents.
- Insufficient parking will lead to overspill into the parking bays off Palace Road bays and reduce parking availability for existing residents.
- Residents already suffer from commuters and shoppers parking in residents only spaces for Palace Road/Fiona Gardens.
- There is no slack in parking availability in the area: the entrance to the Magistrates Court site is frequently used as overspill parking and will no longer be an option once redevelopment begins.
- The TA overstates the feasibility of safely cycling in the local area and fails to address the drawbacks of life without a car.
- The TA shows a car ownership level of 58% for apartments within the MSOA at the 2011 census which is well above the 32% parking provision proposed.
- 58% car ownership is not representative of future residents as greater household income is required than in 2011 to obtain a mortgage or rent in this area. Higher car ownership levels would be expected than in 2011 so parking provision for the flats needs to substantially exceed the 58% level.
- Cross Street is not a suitable cycle route due to high traffic volumes and lack of segregated facilities and the Bridgewater Way is unsafe in the dark precluding most winter commutes. The local infrastructure is not good enough to encourage people to cycle.
- There remain awkward journeys without a car.
- Public transport is expensive compared to driving. One-off journeys are more expensive than the mileage costs from travelling by private car.
- Some people face barriers to public transport use due to disabilities and health conditions.
- Offering a car club scheme is a possible mitigation.
- The Council's standards state parking below the standard will only be allowed where no adverse impact on on-street parking. As the parking bays on Palace Road are equivalent to on-street parking, the plans fail to meet this condition.

- Acceptable mitigation would include increased parking for the apartments, facilitation of life without car ownership (improving cycling infrastructure and car clubs) and increasing parking availability around York Road and Palace Road.
- Acknowledge the green / carbon neutral agenda but the proposals aren't realistic.
- Other apartment blocks provide one (or more) assigned spaces per flat plus visitor parking spaces.
- 3 and 4 bedroom houses are likely to have at least 2 cars per household.
- The layout means people can park in spaces reserved for residents and walk straight into the shopping high street.
- The Metrolink and bus service does not mean that residents of the apartments and two bedroom houses will not need to own a vehicle.

Loss of parking

- The existing business at 29 Cross Street relies on the paid parking on Brighton Grove which is proposed to be removed. This will leave no customer parking, including for other shops, and will impact on deliveries. There needs to be a place for customers to park and for deliveries to safely park and unload.
- Removal of spaces will result in not enough parking for existing residents, whilst demand will increase from residents and visitors of the development. There is no alternative parking for residents of Howells Avenue/Brighton Grove.
- Loss of parking for those using the town centre.

Cycle parking

- Cycle parking is at too low a level to be practical for future residents. No reference in the documents to communal cycle parking to meet standards.
- There should be space for bike storage, preferably lockable where a key/code is needed and CCTV. Getting more people to cycle is so important for the environment and should be considered at planning stage.
- Inadequate cycle storage provided for some houses. Additional cycle parking should be provided or storage space increased.

Design

- Not clear whether or not the dwellings would have pitched roofs to be in keeping with the area. The roofs need to be pitched and not flat.
- The street elevations of the proposed development are disappointingly pedestrian in design.
- The apartments look 'boxy' and uninspiring. Something that fits with the Victorian aesthetic of the buildings of Sale would be more appealing.
- The flat featureless buildings are aesthetically not attractive with no thought gone into enhancing the environment. Housing should reflect the style of the area, not 'Lego' style flat roof buildings.
- The design of the properties is lacking refinement as far as storage, accessibility and carbon neutral measures are concerned.

Impact on local services

- Little detail provided on how local services, particularly schools and medical facilities, are expected to cope with the number of households proposed.
- Services already seem at breaking point and the Council has a responsibility to provide clear strategies on how they are to be supported. Schools and medical services should be consulted and their comments published.
- Park Road and Springfield Road primary schools are oversubscribed. Both schools have a small footprint and are already at capacity. Park Road has doubled in size yet remains difficult for local residents to access.
- Increased pressure on the already over-subscribed Ashton-on-Mersey High School.
- Health care/medical services in the area will be adversely affected, such as the one on Washway Road.

Noise

- Traffic noise is already significant and noise pollution will increase further.
- The volume and regularity of heavy traffic along Cranleigh Drive produces significant noise pollution which needs to be addressed within the proposals.
- Traffic lights will create standing traffic and noise directly in front of homes.
- Houses on Cranleigh Drive are already impacted by constant noise 7 days a week from the Sport Direct Fitness Centre.
- Recently built houses on Cranleigh Drive required significant sound proofing of window units, specialist acoustic fence panels and extra ventilation systems which substantiates the claim there is already significant noise pollution.
- Extra traffic will cause substantially greater noise and vibration on York Avenue.

Air quality/pollution

- Increase in traffic will impact on the environment/carbon footprint.
- The increased pollution can only have a negative impact on health.
- How can the Council act on their declaration of a climate emergency while allowing a driving-focussed development like this to be built?
- Traffic lights will create standing traffic directly in front of homes.

Consultation

- No revisions made to the plans as a result of comments/suggested improvements by the community.
- The statutory notice was posted on 23 December, immediately ahead of the Christmas and New Year break.
- Misleading that the statutory notice should refer to reconfiguration of existing gyratory when the proposal involves its complete removal.
- No information provided despite living in the area that has apparently been consulted. Question whether the consultation was to the extent claimed.
- No leaflet received or opportunity to comment on the proposals despite living in the leaflet drop area (resident on Howells Avenue).
- Residents of Park Road did not receive the notification and information claimed to have been provided to 1100 local houses.

- With the Covid restrictions struggle to see how most would have become aware of the proposals.
- Concern over the number of properties not consulted and misleading documentation of community involvement. No opportunity to comment until the application went live.

Other comments

- Number of dwellings should be reduced.
- No information about accessibility of the properties to those with disabilities. This development provides an excellent opportunity to increase the stock of accessible housing within Trafford.
- Support adoption of all recommendations in the Carbon Budget and Crime Impact Statements.
- Trafford Council's Combatting Climate Change report advocates the use of low carbon heat sources such as heat pumps and solar panels. As a Trafford Council site the development should be meeting the recommendations in this report.
- The pocket park is by the very busy, polluted Cross Street.
- The pocket park will be seen as part of the new resident's space rather than a public place, so not inviting to local residents.
- The proposed tree planting on Ashton Lane and Cross Street is absolutely required given the removal of at least 14 big trees on site. Question if it's possible to protect these new trees to avoid removal in the future.
- Query who is going to maintain the planting beds in the pocket park.
- Loss of several mature trees along Cross Street which could be kept if the building line was pushed back further.
- The houses will not be within the affordable house bracket.
- This is a perfect opportunity to create an active neighbourhood for people who prefer walking and cycling.
- The houses will need space for 192 wheelie bins and there is no mention of refuse storage for the apartments. Brighton Grove and Howells Avenue already have issues with wheelie bins left on the pavement and problems may become worse if no provision made for bin storage in the site.

Comments in support

- Fully support redevelopment of the Magistrates Court site for housing.
- Apart from the gyratory it is a suitable site for housing development.
- Welcome proposals to bring this vacant site back into use.
- Welcome a mix of houses and flats on the Magistrates Court site.
- The proposal offers affordable dwellings close to the centre of Sale.
- Like the look of the development overall and the design combination of old and new is refreshing.
- Understand the need for additional accommodation in the UK and Manchester.
- Overall this supports the plans for the redevelopment of Sale.

OBSERVATIONS

PRINCIPLE OF DEVELOPMENT

The Decision-taking Framework

1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF at Paragraphs 2 and 47 reinforces this requirement and at Paragraph 12 states that the presumption in favour of sustainable development does not change the statutory status of the development plan as a starting point for decision making, and that where a planning application conflicts with an **up-to-date** (emphasis added) development plan, permission should not normally be granted.
2. The Council's Core Strategy was adopted in January 2012, prior to the publication of the 2012 NPPF, but drafted to be in compliance with it. It remains broadly compliant with much of the policy in the 2019 NPPF, particularly where that policy is not substantially changed from the 2012 version. Whether a Core Strategy policy is considered to be up-to-date or out-of-date is identified in each of the relevant sections of this report and appropriate weight given to it.
3. The NPPF is a material consideration in planning decisions, and as the Government's expression of planning policy and how this should be applied, should be given significant weight in the decision making process.
4. Paragraph 11 (c) of the NPPF states that development proposals that accord with an up-to-date development plan should be approved without delay. Paragraph 11 (d) states that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, planning permission should be granted unless:
 - (i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
5. Policies relating to housing supply, highway matters, design 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 most relevant to the likely impacts of the proposed development on the surrounding area:
 - The Council does not, at present, have a five year supply of immediately available housing land and therefore the housing targets identified in Policies L1 and L2 of the Core Strategy are out-of-date in NPPF terms, albeit other

- aspects of the policies such as affordable housing targets, dwelling type, size and mix are largely still up to date and so can be afforded substantial weight.
- Policy L4 of the Core Strategy relating to transport and accessibility is considered to be out-of-date but only so far as it includes reference to a 'significant adverse impact' threshold in terms of the impact of the development on the operation of the road network, whereas the NPPF refers to a 'severe' impact'. Other aspects of Policy L4 including in relation to car parking are considered to be largely up to date in that refers to the use of maximum car parking standards and so can be afforded substantial weight.
 - Policy L7 of the Core Strategy relating to design is considered to be compliant with the NPPF and therefore up-to-date as it comprises the local expression of the NPPF's emphasis on good design and, together with associated SPDs, the Borough's design code. Full weight can be afforded to this policy.
 - Policy R1 of the Core Strategy relating to the historic environment is not considered to reflect case law or the tests of 'substantial' and 'less than substantial harm' to the significance of heritage assets in the NPPF. It is therefore considered to be out of date in that respect and cannot be afforded full weight.
6. The footnote to paragraph 11 (d)(i) explains that the policies of the NPPF referred to include those which relate to habitats protection, heritage and flood risk. The assessment of the scheme on these areas and assets of particular importance does not lead to a conclusion that 'provides a clear reason for refusing the development proposed'. Paragraph 11(d)(ii) of the NPPF – the tilted balance – is therefore automatically engaged because of the absence of a five year supply of immediately available housing land. Planning permission should therefore be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole. This exercise is set out within the 'Planning Balance and Conclusion' section of this report.

Principle of Housing Development

7. 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.

8. As indicated above, policies controlling the supply of housing are also 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.
9. Policy L1 of the Core Strategy seeks to release sufficient land to accommodate 12,210 new dwellings (net of clearance) over the plan period up to 2026. Regular monitoring has revealed that the rate of building is failing to meet the housing land target and the latest monitoring suggests that the Council's supply is in the region of only 2.4 years and a Housing Delivery Test output of 58%. 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.
10. Policy L2 of the Core Strategy indicates that all new residential proposals will be assessed for the contribution that would be made to meeting the Borough's housing needs.
11. The proposed development will contribute towards meeting the Council's housing land targets and housing needs identified in Core Strategy Policies L1 and L2 and contribute to addressing the current identified housing shortfall.
12. The site is not specifically identified for housing development in the Core Strategy (as the Magistrates Court was still operational at the time the Core Strategy was adopted), although the site has since been identified for housing within Trafford's SHLAA (Strategic Housing Land Availability Assessment).

Suitability of the Site

13. Policy L2 of the Core Strategy requires new development to be appropriately located in terms of access to existing community facilities (and/or deliver complementary improvements to social infrastructure) to ensure the sustainability of the development and Policy L4 states that the Council will prioritise development within the most sustainable areas accessible by a choice of modes of transport. The housing policy objectives within the NPPF include providing new housing in suitable locations which offer a good range of community facilities and with good access to jobs, services and infrastructure, including public transport.
14. The site is in a highly sustainable location, well served by public transport and close to town centre facilities. There are bus stops in close proximity to the site on the A56 and Ashton Lane providing frequent services into Manchester and surrounding centres including Altrincham and Stretford. Sale Metrolink stop is approximately 450m (0.45km) from the site also providing frequent services into Manchester and other centres. Facilities in Sale town centre within walking

distance include a wide range of shops including supermarkets, food and drink establishments and leisure centre. There are primary schools and medical practices close to the site and secondary schools within the wider area. There is good pedestrian infrastructure in the vicinity of the site, including a pedestrian crossing directly into Sale town centre. With regards cycling, the A56 is a recognised on-road cycling route and NCR 82 (Bridgewater Way) also provides a continuous route into the city centre.

15. The site is also adjacent to an established residential area and as such residential development would be an appropriate use for the site, compatible with the character of the area.
16. Policy L1 of the Core Strategy sets an indicative 80% target proportion of new housing provision to use brownfield land and buildings over the Plan period and the NPPF states that planning decisions should “*give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs*” (paragraph 118c). The former Magistrates Court part of the site is previously developed land and the proposed development will contribute towards this target.
17. The proposals would result in the loss of the existing green space (the ‘gyratory’) located on Ashton Lane and a significant number of representations object to the loss of this land to development. The comments received state it is valued by local residents as the only green space in the vicinity, referring to the land as a visual amenity with trees, plants and wildlife and that is used by dog walkers and is a safe crossing point. Whilst the value of this land to existing residents is acknowledged, it is also relevant to note the land is not designated as Protected Open Space that would otherwise preclude it from being suitable for development. The land is part of a gyratory road system enclosed by roads, meaning that access to the space requires crossing one or two roads and it is exposed to traffic noise and vehicle pollution. There are no benches or other facilities located on the land that would otherwise encourage its use as a space to spend time and relax. The trees are not afforded any statutory protection and whilst they are of some local amenity value this is limited and their loss can be mitigated for in the proposed landscaping across the site (the tree survey has categorised the trees as predominantly Category C (low quality) and two as Category B (moderate quality)). Having regard to the need for housing, the characteristics of the land and there being no formal designation on the site it is considered development on this land is acceptable in principle.

Housing Type and Mix

18. The NPPF at paragraph 61 requires local planning authorities to plan for an appropriate mix of housing to meet the needs of its population and to contribute to the achievement of balanced and sustainable communities. This approach is supported by Policy L2 of the Core Strategy, which refers to the need to ensure

that a range of house types, tenures and sizes are provided. Policy L2 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 L2.4 states that the Council will seek to achieve a target split of 70:30; small:large (3+ beds) residential units, with 50% of the small homes being suitable for families. Policy L2 as a whole is generally consistent with the NPPF however references to housing numbers and housing land supply are out of date and less weight should be afforded to Policy L2.5.

19. The proposed development comprises 18 x 1-bed units, 20 x 2-bed units, 12 x 3-bed units and 34 x 4-bed units which equates to a split of approximately 45% small and 55% large units. Although this is a higher proportion of large units than sought by the policy, this is considered acceptable in this location since the evidence from the Housing Needs Assessment 2019 for Sale shows that there is greatest need for 3 and 4 bed homes (and flats with 2 or more beds) i.e. a greater need for large units than sought by Policy L2. The split of the 'small' units generally accords with the requirement for 50% of these to be suitable for families. All proposed dwellings and apartments will meet the nationally described space standard.

Affordable Housing

20. The NPPF defines affordable housing as: housing for sale or rent for those whose needs are not met by the market (including housing that provides a subsidised route to home ownership and/or is for essential local workers). It includes affordable housing for rent (including affordable rented and social rented), starter homes, discount market sales housing, and other affordable routes of home ownership (including shared ownership and rent to buy). Paragraph 63 states that affordable homes should be sought within all new residential proposals for major development (i.e. developments for ten units or more). Paragraph 64 indicates that with major developments, at least 10% of the homes should be available for affordable home ownership as part of the overall affordable housing offer. Policy L2 of the Core Strategy states that in order to meet the identified affordable housing need within the Borough, the Council will seek to achieve, through this policy, a target split of 60:40 market:affordable housing.
21. The site falls within a 'moderate' market location for the purposes of applying Policy L2 and with the Borough now in 'good' market conditions, this relates to a requirement for 25% of the proposed residential units provided to be delivered on an affordable basis. The proposal includes provision of 25% affordable housing on site (21 units) in accordance with Policy L2.
22. The submitted Planning Statement states it is intended that the affordable dwellings will be transferred to a Registered Provider who will ensure those with housing need and who are on waiting lists for the provision of affordable housing

are able to access these new homes. It is intended that the affordable homes will either be let by way of affordable rental tenancy or sold by way of a Shared Ownership Agreement. The 21 affordable units comprise 13 apartments and 8 houses.

23. Policy L2 states in terms of the required affordable housing provision, at least 50% of the affordable housing provision will be required to be accommodation suitable for families. The proposed affordable units comprise 6 x 1-bed and 7 x 2-bed apartments and 4 x 3-bed and 4 x 4-bed houses which is considered acceptable. The 3 and 4-bed dwellings amount to 38% of the total and the 2-bed apartments would also be suitable for families taking the total to 71% as being suitable for families.
24. Policy L2 states that in developments where there is a mix of both houses and apartments, the affordable housing element should reflect the overall mix of unit types on the site. This would require a split of 45% apartments and 55% houses to be affordable. The proposed mix is 62% apartments and 38% houses which doesn't fully reflect the overall mix across the site. This is an adverse impact of the scheme to be considered in the planning balance.
25. Policy L2 states that a split of 50:50 in the affordable housing units to be provided between intermediate (commonly shared ownership) and social/affordable rented housing units, unless exceptional circumstances can be demonstrated as set out in the Planning Obligations SPD. The recent Housing Need Assessment 2019 carried out by the Council confirmed that the majority of the affordable accommodation required in Sale is 1 and 3 bed houses and 2 or more bed flats. There is an annual net need of 62 new affordable housing units required in Sale with 51% being intermediate tenure (shared ownership) and 49% being for affordable/social rent. The applicant has advised the current proposed tenure is for the 13 apartments to be provided for affordable rent and the 8 houses to be for shared ownership. This proposed split of affordable units as 62% provided for affordable rent and 38% for shared ownership does not comply with the policy or reflect the need in Sale for a 50:50 split. This is an adverse impact of the scheme to be considered in the planning balance, although the applicant has advised that this is subject to future review and the split could subsequently be improved to be more in line with policy. It is considered that a condition attached to any permission requiring the affordable housing to be provided could allow for the final tenure mix to be submitted and approved at a later date.

Summary on principle of development

26. Whilst the Council's housing supply policies are considered to be out-of-date in that it cannot demonstrate a five-year supply of deliverable housing sites, the scheme achieves many of the aspirations which the policies seek to deliver. Specifically, the proposal contributes towards meeting the Council's housing land targets and housing needs identified in Core Strategy Policies L1 and L2 in that

the scheme will deliver 84 new residential units (including 21 affordable units) on a predominantly brownfield site in a highly sustainable location within the urban area, close to town centre amenities and public transport infrastructure. The absence of a continuing supply of housing land has significant consequences in terms of the Council's ability to contribute towards the Government's aim of boosting significantly the supply of housing. Significant weight should therefore be afforded in the determination of this planning application to the scheme's contribution to addressing the identified housing shortfall, and meeting the Government's objective of securing a better balance between housing demand and supply. The importance attached by local residents to the area of green space formed by the existing gyratory system is acknowledged, however it is considered this is outweighed by the delivery of much needed housing in a highly sustainable location and having regard to its nature and that it is not designated as Protected Open Space.

IMPACT ON HERITAGE ASSETS

27. Section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990 requires the local planning authority in considering whether to grant planning permission for development which affects a listed building or its setting to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
28. Policy R1 of the Core Strategy states that all new development must take account of surrounding building styles, landscapes and historic distinctiveness and that developers must demonstrate how their development will complement and enhance existing features of historic significance, including their wider settings, in particular in relation to conservation areas, listed buildings and other identified heritage assets. As indicated above this policy does not reflect case law or the tests of 'substantial' and 'less than substantial harm' to the significance of heritage assets in the NPPF. As Policy R1 of the Core Strategy is out of date for decision making purposes, the requirements of Paragraph 11 of the NPPF are engaged. In view of this heritage policy in the NPPF can be given significant weight and is the appropriate means of determining the acceptability of the development in heritage terms.
29. Paragraph 190 of the NPPF states that local planning authorities should take the particular significance of any heritage asset into account to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.
30. Paragraph 193 of the NPPF establishes that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The NPPF sets out that harm can either be substantial or less than substantial. There will also be cases where development affects heritage assets but from which no harm arises.

31. Paragraph 196 of the NPPF states that *“where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use”*.
32. Paragraph 197 identifies that the effect of an application on the significance of a non-designated heritage asset should also be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
33. There are no heritage assets within the application site, although it does lie within the setting of one designated heritage asset; the Grade II listed former Tatton Cinema (now occupied by Sports Direct Fitness) and several non-designated heritage assets including The Bulls Head Public House, 2-4 Washway Road and 1 Washway Road/81-95 School Road.

Significance of the affected heritage assets

Designated Heritage Assets

34. The application site lies within the setting of the former Tatton Cinema, Grade II listed which is situated approximately 45m south of the application site. Whilst there are a number of buildings in the intervening distance between the listed building and the application site, the former Cinema can be appreciated in kinetic views looking south along Cross Street, towards Washway Road, whilst taking in the application site.

Non-Designated Heritage Assets

35. The application site lies within the setting of The Bulls Head Public House and 2-4 Washway Road, both identified as non-designated heritage assets in accordance with Annex 2 of the NPPF. The buildings are considered to have a degree of significance meriting consideration in planning decisions, because of their heritage interest. The ‘Good Practice Advice Note 2: Managing Significance in Decision-Taking’ published by Historic England (2015) clarifies non-designated assets as those *“...that have been identified in a Historic Environment Record, in a local plan, through local listing or during the process of considering the application.”*
36. The Bulls Head is a large public house occupying the corner of School Road and Cross Street, built in 1879. Designed in a classical style, the building is constructed from red stock brick with sandstone dressings [painted at ground floor]; a distinctive sandstone oriel window addressing the corner and has a

prominent parapet adorned with blue mosaics and gold lettering depicting the name, brewery and date.

37. On the opposite corner is 2-4 Washway Road, a two storey building in an art deco style with splayed corner to address the junction. The building is dated 1921 with a stone parapet, distinctive fleche and possibly clad with faience.
38. Both non-designated heritage assets are significant for their historic and architectural values and strongly contribute to the street scene, located on the most significant historic route [Watling Street] through the Borough. Whilst not identified as a heritage asset 1 Washway Road/81-95 School Road complements the scale, materials and to a degree the architectural interest of the Bulls Head.

Impact of the Proposed Development

39. The application is supported by a Heritage Statement and a separate Archaeological Appraisal which identify the heritage assets affected and assess the potential impact on their significance. The Heritage Statement concludes that the proposed development will result in no harm to designated heritage assets whilst in relation to non-designated heritage assets there will be no harm to their setting due to the scale, separation and design of the proposed development.
40. The Council's Heritage Development Officer has been consulted on the application and raises no objections in principle to the proposed residential development of the site, although has raised some concerns regarding the architectural treatment and form of the two proposed apartment buildings.
41. From a heritage perspective the proposed layout of the scheme is welcomed, in particular the reinstatement of a street within the site (Whittle Street) which was demolished when the Magistrates Court was developed and also the separation of the two apartment blocks by an area of open space which helps to break up the massing of the buildings and allows views across the site from the A56. The height, scale and footprint of the proposed apartment blocks is greater than the surrounding townscape; the existing is predominately two storeys with a much finer urban grain. Nevertheless, there is scope here for taller buildings providing they are of a high quality and contribute to the character of Sale town centre.
42. In relation to the Grade II listed Tatton Cinema there are limited locations from where both the proposed development and listed building could be viewed together due to the intervening buildings, including nos. 2-12 Washway Road which project forward of the listed building relative to Washway Road. Where there would be combined views of parts of the development and the listed building these are in the context of the rear and side elevation of the listed building only rather than the more important front elevation. It is considered that as a result of the combination of distance, the height of the development being limited to 2 and 3 storey closest to the listed building, and the fact that there is an

almost continuous line of intervening buildings along Ashton Lane, the proposals would result in no harm to the significance of the listed building.

43. In relation to 2-4 Washway Road and the Bulls Head Public House it is considered that a building on the corner of Cross Street and Ashton Lane of appropriate scale and which reflects the architectural quality of these buildings would potentially enhance the setting of these buildings. A building on this corner would reinstate the historic street scene that existed prior to buildings being demolished to make way for the Magistrates Court. It is considered that whilst the siting and scale of the proposed 3 storey apartment building on this corner is appropriate, the limited articulation and architectural interest in comparison to the high level of detailing evident on 2-4 Washway Road and the Bulls Head Public House would result in a degree of harm, albeit limited. This is predominantly as a result of the comparatively large expanse of brickwork and limited detailing between the second floor windows and the roof compared to the detailing in the adjacent buildings. In combination with its large footprint it is considered that this would result in a degree of harm to the setting of these buildings and the scale of harm would be classed as negligible. This assessment of negligible harm rather than any greater degree of harm is provided that good quality materials are used.
44. The harm to the significance of non-designated heritage assets requires a balanced judgement having regard to the scale of any harm or loss and the significance of the heritage asset in accordance with paragraph 197 of the NPPF. In this case there are considered to be numerous significant public benefits associated with the proposed development which would outweigh the negligible harm identified above. The proposals would deliver 84 much needed residential units in a highly sustainable location, predominantly on previously developed land, contributing towards meeting the Council's housing land targets and housing needs including affordable housing. It is considered that the scale of harm is clearly and demonstrably outweighed by these benefits of the proposed development.
45. With regards to the potential for archaeology on the site, the submitted Archaeological Appraisal concludes that the study site is considered to have a low potential to contain finds and features relating to all periods, with the exception of the post medieval period where there may be evidence of post medieval building foundations. However, the study site has been redeveloped at least twice in the post medieval period which will have had some below ground impacts on earlier deposits. GMAAS comment that given the high level of previous ground disturbance associated with the construction of the former Magistrates Court, together with the limited archaeological interest that has been established through the appraisal study, no further archaeological mitigation is required for this scheme.

IMPACT ON CHARACTER OF THE AREA AND DESIGN

46. 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 127 requires planning decisions to ensure that developments, inter alia, will function well, are visually attractive as result of good architecture, layout and appropriate and effective landscaping, 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.
47. The National Design Guide was published by the Government in October 2019 and sets out how well-designed buildings and places rely on a number of key components and the manner in which they are put together. These include layout, form, scale, appearance, landscape, materials and detailing. This states at paragraph 120 that *“Well-designed homes and buildings are functional, accessible and sustainable”* and goes on to state at paragraph 122 that *“Successful buildings also provide attractive, stimulating and positive places for all, whether for activity, interaction, retreat, or simply passing by”*.
48. Policy L7 of the Trafford Core Strategy states that *“In relation to matters of design, development must: be appropriate in its context; make best use of opportunities to improve the character and quality of an area; enhance the street scene or character of the area by appropriately addressing scale, density, height, massing, layout, elevation treatment, materials, hard and soft landscaping works, boundary treatment; and, make appropriate provision for open space, where appropriate, in accordance with Policy R5 of this Plan”*. 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. Policy L7 is considered to be compliant with the NPPF and therefore up-to-date for the purposes of determining this application 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.
49. SPD2: A56 Corridor Development Guidelines is also a relevant material consideration to this application. This notes that historically, Sale Town Centre was focused around the Washway Road/Cross Street stretch of the A56 with many buildings developed to showcase the importance of this location. It notes that the general development profile of street frontages remains mainly traditional in appearance, with the old cinema building, the Bulls Head public house and turreted building on the opposite corner of the junction with School Road, providing traditional townscape features. It states the general scale and massing of buildings along the A56 is about three storeys, noting that more recent commercial development has been of a larger scale and this has led to a significant degradation of the street scene. The SPD states that generally, therefore, new development along the A56 should be of a smaller scale and

mass to fit within the context of the historic character and form of buildings along the route. Also relevant to this application it states that priorities for action include the assembly of derelict / vacant land with a view to bringing it back into active use and encouraging developments with a modern design approach to balance the fragmented but mostly traditional street scene.

50. The site sits within a mixed commercial and residential context, with predominantly commercial and retail land uses in the town centre and along the A56 to the east and predominantly residential areas to the west. The street pattern and urban grain is varied, including terraces and historic buildings lining Cross Street and Ashton Lane, traditional terraced housing to the north and semi-detached housing and a more suburban pattern of development to the west. The scale and height of surrounding buildings also varies, although development in the immediate vicinity of the site is generally two storey with some three storey. This context has informed the layout, scale and design of the proposed development.

Density

51. The NPPF states that where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that decisions avoid homes being built at low densities, and ensure that developments make optimal use of the potential of each site (paragraph 123). The density of the proposed development is approximately 60 dwellings per hectare which is considered appropriate to this edge of town centre location and in accordance with NPPF.

Layout

52. The Design and Access Statement states that the site provides an opportunity to reintroduce the original street pattern; to provide connectivity with existing streets and the town centre; and to recreate strong, active streets along all edges of the site fronting onto Cross Street, Ashton Lane, York Road and Brighton Grove. It states the proposal seeks to break down the site into smaller blocks with the reintroduction of traditional streets and buildings that reflect the local character of the area.
53. The proposed layout seeks to introduce a traditional terraced street pattern that would reflect the urban grain of the surrounding area. Adjacent streets including Brighton Grove, Howells Avenue, parts of York Road and commercial development along Cross Street and Ashton Lane is of a terraced form. This would also reinstate a form of development into the area that existed on the site prior to the Magistrates Court, which included terraced development alongside Cross Street, Ashton Lane and within the site. The proposed layout will provide strongly defined edges to the site, with buildings positioned alongside and fronting all adjacent roads (Cross Street, Ashton Lane, York Road and Brighton

Grove) providing activity and visual interest. Car parking is proposed predominantly internally within the site to enable buildings to enclose the site and ensure parking and hardstanding does not dominate the external street scene.

54. Both apartment buildings would be set back 6m from the highway, similar to the established building line to the north and south and reinstating a strong built form along this principal route whilst the proposed pocket park between the buildings provides a wide gap between them (27m) that helps break up the built form along Cross Street as well as allow for views into and across the site. Generally there is a clearly defined building line on the west side of Cross Street/Washway Road, although it is noted some buildings are set back from the road notably the former Tatton Cinema and attached units. In this context it is considered that the proposed apartment blocks, in terms of their positioning relative to Cross Street, would have an acceptable impact within the street scene.
55. In relation to Ashton Lane a linear form of development is proposed with the proposed apartments and dwellings set back 5.5m from the highway and an almost continuous frontage to the junction with York Road. This would reflect the form of development on the opposite side of Ashton Lane and would also form a visual continuation of School Road as the development would be appreciated in views west from School Road. The small amenity area between the apartments and dwellings comprising trees, hedge and shrub planting provides a break in the built form and will allow for views into the site. To Ashton Lane a 3m wide pavement is retained with street trees along its full length and low brick walls with hedge behind are proposed to the front of the dwellings, each with their own defensible space to the front. This active frontage will contribute to the street scene.
56. The proposed dwellings on York Road would be set back 5.5m from the footway which would be forward of the terrace of flats to the north but is nevertheless considered appropriate having regard to the siting of other buildings on York Road and the character of the road. These dwellings would also reinstate a presence to the street on this part of the site.
57. On Brighton Grove the proposed two blocks of terraced dwellings reflect the terraced form of development on Brighton Grove and Howells Avenue and would reinstate an active presence to the street on this side of the site. The proposed dwellings would be positioned 3.2m back from the highway which reflects the positioning of the terraced houses relative to the road. The proposed amenity area adjacent to Brighton Grove comprising trees, hedge and shrub planting to the rear of the apartments will be visible from Brighton Grove would serve to break up the development and allow for views into the site.
58. Internally a new road will be created off York Road with townhouses along both sides and which will also provide access to the proposed parking within the site. This would reinstate a street formerly within the site prior to the development of

the Magistrates Court and it is proposed that the former street name would also be reinstated (Whittle Street). The proposed pocket park would be aligned with the new street, providing a continuous thoroughfare through the site connecting Cross Street to York Road and providing a vista through the site in both directions. The layout and surface materials within the site will create a homezone type environment, encouraging low vehicle speeds and providing a traffic calmed environment to promote walking, cycling and street play.

Scale and Height

59. The larger and taller apartment buildings are proposed adjacent to Cross Street and the scale and height of the development then steps down to a more domestic scale to reflect the residential area beyond the site which is characterised by predominantly two storey dwellings.
60. The scale and height of buildings on the west side of the A56 in the vicinity of the site is varied but generally consists of buildings between 2 and 4 storeys in height. To the north is a 2 storey terrace, beyond which is a 3 and 4 storey modern office building. To the south is a 3 storey building on the corner of Ashton Lane with attached two storey terrace. Buildings on the opposite side of Cross Street are generally 2 storey, although the Bulls Head is taller than a typical 2 storey building. In this context it is considered that in terms of their height and massing the proposed apartment buildings would have an acceptable impact within the street scene. The proposed 3 storey block on the Cross Street/Ashton Lane corner would be a similar overall height to both the art deco building on the opposite corner and the Bulls Head opposite and it is considered a building of this scale will provide visual balance and a focal point at this prominent junction. The proposed 4 storey block continues this height along the frontage, with its top floor set back from the edge of the building to reduce its massing from ground level and its impact in longer range views along Cross Street and Washway Road. The scale and height of both proposed buildings is considered compatible with the street scene and will provide an appropriate presence in this prominent location where the A56 extends through the town centre.
61. The proposed dwellings to Ashton Lane, York Road and Brighton Grove comprise three floors of accommodation, with the second floor provided in the roofspace. The ridge and eaves height (and roof pitch) of the proposed dwellings has been reduced and brick corbel detail added in response to concerns raised regarding the proportions and height of the dwellings as originally proposed. These dwellings are now considered to read more effectively as two storey in height and appearance and would be in keeping with the character of the surrounding area in this respect.
62. The proposed dwellings to Ashton Lane would be similar in scale and height to the commercial terrace on the opposite side of the road and the proposed dwellings on York Road also reflect the scale and height of development on York

Road, including the adjacent terrace of flats to the north on the other side of the proposed access to the site and the housing beyond. On Brighton Grove the proposed dwellings would be 2 storey in appearance with pitched roofs which will reflect the scale and height of the terraced houses on the opposite side of the road. The proposed dwellings would have a comparable eaves height, similar roof pitch and only marginally higher ridge than the existing dwellings and as such are considered appropriate to their context.

Design and Materials

63. The Design and Access Statement states that whilst the appearance and scale of the development takes reference from the local context it is also intended to have an appropriately contemporary expression. It states the intention is that both the apartment blocks and the houses have an architectural expression derived from the traditional compositional norms of the local vernacular but with a contemporary build that is of its own time. Key principles of the design approach are to use traditional materials including brick to fit in with the context, and to create façades with depth and interest through generous windows set back within their reveals.
64. The proposed apartment buildings would be of red brick construction and incorporate large and recessed window openings in grey aluminium frames and recessed and projecting balconies. The elevations have been articulated with 200mm reveals to the window openings and a 100mm recessed brick panel between the windows, deep recessed entrance (Block A2), the recessed and projecting balconies and a parapet detail to provide definition and interest at roof level. Block A2 also incorporates projecting brick feature banding to the front elevation. Both buildings have the main entrances to the front, with the entrance to Block A1 on the corner of Cross Street/Ashton Lane and Block A2 on the Cross Street frontage. The buildings both include a splayed corner adjacent to the road junctions (Cross Street/Ashton Lane and Cross Street/Brighton Grove) and which include a natural red sandstone window surround and feature detail to the door and window openings to frame these openings. The splayed corner is a feature of the existing buildings on the other corners of the A56/Ashton Lane/School Road junction. The corner to both buildings also includes a ceramic/terracotta panel (indicated as dark green) to add visual interest to these prominent and exposed corners of the development. It is considered this level of articulation and detail adds depth and interest to the proposed buildings that effectively breaks up the massing and the buildings would have an acceptable impact within the street scene.
65. The proposed dwellings to Ashton Lane, Brighton Grove and York Road would be of red brick construction and incorporate large and recessed window openings (with 200mm reveals) in uPVC frames, brick headers to windows and doors, brick corbel detail, brick feature detail to the gable ends and pitched roofs in 'slate coloured/effect roof tiles'. The pitched roofs reflect the roof form of existing

buildings in the immediate vicinity on Ashton Lane, Park Road, York Road and Brighton Grove. In general the proposed dwellings retain a vertical emphasis due to the window proportions. The proposed dwellings to Brighton Grove and York Road are similar in appearance but also incorporate an integral garage and as a result these have living accommodation on the first floor. The proposed garage doors would be recessed from the front wall and of aluminium construction, finished in grey with a vertical design and would be a lateral running / horizontal opening door type.

66. The proposed three storey townhouses within the site differ in appearance to the dwellings proposed on the perimeter of the site and are proposed to be constructed in a buff brick and would have flat roofs. The second floor of these dwellings would be stepped back from the rear elevation to provide an external roof terrace at the rear. These dwellings also incorporate large and recessed window openings in uPVC frames, integral garages, brick headers to windows and doors, brick header course detail to the roof edge, and projecting brick feature panel to the side elevations. The form of these dwellings and the potential use of buff brick would provide a contrast with the surrounding dwellings and a more contemporary appearance which is considered acceptable on this part of the site, subject to the approval of a high quality brick.

67. It is considered that the appearance of the proposed dwellings is appropriate to the surrounding area and would have acceptable impact within the street scene, with the windows, detailing, roof form and materials resulting in well-designed buildings. A materials condition is recommended to ensure the use of appropriate, high quality materials.

Landscaping and Public Realm

68. The proposed landscaping and public realm includes tree lined streets adjacent to the site; a pocket park linking the site to Cross Street and Sale town centre; private amenity spaces to the rear of the apartment buildings; and parking zones broken with planting. The application is accompanied by a detailed landscaping plan which proposes a good mix of species.

69. The proposed pocket park adjacent to Cross Street would be accessible to all, with access from Cross Street and from within the development. The park will include trees (one existing and 6 new trees) and a circular feature comprising a tiered concrete planter with a variety of shrub planting and timber seating on the inside. Two areas of amenity space are proposed to the rear of the apartments adjacent to Ashton Lane and Brighton Grove, each comprising trees, hedge and shrub planting and seating. Other incidental areas of green space include trees and shrub planting alongside York Road at the junction with Ashton Lane and adjacent to the proposed parking court and also a strip alongside the main access into the site. These areas of green space will be visible along Ashton Lane and York Road and will contribute positively to the street scene.

70. In total 111 new trees are proposed across the site, including street trees to Cross Street, Ashton Lane and Brighton Grove. These will provide an attractive setting for the proposed development and make a positive contribution to the wider public realm. This aspect of the scheme is considered further in the Trees and Landscaping section of this report.
71. Within the site it is proposed to incorporate tree, hedge and shrub planting. Trees are proposed within raised planting beds to the front of the townhouses alongside the new road to be created and strips of hedge planting to divide the parking spaces are also proposed along the new road. Further tree planting is proposed within the pavements and the amenity areas to the rear of the apartments, within the parking areas and within rear gardens. Trees within gardens are mostly smaller specimens and species choice includes ornamental species that will provide colour and interest over the seasons without dominating the gardens. These characteristics will hopefully prevent them from being removed by future residents. The species selection and planting size of the trees in and around the site is also considered appropriate and will contribute to the visual amenity of the development and wider street scene.
72. To the boundary with Cross Street 1.1m high metal railings with hedge planting behind is proposed, excluding along the pocket park which would be open and accessible from Cross Street. To the boundary with Ashton Lane, 700mm high brick walls with hedge behind is proposed, with a metal gate providing pedestrian access to each dwelling. The proposed hedge species (laurel, viburnum and spindle), although not native, are suitable species to form dense hedges that will enhance security and provide year round interest as they are evergreen with flowers in the spring. These forms of boundary treatment are considered appropriate having regard to the surrounding context and will allow for views of the buildings and their ground floor frontages from the surrounding roads as well views into the site.
73. Internally the boundary treatments include 1.8m high brick walls to the rear of proposed dwellings where they adjoin parking areas or public realm in order to provide security and privacy and 1.8m high close boarded timber fencing between gardens. 900mm high metal railings with hedges behind are proposed to the boundaries of the pocket park with the apartments and to the two amenity spaces within the site. The new street to be created will be open fronted, contributing to an attractive environment.
74. The proposed surface treatments vary across the site in terms of colour and block size to provide visual interest and a quality appearance and limiting the use of tarmac. The main vehicular route within the site will be tarmac with raised sections of pre-cast concrete (PCC) Tegula block paving in grey. Footways would be PCC grey block paving and parking bays and driveways would be PCC block paving in a light brown colour. The pocket park surfacing would be

predominantly natural Yorkstone Scoutmoor paving and setts. These materials would give a high quality and attractive finish to the public realm within the site. It is also proposed to re-surface parts of the pavement on Cross Street and Ashton Lane adjacent to the site in PCC paving.

75. It is considered that subject to appropriate conditions to secure the landscaping proposed and to secure the ongoing maintenance and management of the landscaping, pocket park and other communal areas described above the proposals are acceptable.

Sustainability and Energy Efficiency

76. Policy L5 of the Core Strategy states that “*New development should ...maximise its sustainability through improved environmental performance of buildings, lower carbon emissions and renewable or decentralised energy generation*”. While it is noted that Policy L5 is out of date in relation to NPPF guidance on Climate Change it is considered that the environmental efficiencies that the scheme seeks to achieve is in accordance with the general thrust of the NPPF guidance.

77. The Design and Access Statement confirms that the development will be designed to meet the CO2 reduction target of 5% above current Building Regulations as set out in the Core Strategy. This will be achieved by incorporating sustainable design and construction techniques. The submitted Sustainability Report sets out the energy strategy to be implemented which includes the following: 5% improvement on Standard Assessment Procedure 2012; high thermal performance building fabric; low air permeability; LED lighting; mechanical ventilation with heat recovery; and photovoltaic cells to be installed to both the apartment buildings. Heating and hot water generation will be provided by electricity for the proposed apartments whilst for the houses heating is to be provided by gas or direct electricity.

78. The applicant has also subsequently confirmed that the following measures are intended, although these are not all confirmed at this stage as this is subject to a further appraisal: -

- Increased wall build-up (350mm) to facilitate a higher level of insulation and improve u-values – u-values to be confirmed later
- Air tightness – designed to achieve 5.0 which is current best practice
- Warm water recycling to houses (not possible to apartments)
- Timber frame construction to the houses to reduce embodied carbon and waste
- Air source heat pump and energy efficient radiators to houses
- MVHR houses and apartments
- PV panels to apartments
- EV charging points to all houses
- A robust approach to waste and recycling is currently being investigated

- Carbon cost to be captured during construction and minimised where possible

79. As the above are not confirmed at this stage it is considered a condition requiring a strategy for energy efficiency and low/zero carbon technologies to be submitted and approved prior to above ground works commencing. Subject to this condition the proposals are considered acceptable to ensure compliance with Policy L5 and the NPPF.

Crime Prevention and Security

80. Policy L7 of the Core Strategy states that, in relation to matters of security, development must demonstrate that it is designed in a way that reduces opportunities for crime and must not have an adverse impact on public safety.

81. The application includes a Crime Impact Statement (CIS) prepared by GMP which has been submitted alongside the application and confirms that the proposed scheme has been found to be acceptable in principle, although recommends that further consideration should be given to parking arrangements, boundary treatments, apartment entrances and apartment ground floor doors / windows. The applicant has taken these recommendations into consideration and amended the scheme accordingly, with the exception of boundary treatments between the rear of dwellings and parking spaces. GMP recommend that parked cars should be overlooked from the owner's dwelling and that the type of boundary should allow some visible permeability. The scheme proposes 1.8m high brick walls in these locations which is considered an appropriate form of boundary treatment in design quality terms but which would restrict views from dwellings of spaces, however the applicant has demonstrated that these spaces would still be overlooked from first floor windows.

82. Greater Manchester Police's Design for Security section does not raise any objections to the development, subject to a condition requiring the implementation of the physical security specifications set out in section four of the submitted report. On this basis, it is considered that the proposed development would be acceptable with regard to matters of security and safety subject to the condition recommended.

Conclusion on design

83. Good quality design is an integral part of sustainable development. The NPPF and PPG including the National Design Guide recognise that design quality matters and that the planning process should be used to drive up standards across all forms of development.

84. The density, scale and height of the proposed development, its arrangement relative to the surrounding roads and the design and appearance of the proposed buildings is considered appropriate to its context and will integrate well with the

existing built environment, whilst also making efficient use of the site. Overall it is considered the proposed development is a well-designed scheme comprising high quality buildings and public realm that will establish a strong sense of place and will be a positive addition to this part of Sale. It is therefore concluded that development would meet the requirements of Policies L5 and L7 and the design policies of the NPPF.

IMPACT ON RESIDENTIAL AMENITY

85. Policy L7 of the 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. As previously stated, L7 is considered to be up to date for decision making purposes and full weight can be attached to it.
86. In addition to ensuring that developments are designed to be visually attractive, paragraph 127 of the NPPF advises that planning decisions should create places that provide a high standard of amenity for existing and future users.
87. The Council's Planning Guidelines: New Residential Development (PG1) sets out detailed guidance and specific distances to be retained between buildings and window to window distances. For new two storey dwellings (houses or flats) in cases where special provisions for creating internal and external privacy are not employed, the minimum distance between dwellings which have major facing windows is 21m across public highways and 27m across private gardens. Where three storey dwellings (houses or flats) are proposed, the minimum distances are increased by 3m. Private rear garden areas should not be closely overlooked and distances to rear garden boundaries from main windows should be at least 10.5m for 2 storey houses and 13.5m for 2 storey flats or houses or flats with 3 or more storeys. In situations where overshadowing is likely with a main elevation facing a two storey blank gable then a minimum distance of 15m should normally be provided.

Impact on Surrounding Properties

88. In relation to no. 2 Park Road, the proposed semi-detached dwellings on Ashton Lane would be positioned to the south east and approximately 4m from the boundary at the closest point. The siting of the proposed dwellings relative to no. 2 is such that they would not be prominent from or affect light to its rear windows.
89. The nearest first floor window in the end semi-detached dwelling would be approximately 7m from the garden boundary of no. 2 Park Road at its closest (5.5m at a 45 degree angle). In recognition of the fact this would be closer than the guideline of 10.5m in PG1, this window and the nearest rooflight are

proposed to be obscure glazed to avoid potential overlooking and loss of privacy. The other first floor window in the rear elevation would be approximately 9m from the boundary (7m at a 45 degree angle) and the rear windows in the adjoining semi would also be less than 10.5m from the boundary. Although these distances are also less than that recommended in PG1 it is considered that given the windows would face toward the rear portion of the adjacent garden only and that there are a number of trees along the boundary within the garden of no. 2 Park Road, these windows would not result in an unacceptable loss of privacy. The other semi-detached dwellings proposed on Ashton Lane would all retain more than 10.5m to this boundary.

90. The side elevation of the end semi-detached dwelling facing no.2 Park Road includes two first floor bedroom windows both of which would comply with the PG1 guideline of 10.5m when measured in a straight line to the boundary, although in the case of the nearest window the distance reduces to approximately 5.5m when measured at a 45 degree angle. It is considered however, that at this window would mainly face toward the side of the property rather than the rear garden and there are trees along the boundary that will provide screening, this would not result in an unacceptable loss of privacy. There are no windows in the side gable of no.2 and therefore no potential overlooking into the property.
91. The proposals seek to retain the existing footpath adjacent to no. 2 Park Road due to the fact that there are existing utilities under the pavement to which access needs to be retained, however it is proposed that this will be closed off at each end to prevent its use (other than by the end semi-detached dwelling) so it would no longer function as a footpath. The applicant has confirmed this area would be maintained by the management company responsible for the shared areas to keep it clear and tidy.
92. In relation to the apartments on the west side of York Road (The Chambers), the proposed semi-detached dwellings on the gyratory part of the site would retain a distance of over 30m which complies with the guideline of 27m whilst the dwellings proposed on York Road would retain 21m to The Chambers which complies with the guideline of 21m. As such there would be no loss of privacy, overbearing impact or other detrimental impact on amenity between these respective developments as a result of the proposed development.
93. To the north west and backing on to the site is a two storey development of flats on York Road. The gable end of the proposed dwellings on Brighton Grove would retain a distance of 14.8m to the rear elevation of the flats opposite at its closest, however most of the gable wall would be more than 15m away from these properties. As such the proposal complies with the 15m guideline and would not result in unacceptable overshadowing or be overbearing from these properties. This elevation would be a blank gable and therefore there would be no overlooking.

94. The gable end of the proposed three storey townhouses would retain 18m to the flats on York Road which complies with the 15m guideline and ensures it would not result in overshadowing or be overbearing from these properties. This elevation includes only a narrow first floor window to the staircase and no windows to habitable rooms and as such there would be no overlooking from the end townhouse to the adjacent flats.
95. In relation to the dwellings on the opposite side of Brighton Grove, the proposed dwellings would retain a distance of 14m which falls below the 21m recommended in PG1. It is acknowledged that this shortfall would have some impact on privacy, however a separation distance of this nature is not uncommon between terraced dwellings across a road. Indeed, it is noted that the separation distance between existing terraced properties on Howells Avenue adjacent to this part of the site is approximately 11m, well below the 21m guideline. In this context it is considered important that the proposed development responds to the street scene and reflects this more compact layout and on balance it is considered that a separation distance of 14m would not result in an unacceptable loss of privacy to the occupiers of the properties opposite.
96. The rear of 27 Cross Street includes a number of windows facing the site. It is unclear if the first floor of this property is in residential or commercial use, however the distance of 13.1m retained between the proposed apartments and these windows is considered an acceptable separation distance in this type of location.
97. It is understood that there are flats above some of the commercial units on the south side of Ashton Lane. A distance of approximately 18.4m would be retained between the proposed dwellings and these properties which is slightly less than the 21m guideline although not to an extent that is considered would have a detrimental impact on the amenity of the occupiers of these properties. There are also two street trees on the opposite side of Ashton Lane and together with the proposed street trees these would provide a degree of screening between the proposed development and these properties.

Amenity for Future Occupiers

98. The Council's guidelines in PG1 state that the Council acknowledges that a rigid adherence to spacing standards can stifle creativity in design and result in uniformity of development. They state that the Council is looking to encourage imaginative design solutions and in doing so it accepts the need for a flexible approach to privacy distances between buildings within a development site, where good design or the particular circumstances of the site allow this (paragraph 11.1). This is considered such a site, where a rigid adherence to the separation distances set out in PG1 is unlikely to make efficient use of land as

required by the NPPF and is likely to prevent a traditional street pattern from being reintroduced into the urban area of a density appropriate to the location.

Separation Distances

99. There are a number of instances where separation distances between proposed dwellings within the scheme are less than the recommended distances set out in PG1. These are summarised below. As this is an entirely new build scheme it is considered that some flexibility can be applied for 'within site' relationships, since future occupiers would be aware of separation distances before moving into their respective dwellings. Furthermore and as noted above, PG1 states that the Council accepts the need for a flexible approach to privacy distances between buildings within a development site, where good design or the particular circumstances of the site allow this. The NPPF at paragraph 123 also promotes an uplift in density of residential development in town centres where appropriate and states 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).
100. A distance of 18.4m would be retained between the proposed townhouses along each side of the new street (Whittle Street) within the development. This falls well below the PG1 guideline of 30m for facing windows in three storey dwellings, however for the above reasons it is considered the guideline can be applied flexibly to enable an appropriate layout within the site. Future occupiers of these dwellings would be aware of this relationship and the separation distance is still considered to provide a satisfactory level of amenity for occupiers in this type of higher density, town centre location.
101. A distance of between 12.8m increasing to 20m would be retained between the rear of the proposed townhouses on the new Whittle Street and the dwellings proposed on Brighton Grove whilst distances from windows to gardens would be 6m to 13m from the townhouses to the Brighton Grove gardens and 6.8m to 8.2m from those dwellings to the townhouse gardens. It is acknowledged these separation distances are below the guidelines recommended in PG1, however future occupiers would be aware of the relationship with other dwellings and in this scenario it is still considered the separation distances would provide a satisfactory level of amenity for occupiers in this type of higher density, town centre location.
102. A minimum distance of 18m increasing to approximately 28m would be retained between the proposed townhouses on the new Whittle Street and the proposed dwellings on Ashton Lane which is less than the PG1 guideline of 27m and 30m. Nevertheless it is considered that for a 'within site' relationship acceptable levels of privacy would be achieved. A distance of between approximately 11m and 14m would be retained between the windows and roof

terraces of the townhouses to the gardens of dwellings on Ashton Lane which is less than the guideline of 13.5m in some cases, albeit not significantly and not to an extent that would result in unacceptable levels of privacy in this context. Distances of between approximately 11m and 20m would be retained between the Ashton Lane dwellings and the townhouse gardens which complies with the 10.5m guideline.

103. A distance of 13.5m would be retained between the rear of apartment Block A2 and the gable end of the proposed townhouses and their gardens. This is less than the 15m guideline between main windows and a blank gable, although not by a significant amount and it is not considered the townhouses would result in an unacceptable overshadowing or be overbearing to occupiers within the apartments. The distance from the apartments to the rear gardens opposite complies with the 13.5m guideline and as such is considered acceptable in terms of privacy.
104. A distance of slightly less than 15m would be retained between the rear of apartment Block A2 and gable end of the proposed dwellings on Brighton Grove and slightly less than 13.5m to the gardens. As there would be only a marginal shortfall relative to the guidelines this relationship is considered acceptable.
105. A distance of 13.5m would be retained between the rear of apartment Block A1 and the gable end of the proposed townhouses and their gardens. This is less than 15m between main windows and a blank gable although not by a significant amount and it is not considered the townhouses would be intrusive to occupiers within the apartments. The distance from these apartments to the gardens complies with the 13.5m guideline and as such is acceptable in terms of privacy.
106. A distance of approximately 20m would be retained between the rear of apartment Block A1 and the gable end of the dwellings proposed on Ashton Lane and 17m retained to the nearest rear garden. These distances comply with the guidelines in PG1.
107. The proposed apartments would retain 27.4m between each other across the proposed pocket park which complies with the guideline of 24m (considered to be the relevant guideline given that this is a public space) and ensures adequate levels of privacy between facing apartments.

Amenity Space

108. With regards amenity space for future residents, the guidance in PG1 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. As a guideline it states that around 80 sqm of garden space will normally be acceptable for 3 bedroom semi-detached houses in an area of

similar properties and that smaller houses such as small terraced properties may be acceptable with somewhat less. It states estates of houses could have a range of garden space sizes, which helps provide variety to the layout, subject to each house having a reasonable minimum and the average being acceptable and appropriate to the area. For flats, 18 sqm of adequately screened communal area per flat is generally sufficient, with balconies contributing to this provision.

109. All proposed dwellings would have enclosed private gardens to the rear. These vary in size across the site between approximately 40sqm and 60sqm. Although less than the 80sqm guideline referred to in PG1 the gardens are nevertheless still of a size that is considered proportionate to the size of the dwelling and will provide adequate private space for their occupants.

110. For the apartments an area of external amenity space will be provided to the rear of each block for use by residents comprising seating, paved area, trees, hedges and shrub planting. These areas are approximately 105sqm (Block A1) and 80sqm (Block A2) in size. Most of the apartments would also have either an external terrace or a recessed or projecting balcony (33 of the 38 apartments), typically between 3sqm and 6.7sqm in size. Those on the top floor of Block A2 (5 apartments) would have larger external terraces between approximately 14sqm and 46sqm in size. This amenity space amounts to approximately 440sqm in total, which is an average of 11.6sqm per apartment. This excludes the adjacent pocket park given it isn't private, although it is highly likely this would be used by occupiers of the apartments. The amount of amenity space provided is below the above guideline of 18sqm of screened communal space per flat and the equivalent total of 684sqm (38 x 18sqm). Nevertheless it is considered this would be a sufficient amount of amenity space for the proposed development given its high density nature and taking into account the edge of town centre location and the apartments being immediately adjacent to the proposed pocket park.

Noise

111. Policy L5 of the Core Strategy states that where development is proposed close to existing sources of noise or vibration, developers will be required to demonstrate that it is sited and designed in such a way as to confine the impact of nuisance from these sources to acceptable levels appropriate to the proposed use concerned. Policy L7 also states that development must not prejudice the amenity of the future occupiers of the development by reason of noise and / or disturbance. The NPPF advises that decisions should contribute to and enhance the natural and local environment by preventing new and existing development from contributing to, being put at unacceptable levels of noise pollution (paragraph 170 e) and should ensure that new development is appropriate for its location and mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development and avoid noise giving rise to significant adverse impacts on health and quality of life (paragraph 180 a).

112. The application site is in a location exposed to road traffic noise on the A56 (and to a lesser extent on Ashton Lane and York Road). The application is accompanied by an Acoustic Planning Report which includes an environmental noise survey to establish the existing noise climate in the vicinity of the site and a noise impact assessment. A combination of monitoring and modelling has provided an understanding of the predicted impact and enabled the development of technical performance data for window and ventilation systems needed to achieve a suitable noise climate within the habitable rooms of the apartments and town houses. The report states that high performance glazing is required to the façades overlooking Cross Street, with reduced performance to façades which are less affected by noise from Cross Street, and that all proposed external windows are to be double glazed as a minimum. Mechanical ventilation via MVHRs (Mechanical Ventilation with Heat Recovery) is proposed to the apartments to ensure that the façade sound insulation requirements are maintained during background ventilation and either acoustically rated passive ventilation or MVHRs would be suitable for the proposed dwellings. The report also states that in accordance with Trafford Council requirements all plant operational noise associated with the development shall be controlled to ensure that the overall sound pressure level at 1m from the façade of the nearest noise sensitive premises does not exceed specific limits.

113. The Council's Pollution and Housing section note the submitted report provides example glazing configurations for indicative purposes, but points out that test data for the proposed glazing units including all framing elements would need to demonstrate compliance with the required criteria. Also that a ventilation strategy would be required to ensure that the facade sound insulation is not compromised to comply with the noise criteria set out in the report and that mechanical ventilation is proposed across the scheme with openable windows provided for purge ventilation. They consider the Acoustic Planning Report has provided a satisfactory initial assessment of what is required in respect of façade sound insulation to control noise intrusion; outlined the requirements for a ventilation strategy; and set noise criteria for plant noise. A condition is recommended to require that all further detailed design reflects the technical requirements and recommendations made within the Acoustics Planning Report and that all such proposals are submitted for approval in advance of development. A further condition requiring the submission of a post-construction verification plan to detail the mitigation provided for each residential unit is also recommended.

Air Quality

114. Policy L5 of the Core Strategy states that where development is proposed close to existing sources of pollution, developers will be required to demonstrate that it is sited and designed in such a way as to confine the impact of nuisance from these sources to acceptable levels appropriate to the proposed use concerned.

115. Future occupiers of the proposed development particularly the apartments, would be exposed to potential pollution from traffic on the A56. The application is accompanied by an Air Quality Assessment (AQA) that has considered the potential exposure of future occupants to elevated pollution levels. The modelling assessment results in the AQA demonstrate that predicted pollution levels future residents would be exposed to are below the air quality standards at all locations of relevant exposure. It confirms that annual mean NO₂ concentrations were predicted to be below the AQO of 40µg/m³ at all proposed residential buildings and the maximum level at the façade was 36.85µg/m³. The AQA concludes that the site is suitable for the proposed use from an air quality perspective.
116. The Council's Pollution and Housing section originally raised concern that habitable rooms that face onto Cross Street are within a location that is close to exceedance of the national annual air quality objective and as such an alternative method of ventilation is required to these rooms. The applicant has since submitted further information which has indicated lower predicted annual mean NO₂ concentrations than the original AQA and which confirms that the annual levels of nitrogen dioxide across the site will be significantly below the annual objective levels. The Council's Pollution and Housing section are satisfied that a condition in relation to mechanical ventilation in the apartments facing onto Cross Street is not required.

HIGHWAY MATTERS

117. Policy L4 of the Core Strategy states: [The Council will prioritise] the location of development within the most sustainable areas accessible by a choice of modes of transport. The aim of the policy to deliver sustainable transport is considered to be consistent with the NPPF which states "*Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions, and improve air quality and public health*" (paragraph 103).
118. Policy L4 of the Core Strategy states that the Council will not grant planning permission for new development that is likely to have a significant adverse impact on the safe and efficient operation of the Strategic Road Network, and the Primary and Local Highway Authority Network unless and until appropriate transport infrastructure improvements and/or traffic mitigation measures and the programme for the implementation are secured. The Policy 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*". 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”*.

119. With regards car parking, Policy L7 states development must provide sufficient off-street car parking whilst Policy L4 states that *“Maximum levels of car parking for broad classes of development will be used as part of a package of measures to promote sustainable transport choices, reduce the land-take of development, enable schemes to fit into central urban sites, promote linked-trips and access to development for those without use of a car and to tackle congestion”*. Policy L7 also requires development to 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 cycle parking, manoeuvring and operational space.
120. Given the more stringent test for the residual cumulative impacts on the road network set by the NPPF, it is considered that section L4.8 of this policy should be considered to be out-of-date. The remainder of Policy L4, including the adopted car parking standards, is considered to be consistent with the NPPF and therefore up-to-date for decision making purposes.

Amendment to Road Layout

121. The proposed development includes removal of the existing one-way gyratory system on Ashton Lane/York Road, with both roads realigned and give-way junctions created at the junctions of York Road and Cranleigh Drive with Ashton Lane. As part of the reconfigured road layout, York Road would be made two-way between the Ashton Lane junction up to Palace Road. This will consist of a 7.3m wide road, 2.0m wide footways and 10.0m junction radii with Ashton Lane. Visibility splays of 2.4m by 43m are achievable to Ashton Lane. The section of Ashton Lane south of the gyratory between Park Road and York Road would also be modified to provide a 7.3m wide two-way carriageway. The existing southern footway will be retained and a new footway of circa 3.0m will be provided on the northern side of the carriageway.
122. The LHA is satisfied that the TA demonstrates that the reconfiguration of the gyratory will not have an adverse effect on the local highway.
123. Concerns have been raised in the representations regarding the safety of the revised road layout in comparison to the existing layout as a result of the proximity of the two give-way junctions and vehicles turning into Ashton Lane. Concerns have also been raised regarding the change in priority from Cranleigh Drive onto Ashton Lane and that this could delay emergency vehicles. The LHA is satisfied that the reconfiguration of the gyratory will not have an adverse effect on the local highway and the GM Fire and Rescue Service has not raised an

objection to this aspect of the scheme. Sale Fire Station and Ambulance Station have also been notified of the application and no responses have been received.

124. Where part of the adopted highway is proposed to be incorporated into the curtilage of the proposed development, an order under S247 of the Town and Country Planning Act 1990 is required and the LHA advise that the developer must apply to the National Transport Casework Team for a stopping up order to close any part of the adopted highway. Therefore in the event that planning permission is granted, the LHA seek an informative advising the applicant of the procedure for a stopping up order.

Traffic Generation and Impact on the Highway Network

125. A Transport Assessment (TA) has been submitted with the application and which includes a traffic impact analysis to assess the impact of the development on the surrounding highway network. The TA has taken into account the cumulative impact of the proposed development with the proposed Sale Town Centre development (ref. 94986/FUL/18) and has also factored in pre-Covid traffic count data given that surveys during the pandemic are not representative of normal traffic levels. It is noted that the TA is based on an 86 unit scheme rather than an 84 unit scheme as proposed, therefore trip generation figures and parking requirements would be marginally less those assessed in the TA.

126. The TA has used the industry standard TRICS database to calculate trip generation rates and forecasts that the scheme will generate approximately 31no two-way trips (arrivals and departures) during the AM peak hour and 32no two-way trips during the PM peak hour. The TA has assessed this additional traffic at the following junctions on the local highway network during the weekday periods: A56/Brighton Grove, A56/Ashton Lane and the Ashton Lane/York Road/Cranleigh Drive gyratory junction. This shows the increase in traffic at these junctions would be less than 30 two-way trips during the peak periods and the TA states that this would not be a material increase in traffic on the highway network.

127. The LHA is satisfied that the TA demonstrates that the trips generated by the development will not have an adverse effect on the local highway. As such it is considered that the 'residual cumulative impacts' of the development are not considered to be 'severe' (as set out in NPPF paragraph 109).

Access Arrangements

128. Access to the former Magistrates Court part of the site is proposed from the existing site access from York Road which will consist of a 5.5m wide road, with 2.0m wide footways and 6.0m junction entry radii. Visibility splays of 2.4m x 43m are achievable to York Road, wholly contained within the proposed footway. The dwellings proposed on the gyratory part of the site would have a car park to

the rear with access from York Road and the proposed dwellings to York Road and Brighton Grove would have access directly on to these roads. The LHA confirm they are satisfied with the Proposed Site Access Plan and the designer's response to the Stage 1 RSA.

129. Pedestrian and cycle access to the former Magistrates Court part of the site into the site will be from the proposed access on York Road which will include a pavement on both sides and via the proposed pocket park off Cross Street. Footways are to be provided throughout the site to provide a pedestrian route to all dwellings and parking spaces within the development. The internal site layout has been designed to encourage low traffic speeds of 20mph which will enable pedestrian and cyclists to safely use the internal site roads. Pedestrian and cycle access to the gyratory part of the site is from the proposed new access from York Road which will include a pavement on the side adjacent to the dwellings. Pedestrian access to the dwellings on the perimeter of the site and the apartments is provided directly from the existing footways adjacent to the site, as well as to the rear. The site is enclosed by existing pavements that provide a suitable environment for pedestrians and which link to the wider road and pedestrian network including pedestrian crossing points and cycle routes. The proposal also includes reinstatement of the footways bounding the site on Ashton Lane, York Road and Brighton Grove.

130. The LHA has advised of some concerns regarding the swept path analysis carried out for the internal layout and that they will look to strengthen the footways at the detailed design stage. The LHA also advise that commuted sums will be sought for the maintenance of the materials used in the construction of the highway during the detailed design stage.

Car Parking

131. The Council's parking standards as set out in SPD3: Parking Standards and Design state that within this location, 1 bedroom dwellings require 1 car parking space, 2 and 3 bedroom dwellings require 2 spaces and 4 bedroom dwellings require 3 spaces. This would equate to an overall requirement for 184 spaces in the development, with the dwellings requiring a total of 126 spaces and the apartments requiring 58 spaces. These are maximum standards and a lower level of provision would be acceptable where there will be no adverse impact on on-street parking arising from the development. SPD3 includes the following criteria where this may be the case: -

- *The developer can demonstrate that satisfactory sustainable travel measures including residential travel plans are proposed and how they will be implemented.*
- *There is no on-street parking permitted in the vicinity of the development (so there is no potential for on-street parking to detrimentally affect the safety and convenience of other residents and occupiers).*

- *The development meets other planning objectives and would not unacceptably worsen the parking situation.*

132. The proposed development would provide 104 car parking spaces in total, comprising 84 spaces for the proposed dwellings, 12 spaces for the proposed apartments and 8 visitor/non-designated parking spaces. The parking spaces for the proposed dwellings are split as follows: 2 spaces each for those on Ashton Lane, York Road and Whittle Street (all either 3 or 4-bed dwellings) and 1 space each for those on Brighton Grove (3-bed dwellings). The proposed parking comprises a mix of spaces to the rear of dwellings, parking courts, on-street parking bays, driveways and integral garages. The 8 visitor/non-designated parking spaces include 2 spaces within the parking court off York Road, 2 on-street spaces within the development and 4 on-street spaces on Brighton Grove (it is intended that the latter would be part of the existing resident's permit scheme in operation on Brighton Grove and Howells Avenue).

133. The proposed parking provision would be an overall shortfall of 88 parking spaces compared to the Council's maximum standards, with the dwellings 42 spaces below the standard and the apartments 46 spaces below the standard. The submitted TA seeks to justify this proposed level of car parking on the basis of the sustainable nature of the site and the fact that all of the roads surrounding the site are covered by traffic regulation orders and resident's parking permit schemes in the case of Brighton Grove. It states that the proposed parking provision is adequate given the extremely accessible nature of the site and that if the demand exceeded the provision the existing parking restrictions would ensure there is no detrimental effect on the surrounding highway network.

134. The TA also refers to Census data to establish car ownership for the local area (Trafford MSOA 012 'middle super output area'). The TA states that on the basis of this data, the proposed level of zero spaces for the 18 one bed apartments (0% provision), 12 spaces for the 20 two bed apartments (60% provision), and 2 spaces per dwelling for the three and four bed houses (200% provision including garages) is considered appropriate to meet the likely demand whilst maximising the opportunity to encourage sustainable travel to the site.

Assessment of Parking Provision

135. The site is in a highly sustainable location, close to public transport infrastructure and a wide range of shops and services as well as being highly accessible for pedestrians and cyclists. As summarised at paragraph 14 above, there are bus stops in close proximity to the site, Sale Metrolink stop is within walking distance and there is a wide range of town centre facilities close to the site. The accessibility to public transport and sustainable location of the site are such that there are genuine alternatives to travel than by car, consequently a lower level of car parking than the maximum standard is considered appropriate in this location. It is also considered that this site typifies the thrust of the NPPF

to focus significant development in sustainable locations in order to help reduce congestion and emissions, and improve air quality and public health.

136. It is also acknowledged that there are parking restrictions on all roads in the vicinity of the site, meaning that any potential overspill parking from the proposed development cannot take place on the immediate surrounding roads. This includes no parking permitted on Cross Street, Ashton Lane, Cranleigh Drive, York Road and Park Road whilst on Brighton Grove and Howells Avenue there is a resident's permit scheme in operation (and Pay & Display spaces). Therefore whilst significant objection has been raised in the representations regarding the level of car parking proposed and that this will result in additional on-street parking pressures in the area, the reality is that future occupiers would not be able to park on the roads nearest the development (other than in some spaces on Palace Road and on Brighton Grove outside of the days and times the resident permit scheme is in operation, as described below). Future occupiers would be aware before deciding whether or not to buy or rent a property of the amount of car parking provided with that property and also that there is no on-street parking in the vicinity of the development. As such it is likely that the development will attract occupiers who only own or intend to own a number of cars that can be accommodated at the property, since there isn't an alternative place to leave a vehicle on a permanent basis that is within view or close to the property.

137. There is one exception to the above, this being a limited number of spaces on Palace Road adjacent to Fiona Gardens that do not appear to be subject to any form of restriction. These spaces are within the ownership of Trafford Housing Trust and are not within the adopted highway. Although there are no restrictions on the use of these spaces, THT confirm that they are intended for use by residents, visitors and staff of Fiona Gardens. In the event of any issues in future whereby use of these spaces prevented residents, visitors and staff of Fiona Gardens from being able to park then THT could decide to put restrictions in place to prevent their general use. For these reasons it is considered these spaces should not be considered in the same way as general on-street parking.

138. Future occupiers would also be able to park on Brighton Grove/Howells Avenue outside the hours of the residents' parking scheme which is operation between 9am-5pm Monday to Saturday. Consequently there may be some overspill parking into these areas in the evenings, overnight and on Sundays and this has the potential to inconvenience existing residents on Brighton Grove and Howells Avenue who rely on these spaces. It is therefore considered that a TRO review is required to ascertain the use of these spaces at these times and, in the event that this demonstrates there is high demand and no spare capacity, the applicant shall be required to fund an extension to existing TROs in order to protect their use by existing residents. Future occupiers of the proposed development would not be eligible for a parking permit on these roads to ensure

there is no additional demand for the spaces. The TRO review and any subsequent extension of its operation can be secured by condition.

139. Officers acknowledge that there is a need to encourage the use of more sustainable means of transport and for developments not to rely on the use of the private car. The significant reduction from the adopted car parking standards is considered acceptable in this case having regard to the highly sustainable location and the existing on-street parking restrictions in the vicinity of the site and as such complies with Policies L4 and L7 of the Core Strategy and guidance regarding car parking standards contained within SPD3, subject to appropriate conditions including a TRO review and potential requirement for this to be extended, a scheme for the allocation and management of the spaces to ensure they are available for residents and visitors of the development, and all parking spaces within the site including integral garages to be retained for this purpose.

140. The LHA has raised a number of issues in respect of the proposed parking arrangements that require further consideration as follows and an update on these matters will be included in the Additional Information Report: -

- The LHA would prefer that the double yellow restrictions continue along Brighton Grove rather than the 'H Bar' markings shown fronting the garage properties. This can be addressed going forwards as part of detailed design work.
- The parking parallel to the highway at the back of a footpath.
- The LHA is concerned that the applicant has still not demonstrated how cars are to pull clear of the highway when accessing garages on Brighton Grove.

141. With regards to potential on-street parking within the site, bollards are proposed where this may otherwise have been an issue including along the new road and adjacent to the pocket park.

Accessible Parking

142. SPD3 includes standards for disabled parking provision and for most uses, relates to a proportion of the overall parking provision. For residential development, SPD3 states that the level of disabled parking provision will be negotiated on a case-by-case basis. The submitted plans do not indicate any accessibility car parking is to be provided and it is understood this would be provided on a first come first served basis alongside standard parking which is considered unacceptable. Furthermore, the on-street parking provided adjacent to the apartments is not of the required dimensions to allow for accessible parking. This matter is still being discussed with the applicant and a strategy is being considered for the provision of accessibility parking and will be set out in the Additional Information Report.

Loss of Existing On-street Parking

143. The proposed development and specifically the proposed dwellings on Brighton Grove would result in the loss of 4 existing on-street spaces on the south side of Brighton Grove that currently function as both Pay & Display and resident's permit parking. Five on-street spaces (those nearest the junction) are proposed to be retained as part of the existing resident's permit scheme only. In addition the TA states that 3 informal on-street parking spaces will be available in front of the proposed dwellings whilst not blocking the garage doors, however it has not been demonstrated that these spaces would work effectively and as such it is not considered they should be counted as contributing towards on-street parking provision.

144. Concerns have been raised by residents on Brighton Grove and Howells Avenue that the loss of existing resident's parking spaces will result in inconvenience, since there is already an insufficient number of spaces for these properties and residents have nowhere else to park. The loss of 4 existing on-street spaces as parking for existing residents would inconvenience existing residents given the limited availability of spaces relative to the number of dwellings on Brighton Grove and Howells Avenue. It is acknowledged there would be some benefit resulting from the retained on-street spaces no longer also functioning as Pay & Display spaces, which will increase their availability for residents with parking permits. An extension of the TRO as described above would also be a benefit to existing residents as it would reduce the times when non-residents are able to occupy these spaces, thus increasing their availability. Nevertheless the loss of existing on-street parking spaces is an adverse impact of the scheme to be weighed in the planning balance.

145. Concern has also been raised by a business located on Cross Street that the loss of the existing Pay & Display spaces will result in inconvenience. Whilst this may cause some inconvenience, customers will still be able to park nearby in the town centre whilst for deliveries the loss of these spaces is not considered grounds for objection since the spaces could be fully occupied at the time of deliveries by Pay & Display users leaving no space for deliveries. Ultimately the existing Pay & Display spaces are not reserved for customer parking or deliveries by nearby businesses.

Cycle Parking

146. SPD3 sets out cycle parking standards for residential development and also contains guidance relating to the detailed design of cycle parking facilities to ensure these are accessible and secure in the interest of encouraging sustainable travel. The minimum cycle parking standards as detailed within SPD3 state one cycle parking space is required for a one-bedroom dwelling unit, one communal or two allocated spaces are required for a two or three-bedroom dwelling unit, and a four or more-bedroom dwelling unit requires two communal or four allocated cycle spaces. The standards state that cycle parking need not

be provided at properties if garages are available. Additionally, secure, covered cycle storage is also required for all proposed residential cycle parking.

147. For the proposed apartments where communal cycle parking is proposed, the above standard equates to a requirement of 38 communal spaces, with 13 spaces required for Block A1 and 25 spaces for Block A2. The ground floor of each apartment block includes secure cycle parking with 22 spaces in Block A1 and 34 spaces in Block A2 (all provided in double stacking cycle racks). This level of provision exceeds the SPD3 requirement and the application is therefore considered to be acceptable in this respect.

148. For the proposed dwellings, the standards require 2 cycle parking spaces for each 3-bed dwelling and 4 spaces for each 4-bed dwelling. The standards also state that cycle parking need not be provided at properties if garages are available. A number of dwellings include a garage whilst for those dwellings without garages, secure covered cycle stores are proposed within the rear gardens. It has not been demonstrated the level of provision would meet the minimum standards as set out in SPD3, therefore a condition is recommended to require details of all cycle storage to ensure this in accordance with the guidance in SPD3, provided prior to occupation and retained thereafter.

Travel Plan

149. The application includes a Residential Travel Plan Framework that sets out the principal strategies that will be put in place to encourage sustainable travel to the development. The LHA comment that they expect targets to be set within the FTP, prior to initial surveys; modal splits used to determine the impact of vehicular trip generation within the TA could be used as baseline splits within the FTP. The LHA comment they would also expect more substantial measures proposed to encourage the use of sustainable transport; the dissemination of information alone is not sufficient. The LHA will also require an explanation as to how the FTP will relate to other travel plans going forward and identification of budgets and funding. The LHA recommend a condition requiring a full Travel Plan to be submitted and approved within 6 months of the first date of operation and which shall include realistic and quantifiable targets, review and monitoring, and to be implemented for at least 10 years from first occupation.

Servicing Arrangements

150. A Waste Management Strategy has been submitted, which includes a refuse collection/tracking plan identifying locations for bin storage and collection points within the site.

151. For the proposed dwellings a bin store enclosure is provided to the rear of all dwellings. Bins would be taken to one of four designated collection points within the site and an updated refuse collection/tracking plan has been submitted

to confirm that a refuse vehicle can access all these points. The Council's Waste Management section has confirmed that the proposed strategy is acceptable, provided that the vehicle tracking is acceptable to the LHA.

152. For the proposed apartments, refuse and recycling storage facilities will be provided at ground floor within each building with internal access for residents and external access for collection via doors to the rear. The Council's Waste Management section confirm that the number and type of bins to be provided for the apartments and the layout of the bin stores is acceptable.

153. The LHA has requested clarification regarding the proposed collection areas and an update will be included in the Additional Information Report. Subject to the LHA being satisfied with these details the waste management strategy is considered acceptable. It is recommended that a condition is attached to ensure that a clear strategy is in place that can be retained over time – to be in accordance with the details submitted to date and which shall include details of how bins are collected/who is responsible.

Emergency Vehicle Access

154. GM Fire and Rescue Service (GMFRS) advise that the proposal should meet the requirements for Fire Service access in terms of distance required for a fire appliance to each dwelling, access road width and weight capacity, need for a turning point and maximum length of any cul-de-sac. The proposed layout and road dimensions satisfy the requirements set out by GMFRS (subject to the road being designed to be capable of carrying 12.5 tonnes) and on this basis it is considered that the proposed development is acceptable with regards emergency vehicle access. The GMFRS also advise there should be a suitable fire hydrant within 165m of the furthest dwelling and it is understood that there are existing hydrants within this distance.

TREES AND LANDSCAPING

155. Policy R3 of the Core Strategy seeks to protect and enhance the Borough's green infrastructure network. Policy R5 states that all development will be required to contribute on an appropriate scale to the provision of the green infrastructure network either by way of on-site provision, off-site provision or by way of a financial contribution. Both policies are considered to be up-to-date in terms of the NPPF and so full weight can be afforded to them.

156. Paragraph 127 of the NPPF states the planning decision should ensure that developments are *"visually attractive as a result of...appropriate and effective landscaping"*.

Loss of Trees

157. There are a number of mature and semi-mature trees on the former Magistrates Court site, primarily along the boundaries with Cross Street and Ashton Lane. These include four London Plane trees (three adjacent to Cross Street and one adjacent to Ashton Lane) which are the most prominent, large and attractive trees on the site. The gyratory part of the site also includes a number of trees. None of the trees on the site are protected by Tree Preservation Order.
158. The application is accompanied by an Arboricultural Impact Assessment (AIA) and Method Statement which identifies 34 trees on the former Magistrates Court site and 7 trees and two groups of trees on the gyratory part of the site. These have been classified as 19 moderate quality trees (Category B), 22 trees and two groups of trees of low quality (Category C) and 2 trees that are unsuitable for retention. No trees have been classified as being of high quality (Category A). There are also two trees immediately adjacent to the site to the rear of the flats on York Road. Although these are identified for removal this will require the owner's permission.
159. The proposed development requires the removal of all trees on the site with the exception of one London Plane tree on the former Magistrates Court site which is to be incorporated into the proposed pocket park. This amounts to the removal of 43 trees and 2 tree groups. This includes the two trees adjacent to the site which would require the owner's permission.
160. The Council's Arboriculturist has been consulted and has raised concern over the proposed tree loss. They advise that the London Plane trees are good examples of their species and as they continue to mature have the potential to be some of the most attractive trees in Sale. They would class these as Category A rather than Category B trees. Two Norway Maple trees are also particularly attractive specimens. They advise that removal of these trees will be detrimental to the area. A TEMPO assessment of five of the most significant trees proposed to be removed has been undertaken and it is considered these trees would merit protection by TPO if their removal was not required to accommodate the proposed development. The loss of a significant number of trees including good quality mature trees conflicts with the underlying objectives of Policy R2 of the Core Strategy which seeks to ensure the protection and enhancement of the natural environment and Policy R3 which seeks to integrate the green infrastructure within the borough into sustainable communities. Strategic Objective SO5 of the Core Strategy also refers to the need to protect and enhance the landscape character and biodiversity value of the borough's natural environment.
161. Whilst the loss of the mature trees is regrettable, it is recognised that the scheme seeks to bring forward a high quality, high density form of development that reinstates a traditional housing layout appropriate to this location. In order to successfully achieve this it is necessary to position buildings relatively close to

the perimeter of the site which unfortunately results in a conflict with the existing trees. The trees are not protected by a Tree Preservation Order and mitigation in the form of replacement tree planting across the site, including street trees, is proposed. Whilst the proposed tree planting would not be like-for-like in terms of quality given the maturity of some of the existing trees, this would be more than twice the number of trees across the site overall. On balance it is considered that the loss of trees is acceptable in order to bring forward a scheme which otherwise responds to its context and is considered appropriate for the site.

Proposed Tree Planting and Landscaping

162. The proposals include a comprehensive landscaping scheme, including tree planting, hedgerows and shrub planting. As summarised above, this includes a total of 111 new trees across the site, including 25 street trees planted within the pavement on the adjacent roads (Cross Street, Ashton Lane and Brighton Grove) and 86 trees within the site including trees within the public realm and the curtilage of dwellings. In addition to tree planting, the proposed landscaping across the site includes hedges to the front boundaries along Cross Street and Ashton Lane (behind railings and brick walls respectively), shrub planting within the pocket park and apartment amenity areas, and within the raised beds along the new road through the centre of the development.
163. The proposed street trees include 8 trees to Cross Street, 11 to Ashton Lane and 6 to Brighton Grove. The proposed positioning of the trees has taken into account existing utilities/services within the pavements and a detailed specification including tree pit and cell system details has been provided to demonstrate the trees are capable of being planted in the locations identified. Species include field maple, honey locust, Himalayan birch and whitebeam to Cross Street; silver birch, Italian alder, cherry and honey locust to Ashton Lane; and rowan to Brighton Grove. These trees will enhance the setting of the proposed development and make a positive contribution to the character of the area, improve the environment for pedestrians walking along these routes, help mitigate carbon emissions, and provide some mitigation for the loss of existing trees on the site.
164. SPD1: Planning Obligations sets out a guideline of 3 trees per dwelling and 1 tree per apartment for new developments, which in this case would equate to a requirement to provide 176 trees. The SPD also states that the provision of alternative green infrastructure treatments could be provided in lieu of, or in combination with, tree provision including preferably native species hedge at a rate of 5m per dwelling/2 apartments. This is in addition to requirements for replacement planting as a result of trees felled on the site.
165. Based on the above guidance and taking into account the proposed tree loss across the site, over 200 new trees or a lower number of trees in combination with other forms of green infrastructure would be expected. The

proposed 111 trees plus the total length of hedge proposed within the scheme which is 604 linear metres would satisfy the quantum of green infrastructure set out in SPD1 and is considered an acceptable level of provision, taking into account the need to balance the requirement for trees and soft landscaping with the need to achieve an appropriate density for the site that makes efficient use of the land and which also provides an acceptable level of car parking.

166. Overall, the proposed landscaping scheme is considered to complement and enhance the development whilst also contributing to the improvement of the Borough's green infrastructure network and biodiversity. The loss of existing mature trees is an adverse impact of the scheme to be weighed in the planning balance. All proposed tree, hedge and other planting will be secured by condition, requiring the submission of a detailed landscaping scheme and its implementation and a further condition relating to its ongoing maintenance.

OPEN SPACE

167. Policy R5 of the Core Strategy states that all development will be expected to contribute on an appropriate scale to the provision of the standards referred to in that policy and the green infrastructure network (see Policy R3) either by way of on-site provision, off site provision or by way of a financial contribution towards improving quantity or quality of provision. Such contributions will be secured in accordance with Policy L8 and Supplementary Planning Guidance linked to this policy. The Council's adopted SPD1: Planning Obligations states that *"large residential developments of approximately 100 units, or that provide homes for 300 people or more, will need to provide new open space as part of the site design"*. Policies R3 and R5 of the Core Strategy provide further clarification on how this could be provided.

168. The proposed number of units (84) and projected population of the proposed development (195 residents based on the residential capacity rate in SPD1) is below the threshold within SPD1 for open space to be provided on-site. Nevertheless it is only slightly below the threshold of 'approximately 100 units' and development of this scale will create demand and place pressure on existing public open space and play facilities in the local area. The proposed pocket park and amenity areas will provide valuable areas of outdoor space for future residents, however they would not fully satisfy the demand arising from the development nor do they include informal children's play provision. A contribution towards local open space and children's play facilities is therefore considered necessary. This has been calculated as £96,429.76 based on the formula in SPD1, comprising £31,477.73 to local open space and £64,952.03 to provision for children/young people.

SPORT FACILITIES

169. SPD1 sets out that developments in the region of over 300 units will need to provide on-site sport facilities, whilst the cumulative impact of smaller schemes will be addressed through CIL funded projects. As the proposed development is less than 300 residential units the provision of on-site sport facilities are not required. Nevertheless the proposed development will create demand and place pressure on existing outdoor sports facilities in the local area. The applicant has confirmed that they are willing to provide a contribution towards outdoor sports facilities in accordance with SPD1 which equates to £101,296.

EDUCATION

170. Policy L2 of the Core Strategy states that all new development will be required to be appropriately located in terms of access to existing community facilities and/or delivers complementary improvements to the social infrastructure, including schools, to ensure the sustainability of the development.

171. The proposed 84 dwellings includes a high proportion of family accommodation, therefore a significant proportion are likely to be occupied by families with children of school age which will place additional demand on existing schools. The pupil yield of the proposed development has been calculated as 14 primary and 10 secondary school places.

172. The Council's Schools' Capital Projects Team has carried out an assessment of capacity at primary schools within 1 mile walking distance of the site and the secondary schools nearest the site. In summary, as the majority of primary schools in the Sale area are oversubscribed and any vacancies at Sale secondary schools are needed to maintain an operational surplus, it is considered a contribution is required towards new school places. This will be used to expand existing schools. Based on the pupil yield generated by the development and applying the DfE School places score card rates, as recommended by the DfE, this has been calculated as £220,318 towards primary schools and £218,720 towards secondary schools, resulting in a total contribution of £439,038.

HEALTH FACILITIES

173. Policy L2 of the Core Strategy states that all new development will be required to be appropriately located in terms of access to existing community facilities and/or delivers complementary improvements, including in respect of health facilities. The NHS Trafford CCG has been consulted and advise that the proposed development would not generate a demand on health services in the area that would justify a financial contribution towards health provision.

NOISE

174. Policy L5 of the Core Strategy states that development that has the potential to cause adverse noise or vibration will not be permitted unless it can be demonstrated that adequate mitigation measures can be put into place and Policy L7 states that development must not prejudice the amenity of the future occupiers of the development and / or occupants of adjacent properties by reason of noise and / or disturbance.
175. It is considered that noise from additional traffic associated with the proposed development would not increase noise levels to an extent that would impact on existing residents given existing background noise levels in this location and the Council's Pollution and Housing section has raised no objection in respect of this impact. With regard to the construction phase and controlling noise and dust impact, a condition is recommend requiring a Construction Method Statement relating to the environmental impacts of the construction works. This would cover issues such as hours of construction works, areas for parking of site operatives' vehicles and for loading and unloading, measures to control dust and dirt emissions to prevent undue disturbance to adjacent dwellings from noise and vibration.

AIR QUALITY

176. Policy L5 of the Core Strategy states that development that has potential to cause adverse air pollution will not be permitted unless it can be demonstrated that adequate mitigation measures can be put in place. Within the Borough's Air Quality Management Zones, Policy L5 also 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 air quality. Policy L5 is considered to be up-to-date in this regard and so full weight can be attached to it.
177. 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. Opportunities to improve air quality or mitigate impacts should be identified, such as through traffic and travel management and green infrastructure provision and enhancement. 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.
178. The site is partly within the Greater Manchester Air Quality Management Area which has been declared in relation to annual levels of nitrogen dioxide (NO₂). The A56 and junction of Ashton Lane with the A56 are within the AQMA and the area designated extends partly into the application site.

179. The application is accompanied by an Air Quality Assessment (AQA) that has considered the potential impacts of the proposed development on local air quality as a result of fugitive dust emissions during construction and road traffic exhaust emissions associated with vehicles travelling to and from the site during operation, and the potential to expose future occupants to elevated pollution levels. The AQA concludes that the site is considered suitable for the proposed use from an air quality perspective. A subsequent Technical Note has also been submitted in respect of the need for mechanical ventilation to those apartments adjacent to the A56, concluding that this is not required.
180. The modelling carried out in the AQA indicates that predicted air quality impacts as a result of traffic generated by the development will not be significant at any sensitive location in the vicinity of the site. The Council's Pollution and Housing section note the additional traffic generated by the development creates only a negligible impact on local air quality at nearby sensitive receptors and they raise no objection in relation to this.
181. For the construction phase the AQA states that good practice control measures would provide suitable mitigation and reduce potential impacts on air quality from earthworks, construction and trackout activities to an acceptable level. To ensure that suitable mitigation methods are put in place a condition requiring a Construction Method Statement is recommended.
182. Paragraph 110 of the NPPF requires applications for development to be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations. The current Institute of Air Quality Management planning guidelines recommend the provision of electric vehicle (EV) charge points in every new house (minimum 7kWh) with dedicated parking or 1 charge point (minimum 7kWh) per 10 car parking spaces for unallocated car parking. The applicant has confirmed that all the proposed dwellings will have an electric vehicle charging point, although no details have been provided at this stage. No charging points are proposed for the apartments, however it is considered that provision should be made and at the rate set out in the IAQM guidance (one charging point in this instance). This matter and the detail/specification of the charging point for each dwelling and the apartments can be addressed by condition and subject to this condition the development will be compliant with the NPPF.

CONTAMINATED LAND

183. Policy L5 of the Trafford Core Strategy states that development that has potential to cause adverse pollution (of air, light, water, ground) will not be permitted unless it can be demonstrated that adequate mitigation measures can be put in place. The NPPF states that planning decisions should give substantial weight to the value of using suitable brownfield land within settlements for homes and support appropriate opportunities to remediate contaminated land

(paragraph 118) and that decisions should ensure that a site is suitable for its proposed use taking into account ground conditions and any risks arising from contamination (paragraph 178).

184. The application includes a Phase I contaminated land desktop assessment which has identified the presence of former commercial and industrial usages at the site which may have resulted in contamination occurring. To ensure that the site is suitable for development and does not present any risks to future site users and the wider environment the Council's Pollution and Housing section recommend conditions requiring an investigation and risk assessment, remediation strategy and a verification report prior to occupation of the development. Subject to the conditions recommended it is considered that the scheme is compliant with the requirements of Policy L5 of the Core Strategy and the NPPF.

FLOOD RISK AND DRAINAGE

185. Policy L5 of the Trafford Core Strategy states that *"the Council will seek to control development in areas at risk of flooding, having regard to the vulnerability of the proposed use and the level of risk in the specific location"*. At the national level, NPPF paragraph 155 has similar aims, seeking to ensure that development is avoided in areas at risk of flooding and at paragraph 163 ensuring that flood risk is not increased elsewhere. Policy L5 is considered to be up-to-date in this regard and so full weight can be attached to it.

186. The application site falls within Flood Zone 1 as defined by the Environment Agency, having a low probability of river or sea flooding. The proposed development constitutes a 'more vulnerable' use in flood risk terms as defined by the NPPG, which the NPPG identifies is a form of development that is 'appropriate' in Flood Zone 1.

187. The applicant has submitted a Flood Risk Assessment and Outline Drainage Strategy (and North West SuDS Pro-Forma) which sets out the proposed drainage strategy for the site. A detailed Drainage Strategy and drainage layout has been since been submitted in response to the initial comments of the LLFA. This states that connection to the public sewer network is proposed given that infiltration is not feasible on this site and there is no water course/body in close proximity to the site. Consideration of SUDs on the site is limited to permeable paving for driveways and car parking spaces.

188. The LLFA has assessed the proposed drainage strategy and does not raise any objections to the application subject to appropriate conditions requiring the development to be carried out in accordance with the submitted Drainage Strategy and mitigation measures (relating to limiting surface water run-off and provision of attenuation flood storage) and requiring a management and

maintenance plan for the lifetime of the development to be submitted and approved.

189. United Utilities advise that in accordance with the NPPF and NPPG, the site should be drained on a separate system with foul water draining to the public sewer and surface water draining in the most sustainable way. United Utilities request that the applicant provides a detailed drainage plan and that they have opportunity to review and comment on this plan prior to determination. A detailed drainage plan has since been submitted and United Utilities' further comments are awaited and will be included in the Additional Information Report. United Utilities advise that without the provision of this information, a condition requiring submission of a surface water drainage scheme is needed, in addition to requiring foul and surface water to be drained on separate systems. United Utilities also advise that a public sewer crosses this site and they may not permit building over it. An access strip width of six metres, three metres either side of the centre line of the sewer will be required.

ECOLOGY AND BIODIVERSITY

190. Policy R2 of the Trafford Core Strategy seeks to ensure that all developments protect and enhance the Borough's biodiversity. In addition, Paragraph 175 of the NPPF states that *"if significant harm to biodiversity resulting from a development cannot be avoided...adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused"*. The NPPF also states that decisions should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity (paragraph 170d) and opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity (paragraph 175d).
191. 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.
192. The application is accompanied by an Extended Phase 1 Habitat Survey and Biological Impact Assessment. The survey found that habitats across the site are of low ecological value, although scattered scrub and trees on site provide nesting bird habitat. The survey recommends that vegetation clearance/tree felling is carried out outside the nesting bird season (and a survey required prior to work commencing if clearance work needs to be carried out within the bird nesting season) and that bird boxes are erected on the buildings to compensate for the loss of nesting bird habitat. It states that the proposed landscaping and planting schemes will help increase biodiversity across the site by offering a

source of pollen and nectar for invertebrates and bird nesting habitats, although there would be an overall net loss of biodiversity on the site.

193. The submitted Biological Impact Assessment has calculated that the proposed development will result in a biodiversity loss, mainly as a result of the loss of mature trees and semi-improved grassland on the site. The proposals would however result in a significant increase in linear habitat on the site as a result of the proposed hedgerows. As the proposed development would result in a net loss it is proposed that a commuted sum to provide offsite opportunities for habitat creation, restoration and/or enhancement would provide the appropriate mitigation.

194. The Greater Manchester Ecology Unit (GMEU) has been consulted and note that the Biodiversity Impact Assessment shows the proposed development will result in an overall net loss for biodiversity and states that offsite mitigation is required to mitigate for the loss of biodiversity on site as a result of the development. The applicant has calculated a contribution of £7,560 based on a habitat unit value attributed to the trees and other habitats to be lost on site and taking into account the proposed increase in hedgerow units on the site. This has been agreed with the GMEU. Following discussion with officers, it has been agreed that Broad Ees Dole to the north east of the site would be a suitable site to benefit from the contribution. This is a designated Local Nature Reserve and the contribution would fund works to enhance habitat and biodiversity value.

195. It is recommend a condition is attached to any permission to require a scheme for the provision of bird boxes across the site in order to compensate for the loss of nesting bird habitat. In addition it is considered that bat boxes, bricks or tubes should be provided to further enhance biodiversity at the site. GMEU recommend a condition is attached to any permission stating that no removal or works to any hedgerows, trees or shrubs shall take place during the main bird breeding season (1st March to 31st August inclusive), unless there has been a check of vegetation for active birds' nests by an ecologist immediately before vegetation is cleared and written confirmation provided that no birds will be harmed and/or appropriate measures are in place to protect nesting bird interest on site. GMEU also note the survey found the invasive Cotoneaster on the site and the applicant should be advised to follow the recommendations in the report to safely remove it from the site.

DEVELOPER CONTRIBUTIONS

Community Infrastructure Levy (CIL)

196. This proposal is subject to the Community Infrastructure Levy (CIL) and is located in the 'moderate zone' for residential development, consequently private market houses will be liable to a CIL charge rate of £40 per square metre, and

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).

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

Developer Contributions

198. The site falls within a 'moderate' market location for the purposes of applying Policy L2 of the Core Strategy and with the Borough now in 'good' market conditions, which requires 25 per cent of the proposed residential units provided to be delivered on an affordable basis. The proposal includes provision of 25 per cent affordable housing on site (21 units) in accordance with Policy L2.
199. Policy L2.2 states that residential development will be appropriately located in terms of access to existing community facilities and/or deliver complementary improvements to schools. Based on the Department for Education's School Places Score Card rates, as recommended by the DfE, the expected primary pupil yield of the development would equate to a contribution of £220,318 and the secondary pupil yield a contribution of £218,720. The applicant has agreed to provide the full education contribution of £439,038 to be secured via a section 106 legal agreement.
200. Policy L8 of the Core Strategy states that the Council will seek contributions towards Spatial Green Infrastructure, including parks and play areas. As set out elsewhere in this report the proposed on-site open space provision, whilst welcomed, would not fully satisfy the demand generated by the proposed development and a contribution towards local open space and children's play facilities is considered necessary. This has been calculated as £96,429.76 based on the formula in SPD1, comprising £31,477.73 to local open space and £64,952.03 to provision for children/young people.
201. In accordance with Policy L8 of the Trafford Core Strategy and revised SPD1: Planning Obligations it is necessary to provide an element of specific green infrastructure. As set out above, 111 trees and 604 linear metres of hedge are proposed in accordance with the guidance in SPD1. In order to secure this, a landscaping condition will be attached to make specific reference to the need to provide this planting as part of the landscaping proposals.
202. Policy L8 of the Core Strategy states that the Council will seek contributions towards Spatial Green Infrastructure, including outdoor sports facilities. A contribution towards outdoor sports facilities is considered necessary. This has been calculated as £101,296 based on the formula in SPD1.

203. As set out at paragraph 194, a contribution to offset the net loss to biodiversity is required. This has been calculated as £7,560 and is to be used to provide opportunities for habitat creation, restoration and/or enhancement at Broad Ees Dole Local Nature Reserve.

204. The proposed affordable housing and the contributions set out above would normally be secured through a Section 106 agreement, however in this case as the Council is also the developer it cannot enter into a legal agreement with itself (since it cannot enforce the agreement against itself), nor can conditions requiring payment of contributions be attached. It is therefore proposed that the affordable housing will be secured by condition whilst the contributions will be secured by the Council making a voluntary allocation of the sums required into the S106 budget on first occupation. The Council has confirmed that it will make this voluntary allocation.

OTHER MATTERS

205. The GMFRS strongly supports the installation of domestic sprinkler systems as a positive measure to protect persons and advise that all developers should positively consider the viability of installing domestic sprinkler systems. In response the applicant has advised that as each apartment block is less than 11m in height there is no Building Regulations requirement for sprinklers.

206. Detailed lighting proposals have not been provided and it is recommend a condition requiring full details of an external lighting scheme is attached to ensure no adverse impact into habitable room windows of properties, both within and off-site.

207. Having regard to the layout and density of the proposed development and the separation distances between dwellings as summarised above, there is potential for subsequent extensions to dwellings or other alterations within their curtilages to adversely impact on the amenity of adjacent dwellings and/or impact on the design quality and consistency of the scheme. It is therefore considered necessary to remove permitted development rights for extensions and various types of alterations that could otherwise be carried out without permission in future.

Equalities

208. The Equality Act became law in 2010. Its purpose is to legally protect people from discrimination in the workplace and in wider society. The Act introduced the term 'protected characteristics', which refers to groups that are protected under the Act. These characteristics comprise: age, disability, gender reassignment, marriage and civil partnerships, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.

209. As part of the Act, the 'public sector equality duty' came into force in April 2011 (Section 149 of the Act), and with it confirmed (via Section 19 of the Act) that this duty applies to local authorities (as well as other public bodies). The equality duty comprises three main aims: A public authority must, in the exercise of its functions, have due regard to the need to:
1. Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 2. Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
 3. Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
210. Case law has established that appropriate consideration of equality issues is a requirement for local authorities in the determination of planning applications, and with this requirement directly stemming from the Equality Act 2010.
211. The application includes a statement which sets out how the Council has addressed matters of equality. This states that all of Trafford Council's community consultations and developments are designed to be suitable for and accessible to everyone, whether from the local community or further afield. It should be noted that due to the Covid-19 global pandemic and the government restrictions imposed, face to face consultation with the local community was unable to take place but a robust virtual consultation and physical display of information in Sale library was undertaken prior to submitting the planning application. Specific contact was also made with the following groups to invite their feedback to the consultation: Sale Town Partnership; Autism Trafford; Manchester Deaf Centre; and Greater Manchester Coalition of Disabled People.
212. The statement sets out that a variety of consultation options were employed to enable all groups to access the material and that no persons were restricted or prevented from commenting on the proposed development due to age, disability, pregnancy and maternity, religion or belief, race or culture, sexual orientation, gender or marriage or civil partnership status.
213. The statement confirms that no persons will be restricted from accessing or inhabiting the development due to their age, being pregnant or a parent, religion or belief, race or culture, sexual orientation, gender or marriage or civil partnership status.
214. In addition to the duty under the Equality Act, Policy L7 of the Core Strategy requires that development should be fully accessible and usable by all sections of the community and Paragraph 127 of the NPPF reinforces this requirement by requiring planning decisions to ensure that developments create places that are safe, inclusive and accessible. The design of the proposals has been developed to ensure full accessibility to a disability. The proposals ensure

buildings and the surrounding environment takes account of the needs for people with disabilities in relation to the Building Regulations Part M, British Standard 8300 and the Disability Discrimination Act. Each house and apartment building entrance provides a level or ramped entrance access into each building and each of the apartment buildings also provide lift access through to individual apartment entrance doors. Circulation within the communal areas of the apartment buildings have been designed to meet with statutory requirements. Generally, kitchen and bathroom layouts have been considered to allow adaptability as required. Access to the exterior of the building and internal areas will be well lit to enable safe access. Parking spaces for the apartments are accessible for all users.

215. Officers are satisfied that no disbenefits have been identified in this respect and on this basis, the proposed development is considered to have appropriately addressed matters of equality.

PLANNING BALANCE AND CONCLUSION

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

217. The NPPF is a material consideration in planning decisions, and as the Government's expression of planning policy and how this should be applied, should be given significant weight in the decision making process. As the Council does not have a five year supply of housing land, the tilted balance in Paragraph 11(d)(ii) of the NPPF is engaged. An assessment of the scheme against Paragraph 11(d)(i) does not suggest that there is a clear reason for refusal of the application when considering habitat protection, heritage or flood risk.

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

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

Adverse Impacts

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

- Loss of a significant number of trees, including good quality mature trees
- Net loss for biodiversity as a result of the loss of existing mature trees and semi-improved grassland on the site.

- Harm to the setting of The Bulls Head Public House and 2-4 Washway Road, both identified as non-designated heritage assets, albeit this level of harm has been assessed as 'negligible' and the scale of harm is outweighed by the benefits of the scheme.
- Loss of the gyratory land that is valued by the some members of the local community as a visual amenity.
- Loss of existing on-street car spaces on Brighton Grove.
- Amenity impacts on future occupiers of the development are not fully compliant with the guidelines set out in PG1 resulting in minor harm.
- The mix of affordable units in terms of tenure type and the split of houses and apartments doesn't reflect the principles set out in Policy L2.

221. These adverse impacts must be assessed as to whether they outweigh the benefits of granting permission when assessed against the policies in the NPPF as a whole.

Scheme Benefits

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

- The delivery of 84 no. new homes on predominantly previously developed land in a highly sustainable location. The proposals would contribute significantly towards addressing the identified housing land supply shortfall and the Council's policy aspiration to maximise the use of previously developed land for housing. Substantial weight has been given to this benefit and the contribution of the development to the regeneration of the area.
- 25% of the total number of dwellings will be delivered as affordable units on-site (secured by condition) and substantial weight is afforded to this.
- Delivery of a well-designed, high quality development that will establish a strong sense of place, including publicly accessible open space and public realm.
- Improved pedestrian connectivity.
- Economic benefits that will flow from construction and occupation. Additional expenditure into the local economy will support existing services in the area.

223. The provision of the full contributions towards the improvement of off-site primary and secondary education facilities, the improvement of off-site local open space and provision for children/young people and outdoor sports facilities will mitigate the impacts of the proposed development and limited weight is attached to this as a benefit of the scheme.

224. The proposed affordable housing and the contributions set out above would normally be secured through a Section 106 agreement, however in this

case as the Council is also the developer it cannot enter into a legal agreement with itself (since it cannot enforce the agreement against itself), nor can conditions requiring payment of contributions be attached. It is therefore proposed that the affordable housing will be secured by condition whilst the contributions will be secured by the Council making a voluntary allocation of the sums required on first occupation. The Council has confirmed that it will make this voluntary allocation. There is no realistic prospect that the Council would renege on its undertaking to make the voluntary allocation and it is therefore officers' view that this can be relied upon as suitable mitigation to offset the impacts of the development.

Conclusion

225. The main adverse impacts relate to the loss of mature trees and net loss for biodiversity, whilst the benefits arising from the scheme are numerous and a number of them can be given significant weight. Substantial weight is given to the contribution the scheme will make immediately to the Council's five year housing land supply, a policy compliant level of affordable housing, the high quality development of previously developed land in a highly sustainable location and the regenerative benefits of the scheme overall. Significant weight is also given to the economic benefits of the scheme, arising both during construction and following completion of the development. Weight is also afforded to the other benefits listed above.

226. Having carried out the weighted balancing exercise under Paragraph 11 (d)(ii) of the NPPF, it is considered that the adverse impacts of granting planning permission would not significantly and demonstrably outweigh the benefits of doing so. Indeed the benefits of the scheme are considered to significantly outweigh the adverse impacts identified above. The application is therefore recommended for approval.

RECOMMENDATION

GRANT

- (i) A voluntary allocation of the following sums on first occupation of any part of the development:
- £96,429.76 towards local open space and provision for children/young people;
 - £101,296 towards outdoor sports facilities;
 - £220,318 towards off-site primary education facilities and £218,720 towards off-site secondary education facilities;
 - £7,560 towards habitat creation, restoration and/or enhancement at Broad Ees Dole Local Nature Reserve.

(ii) And 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, drawing numbers:

- S1153-IBI-XX-XX-GA-A-0001 Rev 2 – Site Location Plan
- S1153-IBI-XX-XX-GA-A-0003 Rev 5 – Proposed Site Plan
- S1153-IBI-XX-XX-GA-A-0004 Rev 3 – Block Plan
- S1153-IBI-XX-XX-GA-L-1001 Rev P05 – External Works General Arrangement Plan
- S1153-IBI-A1-XX-GA-L-1003 Rev A – Planting Plan: Sheet 1 of 2
- S1153-IBI-A1-XX-GA-L-1004 Rev A – Planting Plan: Sheet 2 of 2

- S1153-IBI-A1-XX-GA-A-1000 Rev 4 – Apartments Block A1 Plans Sheet 1
- S1153-IBI-A1-XX-GA-A-1001 Rev 4 – Apartments Block A1 Plans Sheet 2
- S1153-IBI-A1-XX-EL-A-1004 Rev 6 – Apartments Block A1 Elevations
- S1153-IBI-A1-XX-SE-A-1006 Rev 4 – Apartments Block A1 Sections
- S1153-IBI-A2-XX-GA-A-1002 Rev 4 – Apartments Block A2 Plans Sheet 1
- S1153-IBI-A2-XX-GA-A-1003 Rev 4 – Apartments Block A2 Plans Sheet 2
- S1153-IBI-A2-XX-EL-A-1005 Rev 6 – Apartments Block A2 Elevations
- S1153-IBI-A2-XX-SE-A-1007 Rev 4 – Apartments Block A2 Sections

- S1153-IBI-H1-XX-XX-A-2000 Rev 6 – House Type 3B5PG
- S1153-IBI-H1-XX-EL-A-2003 Rev 3 – Block Type 3B5PG
- S1153-IBI-H2-XX-XX-A-2001 Rev 6 – House Type 4B6P
- S1153-IBI-H2-XX-EL-A-2004 Rev 3 – Block Type 4B6P
- S1153-IBI-H2-XX-XX-A-2006 Rev 3 – End Unit To Gyrotory Site
- S1153-IBI-H3-XX-XX-A-2002 Rev 6 – House Type 4B6PG
- S1153-IBI-H3-XX-EL-A-2005 Rev 3 – Block Type 4B6PG

- S1153-IBI-XX-XX-XX-A-4000 Rev 1 – Balcony Details
- S1153-IBI-XX-XX-XX-A-4001 Rev 1 – House Brick Details
- S1153-IBI-XX-XX-SK-A-9002 Rev 1 – Typical House Details
- S1153-IBI-XX-XX-XX-A-9003 Rev 1 – Typical Apartment Details
- S1153-IBI-XX-XX-XX-A-9004 – High Boundary Wall Positions

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

3. 21 no. of the residential units hereby permitted shall only be used for the purposes of providing affordable housing, to be occupied by households or individuals who satisfy at least one of the following criteria and shall not be offered for sale or rent on the open market: -
- has lived in Trafford by choice for a certain time (six months out of the last 12).
 - has close family living in Trafford, who have lived in the borough for at least the previous five years; (normally defined as parent/s or children).
 - has settled employment in the Trafford area.
 - has special circumstances that give rise to a local connection.

The units shall comprise 6no 1 bedroom apartments, 7no 2 bed room apartments, 4no 3 bedroom houses and 4no 4 bedroom houses. Details of the tenure of the affordable units shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of any of the affordable units.

This planning condition shall not apply to the part of the property over which:- (i). a tenant has exercised the right to acquire or any similar statutory provision and for the avoidance of doubt once such right to acquire has been exercised, the proprietor of the property, mortgagee and subsequent proprietors and their mortgagees shall be permitted to sell or rent the property on the open market; (ii). a leaseholder of a shared ownership property has staircased to 100% and for the avoidance of doubt once such staircasing has taken place the proprietor of the property, mortgagee and subsequent proprietors and their mortgagees shall be permitted to sell or rent the property on the open market.

Reason: To comply with Policies L1, L2, L3 and L8 of the Trafford Core Strategy, the Council's adopted Supplementary Planning Document 1: Planning Obligations and the National Planning Policy Framework.

4. Notwithstanding any description of materials in the application, no above-ground construction works shall take place until samples and full specifications of all materials to be used externally on the buildings hereby approved have been submitted to and approved in writing by the Local Planning Authority. The specifications shall include the type, colour and texture of the materials. The samples shall include constructed panels of all proposed brickwork illustrating the type of joint, the type of bonding, the colour of the mortar to be used, reveal details, cills and header brickwork, with these panels available on site for inspection, and retained for the duration of the build. Development shall be carried out in accordance with the approved details.

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

5. No above ground construction works shall take place unless and until a detailed façade schedule for all elevations of the buildings has first been submitted to and approved in writing by the Local Planning Authority. The schedule shall be provided in tabulated form with cross referencing to submitted drawings, include the provision of further additional drawings and the building of sample panels on site as necessary and shall include:
 - i. All brickwork detailing
 - ii. All fenestration details and recesses including detailed drawings to a scale of not less than 1:20 and samples and/or manufacturer's specifications of the design and construction details of all external window and door systems (including technical details (mullions and transoms, methods of openings), elevations, plans and cross sections showing cills and reveal depths/colour).
 - iii. All entrances into the buildings
 - iv. The siting of any equipment on the roofs of the development
 - v. The means of dealing with rainwater and any necessary rainwater goods that may be visible on the external façade of the buildings
 - vi. The siting of any external façade structures such as meter boxes
 - vii. The siting, design and material/finish of the louvres indicated for mechanical ventilation

This condition shall apply notwithstanding any indications as to these matters which have been given in the application. The development shall thereafter be carried out solely in accordance with the approved detailed façade schedule.

Reason: To ensure a high quality standard of development in the interests of visual amenity and in protecting the original design intent and quality of the proposed development, having regard to Policy L7 of the Core Strategy and the National Planning Policy Framework.

6. 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 a full specification of all boundary treatments across the site, details of all street furniture including seating and bollards, 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 and which shall include a minimum of 111 trees and 604 linear metres of hedgerow), 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 the lifetime of the development (other than those within

private gardens/curtilages where the period shall be within a minimum of 5 years of planting) shall be replaced within the next planting season by trees or shrubs of similar size and species to those originally required to be planted.

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

7. The development hereby approved shall not be occupied until a management plan for the pocket park, communal amenity spaces and areas of public realm and a schedule of landscape maintenance for the lifetime of the development (other than private gardens/curtilages where the schedule shall be a minimum of 5 years), has been submitted to and approved in writing by the Local Planning Authority. The schedule shall include details of the arrangements for its implementation. Development shall be carried out in accordance with the approved schedule.

Reason: To ensure that the site is satisfactorily maintained and 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.

8. The development hereby permitted shall not be occupied until the 25 no. street trees identified on drawing numbers S1153-IBI-XX-XX-GA-L-1001 Rev P05 – External Works General Arrangement Plan, S1153-IBI-A1-XX-GA-L-1003 Rev A – Planting Plan: Sheet 1 of 2 and S1153-IBI-A1-XX-GA-L-1004 Rev A – Planting Plan: Sheet 2 of 2 have been provided and in accordance with the specification detailed on drawing no. S1153-IBI-XX-XX-GA-L-1007 Rev P01 - Tree Pit and Cell System Details.

Reason: To ensure that the street trees are provided as indicated, that the site is satisfactorily landscaped and to compensate for the loss of existing trees on the site, 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.

9. 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' and the fencing has been inspected and approved in writing by the Local Planning Authority. 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.

10. No part of the development hereby permitted shall be occupied until a review of the existing Traffic Regulation Orders in the surrounding area has been undertaken and any necessary extension/alteration of the Traffic Regulation Orders deemed necessary by the Local Planning Authority to mitigate the impact of the development has been implemented.

Reason: To ensure that the proposed development does not have a detrimental impact on the existing on-street parking permitted in the vicinity of the development, having regard to Policies L4 and L7 of the Trafford Core Strategy, Supplementary Planning Document 3: Parking Standards and Design and the National Planning Policy Framework.

11. No above ground construction works shall take place unless and until a Parking Strategy for the development has been submitted to and approved in writing by the Local Planning Authority. The submitted Strategy shall include details of how all parking spaces within the development will be allocated and appropriately managed to ensure spaces are available for residents and visitors of the development. The approved Strategy shall be implemented upon first occupation of the development and adhered to at all times thereafter.

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

12. The development hereby permitted shall not be brought into use until the means of access and the areas for the movement, loading, unloading and parking of vehicles have been provided, constructed and surfaced in complete accordance with the plans hereby approved and the hard surface materials approved under Condition 6 of this permission.

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

13. The car parking spaces shown on approved drawing no. S1153-IBI-XX-XX-GA-L-1001 Rev P05 – External Works General Arrangement Plan 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, the Council's adopted Supplementary Planning Document 3: Parking Standards and Design and the National Planning Policy Framework.

14. All integral garages hereby permitted shall be kept available for the parking of motor vehicles at all times.

Reason: The garages have been taken into account in determining that an acceptable level of car parking provision will be provided for the development and to ensure adequate garaging /off street parking provision is retained and thereby avoid the harm to amenity, safety or convenience caused by on street parking, having regard to Policies L4 and L7 of the Trafford Core Strategy, the Council's adopted Supplementary Planning Document 3: Parking Standards and Design and the National Planning Policy Framework.

15. Details of the garage doors shall be submitted to and approved in writing by the Local Planning Authority prior to being installed. The garage doors shall be an automatic type and of a specification that the door does not project past the front building line of the garage when in use. The garage doors shall be installed in accordance with the approved details and thereafter retained at all times.

Reason: In order to ensure a satisfactory appearance in the interests of visual amenity and to allow a vehicle to stand in front of the garage and not overhang the highway when the door is in use in the interest of highway safety and convenience, having regard to Policies L4 and L7 of the Trafford Core Strategy and the requirements of the National Planning Policy Framework.

16. Notwithstanding the details shown on the approved plans no dwellings or apartments shall be occupied unless and details of the proposed secure cycle parking and storage arrangements for each dwelling and apartment block has first been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented before the development is brought into use and the cycle parking spaces shall be retained at all times thereafter.

Reason: To ensure that satisfactory cycle parking provision is made in the interests of promoting sustainable development, having regard to Policies L4 and L7 of the Trafford Core Strategy, the Council's adopted Supplementary Planning Document 3: Parking Standards and Design and the National Planning Policy Framework.

17. Within 6 months of the first date of occupation of the development hereby permitted a full Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall include:

- A firm commitment to targets detailed within the Travel Plan;
- Realistic and quantifiable targets;
- Effective objectives and incentives to reduce car travel and increase use of non-car modes;
- Targets to be reviewed and monitored against the baseline which will be established within 3 months of the first date of operation;
- Resident travel surveys shall be completed every 12 months from the date of first operation, and for a minimum period of ten years.

The approved Travel Plan shall be implemented for a period of not less than 10 (ten) years from the first date of operation.

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

18. Prior to the development being brought into use, a waste management strategy shall be submitted to and approved in writing by the Local Planning Authority. The submitted strategy shall be in accordance with the submitted refuse collection/tracking plan and shall include details of the arrangements for collection including responsibilities for the taking out and return of bins for the apartments. The details / measures set out in the approved scheme shall be implemented and adhered to thereafter.

Reason: To ensure that satisfactory provision is made for refuse and recycling storage facilities and in the interest of highway safety and residential amenity, having regard to Policies L4 and L7 of the Trafford Core Strategy and the National Planning Policy Framework.

19. 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.

Details for this condition need to be submitted prior to the commencement of works on site because mitigation measures need to be in place prior to any operations taking place on site [all nesting birds their eggs and young are protected under the terms of the Wildlife and Countryside Act 1981 (as amended)].

20. Prior to any above ground construction work first taking place, a scheme detailing the provision of bird boxes and bat boxes, bricks or tubes across the site shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to first occupation and retained thereafter.

Reason: In order to compensate for the loss of nesting bird habitat and to enhance the biodiversity of the site having regard to Policy R2 of the Trafford Core Strategy and the National Planning Policy Framework.

21. No development shall take place (including ground works and vegetation clearance), until an invasive non-native species protocol has been submitted to and approved in writing by the Local Planning Authority, detailing the containment, control and removal of Cotoneaster and any other invasive, non-native plant species that may be present on the site. The measures shall be carried out strictly in accordance with the approved scheme.

Reason: To prevent the spread of invasive non-native species in the interests of biodiversity, having regard to Policies L7, R2 and R3 of the Trafford Core Strategy and the National Planning Policy Framework.

22. No development shall take place, other than site clearance works including tree felling, until an investigation and risk assessment in relation to contamination on site (in addition to any assessment provided with the planning application) has been submitted to and approved in writing by the Local Planning Authority. The assessment shall investigate the nature and extent of any contamination on the site (whether or not it originates on the site). The assessment shall be undertaken by competent persons and a written report of the findings submitted to and approved in writing by the Local Planning Authority before any development takes place other than the excluded works listed above. The submitted report shall include:

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

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

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

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

23. The development hereby permitted shall not be occupied until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation has been submitted to and approved in writing by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan, where required (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

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

24. The development hereby permitted shall only be carried out in accordance with the approved Drainage Strategy (Rev P4 dated 19/02/21 by Booth King Partnership Limited) and the following mitigation measures: -

- Limiting the surface water run-off generated by the 1 in 100 year + CC critical storm so that it will not exceed 25 l/s (Plot 1) and 5 l/s (Plot 2) and not increase the risk of flooding off-site.
- Provision of a minimum 70m³ attenuation flood storage across both plots on the site to a 1 in 100 +CC year standard.

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site and to prevent flooding elsewhere by ensuring that storage of flood water is provided, having regard to Policies L5 and L7 of the Trafford Core Strategy and the National Planning Policy Framework.

25. Prior to the first occupation of the development hereby permitted, a management and maintenance plan for the sustainable drainage scheme for the lifetime of the

development shall be submitted to and approved in writing by the Local Planning Authority. The plan shall include the arrangements for adoption by an appropriate public body or statutory undertaker, management and maintenance by a Residents' Management Company or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime.

Reason: To prevent increased risk of flooding; to improve and protect water quality; to improve habitat and amenity; and to ensure the future maintenance of the sustainable drainage structures having regard to Policies L5 and L7 of the Trafford Core Strategy and the National Planning Policy Framework.

26. 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.

27. No above-ground construction works shall take place until a detailed design and specification of all windows and mechanical ventilation has been submitted to and approved in writing by the Local Planning Authority. The submitted details shall reflect the technical requirements and recommendations made within the Acoustics Planning Report, Revision 03 – 17 February 2021 prepared by Hoare Lea submitted with the application. The details shall be implemented as approved.

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

28. No dwelling or apartment shall be occupied unless and until a post-construction verification plan to detail the mitigation provided for each residential unit in accordance with Condition 27 of this permission has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that appropriate mitigation has been provided to achieve appropriate internal sound levels within the development and to protect the amenities of future occupiers in accordance with Policies L5 and L7 of the Trafford Core Strategy and the National Planning Policy Framework.

29. No development shall take place until a strategy for energy efficiency and low/zero carbon technologies for the development has been submitted to and approved in writing by the Local Planning Authority. The strategy shall identify measures to reduce carbon dioxide emissions from the development and demonstrate a minimum CO2 reduction of 5% above current Building Regulations. The approved strategy shall be implemented in full prior to first occupation of the development hereby permitted or in accordance with a phased approach that has first been submitted to

and agreed in writing by the Local Planning Authority and shall be retained thereafter.

Reason: To mitigate and reduce the impact of the development on climate change and in the interests of achieving a reduction in carbon emissions, having regard to Policy L5 of the Trafford Core Strategy and the National Planning Policy Framework.

30. The development hereby approved shall not be occupied or brought into use until full details of the provision of at least one electric vehicle (EV) charge point for every residential dwelling with dedicated parking and one electric vehicle (EV) charge point for every 10 car parking spaces for unallocated parking has been submitted to and approved in writing by the Local Planning Authority. The EV charging facilities shall thereafter be installed in accordance with the approved details before the development is first occupied or brought into use and retained thereafter in working order.

Reason: In the interests of sustainability and reducing air pollution having regard to Policies L5 and L7 of the Trafford Core Strategy and the requirement of paragraph 110 of the National Planning Policy Framework.

31. No development shall take place 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. Construction Traffic Management Plan
- ii. the parking of vehicles of site operatives and visitors (all within the site)
- iii. deliveries to site and loading and unloading of plant and materials (all within the site) including times of access/egress
- iv. storage of plant and materials used in constructing the development
- v. the erection and maintenance of security hoardings including decorative displays and facilities for public viewing, where appropriate, and information for members of the public
- vi. wheel washing facilities, including measures for keeping the highway clean during construction works
- vii. measures to control the emission of dust and dirt during construction and procedures to be adopted in response to complaints of fugitive dust emissions
- viii. a scheme for recycling/disposing of waste resulting from construction works (prohibiting fires on site)
- ix. days and hours of construction activity on site (in accordance with Trafford Council's recommended hours of operation for construction works)
- x. measures to prevent disturbance to adjacent dwellings from noise and vibration and details as to how this will be monitored, including the impact of any piling activity and plant such as generators
- xi. site compound layout

xii. 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 Policies L5 and L7 of the Trafford Core Strategy and the National Planning Policy Framework. The details are required prior to development taking place on site as any works undertaken beforehand, including preliminary works, could result in adverse residential amenity and highway impacts.

32. The development hereby approved shall be designed and constructed in accordance with the recommendations contained within sections 3.3 of the submitted Crime Impact Statement version A: 20th November 2020 Reference: 2020/0675/CIS/01 and the physical security specifications set out in section 4 of that document. The approved measures shall be retained and maintained thereafter.

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

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

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

34. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 Schedule 2 Part 1 and 2 (or any equivalent Order following the amendment, re-enactment or revocation thereof)

(i) no extensions shall be carried out to the dwellings;

(ii) no vehicle standing space or other areas of hardstanding, other than those identified on approved drawing no. S1153-IBI-XX-XX-GA-L-1001 Rev P05 – External Works General Arrangement Plan, shall be provided within the curtilage of the dwellings;

(iii) no gates, wall, fences or other structures shall be erected within the curtilage of the dwellings;

(iv) no means of vehicle access or areas of hard surfacing shall be constructed in the curtilage of the dwellings; and

(v) no dormer windows shall be added to the dwellings

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

Reason. To protect the residential and visual amenities of the area, privacy, and/or public safety, having regard to Policy L7 of the Trafford Core Strategy and the National Planning Policy Framework.

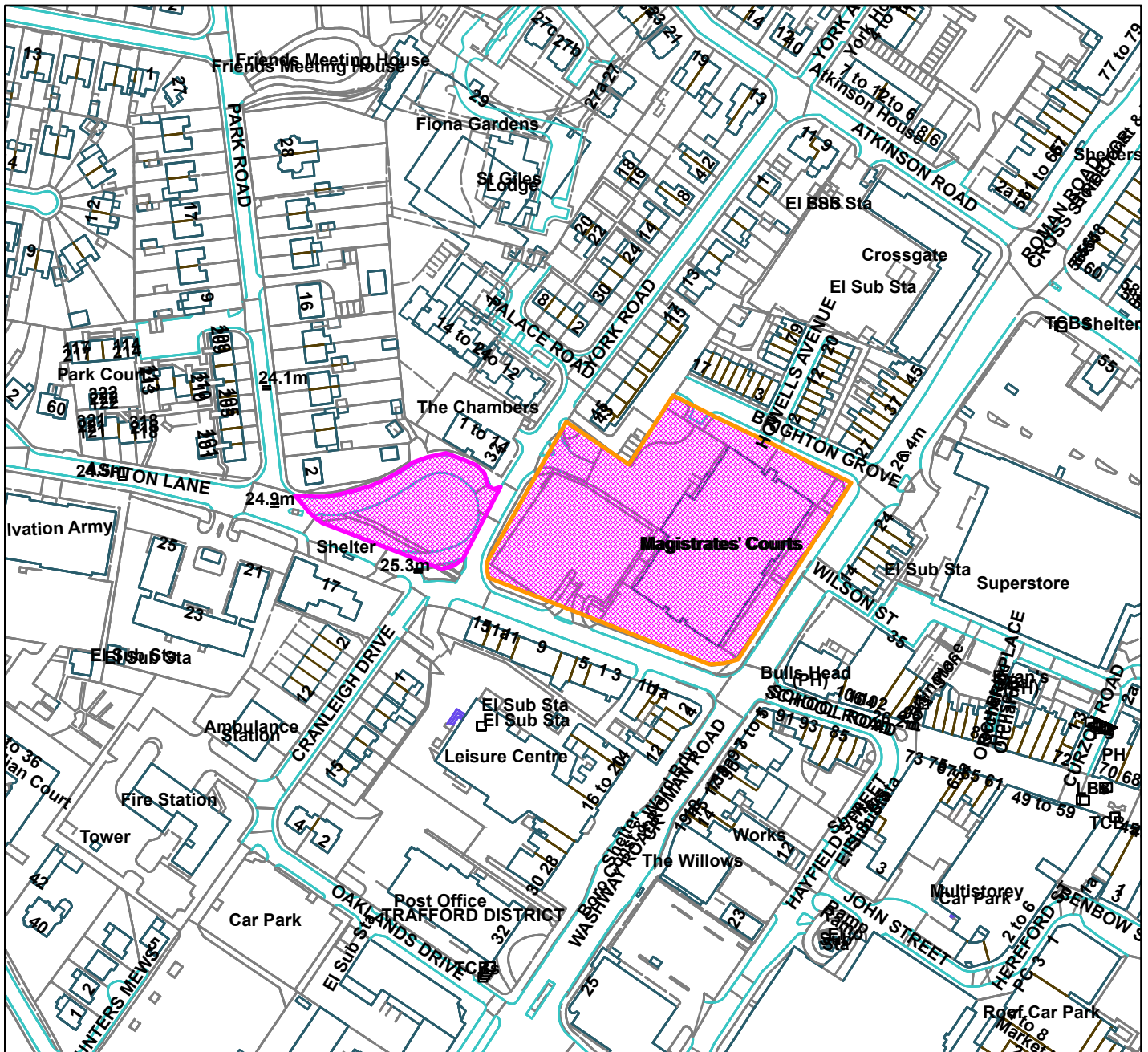
35. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any equivalent Order following the amendment, re-enactment or revocation thereof) upon first installation the window in the first floor on the rear elevation of the dwelling adjacent to No.2 Park Road, as shown on drawing no. S1153-IBI-H2-XX-XX-A-2006 Rev 3 - End Unit To Gyrotory Site, shall be fitted with 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.

RG



Former Magistrates Court, Ashton Lane, Sale (site hatched on plan)



Scale: 1:2,500

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Organisation	Trafford Council
Department	Planning Service
Comments	Committee date 11/03/2021
Date	01/03/2021
MSA Number	100023172 (2012)

WARD: Gorse Hill

102843/FUL/20

DEPARTURE: No

Erection of a 7-storey hotel (use class C1) comprising 147 bedrooms, formation of a new vehicular access onto Barton Road; associated parking and servicing areas; landscaping; provision of a detached sub-station and associated development thereto.

Land At Circle Court, Barton Road, Stretford, M32 9QJ

APPLICANT: Create Developments Ltd

AGENT: Icen Projects

RECOMMENDATION: GRANT

This application is reported to the Planning and Development Management Committee at the discretion of the Head of Planning.

SITE

The application site (circa. 0.65ha) relates to an area of hardstanding immediately to the north side of Circle Court, a high rise apartment block managed by Trafford Housing Trust (16 storeys in height) and which has been used as an overflow parking area associated with Circle Court. The application site is at a marginally lower level than Barton Road to the east side of the site. The slip road to the M60 (Junction 9) is located to the west side of the site, the motorway and slip road are at a higher level to the application site. To the north side of the site is Lostock Circle which is the main gyratory roundabout of Junction 9 linking to Barton Road, Lostock Road and Parkway.

Vehicular access to the Circle Court apartment block and the application site currently is from Moss Vale Crescent to the south side of the site. Existing car-park provision for Circle Court is located along the western boundary, part of which is included within the red edge of the application site and includes a flat roof five car garage block.

To the east side of the site on the opposite side of Barton Road is a petrol station and a terrace of commercial premises collectively referred to as The Circle. To the south side of the site is Moss Vale Crescent which is predominantly residential. The M60 motorway is located to the west side of the site beyond which is residential development within Urmston. A pedestrian pathway extends under the motorway close to the vehicular access to the site leading to Canterbury Road in Urmston.

The Trafford Centre is located to the north-west of the site beyond Lostock Circle and Barton Clough Primary school is located to north-east of the site. A new SEN school has recently been developed within the grounds of Barton Clough School.

The site is unallocated within the Revised UDP Proposals Map, although the Circle Court apartment block is part designated as a neighbourhood shopping centre. The site

is located within a Flood Zone 1 area (lowest risk of flooding); a Critical Drainage Area within Trafford Council's SFRA and is also within an Air Quality Management Area. Longford Brook Culvert extends under the application site in addition to a high pressure oil line. There are no identified designated or non-designated heritage assets in the vicinity of the development site.

PROPOSAL

This application proposes the erection of a 7 storey hotel building with 147 bedrooms (use class C1) and follows the refusal of planning permission in September 2020 for the erection of a 9 storey hotel with 197 bedrooms (Ref:99829/FUL/20). The previous application was refused for the following reasons:-

1. The proposed development, by reason of its siting, scale, height, massing and external appearance would result in an unduly cramped, dominant and obtrusive form of development, which would be out of keeping with the character of the surrounding area. Moreover, the development would result in the loss of trees within the site which it is unable to successfully mitigate with replacement planting because of the development's cramped layout. As such, the proposed development represents poor design, which would have a detrimental impact on the character and visual appearance of the street scene and the surrounding area. It is therefore considered that it would fail to comply with Policy L7 of the Trafford Core Strategy and the National Planning Policy Framework, and the National Design Guide.
2. The proposed scheme represents an unsustainable form of development with limited accessibility to sustainable modes of transport and a reliance on private car journeys. The development would generate an additional demand for car parking which cannot be accommodated on the site in a satisfactory manner, resulting in vehicles being forced to park on the surrounding road network to the detriment of highway safety and residential amenity. The proposal is therefore contrary to Policies L4 and L7 of the Trafford Core Strategy, SPD3: Parking Standards and Design and the National Planning Policy Framework.
3. The proposed vehicular access, with substandard visibility splays, would pose an unacceptable risk to highway safety on a busy road in close proximity to schools, a petrol filling station and residential properties. The proposed development is therefore contrary to Policies L4 and L7 of the Trafford Core Strategy, SPD3: Parking Standards and Design and the National Planning Policy Framework.

The applicant has sought to address the reasons for refusal by amending the scheme, the main changes summarised as follows:-

- Reduction in the height of the building from 9 storeys to 7 storeys (bedroom provision reduced from 197 to 147)

- Footprint of building reduced (previous external ground level footprint has decreased from approximately 1172m² to 931.2m²)
- An increase in parking provision from 127 spaces to 147 spaces (100% parking provision)
- 6 of the 11 existing trees on site to be retained, on previous scheme one tree retained. 13 new trees are proposed to be planted along with other soft landscaping works.
- Hotel building has now been moved away from the eastern boundary of the site with Barton Road which allows unrestricted visibility to the left from the new site access. At the nearest point with Barton Road the previous hotel retained a distance of approximately 2.3m this has now increased to a distance of approximately 10m.
- Substation and generator compound also relocated from the new site entrance to improve visibility splays.
- Applicant has provided an assessment on sustainable forms of transport available to staff and customers within the submitted transport assessment.

The table below shows the main difference between the current and previous proposals.

Table 1: Comparison of current and previous proposal

Features	Previous proposals (99829/FUL/20)	Current proposals (102843/FUL/20)
Storey	9	7
Height	33.5m	25.3m (lift shaft 27m)
Width	22.5	16m (foyer area widens to 19m)
Building Footprint	1172m ²	931.2m ²
Distance to Barton Road (At NE and SE nearest points respectively)	3.7m & 2.3m	5.5m & 10m
Car parking spaces	127	147
Trees retained (from 11 existing)	1	6

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

W1 – Economy

W2 – Town Centres and Retail

L3 – Regeneration and Reducing Inequalities

L4 – Sustainable Transport and Accessibility

L5 – Climate Change

L7 – Design

L8 – Planning Obligations

R2 – Natural Environment

R3 – Green Infrastructure

R6 – Culture and Tourism

PROPOSALS MAP NOTATION

None

PRINCIPAL RELEVANT REVISED UDP POLICIES/PROPOSALS

S11 – Development outside Established Centres.

PLACES FOR EVERYONE (FORMERLY GREATER MANCHESTER SPATIAL FRAMEWORK 2020)

The Greater Manchester Spatial Framework (GMSF) was a joint Development Plan Document being produced by the Greater Manchester districts. The first consultation draft of the GMSF was published on 31st October 2016, and a further period of consultation on the revised draft ended on 18th March 2019. The GMSF is now being progressed by nine GM districts as 'Places for Everyone' (PFE) and, once adopted, will be the overarching development plan for these districts, setting the framework for individual district Local Plans. PFE is not yet at Regulation 19 stage and so will normally be given limited weight as a material consideration. Where it is considered that a different approach should be taken, this will be specifically identified in the response. If PFE / GMSF 2020 is not referenced in the response, 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) in 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 was updated on 1st October 2019. The NPPG will be referred to as appropriate in the report.

NATIONAL DESIGN GUIDE

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

RELEVANT PLANNING HISTORY

100525/FUL/20 – Formation of new car park, bin storage area, landscaping and associated works thereto – Approved 8th September 2020

99829/FUL/20 - Erection of a 9-storey hotel (use class C1) comprising 197 bedrooms, formation of a new vehicular access onto Barton Road; associated parking and servicing areas; landscaping; provision of a detached sub-station and associated development thereto – Refused 10th September 2020.

90557/FUL/17 - Erection of residential development on land adjacent to Circle Court tower block, comprising of 40 no. flats within 2no. five-storey apartment blocks. Formation of a new vehicular access from Barton Road and a highway through the site, demolition of existing garage block. Includes car parking, landscaping and boundary treatments to site – Approved 10th November 2017

88668/FUL/16 – Erection of residential development on land surrounding Circle Court, comprising of 17no. dwellinghouses and 23 no. flats within a part four, part five storey apartment block situated at the northern end of the site. Formation of a new vehicular access from Barton Road and a highway through the site. Car parking landscaping and boundary treatments provided throughout – Application withdrawn 14th October 2016.

APPLICANT'S SUBMISSION

The applicant has submitted the following information in support of the application which will be referred to as necessary within this report:-

- Planning Statement (inc. Town Centre Statement)
- Crime Impact Statement
- Design & Access Statement (incl. Waste Management Strategy)
- Drainage Statement & Preliminary Drainage Strategy
- Flood Risk Assessment
- Lighting Assessment
- Local Economic Benefits & Employment Plan
- Noise Assessment
- Phase 1 Site Investigation Report
- Statement of Community Involvement

- Townscape Visual Impact Appraisal & Tall Buildings Statement
- Wind Microclimate Desktop Review
- Transport Assessment and Travel Plan
- Air Quality Assessment
- Arboricultural Survey and Impact Assessment

CONSULTATIONS

Local Highway Authority (LHA) – No objections and recommend conditions for submission of a full travel plan; construction method statement; access works; upgrade of pelican crossing and cycle and motorcycle parking details. Further comments are discussed in detail in the Observations section of this report.

Trafford Council Pollution & Housing (Air Quality) – No objections, subject to inclusion of a Construction Method Statement condition. Further comments are discussed in detail in the Observations section of this report.

Trafford Council Pollution & Housing (Nuisance) – No objections, subject to inclusion of appropriate conditions with regards glazing & ventilation; servicing/deliveries hours of operation; kitchen extract details; external lighting and a construction method statement. Further comments are discussed in detail in the Observations section of this report.

Trafford Council Pollution & Housing (Contaminated Land) – No objections, subject to a conditions requiring submission of a further investigation and risk assessment in relation to contamination on site with associated remediation strategy and associated verification report. Further comments are discussed in detail in the Observations section of this report.

Trafford Council (Strategic Planning) – No objections, further comments are discussed in detail in the Observations section of this report

Trafford Council (Strategic Growth) – No comments received at time of report preparation

Trafford Council (Waste Management) – No comments to make regarding the proposed development.

Trafford Council Heritage Development Officer – No objections.

Lead Local Flood Authority (LLFA) – No objections in principle subject to submission of further information regarding proposed surface water drainage scheme. An update will be provided on the additional information report.

GM Ecology Unit (GMEU) – No objections, subject to conditions/informatives relating to nesting birds, drainage and landscaping, further comments are discussed in detail in the Observations section of this report.

GM Police (Design For Security) – No objections, recommend a condition to secure physical security specifications within the CIS

GM Fire Authority – No objections, recommend informatives relating to internal site access roads and sprinkler systems.

GM Archaeological Advisory Service (GMAAS) – No objections

Highways England – No objections

Cadent Gas – No objections

Transport for Greater Manchester (TfGM) – No objections, further comments are discussed in detail in the Observations section of this report.

Electricity North West – No comments received at time of report preparation

United Utilities – No objections, recommend conditions relating to surface water drainage and separate drainage systems for foul and surface water. Further comments are discussed in detail in the Observations section of this report.

National Air Traffic Services (NATS) – No objections

Environment Agency – No objections, subject to conditions relating to ground contamination and details of any piling or other means of foundation design using penetrative measures and informatives relating to discharge rates; waste; controlled waters procedures and good practice and requirement for a Flood Risk Activity permit. Further comments are discussed in detail in the Observations section of this report.

Manchester Airport Group (Aerodrome Safeguarding) – No objections, recommend an informative be included relating to cranes.

Manchester Airport Group (Operator) – No comments received at time of report preparation

City Airport – No comments received at time of report preparation

Health & Safety Executive – No objections

Trafford Power Station - No comments received at time of report preparation

REPRESENTATIONS

Neighbours (Objections):- Letters of objection have been received from five individual addresses, citing the following concerns:-

Impact on Residential Amenity

- The site being adjacent to the motorway and will be exposed to pollution
- The building will overlook private housing and an infant/junior school

Design

- The scale of the building is out of keeping in terms of its size in this residential area.
- It will result in a break-up of the skyline of the residential areas of Urmston and Stretford dwarfing the surrounding residential area.

Highways and Parking Issues

- The site is located next to the motorway junction (J9 of the M60) and close to the Trafford Centre with existing traffic congestion.
- There are three schools in the immediate area all of which adds to traffic congestion
- The site is located beside to a very busy road
- New development as the Trafford Centre all add to the traffic congestion in the area.
- All the staff and guests will arrive by car as it is not near to a railway station or airport.
- The ingress and egress of the proposed development is situated on Barton Rd which is congested at peak times due to vehicles accessing the motorway network or Trafford Park.

Other Matters

- The general area of the site has become increasingly commercialised over the years and is overdeveloped
- The existing Circle Court building is an eyesore and was built by Stretford Council, Urmston Local Authority and residents strongly objected and it was still built and is still a sore subject in Urmston.
- Such a tall building could affect mobile phone reception, terrestrial radio and terrestrial television signals
- The site should be used for residential purposes, there is a shortage of housing in Trafford particularly social and affordable housing.
- A hotel would be best located at the Trafford Centre

- The Council should not be passing applications for commercial buildings in residential areas when they are prepared to release green belt land for residential development.

Neighbours (Support):- Four letters of support have been received from residents making the following observations:-

- This is a wonderful idea and design
- Would be a welcome upgrade to the area and create some jobs too
- Extra traffic will not be a problem as visitors will be coming and going randomly, not on mass.
- What is better views of the motorway junction from Circle Court tower block, or a brand new hotel and well-kept grounds
- The land is not being used for any meaningful purposes and will support the local economy.
- The location is perfect and would attract business and tourism
- From the plans it looks very fitting

A petition with 19 signatories has also been submitted in support of the development proposals.

A letter of support has been received from Hampton by Hilton confirming that they have entered into a franchise agreement with Create Developments to operate the hotel and they look forward to extending their presence in Trafford, complementing the close relationship with Lancashire County Cricket Club and the Hilton Garden Inn Manchester Emirates Old Trafford.

OBSERVATIONS

Decision Making

1. S.38(6) of the Planning and Compensation Act 1991 requires applications to be determined in accordance with the development plan unless material considerations indicate otherwise. That remains the starting point for decision making. The NPPF is an important material consideration.
2. 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 February 2019 NPPF, particularly where that policy is not substantially changed from the 2012 version.
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. Although some aspects of relevant development plan policy are out of date, in relation to this particular application, when considering the overall basket of 'most

important' policies the development plan is considered to be up to date for decision making purposes. The tilted balance in Paragraph 11 of the NPPF is not engaged and the application should be determined in accordance with the development plan unless material considerations indicate otherwise.

PRINCIPLE OF DEVELOPMENT

Town Centre Use

5. Policy W2.12 states 'there is 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'. A hotel is considered to be a main town centre use, as defined in the NPPF. The application site is not located within a designated centre.
6. Paragraph 86 of the NPPF, states that a sequential test is required for main town centre uses that are not in an existing centre and which are not in accordance with an up-to-date Local Plan. It goes on to state that '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.'
7. Paragraph 87 of the NPPF advises that when considering edge of centre and out of centre proposals, preference should be given to accessible sites which are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale, so that opportunities to utilise suitable town centre or edge of centre sites are fully explored. For all main town centre uses other than retail purposes, NPPF defines edge of centre as a location within 300 metres of a town centre boundary. It further notes that in determining whether a site falls within the definition of edge of centre, account should be taken of local circumstances.
8. UDP Policy S11 relates to development outside established centres and remains saved in the absence of an adopted Trafford Local Allocations Development Plan Document.
9. Policy W2 of the Core Strategy 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. This 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.
10. Policy W2, paragraph 19.11 sets out the Boroughs hierarchy of centres as follows:-

- Main Town Centre – Altrincham;
- Other Town Centres – Sale, Stretford and Urmston;
- District Centres – Hale, Sale Moor and Timperley; and
- Local Centres, including Partington.

11. The Trafford Centre Rectangle is not a town centre location for the purposes of the NPPF definition or Core Strategy Policy W.2. The Trafford Centre Rectangle is a strategic location (Policy SL4) which aims to bring forward a major mixed use development providing a new residential neighbourhood, together with commercial, leisure and community facilities and improvements to public transport infrastructure.
12. The Council have commissioned Nexus Planning Consultants to carry out an independent assessment with regards the application of the sequential test for the purposes of the application proposal. The following sections of the report will review the applicant's submitted sequential test and the report carried out on behalf of the Council by Nexus concluding with an analysis of the application in respect of the development plan and the NPPF. There is no change in officer's position on this from the previous application.

The Applicants Town Centre Statement & Accessibility Report

13. A sequential test (Town Centre Statement) has been submitted by the applicant in support of this application. The applicant has considered sites in the nearest town centres to the site which includes both Stretford and Urmston. The applicant also considered available sites in out of centre shopping areas which include the Trafford Centre Rectangle; Trafford Retail Park and White City Retail Park. The applicant identifies that as these sites are out of centre as defined by the NPPF and are therefore not afforded any policy protection. They make reference to Policy W2 of the Core Strategy which states that any proposals to expand these out of centre developments should be justified against the tests set out in national guidance. The applicant states that they have included these sites within the assessment as a robust approach ensuring there are no sequentially preferable sites in existing out of centre locations.
14. The application site measures approximately 0.65ha in area and the applicant has considered any existing units, buildings or sites between 0.5ha – 0.75ha in size to demonstrate flexibility. The applicant has also considered Altrincham town centre and Sale town centre as well as around Old Trafford. These sites were ruled out due to distance from the site; existence of hotel operators and suburban commuter areas with no core business users.
15. The applicant considered a total of 12 sites within and on the edge of Stretford Town Centre but have ruled these out as potential sites due mainly to not being available or suitable to accommodate the proposed development. Within Urmston town centre and edge of centre no available sites within the size category specified were identified. The applicant has also considered three sites within Urmston Town

Centre. These sites had been ruled out for a variety reasons including specified retail/office/residential uses identified by the LPA as appropriate for these sites redevelopment and also that existing commercial operators currently occupy the site.

16. During the determination of the previous application (99829/FUL/20) objections had been received by Peel Land & Property and the then owners of the Trafford Centre, Intu Trafford. Intu as part of their representations had provided details of two sites within existing car parks at the Trafford Centre that were being marketed for hotel development. Intu suggested that their two sites by virtue of being located within the Trafford Centre Rectangle should be given priority over sites, such as the application site, that lie beyond the TCR designation. Peel L&P had identified three sites which they considered as more sequentially preferable within the Trafford Centre Rectangle. These included, Trafford Waters an outline application (85282/OUT/15) for a comprehensive redevelopment of land at Manchester Ship Canal and Trafford Boulevard, to include 3000 dwellings; officer; commercial; car home and primary school and hotels (stated as up to an overall total of 300 bedrooms), Land at Containerbase Barton Dock Road and Land at Event City Barton Dock Road. With regards the alternative sites advanced by Intu and Peel, the conclusion reached by officers they did not constitute sequentially preferable locations for a main town centre use. Paragraph 86 of the NPPF is clear that the sequential test should be applied in the following order; town centre, edge of centre and then out-of-centre (only if no suitable sites are available elsewhere). There is no priority given to allocated sites.
17. No representations have been received from either Peel or the Trafford Centre during the course of this current application.
18. The applicant has also provided an Accessibility Report in support of their proposed development which considers the accessibility of the application site with particular focus on accessibility to Stretford and Urmston Town Centres, in comparison with the application site. The Accessibility Report also looks at the accessibility of the application site as well as the other five sites identified by Intu/Peel in the previous application, with regards Stretford and Urmston Town Centres. The application site along with the other out of centre sites have been assessed against the following Key accessibility indicators; walk distances of 2km; cycle distance of 5km; standard of pedestrian routes and facilities in immediate vicinity of the site; standard of cycle routes and connectivity to Urmston Town Centre and Stretford town Centre, based on TfGM's cycle routes/maps; and public transport connectivity to Urmston and Stretford Town Centre and journey times. The report also considers TfGMs Greater Manchester Accessibility Levels (GMAL). The final formula calculates the GM Accessibility Index (GMAL Level 1-8, with 8 being the most accessible level).
19. The conclusions of the Accessibility Report with regards the application site are that it benefits from good levels of accessibility and opportunities to access the site by foot, bicycle and public transport specifically by bus. With regards Stretford and

Urmston Town Centre the accessibility report concludes that the site application benefits from higher levels of accessibility to these two centres when compared to the other sites identified by Intu and Peel in their representations on the previous application.

Nexus Report

20. As part of the determination of the previous application the Council instructed Nexus Planning (the Council's retained retail consultants) to undertake a full independent review of the application of the sequential test in respect of the planning application. The detail within the Nexus report is still relevant with regards the current proposal, however it is important to note that none of the reasons for refusal of the previous scheme related to there being potential sequentially preferable sites for the proposed development. The Nexus report is included within the appendices of the applicants Planning Statement with the main findings and conclusions summarised as follows.
21. The Nexus report on behalf of the Council considers the relevant sections of the NPPF with regards assessment of proposals for main town centre development. In addition the report references guidance on the application of the sequential approach contained within the Town Centres and Retail Planning Practice Guidance published on the 22nd July 2019. The report covers relevant development plan policies with direct relevance to the sequential test, these being UDP Policy S11 and Core Strategy Policy W2.
22. Specific reference is made to the how the application of the test has been applied by the Secretary of State and the Courts (Tesco Ltd v Dundee City Council; Rushden Lakes 'call in' decision and Aldergate v Mansfield DC & Anor) and in particular how the matter of 'flexibility' has been applied and to review how alternative sites which are out of centre have been assessed in applying the test. A summary of relevant case law and appeal decisions (Newport Appeal Decision) is also provided with regards considering out of centre sequential alternative sites and it is within that context that Nexus consider the application of the sequential test.
23. Nexus have considered that close proximity to the M60 motorway is a critical factor in meeting the needs of the market that the hotel would serve. They note that the applicant's submitted catchment area is defined as approximately 4kms to the east and west and 2km to the north and south. This includes areas relatively distant from the M60 which is unlikely to be attractive to an operator seeking to cater for car borne business. Therefore it is considered any sequential alternative site would need to be in close proximity to a nearby motorway junction and also the Trafford Centre, Therme resort and to Old Trafford (Football and Cricket stadium). Nexus have therefore stated that the area of search is appropriately limited to sites that are within a catchment area based on a 3 minute off-peak drive time (Junctions 7, 8, 9 and 10 of the M60). Nexus have provided an isochrones plan (Appendix 1: Nexus Planning Defined Area of Search of the Nexus Report dated August 2020) which factors in

their revised search area and includes four defined centres which are Barton Road Local Centre, Davyhulme Circle Local Centre, Sale Town Centre and Stretford Town Centre. With regards Urmston Town Centre Nexus have discounted it from their assessment as they consider sites within Urmston town centre could not appropriately support a hotel which caters for customers using the M60 motorway.

24. With regards Barton Road and Davyhulme Circle local centres, Nexus have not identified any sites in centre, edge of centre or well-connected sites which are of sufficient scale to merit consideration of sites that would offer opportunity to be considered for the proposed development. Nexus have referenced the derelict Trafford Park Hotel which has had recent a recent proposal to bring it back into a hotel use. It is noted that the site is located within the Village Business Park and Centre, it is a grade II listed building which is unlikely to be able to accommodate a similar scale of development and is also relatively distant from the M60 motorway. The site is located outside the area of search and therefore can also be easily discounted as a potential sequential alternative site.
25. Two sites were identified within the Sale area which were considered worthy of consideration. The former magistrates court site on Washway Road and the Crossford Bridge playing fields. The former magistrates court site is an edge of centre site and is currently brought forward for residential development and is therefore not available. The Crossford Bridge playing fields are out of centre and had been subject to comprehensive redevelopment plans for sports stadium use which have subsequently been withdrawn. However the site is also within Green Belt, a floodplain and wildlife corridor which would make the proposed development unsuitable in planning policy terms.
26. The Nexus report proceeds to undertake an analysis of eleven sites located within Stretford Town Centre. The conclusion reached by Nexus was that *“we believe that the majority of these sites offer no realistic potential whatsoever as they are generally: too small; subject to restrictive constraints; unavailable; or, are the subject of alternative proposals.....we have also given consideration as to whether there are any other sites within, at the edge of, or well connected to Stretford town centre and can confirm that we are unaware of any such sites that require attention.”*
27. With regards the afore mentioned alternative sites suggested by Peel L&P and Intu with respect to the Trafford Centre Rectangle Nexus have stated they have comprehensively reviewed Policy SL4 and *‘cannot see any part of it that acts to circumnavigate the sequential test or confers elevated sequential status to the Trafford Centre (which comprises, in its entirety, an out of centre location). Indeed, to do so would potentially run contrary to national planning policy which makes no reference to allocated sites (whether in, edge or out of centre) having preferential status in applying the sequential test.’* Nexus suggest that they do not consider the policy to be of direct consequence to the application of the sequential test. Further to this it is their view that their consideration of the policy in this manner is consistent with the definition of a ‘Town Centre’ at Annex 2 of the NPPF which indicates that

'Unless they are identified as centres in the development plan, existing out of centre developments, comprising or including main town centre uses, do not constitute town centres.'

28. Nexus have considered all the identified sites within the area of search within or at the edge of centre or potentially well connected in respect of their relationship to a defined centre and it is concluded that none of these sites are both available and suitable to accommodate the proposed development. As such, Nexus consider that the proposal accords with the requirements of the test as detailed by NPPF paragraphs 86 and 87.

Conclusion on Town Centre Use

29. Advice within the NPPF and the NPPG with regards town centre uses, is clear in promoting town centre locations first. In the absence of town centre locations, then town centre uses should be directed to edge of centre sites, and in the absence of such sites then to out of centre locations with preference for accessible sites which are well connected to the town centre. Proposals for town centre uses which are not in an existing centre and not in accordance with an up-to-date development plan are subject to a sequential test as detailed at Paragraphs 86 and 87 of the NPPF. Out-of-centre development, such as the application proposal, is governed by Part W2.12 of Core Strategy Policy W2, which states that outside town 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'*.
30. Officers have considered the applicants Town Centre Statement and supporting statements which details the sites considered as part of their sequential assessment. The two main town centres considered by the applicant relate to Stretford and Urmston. In addition the applicant also considers the out of centre shopping areas of Trafford Centre Rectangle, Trafford Retail Park; and White City Retail Park.
31. Sites within Stretford Town Centre have been dismissed due mainly to not being available or suitable to accommodate the proposed development. No suitable sites within or on the edge of Urmston town centre where identified that could accommodate the size of the proposed development, three sites at Victoria Parade; Urmston Market and Land at Station Road have been dismissed as they are currently occupied. The applicant also considered out of centre sites at Trafford Centre Rectangle; Trafford Retail Park and White City Retail Park. No suitable sites had been identified that were sufficient in size for the applicants proposal.
32. The above sites within Stretford Town Centre area had also been assessed by the Nexus Planning consultant on behalf of the Council who concluded that none of these sites are available or suitable to accommodate the proposed development. Nexus did not consider sites within Urmston Town Centre as they consider it could

not appropriately cater for a hotel which caters substantially for customers using the M60 motorway. It is therefore concluded that there are not suitable or available sites within any of town centre or edge of centre location, following the logic of paragraph 87 out of centre locations can then be considered.

33. Having regard to advice within the NPPG (Paragraph:011 ref:ID2b-011-20190722) the applicant is required to demonstrate flexibility with regards consideration of more centrally located sites and reasons for locating on edge of centre or out of centre with preference given to accessible sites well connected to the town centre; and is there scope for flexibility in the format and or/scale of the proposal.
34. The applicant has included a catchment area of 2km radius to consider alternative sites. With regards the proposal the applicant has considered key criteria when considering a suitable location and catchment area for a nine storey hotel building with 100+ parking spaces and includes consideration of the urban built form, access to major road networks; distance of nearest centres' shopping and leisure facilities natural barriers and presence of existing budget oriented hotels in the locality. The application site comprises a site area of approximately 0.65ha and the applicant has sought to consider any buildings, sites between 0.5ha to 0.75ha. The applicant's assessment of the town centre sites is considered to have shown flexibility when considering alternative sites in terms size, format, car parking provision, the scope for disaggregation and the scale of the proposed building.
35. Paragraph 12 of the NPPG advises that the use of the sequential test should recognise that certain town centre uses have particular market and locational requirements which mean that that they may only be accommodated in specific locations. Paragraph 13 identifies the Governments 'town centre first' policy but recognises that new development on town centre locations can be more expensive and complicated than building elsewhere and that planning authorities need to be realistic and flexible in applying the test.
36. Given the lack of town centre or edge of centre locations, the applicant has had consideration to the requirements of paragraph 87 of the NPPF with regards the preference to be given to out of centre sites which are accessible and well connected to the town centre, Policy W2.12 of the Core Strategy reiterates this guidance as it relies on current Government Guidance with regards town centre uses being proposed out of centre.
37. In order to address the point of accessibility and connectivity, having regard to NPPF paragraph 87, the applicants accessibility report concludes that with regards Stretford and Urmston Town Centre the application site benefits from higher levels of accessibility to these two centres when compared to the other sites identified by Intu and Peel during the determination of the previous application.
38. The Council accept the general conclusions of the accessibility report, but would acknowledge that the Trafford Centre Rectangle sites do have greater access to the

Metrolink with onward connections to Manchester City Centre. The application site is considered to have the lowest travel time to Urmston and Stretford Town Centres when compared to the Trafford Centre Rectangle sites with regards walk and cycle time and bus journeys, although the Trafford Centre benefits from a wider range of bus services. As identified within the Nexus report none of the Trafford Centre Rectangle sites as well as the application site are particularly well connected to centres for the purpose of the sequential test. Nonetheless, the application site does not function worse overall than the alternative sites with regards accessibility to the identified centres of Stretford and Urmston. As such these alternative sites at Trafford Centre Rectangle are not considered to offer sequentially preferable locations for the proposed hotel over the application site.

39. In addition it is a consideration that the Trafford Centre Rectangle (Core Strategy Policy SL4) does not constitute a sequentially preferable location for a main town centre use. Paragraph 86 of the NPPF is clear that the sequential test should be applied in the following order; town centre, edge of centre and then out-of-centre (only if no suitable sites are available elsewhere). There is no priority given to allocated sites and this is a view also reached by Nexus following their review.
40. As detailed above, Core Strategy Policy W2, in dealing with out of centre proposals, also defers to government advice within the NPPF. Concluding on these alternative sites suggested by Intu and Peel the sites are out-of-centre, not sequentially preferable, of no better status in NPPF terms, and the requirement for a hotel under Policy SL4 has in any event already been met. Representations from Intu during the determination of the previous application suggested that as the Holiday Inn express is a 3* hotel that the requirements of SL4 have not therefore been met as it refers to the provision of a 4* (minimum) hotel.
41. On this latter point, even if a hotel had not been delivered as part of the Policy SL4 requirement, the site wouldn't be a 'sequentially preferable location' in NPPF terms, although there may be material considerations under the development plan to apply (if the absence of a hotel could prejudice the delivery of the strategic location, for example). Having considered this last point, the Council are satisfied that the Policy requirement under SL4 has been met with the provision of the Holiday Inn Express on Barton Dock Road which forms an important element of the Trafford Centre Rectangle strategic location and although further hotel development may be possible in the SL4 allocation, when considered on its merits, and if no sequentially preferable sites are available, it is not required by development plan policy.
42. The Council have considered the applicants sequential assessment with regards the alternative sites considered and are satisfied with the conclusions reached. In reaching this conclusion the Council have also had regard to the assessment undertaken by Nexus Planning who reached a similar conclusion. On the basis 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 hotel it is considered that the proposal is compliant with Core Strategy Policy W2,

UDP Policy S11 insofar as they relate to the sequential test and the requirements of the NPPF.

DESIGN, SCALE & LAYOUT

43. 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.*
44. 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 in para 131 to state 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, so long as they fit in with the overall form and layout of their surroundings.
45. The National Design Guide was published by the Government in October 2019 and sets out how well-designed buildings and places rely on a number of key components and the manner in which they are put together. These include layout, form, scale, appearance, landscape, materials and detailing.
46. This states at para 120 that *'Well-designed homes and buildings are functional, accessible and sustainable'* and goes on to state at para 122 that *'Successful buildings also provide attractive, stimulating and positive places for all, whether for activity, interaction, retreat, or simply passing by.'*
47. Policy L7 of the Trafford Core Strategy reflects the importance of design quality to the Borough's built environment and 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.*
48. Policy L7 'Design' is considered to be compliant with the NPPF and therefore up to date for the purposes of determining this application as it comprises the local expression of the NPPF's emphasis on good design and, together with associated SPDs, the Borough's design code.
49. With regard the first reason for refusal on the previous application (99829/FUL/20) the applicant has undertaken a number of changes to the proposed hotel building in order to overcome the previous concerns.

50. The hotel building is still proposed located towards the north-eastern side of the application site. Vehicular access will also be taken from a newly formed access point immediately to the south side of the building with car parking located to the south and west side of the site, again the access and parking areas reflect a similar arrangement from the previous application. The building has been positioned near to the north-east boundary due to the existing culvert and a major pipe line which extends across the site and which therefore limits and dictates the location of the building. Whilst it would be advantageous to have the building located more centrally within the site, the physical restrictions and constraints as indicated severely limit the location of the building to its proposed position. The proposed sub-station has now been located to the north-west side of the building having previously been located adjacent to the new site entrance.
51. The application that was refused was considered to result in a cramped form of development. The applicant has now positioned the building further away from the Barton Road boundary to the east side of the site and also reduced the footprint of the building. The ground floor layout of the building still follows an irregular rectangular configuration similar to the previous scheme. The ground floor footprint has been reduced from approximately 1172m² to 930m² (242m² reduction - this does not include the footprint of the detached sub-station). The building has an overall length of approximately 55m (similar to the previous scheme). At ground floor level the building width is approximately 16m (compared to approximately 22.5m in previous scheme) the building has a similar width of 16m from the 1st floor to the 6th floor (similar to the previous scheme). The main entrance foyer to the building projects forward from the main building by approximately 3m increasing the ground width of the building at this point to approximately 19m. The central core of the building has been staggered to project out by approximately 0.7m on the east elevation and recessed by the same margin on the west elevation.
52. The previous building retained a distance of approximately 2.3m to the Barton Road boundary from the ground floor part of the building at the nearest point (towards the south side of the new building). Towards the north-east side of the building a distance of approximately 3.7m at the nearest point was retained from ground floor level to the Barton Road boundary given the configuration of the site and building footprint.
53. The new building now retains a distance of approximately 10m at the nearest point at the south side of the building nearest Barton Road and approximately 5.5m towards the north-east side at the nearest point. This has significantly improved the space between the new hotel building and Barton Road over and above the previous scheme. This allows for the retention of the four existing trees along this side of the site which had previously been proposed to be removed. It is considered that the reduction in the building footprint and the repositioning of the building away from the eastern site boundary has improved the buildings setting within the site and the streetscene and addresses the reason for refusal.

54. Additional concerns as detailed in the first reason for refusal related to the height scale and massing of the building. The applicant has now proposed a reduction of the building from 9 storeys to 7 storeys in height. The previous building measured approximately 33.5m to the highest point. The overall height of the proposed building has now been reduced to approximately 25.3m (a small section of the building towards the north-east side measures approximately 27m in height which accommodates the lift shaft). The building has also been reduced to four storeys in height on the north facing elevation. The building form still follows a conventional rectangular block but now incorporates the variation in the building heights which helps reduce the scale and mass of the building.
55. Due to the difference in site levels (i.e. Barton Road at marginally higher level than part of the application site ground level) it is proposed to increase ground level within parts of the site by up to approximately 0.5m this relates mainly to the new access road into the site and areas of the new car park layout. The new building is shown as being on a finished ground level raised by between 0.3m – 0.4m from the existing ground level. These changes to site levels are necessary to make the site functional and provide a level access into the site.
56. The applicant has also undertaken a number of changes to the external appearance of the building.
57. The ground floor area to the east elevation will comprise large expanses of glazing to create an active frontage to Barton Road. This elevation will have a projecting element at ground floor level which acts as the main entrance and lobby area to the hotel, a Sedum roof is proposed to this new lobby area. The previous application had included the main hotel entrance on the west facing elevation. A secondary entrance to the hotel building is now located on the west elevation which faces into the site, this elevation no longer has a projecting ground floor lobby area element which was omitted following the reduction in the building footprint.
58. The building design on the main east and west elevation incorporates recessed vertical glazed elements articulated by the brick frame design with a variety of brick bonds and recesses and projections and follows a grid pattern across the building with regimented window layout reflecting the internal layout of the hotel rooms. The applicant is proposing the use of a light grey facing brick and contrasting red brick to help draw out the detail of the elevations along with vertical and horizontal sections of metal panels set adjacent to the glazing in a bronze or contrasting toned (grey) finish. The previous application had proposed a dark grey brick to the building.
59. The applicant has introduced additional glazing on the south elevation from that proposed on the previous scheme along with recessed brick panels in order to provide appropriate detail to this elevation. On the north elevation the applicant is proposing red brick to the upper part of the building (levels 4, 5 & 6) with contrasting brick grey brick to levels 1, 2 & 3. The central core of the building will have glazing with part of the upper three levels also having areas of glazing. The remainder of

the elevation will have recessed brick panelling detail with a small section of the ground floor elevation which projects out approximately 1.3m from the main elevation clad entirely in metal cladding (bronze colour). The roof parapet detail will include metal railings between brick columns.

60. The sub-station building will be a flat roof single storey detached structure which will incorporate a meter room, sub-station, generator and external linen store. The building will feature a sedum roof and will be constructed in the grey facing brick. Door openings to the structure will be metal (bronze colour).
61. The applicant has undertaken a Townscape Visual Impact Appraisal (TVIA) which was submitted as part of the previous application for a nine storey hotel. The applicant has submitted the same TVIA that they had done for the nine storey hotel proposal which assessed a larger development than now proposed. The conclusions drawn from the TVIA are still relevant to the current proposal and are summarised below.
62. The TVIA identifies the application site to be of low sensitivity with regards its existing impact on townscape sensitivity, the trees around the periphery of the site contribute to greening the urban environment. The proposed development is considered to result in a moderate townscape effect on the development site.
63. The TVIA undertook an assessment of near and mid-distance views of the development site (12 viewpoints in total) which are considered to be representative of the range of views that one would experience of the proposed development. These include M60 J9; Barton Road junction with Moss Vale Road; Moss Vale Road; Audley Avenue; Canterbury Road; Lostock Road; Westminster Road; Lostock Park; Audley Avenue; Barton Road; Trafford Centre Car Park and Kingsway Park. This assessment also considered the impact of the development on the skyline. The TVIA found that there were no visual receptors considered to be of a medium or high sensitivity (this includes Conservation Areas or waterfront walkways) or where the view includes features of noted cultural or historic importance. The TVIA found that the quality of views was poor to ordinary influenced by the poor quality public realm, the M60 motorway and existing features in the surrounding urban landscape.
64. The existing Circle Court tower block breaks the skyline from some of the viewpoints which has the resultant effect of reducing the effects of the proposed building on the skyline. It is suggested in the TVIA that the new building would have a moderate effect to visual receptors close to the site. Views from beyond the immediate context are considered to be slight to negligible with the overall impact on the skyline assessed as low which is partly due to the impact of the significantly higher Circle Court tower block.
65. The proposed hotel building has a defined rectangular footprint, with the existing Circle Court having a staggered square layout. Circle Court measures approximately 45m in height which is approximately 20m higher than the proposed building. The

new building will have a greater horizontal form to that of the existing Circle Court building. The TVIA has concluded that the proposed hotel would be proportionate to the scale of the existing Circle Court tower and would make a positive contribution to its setting and that there would not be any significant change to the existing skyline.

Conclusion on Design, Scale & Layout

66. Good quality design is an integral part of sustainable development. The NPPF and PPG including the National Design Guide recognise that design quality matters and that the planning process should be used to drive up standards across all forms of development.
67. It is considered that the amendments undertaken by the applicant have successfully addressed the first reason for refusal. A significant reduction in the height of the building along with the other amendments to the design, siting and massing of the building and its external appearance has resulted in a well-designed building that better reflects and addresses its immediate and wider context. The location of the application site, beside the motorway which is at an elevated level from the application site, helps mitigate the impact of the building within the general streetscene with the further consideration of the size and scale of Circle Court tower block which overwhelmingly dominates the landscape in this location.
68. The plans and supporting visuals prepared for the application demonstrate that the building will fit into its context and has an acceptable appearance in both short and long term views from the surrounding area. It is considered that attempts to break up the scale and mass of the building through articulation, verticality and quality of materials have resulted in an appropriately designed scheme. The design approach and contemporary materials proposed within the development are considered to result in well composed elevations which appear appropriate within the context of the site without harm to visual amenity. The proposal is therefore considered to be in accordance with Policy L7 of the Core Strategy and the NPPF.

RESIDENTIAL AMENITY

69. Para 127 of the NPPF advises that planning decisions should create places that provide a high standard of amenity for existing and future users.
70. Policy L7.3 of the Trafford Core Strategy states that development must not prejudice the amenity of future occupants 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. As previously stated, L7 is considered to be up to date for decision making purposes and full weight can be attached to it.
71. Although the application does not relate to new Residential Development it is considered that the Council's New Residential Development Planning Guidelines

document (PG1) is of some relevance in considering the distances necessary to maintain good standards of residential amenity although it carries only limited weight in relation to the current scheme for a hotel building. The guidance document does not include specific guidelines for tall buildings but it does state 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.

72. The nearest residential properties with regards the new development is the Circle Court tower block. A distance of approximately 55.5m is retained from the north facing elevation of Circle Court to the south facing elevation of the new building. The northern elevation of Circle Court has two clear glazed windows either side of a central stairwell window over each level of accommodation (15 levels above ground floor)
73. The new building is located in a north-easterly direction from Circle Court and therefore it is not located immediately adjacent to the north elevation of the existing circle court building. This siting of the new building on site in addition to the significant intervening distance of approximately 55.5m is considered sufficient to prevent any overbearing or loss of light to the residents within Circle Court. It is also relevant to note that the residential development application (90557/FUL/17 now expired) included one of the two approved residential blocks located closer to the Circle Court building (retaining a distance of approximately 12m – 29m between both buildings given the irregular footprint of the approved residential block) than the proposed new hotel building, this is a legitimate fallback position which should be given weight. The residential block was also positioned adjacent to the north elevation of Circle Court and therefore more directly located with regards the windows on the north elevation of Circle Court, albeit the new residential block was five stories in height.
74. In terms of overlooking the south-east facing elevation of the hotel building has windows from the ground floor level up to the 6th floor level. These windows all serve stairwell No.2 and the central corridor to each floor of the building with no bedroom windows located on this elevation. Whilst the new building will be positioned in a marginally angled configuration relevant to the site boundary; residents at Circle Court would be able to view the west side elevation of the hotel. However it is not considered to result in any undue overlooking given the distance retained between both buildings and the angled positioned of the hotel windows which would be positioned in south-west direction towards the M60. It is therefore considered that given the intervening angled distance of approximately 55.5m between both buildings and the communal stairwell/landing windows positioned on the south-east elevation facing the Circle Court that no undue overlooking or loss of privacy would result with regards the occupants of Circle Court.
75. Residential properties are also located nearby to the south-east of the site above commercial premises at The Circle; Audley Avenue behind the petrol station on

Barton Road and on the opposite side of the M60 on Lostock Road/Canterbury Road. However the proposed development is not considered to result in any adverse impact with regards overlooking or loss of light, given the separation distances. A distance of approximately 80m would be retained from the new building to The Circle; approximately 95m to the nearest property on Audley Avenue (No.96) with the petrol station located in the intervening distance and approximately 140m retained at the nearest point to Lostock Road with the elevated M60 in the intervening distance.

Noise & Air Quality

76. The application is supported by a Noise Impact Assessment (NIA) that assesses the potential impact of noise sources within the vicinity of the site upon the proposed development and in addition, it considers the potential noise impacts of the operation of a hotel on surrounding residential amenity, in accordance with national planning guidelines, relevant British Standards and other guidance documents relevant to the assessment of noise impacts.
77. The required level of sound insulation and mitigation measures has been dictated by the incidental traffic noise levels, particularly from the adjacent M60 motorway. A scheme of minimum glazing configurations has been presented within the NIA and in addition, the areas of the building where alternative means of ventilation will be required (where the sound insulation scheme relies on windows being closed at all times) have been identified. The Councils Pollution & Housing section have considered the proposed development with respect to noise and having regard for the information detailed within the NIA, and recommend a condition be attached to any decision that requires the submission of details of glazing and ventilation strategy that demonstrates compliance with the recommendations contained within the NIA. Noise from a likely suite of fixed plant associated with the hotel has been determined as having no adverse impact onto adjacent existing residential receptors. The potential for adverse impact to guests of the proposed Hotel due to activities from the adjacent Petrol Filling Station has been found to be unlikely.
78. There is a potential for undue disturbance to affect the adjacent residential occupiers, in addition to the guests of the proposed hotel, should servicing and deliveries occur during more noise-sensitive hours. It is therefore considered appropriate to condition the hours of servicing/deliveries at the hotel at appropriate times during the week and weekends to ensure no adverse impact on nearby residents.
79. The applicant has also submitted an Air Quality Assessment (AQA) in support of the proposed development. The AQA has been considered by the Councils Pollution & Housing section. The assessment confirms the hotel use and the absence of staff accommodation as part of the building means that the building itself will not be relevant in relation to annual exposure levels of nitrogen dioxide. The AQA advises that the levels of nitrogen dioxide across the site will be below hourly objective

levels. The Councils Pollution & Housing Section have confirmed that the additional traffic generated as part of this development creates only a negligible impact on local air quality at nearby sensitive receptors. A condition is recommended for details of the extract cooking system as part of the kitchen/restaurant element of the development to be submitted for approval in the event of planning approval being granted in order to ensure no adverse impact from any odours associated with the hotel kitchen. A Construction Environmental Management Plan condition is also recommended, which would include details of how any construction related dust is mitigated to ensure no impact on air quality for nearby residents.

80. The applicant is providing six electricity vehicle charging points as part of the proposed development. TfGM had considered this to be a low level of provision, following which the applicant is now intending to future proof further parking spaces with the infrastructure to provide more charging points for future demand. This has been welcomed by the Councils Pollution section and a condition will be attached requesting details of the proposed EVCPs and details of the passive infrastructure for proposed future charging points.

81. The Pollution and Housing section have considered the proposed development with regards noise and air quality considerations and have raised no objections subject to the inclusion of a number of conditions. These would include a condition to ensure an acceptable noise and vibration insulation scheme is incorporated into the design of the development to ensure an acceptable noise climate within habitable rooms having regards to the appropriate British Standard guidance. Construction related noise is to be dealt with through an appropriate Construction Environmental Management Plan condition along with measures to control dust emissions on local air quality.

82. In conclusion, the proposal is considered not to result in a level of harm to the living conditions of occupiers of neighbouring properties as to warrant a refusal of planning permission. It is considered therefore to be compliant with Core Strategy Policy L7 and the NPPF.

External Lighting

83. The applicant has submitted an external lighting plan that has been considered by the Councils Pollution & Housing section, who have no objections but recommend a condition that prior to development commencing a scheme demonstrating that the exterior lighting into nearby habitable windows is within acceptable margins.

Wind Microclimate

84. A wind microclimate assessment (desktop review) has been submitted as part of the proposed development. The report assesses the effect of the proposed development on the local microclimate throughout the year against guidance for pedestrian comfort and safety. The most widely accepted criteria in the UK is the

Lawson Comfort Criteria, which is also referenced in the British Research Establishment (BRE) in wind speed guidelines. This is a well-established benchmark assessment that is used to assess the suitability of wind conditions in the urban environment based on a number of threshold values of wind speed and frequency defined against a range of pedestrian activities.

85. A number of design features have already been incorporated to help reduce microclimate risks:

- Avoidance of passageway, funnels or street canyons;
- Draught lobby entrances to reduce pressure and effect of wind between internal and external environments;
- Reduction in building height

86. The report highlights potential higher risk zones in relation to:-

- Orientation – the buildings south-west façade is exposed to prevailing winds.
- Downwash – pedestrians using the secondary entrance on the south-west flanking may experience elevated wind speeds.

87. The report identifies that the development is likely to cause a significant building related wind microclimate impact; however the introduction of some mitigation methods are considered to minimise the impact on pedestrian comfort. This includes a draught lobby proposed at the main entrance which will reduce pressure and wind effects between the internal and external environment and reduces heat loss in winter conditions. For those using the secondary entrance on the west elevation they will experience 'downwash' although it is not considered to exceed the Lawson criteria resulting in a tolerable wind environment for those using the secondary entrance. All areas within the vicinity of the and in the site itself which includes building entrances, public realm and footpaths are considered to generally fall within the Lawson Comfort Criteria. Appropriate soft landscaping can be introduced around external seating areas to shield against wind. The report concludes that the building layout and form is considered acceptable and in line with guidelines and site constraints.

88. In conclusion the proposal is considered not to result in material harm to the living conditions of occupiers of neighbouring properties, appropriate conditions can be imposed with relation to noise, odours, air quality and wind microclimate impacts and it is considered therefore to be compliant with Core Strategy Policy and the NPPF.

HIGHWAYS IMPACTS, PARKING AND SERVICING

89. Core Strategy Policy L4 states: That the Council will promote 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, reduce the land-take of development, enable schemes to fit into central urban sites,

promote linked trips and access to development for those without use of a car and to tackle congestion. The setting of maximum parking standards as set out in Policy L4.14 to L4.16 are considered to be broadly consistent with NPPF paragraphs 105-106 in that the policies take account of most of the criteria set out in paragraph 105. Core Strategy Policy L4.14 sets maximum parking standards but, as required by NPPF paragraph 106, sets out a justification for doing so, that is that they are necessary for managing the local road network, or for optimising the density of development in city centre and town centres and other locations that are well served by public transport. It is considered therefore that this part of policy L4 and the parking standards are up to date. .

90. Policy L7.5 states that in relation to accessibility development must: be fully accessible and useable by all sections of the community; provide good connections with the site and to adjoining areas; where relevant ensure that streets and public spaces are designed to provide safe and attractive environments for walkers and cyclists; and provide safe, convenient links to public transport and community facilities.
91. The aim of the policies to deliver sustainable transport is considered to be consistent with the NPPF.
92. Paragraph 103 of the NPPF states 'The planning system should actively manage patterns of growth in support of these objectives. Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions, and improve air quality and public health.'
93. Paragraph 105 of the NPPF relates to the setting of local parking standards for residential and non-residential development, policies should take into account: the accessibility of the development' the type, mix and use of the development; the availability of and opportunities for public transport; local car ownership levels; and the need to ensure an adequate provision of spaces for charging plug-in and ultra-low emission vehicles.
94. Paragraph 106 of the NPPF states that maximum parking standards for residential and non-residential development should only be set where there is a clear and compelling justification that they are necessary for managing the local road network, or for optimising the density of development in city and town centres and other locations that are well served by public transport (in accordance with chapter 11 of this framework). In town centres local authorities should seek to improve the quality of parking so that it is convenient, safe and secure, alongside measures to promote accessibility for pedestrians and cyclists.
95. 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'.

96. Policy L4.7 states that 'The Council will not grant planning permission for new development that is likely to have a significant adverse impact on the safe and efficient operation of the Strategic Road Network, and the Primary and Local Highway Authority Network unless and until appropriate transport infrastructure improvements and/or traffic mitigation measures and the programme for the implementation are secured.'
97. Policy L4.14 to L4.16 sets out the requirement to comply with the adopted maximum car and cycle parking standards as set out in Appendix 3 to the Core Strategy and within adopted SPD3.
98. 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.
99. The applicant has provided a Transport Assessment and Travel plan as part of the application submission.

Access Arrangements

100. The third reason for refusal under planning ref: 99829/FUL/20 related to the substandard visibility splays at the new vehicular access to the site onto Barton Road. The LHA as part of their consideration of the previous scheme raised concerns regarding the visibility splays but accepted the access arrangement on the basis of the then extant planning permission 90557/FUL/17 for residential development which had a vehicular access approved in the same location.
101. The vehicular access to the development will be provided from Barton Road through the introduction of a new priority controlled access. The Transport Assessment states it is proposed to provide a 6m wide carriageway, 6m junction radii and 2m wide footways on both sides of the proposed to access, to tie-in with the existing footways along Barton Road.
102. In order to address the previous reason for refusal the applicant has now moved the hotel building further back into the site along with removing the sub-station building which was located adjacent to the site access, both these amendments have significantly improved visibility to the left of the new access. This allows a 2.4m x 43m visibility splay to be achieved when measured to the nearside channel line, in accordance with guidance contained in the Manual for Streets (MfS) for a 30mph road.
103. The Transport Statement also includes a section detailing an independent Stage 1/2 Road Safety Audit which has not identified any issues in relation to the levels of visibility from the site access. The audit identified some areas around the new

access that would require attention including tracking to ensure car parking spaces nearest the entrance can operate safely; appropriate dropped kerbs and tactile pavement; provision of a yellow box on Barton Road at the site junction; ensuring appropriate street lighting and ensuring no trip hazard at the new dropped kerbs/pavement. These issues would be considered as part of the detail design stage and also for works to the highway as part of any application to the Councils Highway Department.

104. The LHA have confirmed the improvement to the visibility has addressed their previous concerns and would request a condition to have details of the access works submitted including any new soft landscaping proposals are managed to an acceptable level within the visibility envelope. TfGM have no objections to the proposed access but would advise against the use of a non-standard type zebra crossing at this point and would welcome dropped kerb and tactile paving. TfGM had made reference to a tree to the left of the new access and that it should not impede visibility. The applicant has responded to TfGM to advise this is an existing tree and does not sit within the visibility splay.

Traffic Flows

105. Traffic modelling has forecast that the proposed site access along Barton Road will operate well within its practical capacity, in a future assessment year of 2026. With regards the modelling and assessment of the Lostock Circle junction it is demonstrated that the development will not have a material impact on the operation of this junction in terms of increases in queue lengths or delays. The applicants assessment has included a number of large developments in the locality with regards traffic flows generated and include Trafford Waters; BMW Williams Motor dealership on Barton Dock Road; Therme and the Barton Square Extension; Land at Neary Way Trafford Retail Park, retail units; Barton Dock Road drive-thru café/restaurant; Mercury Way drive-thru café/restaurant and Bridgewater Circle Roundabout drive-thru café/restaurant.
106. The LHA and Highways England have raised no objections regarding the proposed development and traffic flows (capacity). TfGM have said that whilst there are some concerns with the accuracy of the modelling they acknowledge that the applicant has over predicted the levels of congestion at the junction and therefore they accept the conclusion that the impact on the junction is very small.

Servicing Arrangements

107. It is proposed to provide a refuse storage area within the ground floor of the hotel building, the access door to which is located along the western side of the building. A dedicated loading area has been provided towards the north-west side of the car park close to the refuse storage area. Swept path analysis has been provided for a 12.0m long rigid delivery vehicle and a large refuse vehicle which is used by the Council can be accommodated (Trafford Vulture). The Councils waste management

section have been consulted on the application and have advised they have no comments to make regarding the proposed development.

TRICS Analysis

108. This application submission has extracted the trip rates from the TA submitted as part of the previous application using the same selection criteria from the TRICS database in relation to Hotels to include: multi modal surveys used only; sites within Britain excluding London; sites located in a 'suburban area', 'edge of town' or 'neighbourhood centre'; selection by number of bedrooms (not including those with less than 125 bedrooms as a sensitivity test); sites with between 90 and 400 units selected; and weekday surveys only. The results of this in relation to vehicle movements related to the development which now proposes 50 less bedrooms than previous was AM peak (08.00 to 09.00) 31 arrivals (previously 43) and 40 departures (previously 55) and PM peak (17.00 to 18.00) was 29 arrivals (previously 37) and 23 departures (Previously 36).
109. The applicants Transport Assessment states that with regards weekend Traffic flows and specifically the difference between the weekday and Saturday traffic flows at Junction 9 of the M60, traffic flow data has been obtained from Highways England. Based on data from October 2019 (Pre-COVID lockdown) the average peak hour for a typical weekday AM is between 08.00am to 09.00am and for PM is 17.00pm to 18.00pm. A Saturday peak hour is 13.15 to 14.15pm. The results indicated that in the weekday AM period the peak hour traffic flow was 3348; the PM traffic flow was 2589 and the Saturday peak was 3092. The Transport Assessment concludes that given the trip rates and background flows are higher on the weekday AM peak than a Saturday, this represents the worst case period for assessing the impact of the development traffic. The LHA and TfGM have no objections with regards trip generation.

Car Parking

110. The second reason for refusal on the previous application related to the shortfall in parking provision within the development site.
111. The car parking standards as detailed within SPD3 state that for this location C1 (hotel) use one car parking space per bedroom, including staff parking provision, is required. It is proposed to employ 40 full-time members of staff for a 147 bedroom hotel; therefore the proposal would generate a requirement for 147 car parking spaces. The development now proposes 147 car parking spaces following the reduction in the number of bedrooms within the hotel, the previous scheme proposed 127 parking spaces for a 197 bedroom hotel.
112. The 147 parking spaces includes six electric vehicle charging point spaces and nine accessible parking spaces in addition there is one light goods vehicle space included in the proposals. The parking provision is therefore in accordance with Trafford

Councils maximum parking standards, the LHA have no objections to the parking provision now proposed. The car park arrangements have also been designed in accordance with typical standards providing a 6m aisle/access widths and 2.4m x 4.8m bays.

113. The existing Circle Court tower block has approximately 60 car parking spaces and five garages. The proposed development of the hotel would result in the loss of approximately 21 of the car parking spaces which serve Circle Court. However to compensate for the loss of these spaces Trafford Housing Trust have obtained planning permission (Ref:100525/FUL/20) to provide residents parking to the south side of the Circle Court tower block which would provide a total of 68 spaces which includes retained and new spaces along with landscaping works and a new bin storage area. To ensure these works are undertaken and completed before the development is operational it is suggested that an appropriate condition is attached to any grant of planning permission to secure the parking provision for the Circle Court residents
114. The accessible parking standards shown in SPD3 Appendix A are minimum requirements (refer to Policy L4 & Appendix 3 of the Trafford Core Strategy). Where it is proposed to provide below 200 car parking spaces, the minimum number of disabled parking spaces required is three bays or 6% of total capacity, whichever is the greater. Based on the proposal to provide 147 car parking spaces, the LHA have no objections to the level of accessible parking provision (9 spaces).

Cycle & Motor Cycle Parking

115. The minimum cycle parking standards as detailed within SPD3 state one cycle parking space per ten guest rooms is required. It is intended to provide 16 cycle parking spaces to the south-east side of the hotel building, the level of cycle parking is acceptable to the LHA. The LHA have requested that an appropriate planning condition is attached requiring details of cycle parking and storage arrangements. Staff showers and lockers are provided as part of the development proposals a measure which will encourage staff to cycle to work.
116. SPD3 states one motorcycle parking space is required per 25 guest rooms, equating to a provision of six spaces. The proposal details six motorcycle parking spaces within the wider car-park layout. The LHA have no objections to this level of provision which meets the Councils parking standards, an appropriate condition to be attached in order to agree the detail of the means of motorcycle parking

Sustainability

117. One of the concerns raised within the second reason for refusal was the limited accessibility to sustainable modes of transport and reliance on private car journeys with lack of parking provided on site. The submitted Transport Assessment includes

a section on the accessibility of the site with regards walking, cycling and public transport.

118. The application site is considered to be in a sustainable location, it is within Greater Manchester Accessibility Level (GMAL) 6, (most accessible level is 8) close to bus routes on Barton Road and Lostock Road and approximately 1km from Humphrey Park Railway Station on the main Manchester to Liverpool line and a similar distance to the new Metrolink Station at Barton Dock Road.
119. Footpaths are located along the Park Way and Barton Dock Road with a pedestrian/cyclist crossing at the Park Way/Barton Rd junction. This provides a direct route from the application site to the Trafford Centre and is approximately 1.2km – 2km in distance. Further pedestrian and cycle access to Urmston town centre is possible via the pedestrian underpass under the M60 and is approximately 1.6km in distance from the site. Stretford Town Centre is accessible by foot and cycle along Barton Road and is approximately 2km in distance. The Transport Assessment identifies nearby cycle paths and traffic free routes that can be easily accessed on bike.
120. With regards public transport the nearest bus stops are located outside the site on Barton Rd, the stops are served by the No. 25 (Trafford Centre to Stockport) and No.256 (Flixton – Manchester) bus services and operate around eight services per hour in either direction. Further bus stops and services are located on Barton Dock Rd. Humphrey Park Railway Station is located approximately 1km walking distance from the application site, this station is on the Liverpool Lime Street to Manchester Oxford Rd line with locations on the line including Flixton, Warrington and Widnes, cycle parking is also provided at the station.
121. The site is also accessible to the new Trafford Centre Metrolink extension now completed, with the nearest Metrolink stop at Event City approximately 1km from the site. Frequency of tram services along the Trafford Park Line are yet to be determined, however Metrolink normally provides services seven days a week on a maximum frequency of every 6 minutes during peak times. The Transport Assessment also includes a map which demonstrates a 60 minute public transport journey from the site. This timeframe allows for the walk to the nearby bus stops and railway station and demonstrates that it is possible to reach most of the Greater Manchester Region as well as Chorley, Huddersfield, Macclesfield and Warrington within an acceptable commute time of one hour.
122. The site is accessible to public transport particularly bus services but also by train. However the opening of the Metrolink extension to the Trafford Centre now provides an additional form of public transport that is easily accessible from the site and provides direct connections to an extensive part of Greater Manchester and to other modes of transport such as the airport and Manchester Piccadilly.

123. TfGM have considered the proposed development and have recommended that the existing Pelican crossing at the Circle Court shops be upgraded to a Puffin crossing along with footway improvements in this location to improve pedestrian accessibility of the proposed development site and the surrounding area. Pelican and Puffin crossings are essentially the same type of crossing except that a Puffin crossing has its sequences controlled by sensors mounted on the lights rather than being controlled by a timer. Puffin crossings detect pedestrians in the waiting area and also whilst they cross the road. The LHA have supported the suggested works which would be funded by the applicant. It is proposed to include an appropriate 'Grampian' style planning condition to ensure these works are undertaken and completed before the development is operational.
124. The applicant has submitted a Framework Travel Plan which sets out the objective to achieve the minimum number of additional single occupancy car traffic movements to and from the development and to address the access needs of the site users (staff and guests) by supporting walking, cycling and public transport. Achieving a high rate of staff using public transport and cycling and walking particularly for local residents employed at the hotel will reduce demand for parking spaces on site for staff. It is considered that the applicant has demonstrated that the site is accessible to public transport and also provides 100% parking provision having regard to Trafford Councils parking standards.
125. Proposed improvements to pedestrian crossing (upgrading from a Pelican crossing to Puffin crossing) and footpaths at The Circle will improve pedestrian connectivity to the site. The inclusion of a package of measures with a Full Travel Plan to reduce reliance on car journeys and more use of public transport and alternative modes of transport such as cycling will help promote reliance on car journeys for both staff and customers.
126. The development is considered not to result in any unacceptable impact on highway safety and that the cumulative impacts on the road network would not be severe. The development is therefore considered to comply with the requirements of Core Strategy Policies L4 and L7 and advice within the NPPF.

TREES & ECOLOGY

127. 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. Paragraph 175 of the NPPF states that *"if significant harm to biodiversity resulting from a development cannot be avoided...adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused"*.

128. As referenced earlier in this report, the first reason for refusal on the previous application identified the loss of trees with a restricted layout that prevented appropriate mitigation planting.
129. The applicant has submitted an Arboricultural Report that details tree coverage within the application site. A total of eleven trees have been identified on site, the previous proposals included the removal of all but one of the trees from site. The applicant now proposes the retention of six of the trees on site and planting 13 new trees mainly along site boundaries. The Council's tree officer has no objection to the removal of the trees five in total, this includes a mature Willow (T71) to the north side of the site which has an unbalanced crown but a neighbouring Willow (T70) is proposed for retention. The tree officer has requested that the appropriate tree protection measures as detailed within the submitted Arboricultural report are complied with and this would be conditioned appropriately. The applicant has provided a planting plan which details the planting proposals for the site and indicates the new trees will comprise a mixture of heavy standard, semi-mature and standard. Landscaping proposals also include ornamental hedgerow and herbaceous and shrub planting throughout. A landscaping condition is proposed to ensure appropriate tree planting proposals along with other soft and hard landscaping works are secured.
130. The applicant has provided details within the submitted Design & Access Statement of their intention to also provide a well-being garden for Circle Court residents. The new garden area would not form part of this current application and would be subject of a separate proposal.
131. Prior to the planning application being submitted the applicant sought advice from the GMEU with regards to the level of ecology assessment required for the site. GMEU confirmed that given the hard surfaced nature of the site and limited ecology considerations. As part of the current application consultation process, GMEU have recommended an informative with regards status of nesting birds with regards tree removal and a robust landscaping to secure new tree planting having regard to biodiversity net gain. GMEU have also stated that there should be no negative impact on the water quality if drainage is discharged directly into the culverted watercourse.
132. It is therefore considered that subject to bio-diversity enhancements secured through conditions requiring native tree and shrub planting, it is considered that the scheme would represent an improvement in the biodiversity of the site and consequently the application is considered compliant with Policy R2 of the NPPF.

FLOOD RISK, DRAINAGE & CONTAMINATION

133. Policy L5 of the Trafford Core Strategy states that *"the Council will seek to control development in areas at risk of flooding, having regard to the vulnerability of the proposed use and the level of risk in the specific location"*. At the national level,

NPPF paragraph 155 has similar aims, seeking to ensure that development in high risk areas of flooding is safe without increasing flood risk elsewhere.

134. The site is located within a Flood Zone 1 area (lowest risk of flooding) and is also within a Critical Drainage Area within Trafford Council's SFRA. A culverted watercourse (Longford Brook/Croft Bank Brook) is located to the north of the site. The proposed surface water drainage strategy would involve discharging to the nearest watercourse which is Longford Brook, infiltration has been ruled out due to the presence of impermeable clay strata within the site.
135. United Utilities have no objections to the proposals and have confirmed that a public sewer crosses this site and they may not allow permit building above them. United Utilities would require an access strip width of six metres, three metres either side of the centre line of the sewer. United Utilities had also recommended a condition in relation to Surface Water scheme based on the submitted Foul & Surface Water Drainage Design and a condition that foul and surface water to be drained on separate system. A condition is also proposed for the submission of a sustainable drainage management and maintenance plan.
136. The LLFA have no objections in principle to the proposed drainage strategy but have requested further information regarding the drainage system prior to making final comments which the applicant is currently providing. An update from the LLFA will be provided on the additional information report before planning committee including relevant drainage conditions as recommended by the LLFA.
137. The Environment Agency have considered the proposal and have no objections subject to inclusion of a number of conditions with regards groundwater and contaminated land which include the submission of an updated investigation and risk assessment with regards ground contamination and associated verification report condition. A condition requiring details of any piling or other foundation designs using penetrative methods to be submitted. Further advice is provided for the applicant relating to discharge rates; waste; controlled waters procedures and good practice and requirement for a Flood Risk Activity permit and would be included as an informative,
138. The applicant has submitted Phase II Geo-Environmental Site Investigation report which has been considered by the Councils Pollution & Housing section. The report confirms the presence of contamination at the site (Asbestos) which would have to be dealt with by a remediation strategy to ensure no impact on controlled waters or ground issues. The Pollution & Housing section have recommended an appropriate condition for further investigation and risk assessment in relation to contamination on site with a remediation strategy condition and an associated condition requiring the submission of a verification report demonstrating completion of works set out in the approved remediation strategy.
139. It is therefore considered that in relation to floor risk, drainage and contamination

the development is acceptable and compliant with Core Strategy Policy L5 and the NPPF.

CRIME & SECURITY

140. Core Strategy policy L7.4 relates to matters of design and security and states that development must be designed in a way that reduces opportunities for crime and that does not have an adverse impact on public safety.
141. GMP Design for Security have stated that they accept the proposed scheme is acceptable in principle but suggest three areas that they recommend are reconsidered. These include definition and enclosure of the site; the Barton Road elevation and Access Controls.
142. With regards enclosure of the site, initial plans submitted to GMP included a pathway link through to the Circle Court tower block site which GMP advised provides legitimacy for offenders to be present. The footpath link has now been removed and it is proposed to have a hedge or similar soft landscaping separating both sites. With regards access controls, this relates mainly to controlling access through the hotel particularly members of the public using the restaurant/bar area being able to access guest rooms. The advice with regards the Barton Road elevation is to improve monitoring of activity from that access and the external seating areas. Other comments include consideration of location of external structures such as bins, storage containers so that they cannot be used as climbing aids. Cycle parking should be inside the building for long stay parking and short stay should be well overlooked by staff.
143. GMP have also recommended a condition to reflect the physical security specifications set out within Chapter four of the CIS. The proposal therefore complies with Policy L7 of the Core Strategy in this regard.

EQUALITY ASSESSMENT

144. Policy L7.5 of the Core Strategy requires that development should be fully accessible and usable by all sections of the community and Paragraph 127 of the NPPF reinforces this requirement by requiring planning decisions to ensure that developments create places that are safe, inclusive and accessible.
145. Under the provisions of the Equality Act 2010, specifically Section 149 Public Sector Equality Duty (PSED), all public bodies are required in exercising their functions to eliminate discrimination, advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and foster good relations. Having due regard for advancing equality involves: removing or minimising disadvantages suffered by people due to their protected characteristics; taking steps to meet the needs of people from protected groups where these are different from the needs of other people; and encouraging people from protected groups to participate in public life or in other activities where their participation is

disproportionately low. The relevant protected characteristics of the PSED include age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex and sexual orientation. The PSED applies to Local Planning Authorities in exercising their decision making duties with regards planning applications

146. The proposed development will include 9 disabled car parking bays, which is the level required having regard to the Councils parking standards (6% of 147 spaces) as detailed. The disabled access parking bays are located close to the secondary main entrance of the hotel.
147. In addition the guest accommodation details three accessible guest room (including for wheelchair users) on each floor from (1st floor – 3rd floor) providing 9 accessible rooms in total. The accessible rooms are located close to the lift lobby over each floor. The main entrance lobby will have a level threshold and all internal circulation doors will have an effective clear width of 850mm ensuring they are usable by disabled guests and staff members. All stairs to the building will have visually contrasted nosing on the riser and going of each tread and will have tactile indicators at the top of each flight the stairs is not within a core. Lighting and finishes on the stairs will be non-reflective to assist people with visual impairments.
148. It is considered therefore that the development will provide satisfactory provision for protected groups in accordance with Policy L7.5 and the NPPF.

DEVELOPER CONTRIBUTIONS

149. This proposal is subject to the Community Infrastructure Levy (CIL) and comes under the category of 'hotel' development, consequently the development will be liable to a CIL charge rate of £10 per square metre in line with Trafford's CIL charging schedule and revised SPD1: Planning Obligations (2014).
150. The proposal development requires the upgrade of the pedestrian crossing at The Circle and improvements to the footpaths. It is proposed to include a Grampian condition to ensure the highway works are undertaken and completed before the development is occupied. The applicant would be required to enter a Section 278 (of the Highway Act) with the Local Highway Authority to secure these works.
151. In accordance with Policy L8 of the Trafford Core Strategy and revised SPD1: Planning Obligations (2014) it is necessary to provide an element of specific green infrastructure. In order to secure this, a landscaping condition will be attached to make specific reference to the need to provide tree, hedge and shrub planting and green roof areas which have been indicated as forming part of the proposed works on some sections of the new building and sub-station.

PLANNING BALANCE AND CONCLUSION

152. 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.

153. 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.
154. 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 in some cases elements of the development plan are out of date. When considering the 'most important' policies relevant to this application the development plan is considered to be up to date for decision making purposes and the application should be determined in accordance with the development plan unless material considerations indicate otherwise.
155. The site is located 'out of centre' and the applicant has undertaken the necessary sequential assessment as required by the NPPF paragraph 86, Core Strategy Policy W2.12 reflects this national policy aim. The conclusion reached is that there are no sequentially preferable sites within centre(s) suitable for the applicant's requirements (neither in Stretford Town Centre or Urmston Town Centre). The applicant has also considered other 'edge of centres' and 'out of centre' sites none of which have been found to be any more accessible and well connected to the town centres than that of the application site for the purposes of the sequential test as detailed at paragraph 87 of the NPPF. It is considered that the principle of a hotel use in this location is acceptable and there is no sequentially preferable location for this development even taking into account the appropriate degree of flexibility required in relation to format and scale.
156. Following the refusal of the previous scheme under planning ref. 99829/FUL/20, the applicant has sought to address the three reasons for refusal in relation to 1.(size, appearance, siting, loss of trees); 2.(accessibility of sustainable modes of transport, shortfall in parking) and 3.(visibility splays) as detailed earlier in this report. It is considered that the amendments made to the development have successfully addressed all three reason reasons for refusal.
157. The proposal is considered to bring forward a number of other benefits. The site is located within a sustainable location and can be accessed by car, public transport, pedestrians and cyclists. Economic benefits from the development include job creation and further investment in this part of the Borough, close to the Strategic Location of the Trafford Centre Rectangle. The development would result in a well-designed building which would contribute to the quality of the built environment and that the site is capable of accommodating a building of the scale and massing proposed.
158. Various reports have been submitted which demonstrate that when considered against the current situation the impacts on residential amenity would be acceptable.

159. The highways impacts of the development have been assessed and subject to various conditions including the provision/upgrade of the existing pedestrian crossing at The Circle, is considered to be acceptable.
160. Subject to appropriate conditions the development is also considered to have an acceptable impact on a number of other matters considered in the foregoing report including ecology, contamination and drainage.
161. The proposed development would provide a high quality hotel development, in a location close to a number of popular visitor attractions in the Borough. It is considered that the impacts of the development, subject to appropriate mitigation through conditions would be acceptable. The proposed development would be in compliance with the development plan and relevant policy in the NPPF. It is therefore concluded that the application should be approved subject to appropriate conditions.

RECOMMENDATION:

GRANT 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 plans:-
 - Drawing No:11159-AEW-XX-XX-DR-A-0501 Rev. P4 – Proposed Location Plan
 - Drawing No:11159-AEW-XX-XX-DR-A-0503 Rev.12 – Proposed Site Plan
 - Drawing No:11159-AEW-XX-XX-DR-A-0510 Rev.P7 – Ground Floor Plan
 - Drawing No:11159-AEW-XX-XX-DR-A-0511 Rev.P5 – First Floor Plan
 - Drawing No:11159-AEW-XX-XX-DR-A-0512 Rev.P4 – Second & Third Floor Plan
 - Drawing No:11159-AEW-XX-XX-DR-A-0513 Rev.P4 – Fourth to Sixth Floor Plan
 - Drawing No:11159-AEW-XX-XX-DR-A-0514 Rev.P4 – Roof Plan
 - Drawing No:11159-AEW-XX-XX-DR-A-0520 Rev.P6 – North Facing Elevation
 - Drawing No:11159-AEW-XX-XX-DR-A-0521 Rev.P6 – East Facing Elevation
 - Drawing No:11159-AEW-XX-XX-DR-A-0522 Rev.P6 – South Facing Elevation
 - Drawing No:11159-AEW-XX-XX-DR-A-0523 Rev.P6 – West Facing Elevation
 - Drawing No:11159-AEW-XX-XX-DR-A-0525 Rev.P4 – External Enclosure Elevation
 - Drawing No:11159-AEW-XX-XX-DR-A-0530 Rev.P2 – Section AA

- Drawing No:11159-AEW-XX-XX-DR-A-0531 Rev.P2 – Section BB
- Drawing No:11159-AEW-XX-XX-DR-A-0532 Rev.P5 – Section CC
- Drawing No:11159-AEW-XX-XX-DR-A-0533 Rev.P2 – Section DD
- Drawing No:11159-AEW-XX-XX-DR-A-0534 Rev.P3 – Existing & Proposed Site Sections Sheet (1)
- Drawing No:11159-AEW-XX-XX-DR-A-0535 Rev.P1 – Existing & Proposed Site Sections Sheet (2)
- Drawing No:201 Rev.B Planting Plan
- Drawing No: 19916-XX-GF-DR-E-67-701 – Electrical Services External Lighting
- Drawing No: ARB/4068/Y/200 Rev.F – Arboricultural Layout
- Drawing No: TPP/4068/Y/300 Rev.B – Tree Protection & Retention

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

3. Notwithstanding any description of materials in the application, no above-ground construction works shall take place until samples and full specifications of all materials to be used externally on all part of the building hereby approved have been submitted to and approved in writing by the Local Planning Authority. The specifications shall include the type, colour and texture of the materials. The samples shall include constructed panels of all proposed brickwork illustrating the type of joint, the type of bonding and the colour of the mortar to be used, with these panels available on site for inspection, and retained for the duration of the build. Development shall be carried out in accordance with the approved details.

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

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

Reason: In the interests of visual amenity, having regard to Core Strategy Policy L7 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 (as indicated on Drawing No: TPP/4068/Y/300 Rev.B and as detailed within ACS Consulting Arboricultural Report November 2020) have been enclosed with temporary protective fencing in accordance with BS:5837:2012 'Trees in relation to design, demolition and construction. Recommendations'. The fencing shall be retained throughout the period of construction and no activity prohibited by BS:5837:2012 shall take place within such protective fencing during the construction period.

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

6. 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 green roofs, banks, terraces or other earthworks, hard surfaced areas and materials, planting plans, specifications and schedules (including planting size, species and numbers/densities), details of the raft system in relation to the trees to include area the system will cover and soil to be used 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 shall be replaced within the next planting season by trees or shrubs of similar size and species to those originally required to be planted.

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

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

Reason: To ensure that the site is satisfactorily landscaped having regard to its location, the nature of the proposed development and having regard to Policies L7,

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

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

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

9. The development hereby approved shall not be occupied unless and until full details of secure cycle and motorcycle parking have first been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented before the development is brought into use and shall be retained at all times thereafter.

Reason: To ensure that satisfactory cycle parking provision is made in the interests of promoting sustainable development and in the interest to visual amenity, having regard to Policies L4 and L7 of the Trafford Core Strategy, the Council's adopted Supplementary Planning Document 3: Parking Standards and Design, and the National Planning Policy Framework.

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

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

11. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the demolition/construction period. The Statement shall provide for:

- i. the parking of vehicles of site operatives and visitors
- ii. loading and unloading of plant and materials including times of access/egress
- iii. storage of plant and materials used in constructing the development

- iv. the erection and maintenance of security hoardings including decorative displays and information for members of the public, including contact details of the site manager
- v. wheel washing facilities, including measures for keeping the highway clean
- vi. measures to control the emission of dust and dirt during demolition and construction
- vii. a scheme for recycling/disposing of waste resulting from demolition and construction works
- viii. proposed days and hours of demolition and construction activity (in accordance with Trafford Councils recommended hours of operation for construction works)
- ix. measures to prevent disturbance to adjacent dwellings from noise and vibration, including any piling activity including details as to how this will be monitored
- x. information on how asbestos material is to be identified and treated or disposed of in a manner that would not cause undue risk to adjacent receptors.
- xi. procedures for dealing with any complaints

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 L4 and 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.

12. No occupation of any part of the development shall take place until a full external lighting scheme and a Lighting Impact Assessment has been submitted to and approved in writing by the Local Planning Authority in respect of exterior lighting installations in order to demonstrate compliance with the Obtrusive Light Limitations of The Institution of Lighting Professionals Guidance Notes for the Reduction of Obtrusive Light GN01:2011, including details of any necessary mitigation measures. Any mitigation measures shall be implemented in full before the development hereby permitted is first occupied and shall be retained thereafter.

Reason: In the interests of residential amenity and safety having regard to Policy L7 of the Trafford Council and the National Planning Policy Framework.

13. Servicing, deliveries and refuse/recycling collections to the development hereby approved must only take place between 0700 hours and 2100 hours Mondays to Saturdays and between 0900 hours and 1900 hours on Sundays and bank holidays.

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

14. Notwithstanding the details shown on the approved plans, prior to first occupation of the development hereby permitted, a scheme showing details of the means of extraction and filtration of cooking odours including details of the finish of any external flue(s), manufacturer's operating instructions and a programme of

equipment servicing/maintenance shall be submitted to and approved in writing by the Local Planning Authority. The duly approved scheme shall be implemented in full before the use hereby permitted first takes place and shall remain operational thereafter.

Reason: In order to ensure the efficient dispersal of cooking odours from the premises in the interests of the amenity of neighbouring occupiers and to ensure that any ventilation flues/ducting can be accommodated without detriment to appearance of the building and the surrounding area having regard to Policies L5 and L7 of the Trafford Core Strategy and the National Planning Policy Framework.

15. No above-ground construction works shall take place unless and until, details of the glazing and ventilation strategy have been submitted to and approved in writing by the Local Planning Authority. The submitted details shall demonstrate compliance with the recommendations of the Noise Impact Assessment (Ref:19.057.1.R5: 24.11.2020) and the provision of adequate means of ventilation to guest rooms. Development shall be carried out in accordance with the approved details and thereafter retained.

Reason: In the interests of the amenity having regard to Trafford Core Strategy Policies:L5.13 and L7.3 and advice within the NPPF. The condition requires the submission of information prior to the commencement of development because the approved details will need to be incorporated into the development at design stage.

16. Other than demolition of buildings and structures down to ground level and site clearance works, no development shall take place until an investigation and risk assessment in relation to contamination on site (in addition to any assessment provided with the planning application) has been submitted to and approved in writing by Local Planning Authority. The assessment shall investigate the nature and extent of any contamination across the site (whether or not it originates on the site). The assessment shall be undertaken by competent persons and a written report of the findings submitted to and approved in writing by the Local Planning Authority before any development takes place. The submitted report shall include:

- i) a survey of the extent, scale and nature of contamination;
- ii) an assessment of the potential risks to human health, property (existing or proposed) including buildings, crops, livestock, pets, woodland, service lines and pipes, adjoining land, ground waters and surface waters, ecological systems, archaeological sites and ancient monuments;
- iii) where unacceptable risks are identified, an appraisal of remedial options and proposal of the preferred option(s) to form a remediation strategy for that phase of the development;
- iv) a remediation strategy for that phase of the development giving full details of the remediation measures required and how they are to be undertaken; and
- v) a verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy are complete and

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

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

Reason: To prevent pollution of the water environment and to ensure the safe development of the site in the interests of the amenity of future occupiers in accordance with Policies L5 and L7 of the Trafford Core Strategy and the National Planning Policy Framework. It is necessary for this information to be submitted and agreed prior to commencement given the need to undertake appropriate mitigation prior to the start of the construction works.

17. Other than the demolition of buildings and structures down to ground level, and site clearance works, including tree felling, no development shall take place until a remediation strategy for contamination identified across the site has been provided in writing to the Local Planning Authority. The remediation strategy shall give full details of the remediation measures required and how they are to be undertaken and include a verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. The development shall thereafter be carried out in full accordance with the approved remediation strategy before the first occupation of the development hereby approved.

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

18. The development hereby permitted shall not be occupied until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation has been submitted to and approved in writing by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan, where required (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

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

Planning Policy Framework. The assessment is required prior to development taking place on site to mitigate risks to site operatives.

19. No piling or any other foundation designs using penetrative methods shall take place unless and until a scheme which demonstrates that there will be no resultant unacceptable risk to groundwater in relation to that phase has first been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved scheme.

Reason: For the future protection of the water environment from risks arising from land contamination, having regard to Policies L5 and L7 of the Trafford Core Strategy and the National Planning Policy Framework.

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

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

21. The development hereby approved shall be designed and constructed in accordance with the recommendations contained within section 4 of the submitted Crime Impact Statement (Ref:2016/0414/CIS/02 Version A:10.01.202).

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

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

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

23. No part of the development hereby approved shall be brought into use until the off-site highway improvement works to upgrade the pedestrian crossing and associated improvements to footpaths at The Circle, Barton Road have been completed in their entirety in accordance with a detailed design scheme which shall first have been submitted to and approved in writing by the Local Planning Authority.

Reason: To improve pedestrian connectivity in the locality in the interests of sustainability and highway safety, having regard to Policy L4 and L7 of the Trafford Core Strategy and the National Planning Policy Framework.

24. No part of the development hereby approved shall be brought into use unless and until the car parking provision for the residents of Circle Court has been completed in accordance with the details as approved under Planning Ref:100525/FUL/20 and thereafter retained.

Reason: To ensure that satisfactory car parking provision is made at Circle Court apartments to compensate for loss of spaces as part of the approved hotel development in the interest of highway safety having regard to Policies L4 and L7 of the Trafford Core Strategy and the National Planning Policy Framework.

25. No development shall take place until details of the new vehicular access to Barton Road including maintenance of the visibility splays have been submitted and approved by the Local Planning Authority. Development shall be carried out in accordance with the approved details and thereafter retained.

Reason: In the interests of highway safety, residential amenity and the character and visual appearance of the area, having regard to policies L4 and L7 of the Trafford Core Strategy and the National Planning Policy Framework.

26. Prior to the development being brought into use, a Service Management Plan, which shall include a waste management strategy shall be submitted to and approved in writing by the Local Planning Authority. The submitted plan shall include a strategy for the appropriate management of deliveries and waste removal. The servicing provision shall be provided before the development is first brought into use and deliveries shall thereafter take place in accordance with the approved plan.

Reason: To ensure that the site is properly and safely serviced in the interests of highway safety, having regard to Policy L4 and Policy L7 of the Trafford Core Strategy and the National Planning Policy Framework.

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

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

28. No installation of any externally mounted plant and equipment shall take place until details (including the location, design, method of support, materials and finishes) have been submitted to and approved in writing by the Local Planning Authority.

Such plant and other equipment shall not be installed other than 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.

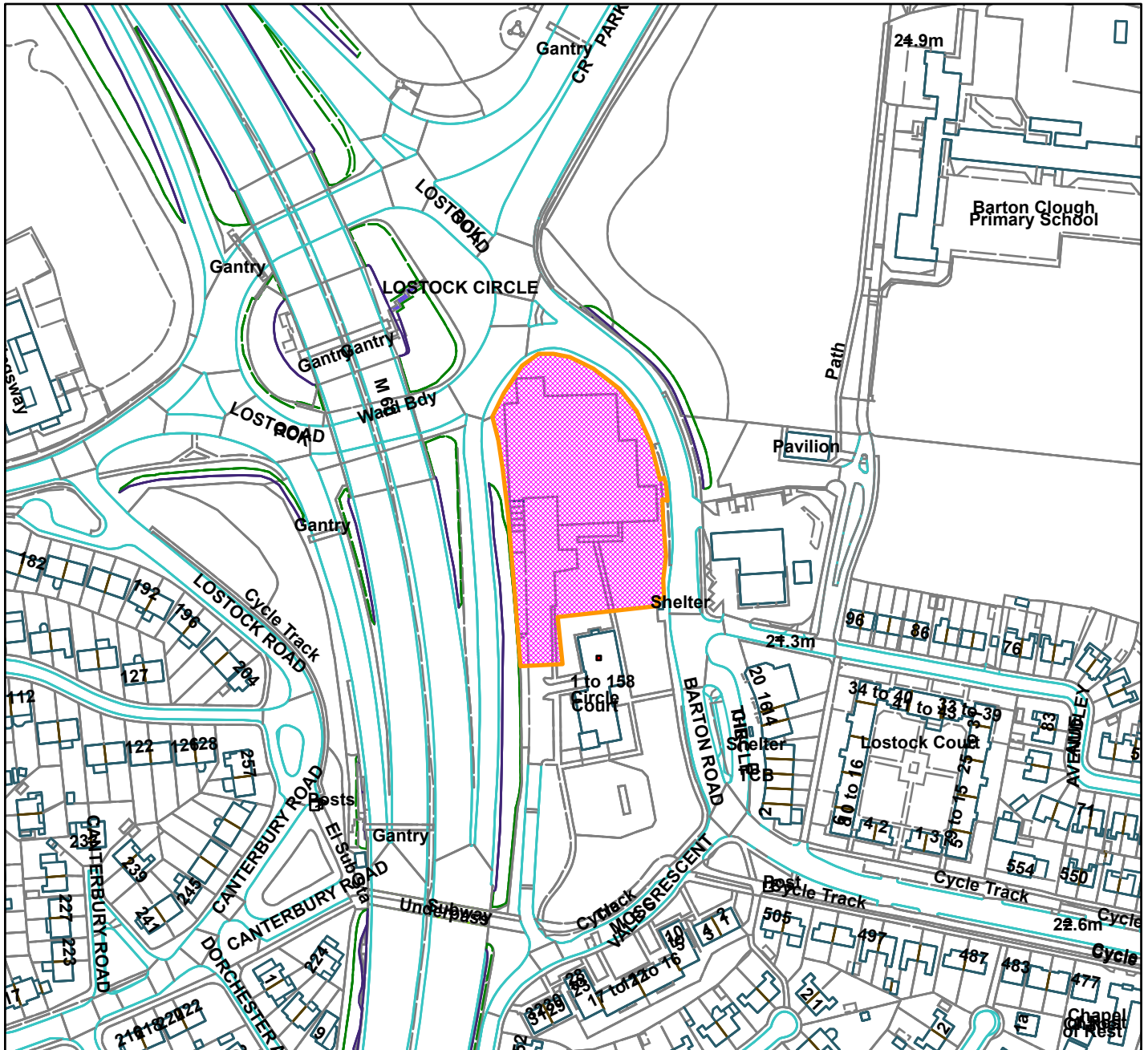
29.No part of the development hereby approved shall be brought into use until a scheme detailing the provision of low emission vehicle charging points and other passive infrastructure for future use has been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details and thereafter retained.

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

CM



Land at Circle Court, Barton Road, Stretford (site hatched on plan)



Scale: 1:2,500

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Organisation	Trafford Council
Department	Planning Service
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