

WARD: Urmston

109337/FUL/22

DEPARTURE: No

Demolition of existing industrial warehouse and erection of 5 new dwellings with associated bike and bin storage

160 Higher Road, Urmston, Manchester, M41 9BH

APPLICANT: Mr Henshaw

AGENT: Progress in Practice

RECOMMENDATION: REFUSE

The application is reported to the Planning and Development Management Committee as it has been called in by Councillor Kevin Procter

Executive Summary

The application relates to the development of land at 160 Higher Road, Urmston. The application site is currently occupied by a single storey industrial warehouse; the unit is currently vacant. The building is surrounded by forecourt parking to the front and a large storage yard to the rear. The immediate surrounding area is predominantly residential, comprising of two storey semi-detached and terraced dwellings.

Planning permission is sought for the erection of 5 no. 3 storey terraced dwellings following demolition of the existing building. 1 no. off-street parking space is proposed to the front of each property. The proposed dwellings are to be constructed of a mix of white and buff brick with a metal steel standing seam roof.

The application has received letters of objection from neighbouring addresses. The main concerns relate to overlooking, security and matters of detail regarding boundary treatments.

The proposed dwellings would fail to meet adopted guidelines in relation to distances to rear boundaries and window to window distances with neighbouring properties. As such there would be undue overlooking and loss of privacy in relation to neighbouring properties.

In terms of visual amenity, the elevational design, roof form, height, scale, massing and materiality of the proposed buildings is considered to be at odds with the character of the area and would appear visually incongruous. The proposed development would also result in a site frontage dominated by a large amount of hard surfacing and parked cars with a lack of provision for soft landscaping and tree planting. It is therefore considered that the proposed development would have a detrimental impact on the character and visual appearance of the street scene and the surrounding area, contrary to Policy L7 of the Core Strategy and guidance in the NPPF.

The application also fails to demonstrate that a suitable surface water drainage scheme would be provided. The proposed development would therefore be contrary to Policy L5 of the Trafford Core Strategy and guidance in the National Planning Policy Framework in this respect.

As the Council does not currently have an immediately available five year supply of housing land, the “tilted balance” in NPPF paragraph 11 d) ii) would apply. It is recognised that the proposal would create 5 no. new family dwellings in a sustainable, brownfield location and would therefore make a modest contribution towards the Council’s housing provision. The development would also generate a small amount of economic benefit during construction work. In addition, it is recognised that the development would provide environmental benefits through the provision of energy efficient homes.

In weighing the planning balance, it is considered that the adverse impacts of the development as set out above would significantly and demonstrably outweigh the benefits of granting permission, when assessed against the policies in the NPPF taken as a whole. It is therefore recommended that planning permission is refused.

SITE

The application site currently comprises a white, rendered, single storey vacant industrial warehouse. The building occupies the front portion of the site with associated storage yard to the rear and forecourt parking between the building and the road to the front. The building has a shallow pitched roof with blue roller shutter doors.

The immediate surrounding area is predominantly residential with houses immediately adjacent to the site to the rear and both sides, comprising a mix of terraces and semi-detached properties. Immediately opposite the site on the opposite side of Higher Road is a single storey warehouse with flat roof. A recreation ground with play area sits to the north west of the site on the opposite side of Higher Road.

PROPOSAL

Permission is sought for the demolition of the existing industrial warehouse building and the subsequent erection of 5 no. terraced dwellings with associated parking, bike and bin storage.

The proposed dwellings would be two storeys in height with additional accommodation provided in the roofspace, served by rooflights to the front elevation and a large dormer spanning the full width of the terraces to the rear. The dwellings would have an asymmetrical, gabled roof form with the front facing roof pitch significantly steeper than the rear facing roof pitch.

Balconies are proposed to the front of the properties at first floor, projecting over ground floor porches.

One off-street parking space is to be provided to the front of each new property. Each dwelling would have a private garden to the rear. Access to the gardens and bin storage to the rear of the properties is provided from a shared access at the western edge of the site, adjacent to the end property.

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
W1 – Economy

For the purpose of the determination of this planning application, Policy L2 is considered to be partly out of date and Policy L1 is considered out of date in NPPF Paragraph 11 terms. This is addressed in more detail in the Principle section of this report. Policies L4, L7 and L8 are considered 'up to date' in NPPF Paragraph 11 terms.

PROPOSALS MAP NOTATION

None

PRINCIPAL RELEVANT REVISED UDP POLICIES/PROPOSALS

None

PLACES FOR EVERYONE

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

NATIONAL PLANNING POLICY FRAMEWORK (NPPF)

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

NATIONAL PLANNING PRACTICE GUIDANCE (NPPG)

DLUHC published the National Planning Practice Guidance on 6 March 2014, and was last updated on 25th August 2022. The NPPG will be referred to as appropriate in the report.

RELEVANT PLANNING HISTORY

103500/OUT/21 – Outline planning application for the demolition of the existing industrial warehouse and the erection of 5 new dwellings with associated bike and bin store. Consent is sought for access, landscaping, scale and layout with appearance reserved.

Application withdrawn 1 March 2022

H/38798 – Change of use from building contractors to storage and wholesale distribution of roofing materials

Approved with conditions 8 June 1994

APPLICANT'S SUBMISSION

The application is accompanied by the following supporting documents:

- Design and Access Statement

CONSULTATIONS

Strategic Planning and Growth – Comments are incorporated into the main body of the report. In summary, the proposed development results in the loss of employment land

and the applicant has failed to satisfy requirements of Policy W1.12. The applicant has not sufficiently demonstrated that there is no need for the site to be retained as employment or that there are no alternative sites. Additional information is therefore requested from the applicant.

Notwithstanding the above, it is noted that the application is considered brownfield land within a sustainable location and that the provision of 5 no. 3 bed dwellings would contribute towards the housing need within Trafford.

Local Highway Authority – No objections in principle on highway grounds to the proposals, subject to further comments as set out within the main body of the report.

Lead Local Flood Authority – The applicant has failed to demonstrate a suitable surface water drainage scheme. As such refusal is recommended by the LLFA.

United Utilities – The drainage plans are not acceptable to UU due to a lack of robust evidence that the drainage hierarchy has been thoroughly investigated and the proposals are not in line with the Non-Statutory Technical Standards for Sustainable Drainage Systems. Should planning permission be granted, a condition is required to be attached with regard to the submission of details of a sustainable surface water and foul water drainage scheme.

Greater Manchester Ecology Unit – No specific comments to make on this application.

Greater Manchester Police – Make the following recommendations:

- The proposed development should be designed and constructed to be Secured by Design standards including laminated glazing; security-certified windows and doors. Developments that are built to this standard are less likely to be susceptible to crime;
- All garden boundary treatments adjacent to publicly accessible land in particular the rear boundary should be 2100mm;
- A pedestrian access gate should be installed that leads to the rear of the properties so that access is restricted to the site to only that of the residents;
- Dusk til Dawn lighting should be installed on all external doors;
- Any external bin store should be a secure, lockable and fire resistant enclosure;
- It is recommended that the pedestrian route to the rear is well illuminated to provide a deterrent to would be criminals; this would also improve surveillance of the area;

In summary the application is supported subject to further consideration of the above matters.

Pollution and Licensing (Contaminated Land) – The site has potentially been contaminated by former commercial uses including a garage and warehousing and will require investigation to ensure that the site is suitable for future users. To ensure that the correct level of site investigation is undertaken to inform a remediation strategy (if required) standard conditions are recommended relating to investigation and risk assessment and verification report.

Pollution and Licensing (Nuisance) – No objection subject to recommended conditions as set out within the main body of this report.

Cadent Gas – No objection

REPRESENTATIONS

Letters of objection have been received from 3 neighbouring addresses. The main points raised are summarised below:

- Overlooking;
- Security concerns in particular relating to the access gate and access to the alleyway to the rear of neighbouring properties;
- Seek confirmation regarding proposed boundary treatments;
- Difficulties accessing application documents online;

OBSERVATIONS

PRINCIPLE OF DEVELOPMENT

1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF at Paragraphs 2 and 47 reinforces this requirement and at Paragraph 12 states that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making, and that where a planning application conflicts with an up-to-date development plan, permission should not normally be granted.
2. The Council's Core Strategy was adopted in January 2012, prior to the publication of the 2012 NPPF, but drafted to be in compliance with it. It remains broadly compliant with much of the policy in the 2021 NPPF, particularly where that policy is not substantially changed from the 2012 version.
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. The NPPF, at paragraph 11, introduces 'the presumption in favour of sustainable development.' For decision-taking purposes, paragraph 11c explains that 'the presumption in favour' means approving development proposals that accord with an up-to-date development plan without delay. However, where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, paragraph 11d advises that planning permission should be granted unless:

- i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
5. Policies controlling the supply of housing, as well as those relating to the proposal's design and amenity impacts are considered to be 'most important' for determining this application when considering the application against NPPF Paragraph 11.
6. The footnote to paragraph 11(d) makes it clear that the 'most important' development plan policies should be considered out-of-date for applications involving the provision of housing, in situations where the local planning authority cannot demonstrate a 5 year supply of deliverable housing sites. The Council does not, at present, have a five year supply of immediately available housing land, so paragraph 11(d) is automatically engaged.
7. Core Strategy Policy L7, relating to design and amenity, is consistent with the NPPF and is therefore considered to be up to date. Full weight should be afforded to this policy.
8. There are no protective policies in the NPPF which provide a clear reason for refusing the development proposed. Paragraph 11 d) ii), the tilted balance, is therefore engaged.

Housing Land Supply

9. The Council can currently demonstrate a housing land supply within the range of 3.47 to 3.75 years, which is based on the standard method of calculating Local Housing Need and takes into account a 20% buffer applied for historic under delivery. The most recent Housing Delivery Test figure is 79% - i.e. Trafford has delivered 79% of its LHN (including 20% buffer) in the three years to March 2021.
10. The application proposal would deliver 5 no. new residential units. This is a limited contribution towards meeting the Borough's housing need, although officers still consider that significant weight should 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.

Meeting Housing Needs

11. The NPPF requires local planning authorities to plan for an appropriate mix of housing to meet the needs of its population and to contribute to the achievement

of balanced and sustainable communities (paragraphs 62 and 63). This is supported by Policy L2, which refers to the need to ensure that a range of house types, tenure and sizes are provided. Policy L2 of the Core Strategy relates to meeting housing needs and remains up to date in respect of the requirement for the amount of affordable housing and in terms of site specific requirements for development (L2.2). Full weight can be given to this part of the policy.

12. Policy L2 seeks to ensure that there is an adequate mix of housing types and sizes to meet the needs of the community. Policy L2.4 of the Core Strategy sets out a target split of 70:30; small:large (3+ beds). The application proposes 5 small family dwellings. The proposal provides 100% small family housing and thus does not meet the target mix, however given the quantum of development and that it provides the larger split (i.e. small size) this is accepted.
13. The Trafford Housing Needs Assessment (HNA) 2019 identifies an ongoing need for all types and sizes of dwelling with strongest need for 3 bedroom houses, continued need for 4 or more-bedroom houses and smaller 1 and 2 bedroom houses. The Trafford Housing Propositions for Urmston 2019 identifies a particular shortage of 3 and 4 bed houses, 2 bedroom flats and 2 bedroom bungalows in Urmston. The proposed type of units as part of this application would therefore help to address this shortage. This does not mean there is no need for other types of accommodation in Urmston just that supply and demand need to be in balance.
14. The proposal constitutes brownfield development and therefore also contributes towards the Council's target of providing 80% of new housing provision on brownfield land as set out in Core Strategy Policy L1.7. The application site is considered to be in a sustainable location in proximity to local amenities, a range of public transport options and is previously developed land.
15. The proposal is for 5 no. units only and therefore falls below the trigger for any affordable housing contribution in this part of the Borough.

Non-Employment Use of Unallocated Employment Sites

16. As the application will involve the loss of an industrial warehouse (Class B8) Core Strategy Policy W1.12 will apply. The Policy states that in determining applications for non-employment uses on unallocated employment sites, sites outside of the Strategic Locations and employment places identified in W1.3, developers will be required to provide a statement to the satisfaction of the Local Planning Authority, demonstrating that:
 - There is no need for the site to be retained for employment purposes and it is therefore redundant;
 - There is a clear need for the proposed land use in this locality;
 - There are no suitable alternative sites, within the locality, to meet the identified need for the proposed development;

- The proposed redevelopment would not compromise the primary function of the locality or the operations of neighbouring users; and
- The proposed redevelopment is in accordance with other policies in the Development Plan for Trafford.

17. The applicant has submitted an employment land statement within their Design and Access Statement (section 1.7). This states that Henshaws Roofing and Building Supplies Ltd who used the site for storage since 2014 is now under new ownership and the need for storage ceased in 2021.

18. The applicant has not demonstrated that:

- a) There is no need for the site to be retained for employment purposes and it is therefore redundant;
- b) There are no suitable alternative sites, within the locality, to meet the identified need for the proposed development (although it is accepted that there is a need for housing within Trafford);
- c) The proposed redevelopment would not compromise the primary function of the locality or the operations of neighbouring users and
- d) The proposed redevelopment is in accordance with other policies in the Development Plan

19. It is therefore considered that the applicant has not demonstrated that the requirements of Policy W1.12 are met in relation to the loss of employment space. Notwithstanding this, it is considered that given the specific context of the application site, which is a relatively small site bordered by residential development on three sides, as well as the Council's current position in terms of housing land supply, the principle of some form of residential development is likely to be acceptable on this site and it would not be appropriate to refuse the application on this basis.

DESIGN AND VISUAL AMENITY

20. NPPF, PPG, the National Design Guide (NDG) and the National Model Design Code (NMDC) set out the Government's planning policies and guidance on matters of design. The NDG is considered to be a material consideration in the determination of planning applications and should be attributed significant weight.

21. The current version of the NPPF (20 July 2021), highlights the increased importance given to the consideration of design by the Government. It is clear that a shortfall in housing land supply should not result in a 'development at any cost' approach to decision making.

22. Paragraph 126 of the NPPF states that *"The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and*

helps make development acceptable to communities.” Paragraph 134 expands on this and is clear that “Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guides and codes. Conversely, significant weight should be given to:

- a) Development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes; and/or*
- b) Outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.”*

23. Policy L7 advises that, in relation to matters of design, development must be appropriate in this context, make best use of opportunities to improve the character and quality of the area and enhance the street scene or character of the area by appropriately addressing scale, density, height, massing, layout, elevation treatment, materials, hard and soft landscaping works and boundary treatment.

24. Great emphasis in the PPG and the NDG is placed on the importance of context and identity. This is of course set against the need to support development that makes efficient use of land taking into account inter alia the desirability of maintaining an area’s prevailing character and setting.

25. The publication of the National Design Guide (NDG) in October 2019 emphasises the Government’s commitment to achieving high quality places and buildings. The document outlines and illustrates the Government’s priorities for well-designed places in the form of ten characteristics. These are identified as: context, identity, built form, movement, nature, public spaces, uses, homes and buildings, resources, and lifespan. These characteristics can be applied to proposals of all sizes, the document sets out, including new buildings, infill developments, major proposals and larger scale developments such as urban extensions. In a well-designed place an integrated design process would bring the ten characteristics together to create an overall character of place. The NDG repeatedly emphasises the importance of context and identity and at C1 and paragraphs 41-43 says that well-designed new development should understand and relate well to the site, it’s local and wider context, and respond well to the features of the site itself and the surrounding context beyond the site boundary.

26. In taking forward advice in the NPPF and the NDG, this Council is producing its own Trafford Design Code, which will be adopted as supplementary planning guidance. Indeed, it has been recognised at the local level that systemic change is needed to ensure that design and beauty is a core part of the planning process within Trafford. The document will set out design principles for new development across the Borough, when having regard to local distinctiveness and local

vernacular. Adoption is anticipated later in 2023. The draft Trafford Design Guide was published for consultation in July 2022. The Core Objectives of the Design Guide are set out on pages 14 and 15 and state that development proposals should respond to the historic and contemporary character of the place, delivering designs that complement and enhance their context and the design of new buildings should contribute to the beauty of Trafford, delivering places and buildings that the community can be proud of.

27. The Council's adopted Planning Guidelines, *"New Residential Development," paragraph 2.4, states that "Whilst the Council acknowledges the development of smaller urban sites with small scale housing or flat developments makes a contribution towards the supply of new housing in the Borough, the way in which the new buildings relate to the existing will be of paramount importance. This type of development will not be accepted at the expense of the amenity of the surrounding properties or the character of the area. The resulting plot sizes and frontages should therefore be sympathetic to the character of the area as well as being satisfactorily related to each other and the street scene."*
28. Paragraph 9.3 states that *"Residents parking should normally be behind the building line, capable of accommodating a garage and be within the curtilage of the dwelling or conveniently adjoining it. Residents parking in front of the building line may be accepted if the need for this can be justified and if the result in terms of appearance is shown to be satisfactory and in character with the area."*
29. The application site is viewed in the context of terraced and semi-detached two storey dwellings to the east, west and north-east of the site, a single storey commercial building immediately opposite the site on the northern side of Higher Road and Higher Road Park to the north-west. The site is also read against a backdrop of two storey terraces on George Street and two storey semi-detached dwellings on Hazel Grove to the rear (south and south west) of the site. A development of two storey terraced dwellings could therefore relate acceptably to the character of the area. Nevertheless there are concerns regarding the height, scale, massing, roof form, elevational design and materiality of the currently proposed development and the amount of hard surfacing and lack of scope for soft landscaping on the site frontage. These matters are addressed in more detail below.
30. The dwelling immediately adjacent to the east of the site has been rendered (cream) and the adjoining semi-detached property painted (white). Notwithstanding this, the overriding material for dwellings within the immediate locality is red brick. Roof materials are predominantly slate and concrete tiles.
31. The Design and Access Statement indicates the use of low carbon materials with the development to be finished in a mix of white and buff brickwork with a metal (steel standing seam) roof. Vertical timber cladding is to be used around the balconies on the front elevations with vertical timber cladding to the rear

elevations. The proposed materials are considered to be at odds with the character of the surrounding area and, when considered together with the proposed elevational design and roof form, would result in a development that would appear incongruous and out of keeping with the context of the site. No evidence has been provided to demonstrate that the materials proposed would have a lower carbon footprint than traditional building materials, and metal seam roofing and timber cladding would likely have a shorter life span than brick or tile.

32. A third storey of accommodation would be provided within the roof of the proposed development. Whilst the eaves height would only be marginally higher than the adjacent dwellings to the east and west of the site, the ridge of the roof form would be significantly higher and the asymmetric roof design would be out of character with surrounding properties. The steeply sloped roof pitch to the front elevation would appear over-dominant, increasing the apparent overall height of the dwellings when viewed from Higher Road, and the impact would be further exacerbated by the introduction of an alien material for the roof. The roof pitch has a gentler slope to the rear, however the introduction of a large dormer that would span almost the full width of the building, with a rear facing elevation greater in height than either the ground or first floors individually, would add to the dominance of the roof design and the height of the building as well as introducing a further design element that is out of character with the site and surroundings. The asymmetrical roof design and large rear dormer would be visible in the street scene on Higher Road, particularly from the east, given the gap between the site boundary and the dwelling at 186 Higher Road.
33. The proposed window shape, size, design and materiality is considered to be contextually inappropriate. Square windows, lacking in any transoms and mullions, create a horizontal, rather than a vertical emphasis to the building, particularly at ground floor level. Window cills and lintels are lacking; it is this attention to detail that distinguishes between poor and quality and cohesive design. The front porches with balconies above, constructed in timber cladding and projecting forward of the building line of the neighbouring dwellings on either side, would be over-dominant features that would also relate poorly to their context. It is not clear how any of these features relate to the local context.
34. The inappropriateness of the design is considered to be exacerbated by the height of the proposed development. It is considered that the proposed design would not reinforce local distinctiveness. Neither would it represent a high quality contemporary approach or a coherent design in itself.
35. The proposal incorporates 1 no. off-street parking space to the front of each property. In order to accommodate these, no front boundary treatment is provided. The minimal landscaping strips positioned between the pairs of parking spaces do not provide any meaningful planting to soften the development or provide a visual break between the wide expanse of side-by-side parking. Whilst some nearby properties have small landscaped gardens to the front (e.g. those

to the east of the site), it is acknowledged that the residential development to the west of the site has a similar layout to the current proposal. Nevertheless that development dates from a significant number of years ago and it is clear that the lack of boundary treatment and dominance of hardstanding and parked cars in particular detracts from any positive contribution that the development may have on the street scene. When viewed on its own and cumulatively with the adjacent development to the west, the proposed parking and pedestrian accesses to the dwellings would appear as a large, exposed, bare, hard surfaced area that would appear as a strident and incongruous feature in the street scene. It is recognised that the site is hard surfaced and within a commercial use at the moment. However, the NPPF is clear that new development needs to be well designed and it is considered that, if residential development is to take place at the site, this should incorporate more appropriate soft landscaping and boundary treatment that would contribute more positively to the character of the area.

36. Paragraph 134 of the NPPF is clear that development that is not well-designed should be refused. The application proposal, it is considered, is inappropriate to its context by virtue of its elevational design, roof form, scale and massing fenestration, materials and its layout, which would be dominated by hardstanding and car parking. It is considered that the development would have harmful, long term visual effects within the street scene. It would not be visually attractive as a result of good architecture and layout. Nor would it add to the overall quality of the area. It is therefore contrary to Policy L7, and also to the NPPF and NDG which give significant prominence to the new design agenda in achieving beautiful, successful and enduring places.

RESIDENTIAL AMENITY

37. In addition to ensuring that developments are designed to be visually attractive, the NPPF (paragraph 130) also advises that planning decisions should create places that provide a high standard of amenity for existing and future users.
38. Policy L7.3 of the Trafford Core Strategy states that development must not prejudice the amenity of occupants of adjacent properties by reason of overbearing, overshadowing, overlooking, visual intrusion, noise and/or disturbance, odour or in any other way. As previously stated, L7 is considered to be up to date for decision making purposes and full weight can be attached to it.
39. Core Strategy Policy L5.13 states that development has the potential to cause adverse pollution (or 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.
40. The application is considered in relation to impact on the amenity of existing neighbouring properties as well as the level of amenity provided for the future occupiers of the proposed development.

Neighbouring properties

41. PG1 New Residential Development sets out the guidance that relate to all forms of new residential development. With regards to privacy, the Council's Guidelines states that 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. The SPG states that "Where three storey dwellings (houses or flats) are proposed, the minimum distances are increased by 3 metres over the above figures and for four or more storeys, the figures as for 3 storeys apply.
42. 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 15m should normally be provided. The SPG states that "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."*
43. The above guidelines are applied when assessing the impact of the proposed development on the existing neighbouring properties.

Impact on 12 to 18 George Street

44. These properties comprise a row of two storey terraced dwellings located to the south west of the application site. The rear windows of the closest proposed dwelling would be approximately 12.7m from the rear boundary of number 18 George Street and approximately 20.5m between facing elevations. Given that the properties would be offset at an angle, it is not considered that there would be an undue impact on privacy to the accommodation within the neighbouring properties themselves, however, there is considered to be an unacceptable level of overlooking and loss of privacy at a close distance to the rear private garden of 18 George Street. It is considered that the proposed dwellings would satisfy the guidelines in relation to numbers 12 to 16 George Street in relation to private gardens.

Impact on 156 Higher Road

45. The closest proposed dwelling would project approximately 2m beyond the rear of this neighbouring dwelling to the west of the application site. The dwelling would be set off the boundary by between 2.0m and 2.30m, increasing distance towards the rear of the property. Number 156 is a two storey end terrace with a blank gable adjacent to the application site. It is not considered that the proposal would have any undue overbearing or overshadowing impact on this neighbour having regard to the relationship as set out above.

Impact on 186 Higher Road

46. 186 Higher Road is a two storey semi-detached dwelling located immediately to the east of the application site. The property has a blank gable elevation facing the site. There is a porch and garage sited between the main gable wall of the dwelling and the application site. The closest proposed dwelling would project approximately 2.8m beyond the rear of this neighbouring dwelling at a distance of between 1.4m and 1.7m. It is not considered that the proposal would have any undue overbearing or overshadowing impact on this neighbour having regard to this relationship.

Impact on 23 and 25 Hazel Grove

47. These properties comprise a pair of two storey semi-detached dwellings situated to the rear (south) of the application site. The boundary between the rear of these dwellings and the application site is angled with a shorter distance between the rear of number 25 and the proposed dwellings on the eastern side of the application site.

48. The closest rear windows on the property furthest to the east would be only 7m from the rear boundary, thereby falling considerably short of the adopted guidelines (by 6.5m for three storey buildings). The window to window distance between the properties would be approximately 20m, thereby also falling considerably short of the guidelines (by 10m for three storey buildings or 7m if permitted development rights were removed). The cill level of the second floor windows within the dormer would be less than 1m above the finished floor level and therefore would afford clear views to the properties to the rear, resulting in undue overlooking and loss of privacy to the detriment of neighbouring residents. Clarification has been sought from the agent whether the dormers are proposed cabriolet style whereby they would open out for form balconies and as such would exacerbate this impact further. Any response will be reported within the Additional Information Report.

Future residents

Daylight

49. The proposed development comprises 5 no. 3 bedroom dwellings. All bedrooms and main habitable rooms within the dwellings would be served by windows or dormer windows and therefore afforded an acceptable amount of daylight and outlook.

Space Standards

50. The Nationally Described Space Standards outline that the minimum gross internal floor areas (GIA) and storage for a 2 x double bedroom and 1 x single bedroom (5 person), 3 storey dwelling is 99 square metres. The application properties meet this minimum size and are therefore considered to have an acceptable amount of internal space.

51. The floor area of the proposed single bedroom is approximately 7.3 sq.m and therefore falls marginally short of the NDSS which sets out a *minimum* of 7.5 sq.m. The proposed double bedrooms comply. It is considered that, given the very limited scale of this shortfall in respect of the single bedrooms and the fact that the internal amenity space would otherwise provide a good standard of amenity with clear outlooks to all main habitable rooms, this would not result in an unacceptable level of amenity for future occupiers

Private Amenity Space

52. PG1 paragraph 13.4 advises that *“Around 80sq. m of garden space will normally be acceptable for 3 bedroom semi-detached houses in an area of similar properties.”* Paragraph 136 continues *“As well as meeting functional requirements, garden space also usually contributes to meeting adequate privacy distances and provides important amenity value to residential areas.”*

53. None of the 5 properties comply with the guidelines specified above and indeed, fall considerably short of the guidelines with garden sizes ranging from approximately 41 sq.m to 46 sq.m. Notwithstanding this, it is considered, on balance, that, if permitted development rights were removed for extensions and outbuildings, this would not result in an unacceptable amenity impact for future occupiers such as to justify the refusal of the application on this basis.

Noise

54. The Council's Pollution and Licensing team has been consulted and raise concerns regarding noise. The premises frontage to Higher Road is likely to be impacted by traffic noise and in addition, there are commercial premises directly opposite that have the potential to cause adverse noise impacts such as from vehicle movements and the use of equipment and machinery. In order to minimise the impact of noise ingress into habitable rooms with views of Higher Road, the windows to such rooms should be fitted with a minimum of standard double glazed units and in addition, a ventilation solution should be provided to enable the windows to be kept closed under normal circumstances, thereby maintaining an effective barrier to noise ingress. The proposed ventilation solution should a) meet the minimum Building Regulations requirements for background ventilation rates and b) not compromise the acoustic sound insulating performance of the glazing. It is therefore recommended that were the application considered otherwise acceptable that any permission should be subject to the attachment of conditions in relation to the submission and approval of a double glazing and ventilation strategy.

Electric Vehicle Charging Points

55. The development should comply with current Institute of Air Quality Management planning guidelines that recommend the provision of an electric vehicle (EV) charging point for every new house with dedicated parking. The matter could be addressed by the attachment of a suitably worded condition.

Construction and Pre-Construction Phase Impacts

56. It is recommended that the standard Construction and Environment Management Plan (CEMP) condition would need to be attached to any approval.

Conclusion on Amenity

57. The proposal fails to comply with the Council's adopted Supplementary Planning Guidelines for New Residential Development in respect of distances to boundaries and between facing habitable windows of neighbouring properties. As such the proposal would result in an unacceptable level of overlooking and loss of privacy to these neighbours and would fail to comply with Policy L7 of the Core Strategy in this respect.

HIGHWAYS AND PARKING

58. Policy L7 of the Trafford Core Strategy requires development to incorporate a vehicular access and egress which is satisfactorily located and laid out having regard to the need for highway safety, the provision of sufficient and appropriate off-street car and cycle parking, the provision of, and access to, waste recycling facilities. Matters of accessibility are also a material consideration in the promotion of sustainable forms of transportation.

59. Paragraph 111 of the NPPF states that *"Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe."*

60. The LHA has been consulted and their comments are incorporated within this section of the report. These comments relate solely to parking requirements and highway safety, not to design and visual amenity which is addressed within the design section of the report above.

Parking

61. The car parking standards as detailed within Supplementary Planning Document 3 (SPD3) state that for this location the existing 191 sq./m storage warehouse would require one car parking space per 100 sq./m. Currently, a wide unmarked forecourt area is provided to the front of the warehouse which can accommodate vehicle access and egress.

62. The proposed development comprises 5 no. three-bedroom residential dwelling units, equating to a required (maximum) car parking provision of two spaces per dwelling. It is proposed to provide a shortfall of one space per dwelling. However, given the proximity of the development to Urmston town centre and access to public transport links, in combination with the existing on-street parking restrictions at this location, the LHA supports a reduced level of parking of one space per unit.

63. The minimum cycle parking standards as detailed within SPD3 state two allocated spaces are required for a two or three-bedroom dwelling unit, which for residential use should be provided in a secure and covered arrangement. It would appear from information seen that it is proposed to provide five cycle stores in a communal area to the rear of, and outside the curtilage of each dwelling, ideally, the LHA prefer the cycle storage is within the curtilage of each dwelling. If the development were otherwise acceptable, a suitably worded condition would address this matter.

Summary

64. The LHA raise no objections on highway grounds to the proposals subject to conditions as set out above. Nevertheless, the proposed layout to provide adequate parking on site does not satisfactorily address matters of design and visual amenity. The amount and dominance of hard surfacing remains unacceptable. In the absence of satisfactory off-street parking, the proposal would give rise to additional on-street parking and inconvenience to other road users.

ECOLOGY

65. Policy R2 states that developers are required to demonstrate how their proposal will protect and enhance the landscape character, biodiversity, geodiversity and conservation value of its natural surroundings both upon completion and through the construction process. Opportunities should be explored to achieve biodiversity net gain on site as part of the proposals, opportunities for which can be achieved through the detail of the landscape plan, as well as measures such as bat bricks, bat boxes and bird boxes as part of the building design.

66. A bat survey has been carried out and submitted as part of the application. The report concludes overall that roosting potential in the existing building is negligible and no further survey work is necessary.

67. GMEU has been consulted and has no specific comments to make on this application. Standard conditions in relation to biodiversity enhancement and the bird nesting season as well as an informative in relation to responsibilities for protected species would need to be attached if the application were otherwise acceptable.

FLOODING, DRAINAGE AND CLIMATE CHANGE

68. Trafford Council has declared a Climate Emergency and set a target to become a Carbon Neutral borough by 2038. Development will need to demonstrate how it will support this ambition, particularly if the development's lifetime exists beyond 2038.

69. In line with Core Strategy Policy L5 new development should demonstrate how it will mitigate and reduce impacts on climate change factors and maximise its sustainability through improved environmental performance of buildings, lower carbon emissions and renewable or decentralised energy generation.

70. Non-major developments involving the erection of a building will be encouraged to adopt the principles of energy efficiency and incorporate micro-generation technologies, to help contribute towards reducing CO2 emissions within Trafford.

71. The accompanying Design and Access Statement advises that the properties will be well insulated and airtight in order to achieve a high energy performance, adopting Passivhaus principles. In order for the homes to achieve a high energy performance the following Passivhaus principles will be implemented:

- Excellent air tightness
- High levels of insulation
- Triple glazing
- MVHR system (mechanical ventilation with heat recovery)
- Thermal bridge free detailing
- Good quality detailing with robust weather tight building envelope
- Balanced glazing design
- Efficient form – extension aims to improve efficiency or form.

72. The Design and Access Statement further advises that *“Through a fabric-first approach to energy demand reduction, we will minimise the operational energy of this home.*

There is then the option of meeting this minimal energy demand through the introduction of Low and Zero Carbon Technologies (LZC) to generate renewable energy on site.”

Nevertheless, the appropriate details or drawings have not been included within the application submission to demonstrate how energy efficiency measures would be physically incorporated into the building and therefore this carries limited weight in the planning balance.

73. A drainage strategy has been submitted and reviewed by the Lead Local Flood Authority (LLFA). The LLFA has concluded that the applicant has used the incorrect climate change allowance within their strategy, these allowances having changed in May 2022.

74. The restricted rate of 1l/s from the attenuation tank is too small and liable to blockage. A restriction of 5l/s is recommended which may negate the requirement for a storage tank.

75. The soakaway for House 4 is too close to the boundary (within 2.5m) and the soakaway for House 5 is too close to the house (within 5m) and boundary (within 2.5m).
76. Having regard to the details submitted, the LLFA has concluded that the applicant has failed to demonstrate that a suitable surface water drainage scheme would be implemented and therefore that the development would have acceptable drainage impacts. As such, the proposed development would fail to comply with Policy L5 of the Trafford Core Strategy and guidance in the NPPF.

TREES AND LANDSCAPING

77. Policy R2 of the Core Strategy seeks to ensure the protection and enhancement of the natural environment with woodland, hedgerows and trees being considered Borough assets. This is supported by Policy R3 which reiterated the Council's determination to work with local communities, developers and partners to develop an integrated network of high quality and multi-functional green infrastructure.
78. There are no trees on site. There is a line of hedging to the south in the neighbouring property but the construction works are not near enough to have an impact and the boundary fence would provide protection.
79. Table 3.3 within Revised SPD1 'Planning Obligations' sets out that 3 no. trees would be expected to be planted per residential unit; this could be part of a site-wide landscaping scheme. Nevertheless, given the limited landscaping areas within the development and restricted garden size, it is considered that the proposed development could not provide this level of planting. Although not a reason for refusal in itself, this further weighs against the scheme in the planning balance.

OTHER MATTERS

Equalities:

80. 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.
81. 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:

- (i) Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- (ii) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- (iii) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

82. 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.

83. No supporting information has been provided either within the Design and Access Statement or any other supporting information in this regard. At the very least it would be expected that the proposed dwellings would have a level access and this would be a requirement of the Building Regulations. Whilst the proposed plans suggest that this may be the case, it is not confirmed. Although not a reason for refusal in itself, this further weighs against the scheme in the planning balance. This information has been requested from the agent and any response received will be reported in the Additional Information Report.

DEVELOPER CONTRIBUTIONS

84. This proposal is subject to the Community Infrastructure Levy (CIL) and is located in the 'moderate zone' for residential development, consequently private market houses will be liable to a CIL charge rate of £40 per square metre, in line with Trafford's CIL charging schedule and revised SPD1: Planning Obligations (2014).

85. 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. This matter is addressed in Paragraph 81 above. No other obligations are necessary for a scheme of this size.

PLANNING BALANCE AND CONCLUSION

86. As set out above, the "tilted balance" would apply in this case because the Council does not have an immediately available five year housing land supply. In weighing the planning balance, the benefits of the proposal therefore need to be weighed against the adverse impacts.

87. In terms of public benefits, the proposed development would provide five additional dwellings contributing towards the Borough's housing land supply. In addition, it would generate a small amount of economic activity in connection with the construction process. It is also recognized that the development would

provide environmental benefits through the provision of energy efficient homes albeit this benefit is tempered by a lack of specific information / drawings demonstrating how energy efficiency measures would be physically incorporated into the building, and thus it has not been possible to establish definitively whether the scheme would be energy efficient or not.

88. There are three main harms stemming from the proposal: The design of the proposal and impact on the visual amenity of the area; the adverse impact on the amenity of neighbouring residents and the failure to demonstrate that a satisfactory drainage scheme would be provided and therefore that the development would have an acceptable drainage impact.
89. Other harms arise from the lack of space to accommodate the necessary tree planting required by adopted guidance, amenity space for future residents and a failure to demonstrate that the dwellings would provide level access for residents and / or visitors.
90. Officers consider that the proposed development would have a detrimental impact on the visual amenity and character of the street scene and the surrounding area and would not be well designed or contribute positively to the quality of the area as required by the NPPF. The extent of harm to visual amenity that would result is in direct conflict with Policy L7, as well as being contrary to the NPPF on the matter of design (which has been given heightened emphasis) and the NDG. The unacceptable appearance of the development within the context of the street scene would cause permanent harm on the site and on this area more widely.
91. The proposal would result in an unacceptable impact on the amenity of adjacent residents, with an unacceptable level of overlooking and loss of privacy at a close distance. This is in direct conflict with Policy L7 and adopted PG1 as well as relevant sections of the NPPF.
92. The LLFA has concluded that the applicant has failed to demonstrate that a suitable surface water drainage scheme would be implemented and therefore that the development would have acceptable drainage impacts. As such, the proposed development would fail to comply with Policy L5 of the Trafford Core Strategy and guidance in the NPPF.
93. The harms that arise from the scheme generate a conflict with various development plan policies, as described in the report, and conflict with the development plan when taken as a whole. Other than in respect of housing, development plan policies are generally up to date, and where they are not the NPPF provides a robust framework for decision making alongside them.
94. Having regard to the test in NPPF paragraph 11 (d)(ii), and whilst substantial weight is given to the contribution the scheme would make to the Borough's

housing land supply, it is considered that the adverse impacts arising from the proposal as set out above would significantly and demonstrably outweigh the benefits of the scheme.

95. As such, it is recommended that the application is refused for the reasons set out below.

RECOMMENDATION

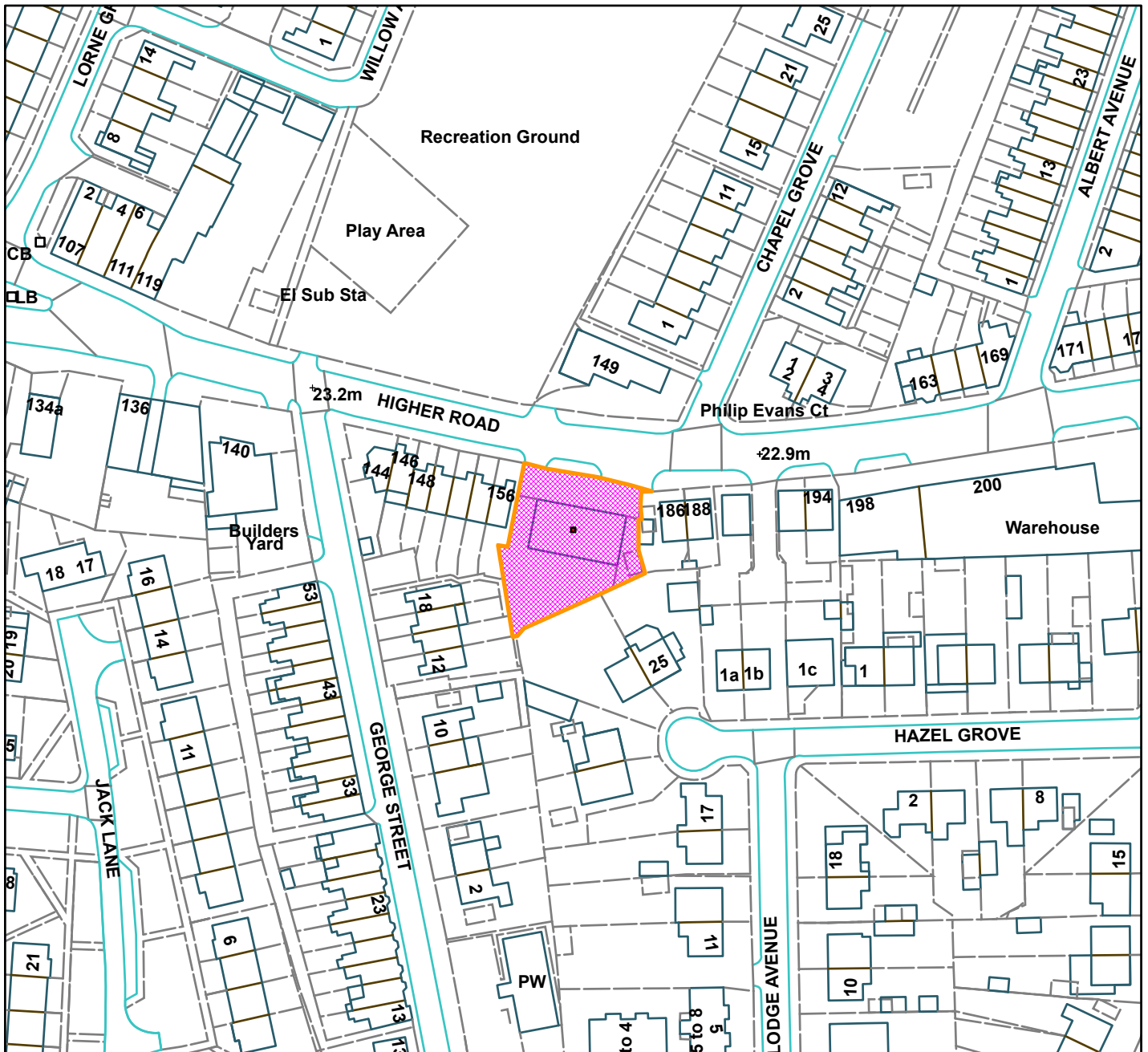
REFUSE for the following reasons:

1. The proposed development, by reason of its height, scale, massing, roof form, elevational design, fenestration and materials, and its layout, including the large area of hardstanding and parking spaces and lack of scope for boundary treatment and soft landscaping on the site frontage, would result in an incongruous, over-dominant, visually obtrusive and incoherent form of development that would have a detrimental impact on the character and visual appearance of the street scene and the surrounding area. The proposed development would therefore be contrary to Policy L7 of the Trafford Core Strategy, the Council's adopted SPG1: New Residential Development, the National Design Guide, the draft Trafford Design Guide and guidance in the National Planning Policy Framework.
2. The proposed development, by reason of the proximity of the proposed rear main habitable room windows to the common boundaries with 23 and 25 Hazel Grove and 18 George Street, would result in undue overlooking and loss of privacy to the rear gardens and rear main habitable room windows of 23 and 25 Hazel Grove and the rear garden of 18 George Street, to the detriment of the amenity that the occupiers of those properties could reasonably expect to enjoy. The proposed development would therefore be contrary to Policy L7 of the Trafford Core Strategy, the Council's adopted SPG1: New Residential Development, and guidance in the National Planning Policy Framework.
3. The application fails to demonstrate that a suitable surface water drainage scheme would be provided and therefore that the development would have an acceptable drainage impact. The proposed development would therefore be contrary to Policy L5 of the Trafford Core Strategy and guidance in the National Planning Policy Framework.

JE



160 Higher Road, Urmston (site hatched on plan)



Scale: 1:1,250

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|--------------|---------------------------|
| Organisation | Trafford Council |
| Department | Planning Service |
| Comments | Committee date 15/06/2023 |
| Date | 05/06/2023 |
| MSA Number | 100023172 (2022) |

WARD: Gorse Hill & Cornbrook **109529/VAR/22** **DEPARTURE:** No

Application for variation of condition 44 (Family Housing Mix) on planning permission 99795/OUT/20 (Outline planning application (all matters reserved except for access) for the redevelopment of the site for up to 750no residential dwellings (Use Class C3); local centre and office uses (Use Class E); education (Use Class F1); hotel (Use Class C1); drinking establishment (sui generis); energy centre (Use Class B2) uses and associated infrastructure and open space, with access from Talbot Road.). To alter the wording of the condition as stated in the covering letter.

Former Kelloggs Site, Talbot Road, Stretford, M16 0PU

APPLICANT: Mr Stuart McCrone, Glenbrook KS Limited

AGENT: Miss Rachel May, Avison Young

RECOMMENDATION: MINDED TO GRANT

The application has been reported to the Planning and Development Management Committee as the Council has a financial interest in the site.

Executive Summary

The application relates to the former Kellogg's office building in Stretford (now in use as University Academy 92) and its surrounding land. The site falls within the Civic Quarter and is therefore subject to the policies contained within the Civic Quarter Area Action Plan (CQAAP).

Permission is sought for a variation of condition 44 attached to outline planning consent ref. 99795/OUT/20. This currently requires a minimum of 65% of the approved residential units to be delivered as accommodation suitable for family living. The current application is seeking consent to amend this condition to require a minimum of 59% of residential units to be suitable for family living. This would reflect the scheme proposed under the current reserved matters application (109631/RES/22); further justification has been provided within a supporting letter.

The proposed variation of condition 44 is considered to be acceptable, having regard to Policy CQ2 of the Civic Quarter Area Action Plan, Core Strategy Policy L2 and the NPPF. The mixed community envisaged under the outline application would still be achieved and the change from the existing consent is not considered to be substantial. As such, it is considered that the application should be approved. Should permission be granted, the Section 106 Agreement associated with the existing consent will need to be varied to include the reference number for this application. As such, it is recommended that Members resolve that they would be minded to grant planning permission for the development and that determination of the application is deferred and delegated to the Head of Planning and Development, to enable the completion of a deed of variation.

SITE

The application relates to the former Kellogg's office building in Stretford and its surrounding land. This is a generally rectangular site measuring approximately 4.4ha and is bounded by the Manchester-Altrincham Metrolink line to the south-east, Brian Statham Way to the west, Talbot Road to the north-west and offices currently occupied by British Gas to the north-east. The existing building itself is a substantial four storey red brick property now in use as the campus of University Academy 92 ('UA92'), a higher education establishment which received planning permission for this use in August 2018.

The land surrounding this building previously fell within the curtilage of the former Kellogg's building and mostly comprises hard surfaced areas for parking, together with grass and other soft landscaping, largely to the periphery of the site. It is understood that the parking areas within the site currently function independently from the UA92 building, with access taken from an existing point on Brian Statham Way.

Old Trafford Cricket Ground is opposite the site to the west with the Old Trafford Metrolink stop immediately beyond its southern corner. The Grade II Listed Trafford Town Hall is just to the north-west, across the junction of Talbot Road and Warwick Road/Brian Statham Way whilst the Metrolink depot is beyond the Metrolink line to the south-east. The nearest residential properties to the site are those on Warwick Road South, Edgbaston Drive and Trent Bridge Walk immediately to the south of the Metrolink line, apartments on the opposite side of Talbot Road and Warwick Road to the north and semi-detached dwellings on Barlow Road and Hornby Road, approximately 0.2km to the north-west.

The site falls within the Civic Quarter and is therefore subject to the policies contained within the Civic Quarter Area Action Plan (CQAAP). Outline planning permission for the redevelopment of the site for mixed use purposes was granted in July 2022 under application ref. 99795/OUT/20.

PROPOSAL

Permission is sought for a variation to condition 44 of the existing outline planning consent. This condition states:

A minimum of 65% of the residential units hereby approved shall be delivered as accommodation suitable for family living. In determining whether a residential unit is suitable for family living regard shall be paid to particular needs in relation to the size of residential units, as identified within the Development Plan or any recognised local/national standard that is in place at the time of any application for Reserved Matters.

The current application is seeking consent to amend this condition to require a minimum of 59% of residential units to be suitable for family living. This would reflect the scheme proposed under the current reserved matters application (109631/RES/22), whilst further justification is provided within a supporting letter; this is assessed later in this report.

DEVELOPMENT PLAN

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

- The **Trafford Core Strategy**, adopted 25th January 2012; The Trafford Core Strategy is the first of Trafford's Local Development Framework (LDF) development plan documents to be adopted by the Council; it partially supersedes the Revised Trafford Unitary Development Plan (UDP), see Appendix 5 of the Core Strategy.
- The **Revised Trafford Unitary Development Plan (UDP)**, adopted 19th June 2006; The majority of the policies contained in the Revised Trafford UDP were saved in either September 2007 or December 2008, in accordance with the Planning and Compulsory Purchase Act 2004 until such time that they are superseded by policies within the LDF. Appendix 5 of the Trafford Core Strategy provides details as to how the Revised UDP is being replaced by Trafford LDF.
- The **Civic Quarter Area Action Plan (CQAAP)**, adopted 25th January 2023.

PRINCIPAL RELEVANT CORE STRATEGY POLICIES

L2 – Meeting Housing Needs

L3 – Regeneration and Reducing Inequalities

L7 – Design

SUPPLEMENTARY PLANNING DOCUMENTS/GUIDANCE

PG1 – New Residential Development

OTHER RELEVANT DOCUMENTS

Refreshed Stretford Masterplan (January 2018)

PROPOSALS MAP NOTATION

Priority Regeneration Area (Old Trafford)

PRINCIPAL RELEVANT REVISED UDP POLICIES/PROPOSALS

None relevant

PLACES FOR EVERYONE

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

NATIONAL PLANNING POLICY FRAMEWORK (NPPF)

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

NATIONAL PLANNING PRACTICE GUIDANCE (NPPG)

The National Planning Practice Guidance was first published in March 2014, and it is regularly updated, with the most recent amendments made in January 2023. The NPPG will be referred to as appropriate in the report.

NATIONAL DESIGN GUIDE

The MHCLG published the National Design Guide in October 2019. This will be referred to as appropriate in the report.

RELEVANT PLANNING HISTORY

109631/RES/22: Reserved matters application for appearance, landscape, layout and scale for the erection of 639 residential dwellings and associated local centre uses pursuant to outline approval 99795/OUT/20 – Pending consideration, recommended for approval.

99795/OUT/20: Outline planning application (all matters reserved except for access) for the redevelopment of the site for up to 750no residential dwellings (Use Class C3); local centre and office uses (Use Class E); education (Use Class F1); hotel (Use Class C1); drinking establishment (sui generis); energy centre (Use Class B2) uses and associated infrastructure and open space, with access from Talbot Road – Approved with conditions 27/07/2022.

98661/EIASCO/19: Request for a Scoping Opinion in respect of a residential-led, mixed-use development – Scoping Opinion issued 01/11/2019.

94747/FUL/18: Full planning permission for change of use to part educational use (Use Class D1) and part office space (Use Class B1), together with ancillary IT demonstration/experience centre (Use Class D1), cafe (Use Class A3) and external alterations including selective demolition to facilitate conversion, landscaping, public realm and other associated works – Approved with conditions 09/08/2018.

APPLICANT'S SUBMISSION

- Covering Letter

CONSULTATIONS

None

REPRESENTATIONS

None

OBSERVATIONS

1. This application seeks approval under Section 73 of the Town and Country Planning Act (1990) (as amended) for minor material amendments following a grant of planning permission and if approved, grants a new planning permission in its own right. In terms of decision taking, regard should be had to any changes to national and development plan policies and other material considerations which may have changed significantly since the original grant of permission. The NPPG states that *“in deciding an application under Section 73, the local planning authority must only consider the disputed condition/s that are the subject of the application – it is not a complete re-consideration of the application”* (paragraph 031, Reference ID: 21a-031-20180615).
2. In the period since planning permission was originally granted (January 2022), the Council has adopted the Civic Quarter Area Action Plan (CQAAP). This is a material change in planning policy and as such, this application should be considered in this context. There has been no significant change to the site or surrounding area other than construction work commencing on a new stand at the adjacent Emirates Old Trafford cricket ground; this does not have a bearing on this application.
3. When assessing Section 73 applications, the LPA does not only have the option of either approving or refusing the proposed varied condition wording, but also has the power to impose an amended condition, the wording of which has not been requested by the applicant, as well as the option of imposing additional conditions or removing them should this be deemed appropriate.
4. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise. That remains the starting point for decision making.
5. The existing outline consent for the site remains extant (ref. 99795/OUT/20) and the current application seeks permission for a variation to the wording of condition 44 of this consent. As such, it is not necessary to revisit the principle of this development or its acceptability in any other respect.
6. As set out above, the current wording of condition 44 is as follows:

A minimum of 65% of the residential units hereby approved shall be delivered as accommodation suitable for family living. In determining whether a residential unit is suitable for family living regard shall be paid to particular needs in relation to the size of residential units, as identified within the Development Plan or any recognised local/national standard that is in place at the time of any application for Reserved Matters.

7. The reason given for this condition is *“To ensure the housing needs of the Borough are adequately met and in accordance with Policy L2 of the Trafford Core Strategy”*. As noted in the committee report for the original application, 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. This refers to the need to ensure that a range of house types, tenures and sizes are provided. The original committee report concluded that an appropriate mix of housing can be delivered within the parameters proposed under that application.
8. As noted above, since the original outline consent was issued, the Council has adopted the Civic Quarter Area Action Plan (CQAAP). Policy CQ2 of this document states that the proposed mix of dwelling size, type and tenure should contribute to meeting the housing needs of the Borough and should include the provision of family dwellings; no specific figure for the required proportion of family dwellings is provided.
9. The applicant’s supporting letter refers to the current reserved matters application for the site (ref. 109631/RES/22), which includes 59% of proposed residential units as being suitable for families. This notes that a strong provision of one-bed dwellings is important for a number of reasons, including the need to appeal to young people, many of whom want affordable one-bed apartments to keep running costs low. It is also stated that apartments do not lend themselves to family living arrangements and therefore there are some concerns that providing too many two or three bedroom apartments could lead to domination of ‘sharers’ in the Build to Rent element (proposed under the reserved matters application), which can lead to antisocial behaviour and noise complaints. The letter also refers to the area as being generally ‘untested’ and therefore entry level pricing needs to be affordable to most, leading to a higher proportion of one-bed apartments.
10. The current reserved matters application proposes the provision of 41% 1-bed, 44% 2-bed and 15% 3+ bed units; this includes 53no townhouses with the remainder being provided as apartments. All proposed dwellings have been designed to meet or exceed the minimum requirements set in the NDSS (Nationally Described Space Standards), in accordance with Policy CQ2. This split of unit types and sizes is considered to result in a good mix of residential development, with a substantial number likely to appeal to families particularly given the compliance with NDSS. As such, whilst there is a small reduction in the proportion of family units envisioned at outline stage, Officers are satisfied that the overall aims of the redevelopment of the site would still be achieved and that a mixed community would be supported. The proposed amendment to condition 44 is considered to accord with CQAAP Policy CQ2, as well as the aims of Core Strategy Policy L2 and the NPPF.

Other matters:

11. The applicant advises that there is a need to make a number of minor amendments to the Section 106 Agreement associated with the outline consent. This is due to the land being purchased by a registered provider, following which a development agreement would be entered into for the developer to implement the scheme. These amendments largely relate to restrictions on the disposal of affordable housing units, and Officers are satisfied that these changes are acceptable. The Council’s Housing Strategy & Growth Manager also confirms that there are no concerns with the proposed amendments.

CONCLUSION

12. The proposed variation of condition 44 is considered to be acceptable, having regard to Policy CQ2 of the Civic Quarter Area Action Plan, Core Strategy Policy L2 and the NPPF. The mixed community envisaged under the outline application would still be achieved and the change from the existing consent is not considered to be substantial. As such, it is considered that the application should be approved.
13. Should permission be granted, there will be a need to vary the Section 106 Agreement associated with the existing consent, in order to refer to the reference number for this application and to include the other amendments referenced above. As such, it is recommended that Members resolve that they would be minded to grant planning permission for the development and that the determination of the application is deferred and delegated to the Head of Planning and Development, in order that a deed of variation for the Section 106 Agreement can be completed.

RECOMMENDATION:

That Members resolve that they would be **MINDED TO GRANT** planning permission for the development and that the determination of the application hereafter be deferred and delegated to the Head of Planning and Development. This is subject to the completion of a deed of variation of the existing S106 Agreement, and the permission would be subject to the same conditions attached to planning permission ref. 99795/OUT/20 (appended), with the exception of condition 44 which should be worded as follows:

A minimum of 59% of the residential units hereby approved shall be delivered as accommodation suitable for family living. In determining whether a residential unit is suitable for family living regard shall be paid to particular needs in relation to the size of residential units, as identified within the Development Plan or any recognised local/national standard that is in place at the time of any application for Reserved Matters.

JD



**TRAFFORD
COUNCIL**

Head of Planning and Development
Rebecca Coley
Trafford Council
Planning and Development
Trafford Town Hall, Talbot Road
Stretford, M32 0TH
www.trafford.gov.uk

Town and Country Planning Act 1990
GRANT OF PLANNING PERMISSION

| Name and Address of Applicant | Name and Address of Agent |
|--------------------------------------|----------------------------------------------------------------------------------------------|
| Trafford Bruntwood LLP c/o Agent | Mrs Rhian Smith Avison Young Norfolk House 7 Norfolk Street Manchester M2 1DW |

Part I – Particulars of

Application Application Number:

99795/OUT/20

Former Kellogg's Site, Talbot Road, Stretford, M16 0PG

Outline planning application (all matters reserved except for access) for the redevelopment of the site for up to 750no residential dwellings (Use Class C3); local centre and office uses (Use Class E); education (Use Class F1); hotel (Use Class C1); drinking establishment (sui generis); energy centre (Use Class B2) uses and associated infrastructure and open space, with access from Talbot Road.

Part II – Particulars of Decision

That Trafford Council hereby gives notice in pursuance of the provisions of the Town and Country Planning Act that **PERMISSION HAS BEEN GRANTED** for the carrying out of the development referred to in Part 1 hereof in accordance with the application and plans submitted and the following condition(s):

CONDITIONS:

1 Application for approval of reserved matters in respect of the first phase of development must be made no later than the expiration of three years beginning with

Reason: The application is granted in outline only under the provisions of Article 5 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 and the details of the matters referred to in the condition have not been submitted for consideration.

2 Any reserved matters application(s) shall be accompanied by a Phasing Plan for all approved works which have not yet been delivered on site. Development shall thereafter take place in accordance with the approved details.

Reason: To ensure that development is brought forward in an appropriate manner, and to ensure that utility infrastructure is delivered in a coordinated and planned way, having regard to Policies L4 and L7 of the Trafford Core Strategy and the National Planning Policy Framework.

3 Any reserved matters application(s) shall be brought forward in accordance with the details shown on the following submitted plans:

| | |
|---------------------------------|-----------------------------------------|
| 1971/P/0002 A | Land Use Parameter Plan |
| 1971/P/0003 F | Maximum Building Heights Parameter Plan |
| 72559-CUR-00-XX-DR-TP-75007-P01 | Phase 1 Talbot Road Layout Arrangement |

Reason: To clarify the permission and set appropriate parameters for future reserved matters applications, having regard to Policy L7 of the Trafford Core Strategy.

4 The development hereby approved shall be limited to the following maxima (all figures Gross External Area):

- (i) 750no residential units (Use Class C3)
- (ii) 7,000m² for a primary school (Use Class F1(a))
- (iii) 18,500m² for office (Use Class E(g)(i)) and educational uses (Use Class F1(a), excluding primary school)
- (iv) 4,500m² for local centre and drinking establishment uses (Use Class E(a)-E(d) and sui generis). A limit of 2,000m² applies to E(a) uses within this overall figure
- (v) A single hotel with circa 100 bedrooms (Use Class C1)
- (vi) 600m² for an energy centre (Use Class B2)

Reason: To set appropriate parameters for future reserved matters applications and to ensure an appropriate mix of uses, having regard to Policies L1, L2, L4, L7 and W2 of the Trafford Core Strategy and the National Planning Policy Framework.

5 Any application for reserved matters shall be accompanied by a Statement that provides details of the following, both for the proposed phase and the cumulative total from any previously approved/developed phases:

- Quantum of development falling within any use class;
- o Mix of residential units, including the number of which are suitable for family-living as required by Condition 44;
- o Percentage of affordable housing previously delivered/permited and that to be delivered as part of the reserved matters application;
- o Number of accessible units to be delivered;
- o Quantum of Specific Green Infrastructure provided including tree planting and metrics of qualifying alternative treatments;
- o Number of residential units occupied across the whole site at the time of submission.

Reason: To ensure that the development proceeds in accordance with the requirements of this permission and is in accordance with Policies L2, L7, R5 and other relevant policies of the Trafford Core Strategy and the National Planning Policy Framework.

6 All development proposed under future reserved matters applications shall be designed in accordance with the 'Design Principles Document' (DPD), prepared by Feilden Clegg Bradley Studios, dated November 2019 and any future reserved matters application(s) shall be accompanied by a Statement of Compliance to demonstrate how the application accords with the principles of the DPD.

Reason: In order to ensure a high quality design and 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 and National Design Guide.

7 A Sustainable Drainage Scheme shall be submitted with each reserved matters application relating to 'layout' (and 'landscaping' where relevant). The Sustainable Drainage Scheme shall be produced in accordance with the submitted 'FRA and Outline Drainage Strategy' (ref. 073925-CUR-00-XX-RP-D-72001, dated 05 November 2019) and the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015).

The submitted documents shall include details of:

- o BRE365 testing to demonstrate that the drainage hierarchy has been considered. If infiltration is not feasible, the surface water discharge should not exceed 23.1l/s and the appropriate levels of flood storage (circa 3075m³, as shown on drawing ref. 073925-CUR-00-XX-DR-D-04001-P03) must be provided
- o Calculations for all drainage networks and storage to show there will be no flooding across the site and no impact to neighbouring developments
- o Evidence of third-party agreement to the proposals where relevant
- o A Management, Maintenance and Replacement Plan for the catchment area for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime.

Development shall proceed and thereafter be managed, maintained and replaced if necessary, in accordance with the submitted details.

On completion of the approved works associated with each phase of the development, a Verification Report shall be submitted to and approved in writing by the Local Planning Authority. The Verification Report shall include:

- o Photographic evidence of construction as per design drawings
- o As built construction drawings (if different from design construction drawings)
- o Construction photographs

No buildings within the relevant phase shall be occupied until the Verification Report has been approved in writing by the Local Planning Authority.

Reason: To manage flooding and pollution having regard to Policies L5 and L7 of the Trafford Core Strategy, the National Planning Policy Framework and National Planning Practice Guidance and to ensure that a managing body is in place for the sustainable drainage system and there is a funding and maintenance mechanism for the lifetime of the development. It is necessary for this information to be submitted and approved prior to development taking place given the need to include such detail within the design of

the scheme and as the Sustainable Urban Drainage scheme will need to be installed at the start of the construction works.

8 Any reserved matters application(s) shall be accompanied by full details of the foul drainage scheme for that phase. These shall include full details of any connections to the foul sewer network and any necessary infrastructure. The details shall include ground and finished floor levels in AOD, and the timing arrangements, storage requirements and rate of discharge for any pumped foul discharge. Foul and surface water shall drain on separate systems.

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

9 (a) Any reserved matters application(s) relating to 'landscaping' shall be accompanied by full details of both hard and soft landscaping works for that phase. These details shall include the formation of any banks, terraces or other earthworks, hard surfaced areas and materials (including access roads, footways, and areas of the site designated for car parking), boundary treatments, planting plans, specifications and schedules (including planting size, species and numbers/densities), existing plants / trees to be retained and a scheme for the timing / phasing of implementation works. Any trees to be planted must have adequate rooting volume available to so that they can grow for the whole of their lifespan. Where this is not possible, raft systems shall be used, details of which shall be provided, including technical drawings of the type of system to be used, the area that the system will cover and the type and volume of soil to be used (structural soils will not be acceptable).

(b) The landscaping works for each phase 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 relevant phase of the development 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.

10 Any reserved matters application(s) shall be accompanied by a Movement, Parking and Servicing Management Strategy for that phase. This shall include plans showing details of the areas for the movement, loading, unloading and parking of vehicles within that phase. The submitted Strategy shall also include details of how any parking spaces will be allocated and appropriately managed and shall include details for the provision, access and management of disabled parking facilities and servicing

arrangements for that phase. The approved Strategy shall be implemented upon that phase of the development being brought into use 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.

11 Any reserved matters application(s) shall be accompanied by a Strategy for Inclusive Access and Accessibility Statement for that phase. The submitted Strategy shall be based upon the principles established within the application documents, shall commit to a minimum of 10 per cent of all units on site being accessible, shall detail measures taken to ensure that the level of disabled parking provision is sufficient and shall include measures for ensuring accessibility to and within the site for all visitors and residents. The submitted Accessibility Statement shall indicate how accessible units have been provided for, or otherwise explain and justify why their provision is not appropriate in that phase, and shall explain how accessible provision will be included in future reserved matters applications. The approved Strategy and Statement shall be implemented upon that phase of the development being brought into use and adhered to at all times thereafter.

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

12 Any reserved matters application(s) relating to the construction of new buildings shall be accompanied by a scheme for secure cycle storage for that phase of development. The scheme shall seek to ensure that cycle storage provision is made inside the building for apartment buildings. The scheme shall include details of the location and design of cycle storage facilities, shall be implemented before the relevant phase of development is first brought into use and shall be retained at all times thereafter.

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

13 Notwithstanding the details submitted, any reserved matters application(s) relating to 'layout' or 'appearance' shall be accompanied by a Waste Management Strategy for that phase. This Strategy shall demonstrate that all endeavours have been made to internalise bin stores within the fabric of the buildings where possible. Thereafter, waste and recycling bins shall be stored and made available for collection and return in accordance with the approved Strategy for each phase.

Reason: In the interests of highway safety and residential amenity and to ensure that satisfactory arrangements are in place for the disposal of refuse (including recyclables), having regard to Policy L4 and Policy L7 of the Trafford Core Strategy and the National Planning Policy Framework.

14 Any reserved matters application(s) relating to 'appearance' shall be accompanied by a strategy for energy efficiency and low/zero carbon technologies for that phase. This strategy shall demonstrate how carbon emissions of at least 30 per cent below the Building Regulations Target Emissions Rate shall be achieved. The approved strategy for each phase shall be implemented in full.

Reason: In the interests of achieving a reduction in carbon emissions, having regard to Policy L5 of the Trafford Core Strategy and the National Planning Policy Framework.

15 Any reserved matters application(s) relating to 'appearance' shall be accompanied by a glazing, ventilation and M&E strategy for that phase. This strategy shall demonstrate compliance with the recommendations of Volume 2, Chapter 13, paragraphs 122 to 129 to the Environmental Statement (ES) supporting the development (Avison Young, November 2019). The approved strategy for each phase shall be implemented and retained for the lifetime of the development.

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

16 Any reserved matters application(s) shall be accompanied by a detailed Crime Impact Statement for that phase, produced in accordance with the principles and recommendations established within the submitted Crime Impact Statement (ref. 2018/0559/CIS/02, dated 29/01/2020). The Statement(s) shall demonstrate how Secured by Design principles and specifications will be incorporated into the design of the development to prevent crime and enhance community safety and shall also include details of any necessary counter-terrorism measures. Thereafter development of that phase shall proceed in accordance with the approved details, which shall be retained thereafter.

Reason: To ensure that appropriate details are incorporated into the design stage of the development, in the interests of crime prevention and the enhancement of community safety, having regard to Core Strategy Policy L7 and the National Planning Policy Framework.

17 Any reserved matters application(s) relating to 'layout', 'scale' and 'appearance' shall be accompanied by a Daylight, Sunlight and Overshadowing Assessment, or a statement detailing why such an assessment is not required (which will only be accepted for phases where development does not give rise to such impacts), for that phase. The Assessment shall consider potential impacts on any approved or proposed sensitive receptors within the application site.

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

18 Any reserved matters application(s) relating to 'layout' and 'scale' shall be accompanied either by a Wind Microclimate Assessment or a statement detailing why such an assessment is not required for that phase. Any Assessment shall consider potential impacts on sensitive receptors and shall include a scheme of mitigation measures where necessary. Any required mitigation shall be implemented before that phase of development is brought into use.

Reason: In the interests of ensuring pedestrian comfort and safety, having regard to Policies L4 and L7 of the Trafford Core Strategy and the National Planning Policy Framework.

19 Any reserved matters application(s) shall be accompanied by a further Heritage Assessment, or a statement detailing why a further full assessment is not required (which will only be accepted for phases where development does not give rise to potential heritage impacts), for that phase. The Assessment shall consider potential impacts on designated and non-designated heritage assets and shall include measures taken to minimise any harm caused by the development.

Reason: In order to minimise any harm which may be caused to the setting of designated and non-designated heritage assets, having regard to Policies L7 and R1 of the Trafford Core Strategy and the National Planning Policy Framework.

20 Any reserved matters application(s) relating to a phase that includes a Locally Equipped Area of Play (LEAP) or a Neighbourhood Equipped Area of Play (NEAP) shall include full details of the play area facilities within that phase, including location, size, specification for the play equipment to be installed, full landscaping details and a maintenance regime for the lifetime of the development. The play area facilities shall be provided and subsequently maintained for the lifetime of the development in accordance with the approved details.

Reason: To ensure that children within the development have reasonable access to good quality play space, in accordance with Policy R5 of the Trafford Core Strategy and SPD1: Planning Obligations.

21 No works associated with each phase of the development shall take place unless and until a Construction Environmental Management Plan (CEMP) for that phase has been submitted to and approved in writing by the Local Planning Authority (in consultation with Transport for Greater Manchester). The CEMP shall incorporate the recommendations for best practice and mitigation measures proposed by the Construction Phase Dust Assessment contained in Volume 2, Chapter 12, Tables 12.26 and 12.27 and the Construction Phase Noise and Vibration Assessment within Volume 2, Chapter 13, paragraphs 115 to 121 to the Environmental Statement (ES) supporting

the development (Avison Young, November 2019). The CEMP shall also include detailed method statements for construction, risk assessments and agreed safe methods of working adjacent to the Metrolink Hazard Zone. In addition, the Plan shall provide for:

- (i) the parking of vehicles of site operatives and visitors
- (ii) the retention of 24hr unhindered access to the Old Trafford tram stop, access track and trackside equipment cabinets and chambers for the low voltage power, signalling and communications cables for Metrolink both during construction and once operational
- (iii) the loading and unloading of plant and materials, including times of access/egress
- (iv) the storage of plant and materials
- (v) construction and demolition methods to be used, including the use of cranes (which must not oversail the tramway) and piling
- (vi) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate, which must not hinder pedestrian movements during events
- (vii) wheel washing facilities, including measures for keeping the highway clean
- (viii) a scheme for recycling/disposing of waste resulting from demolition and construction works
- (ix) 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
- (x) information to be made available for members of the public
- (xi) contact details of the site manager to be advertised at the site in case of issues arising

The approved Plan shall be adhered to throughout the demolition and construction period of the relevant phase of development.

Access to Metrolink infrastructure for maintenance purposes and for customers shall be maintained at all times during construction and post-completion, unless specific prior agreement has been obtained from Metrolink (Transport for Greater Manchester).

Reason: To ensure that appropriate details are agreed before works start on site, in the interests of highway safety, to safeguard the amenities of the locality, to ensure that the developer complies with all the necessary system clearances and agrees safe methods of working to meet the safety requirements of working above and adjacent to the Metrolink system, having regard to Policies L4 and L7 of the Trafford Core Strategy and the National Planning Policy Framework.

22 Two months prior to any works starting on site, including earthworks and site clearance, a pre-commencement survey for mammals shall be undertaken, submitted to and approved in writing by the Local Planning Authority. The survey shall cover the application site as well as any land within 30m of its boundary and shall detail any

necessary mitigation measures. Any necessary mitigation measures shall be implemented in accordance with the approved details.

Reason: In order to prevent any habitat disturbance to mammals, having regard to Policy R2 of the Trafford Core Strategy and the National Planning Policy Framework. The survey is required prior to development taking place on site as site clearance operations can disturb mammals.

23 No phase of development or works of site preparation shall take place unless and until a tree retention and protection plan has been submitted to and approved in writing by the Local Planning Authority for that phase. This shall demonstrate that all trees that are to be retained within or adjacent to the site will be 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.

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

25 Construction work shall be limited to the following hours:

07.30-18.00 Monday - Friday (excluding heavy plant/machinery until 08.00)
09.00-13.00 Saturdays

No construction work shall take place on Sundays, Bank Holidays and Public Holidays.

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

26 No above-ground construction works shall take place unless and until a site-wide contaminated land investigation and remediation phasing plan has been submitted to and approved in writing by the Local Planning Authority. This shall set out the methodology to be followed in this respect and shall explain how this will not compromise the required objective of rendering the site suitable for use and safe for purpose.

No above-ground construction works associated with each phase of development shall take place unless and until an investigation and risk assessment in relation to contamination on site (in addition to the Phase 1 Desktop Study prepared by Roc Consulting dated 19/08/2019, and the Phase 2 site investigation undertaken by NX Consulting NX351 dated July 2019) has been submitted to and approved in writing by the Local Planning Authority for that phase. The assessment shall investigate the nature and extent of any contamination on the site (whether or not it originates on the site) and shall be undertaken by competent persons. The submitted report shall include:

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

The approved remediation strategy shall be implemented in full.

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

27 No above-ground construction works associated with each phase of development shall take place unless and until a report, undertaken by a suitably qualified professional, has first been submitted to and approved in writing by the Local Planning Authority for that phase. The report shall detail further targeted archaeological work to be carried out on site to address potential remains associated with the foundations of early 20th century terraced houses in the east of the site and the below-ground remains of the late 19th century Manchester Athletic Ground and associated outbuildings in the

west of the site. Any recommendations made within the report shall be implemented in full.

Reason: To protect the significance of any archaeological remains on the site having regard to Policy R1 of the Trafford Core Strategy and the National Planning Policy Framework.

28 No above-ground construction works associated with each phase of the development shall take place unless and until a scheme for acoustically insulating the proposed development against noise and vibration from the adjacent Metrolink line and depot for that phase, has been submitted to and approved in writing by the Local Planning Authority. The approved noise insulation scheme shall be completed before that phase of development is brought into use/occupied.

Reason: To secure a reduction in noise and vibration reaching the development from the Metrolink line, in order to protect the amenity of residents and occupiers of business premises, having regard to Policy L7 of the Trafford Core Strategy and the National Planning Policy Framework.

29 No above-ground construction works associated with each phase of the development shall take place unless and until a report detailing all fixed plant for that phase has been submitted to and approved in writing by the Local Planning Authority. The report shall demonstrate that all endeavours have been made to internalise plant within the fabric of the buildings where possible, and that the noise level from any necessary external fixed plant installations (in combination) will meet the specified noise limits of Volume 2, Chapter 13, Table 13.23 to the Environmental Statement and will not exceed the background noise level (LA90,T) at any new noise sensitive receptors within the development site. Noise measurements and assessments should be compliant with BS 4142:2014 "Rating industrial noise affecting mixed residential and industrial areas".

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

30 Notwithstanding any description of materials in the application, no above-ground construction works associated with each phase of the development shall take place unless and until samples and full specifications of materials to be used externally on all buildings within that phase 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 and fenestration details, illustrating the type of joint, the type of bonding and the colour of the mortar to be used, together with fenestration recesses. These panels shall be made available on site for inspection and the 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.

31 No phase of the development hereby approved shall be brought into use unless and until a Validation Report demonstrating that the approved foul drainage scheme for that phase has been implemented in accordance with the approved details, has been submitted to and approved in writing by the Local Planning Authority. The foul drainage scheme shall be retained thereafter for the lifetime of the development.

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

32 No part of the development hereby approved shall be brought into use unless and until an Event Traffic Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Plan shall detail measures to be taken to manage and where necessary restrict vehicular traffic during events at Old Trafford Cricket Ground, Old Trafford Football Stadium and any other large events taking place within the vicinity of the application site. The Plan shall be implemented on all Event Days following the development being brought into use.

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

33 No phase of the development hereby approved shall be brought into use unless and until a schedule of landscape maintenance for that phase, for the lifetime of the development, has been submitted to and approved in writing by the Local Planning Authority. The schedule shall include details of the arrangements for its implementation. Maintenance shall be carried out in accordance with the approved schedule.

Reason: To ensure that the site is satisfactorily landscaped having regard to its location, the nature of the proposed development and having regard to Policies L5, L7, R2 and R3 of the Trafford Core Strategy and the National Planning Policy Framework.

34 No phase of the development hereby approved shall be brought into use unless and until a scheme for Biodiversity Enhancement Measures for that phase, in accordance with the recommendations set out in section 5.0 of the Ecological Impact Assessment by Bowland Ecology (ref. BOW17.1068, dated October 2019), has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented before the relevant phase of development is brought into use/occupied.

Reason: In order to protect and enhance biodiversity associated with the site having regard to Policy R2 of the Trafford Core Strategy and the National Planning Policy Framework.

35 No phase of the development hereby approved shall be brought into use unless and until a scheme for any external lighting to be installed on buildings or elsewhere on site within that phase has been submitted to and approved in writing by the Local Planning Authority. The scheme(s) shall be accompanied by an assessment to demonstrate that the impact of new external lighting into habitable windows, either within or off-site, would be within acceptable margins, following the Institution of Lighting Professionals (ILP) Guidance Notes for the Reduction of Obtrusive Light GN01:2011. The scheme(s) shall also be accompanied by an assessment of the impacts of any external lighting on biodiversity. Thereafter the site shall only be lit in accordance with the approved scheme(s).

Reason: In the interests of residential amenity and the protection of biodiversity, having regard to Policies L7 and R2 of the Trafford Core Strategy and the National Planning Policy Framework.

36 No phase of the development hereby approved (involving the construction of new buildings) shall be brought into use unless and until a Full Travel Plan for that phase has been submitted to and approved in writing by the Local Planning Authority. The submitted Travel Plan(s) shall include measurable targets for reducing car travel, shall be implemented on or before the relevant phase of development is first brought into use and thereafter shall continue to be implemented throughout a period of 10 (ten) years.

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.

37 The parking facilities hereby approved shall not be brought into use unless and until a scheme for the installation of electric vehicle charging points (minimum 7kWh), in accordance with the most up to date local or national guidance, or IAQM guidelines, has been submitted to and approved in writing by the Local Planning Authority. The charging points shall be installed prior to the parking facilities being brought into use and made available for use thereafter.

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

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

08.00 - 22.00 Monday to Thursday

08.00 - 23.00 Friday and Saturday
10.00 - 22.00 Sunday and Bank Holidays

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

39 Any outdoor seating areas associated with parts of the development constituting a drinking establishment (*sui generis*), shall not be used for the consumption of drinks outside of 11.00 - 21.00hrs on any day and customers shall not be allowed to remove glasses or bottles from the premises and take them outside except between these hours. Any furniture shall be removed from the area by 21.30hrs on each day and not set out until the following day. Prior to any such areas being brought into use, signs indicating the restrictions of use shall be placed in a prominent position adjacent to the entrance and exit and retained at all times thereafter.

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

40 Any outdoor seating areas associated with parts of the development constituting a use falling within E(b) of Schedule 1 of the Town and Country Planning (Use Classes) Order 1987 (as amended), shall not be used for the consumption of food or drinks outside the hours of 08.00 - 21.00hrs on any day and customers shall not be allowed to remove glasses or bottles from the premises and take them outside except between these hours. Any furniture shall be removed from the area by 21.30hrs on each day and not set out until 08.00 hours the following day. Prior to any such areas being brought into use, signs indicating the restrictions of use shall be placed in a prominent position adjacent to the entrance and exit and retained at all times thereafter.

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

41 Servicing, deliveries and waste and recycling collections to any commercial uses of the development shall only take place between 07.00 and 19.00hrs on Mondays to Saturdays.

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

42 The use of any Multi-Use Games Areas provided within the development shall be restricted to the following hours:

09.00 - 19.00 Monday to Friday
10.00 - 17.00 Saturday

No use of these areas shall take place on Sundays or Bank Holidays.

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

43 A minimum of 65% of the residential units hereby approved shall be delivered as accommodation suitable for family living. In determining whether a residential unit is suitable for family living regard shall be paid to particular needs in relation to the size of residential units, as identified within the Development Plan or any recognised local/national standard that is in place at the time of any application for Reserved Matters.

Reason: To ensure the housing needs of the Borough are adequately met and in accordance with Policy L2 of the Trafford Core Strategy.

INFORMATIVES:

1 The Local Planning Authority worked positively and proactively with the applicant to identify various solutions during the application process to ensure that the proposal comprised sustainable development and would improve the economic, social and environmental conditions of the area and would accord with the development plan. These were incorporated into the scheme and/or have been secured by planning condition.

Date of decision: 27th July 2022



Head of Planning and Development

Rebecca Coley

Note: This permission refers only to that under the Town and Country Planning Act and does not include any consent or approval under any other enactment, byelaw, order or regulation.

Please read notes provided

Town and Country Planning Act 1990
The Town and Country Planning (Development Management
Procedure) England (Order) 2015

1. Appeals to the Secretary of State

If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.

If you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice.

Appeals can be made online at: <https://www.gov.uk/planning-inspectorate>.

If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.

The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

In practice, the Secretary of State does not refuse to consider appeals solely because the local Planning Authority based their decision on a direction given by him.

If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. **Further details are on GOV.UK**

2. Purchase Notices

If either the local planning authority or the Secretary of State refused permission to develop land or grants it subjects to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the Council (District Council, London Borough Council or Common Council of the City of the London) in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

3. In certain circumstances a claim may be made against the Local Planning Authority for compensation, where permission is refused or granted subject to conditions by the Secretary of State on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are set out in Section 114 of the Town and Country Planning Act 1990.

4. Notice is given in accordance with Section 63. Greater Manchester Act 1981 that consideration will be given to means of access for the Fire Brigade when plans are deposited for Building Regulations approval.

Notes continued overleaf

**5. Town and Country
Planning Act 1990
Disabled Persons Act
1981**

If this permission relates to the provision of buildings or premises to which the public are to be admitted, with or without payment, or in which the public are employed: e.g. office, shop, factory, railway premises etc. or of an educational nature: e.g. university, hall of university, college, school, teacher training college etc. the applicants attention is drawn to the provisions and requirements of the above Acts.

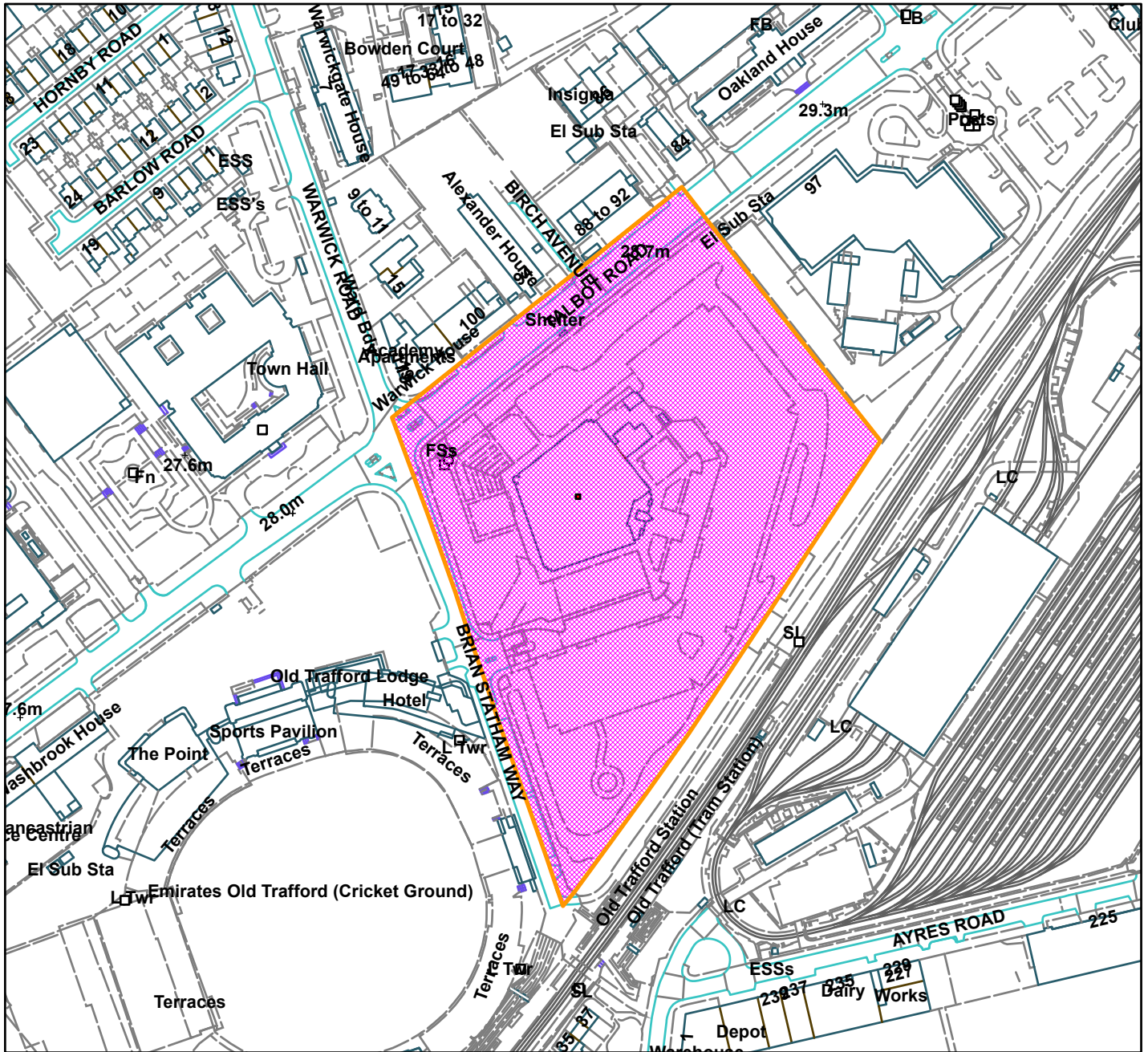
A full list of buildings and premises involved will be found in Section 76 of the Act of 1990 and 83 of the Act of 1981.

It is the responsibility of the applicant to comply with the requirements of the Acts.

- (a) The statutory requirements are those set out in section 79(6) of the Town and Country Planning Act 1990 namely Sections 70 and 72(1) of the Act.



The Kellogg Building, Talbot Road, Stretford (site hatched on plan)



Scale: 1:3,000

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|--------------|---------------------------|
| Organisation | Trafford Council |
| Department | Planning Service |
| Comments | Committee date 15/06/2023 |
| Date | 05/06/2023 |
| MSA Number | 100023172 (2022) |

WARD: Gorse Hill & Cornbrook 109631/RES/22

DEPARTURE: No

Reserved matters application for appearance, landscape, layout and scale for the erection of 639 residential dwellings and associated local centre uses pursuant to outline approval 99795/OUT/20.

Former Kelloggs Site, Talbot Road, Stretford, M16 0PU

APPLICANT: Mr Stuart McCrone, Glenbrook KS Limited

AGENT: Miss Rachel May, Avison Young

RECOMMENDATION: GRANT SUBJECT TO S106 AGREEMENT

The application has been reported to the Planning and Development Management Committee as the Council has a financial interest in the site.

Executive Summary

The application relates to the former Kellogg's office building in Stretford (now in use as University Academy 92) and its surrounding land. The site falls within the Civic Quarter and is therefore subject to the policies contained within the Civic Quarter Area Action Plan (CQAAP).

The application is seeking approval for reserved matters associated with outline planning consent ref. 99795/OUT/20. This granted consent for the redevelopment of the site for up to 750no residential dwellings, as well as local centre and office uses, a primary school, hotel, drinking establishment and energy centre uses and associated infrastructure and open space, with access from Talbot Road. Consent is now sought for appearance, landscaping, layout and scale in respect of the majority of the site covered by the outline consent. This includes the erection of 639no residential dwellings, along with 529m² of local centre uses and areas of open space. The residential units comprise a mix of one, two and three bed apartments, along with three and four bed townhouses and are spread across the application site.

The proposal is considered to be in accordance with the Development Plan, the National Planning Policy Framework and relevant local and national planning guidance, being acceptable with regard to matters of design, amenity, parking and all other material planning considerations. In the context of paragraph 11 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. The application is therefore recommended for approval.

SITE

The application relates to the former Kellogg's office building in Stretford and its surrounding land. This is a generally rectangular site measuring approximately 4.4ha and is bounded by the Manchester-Altrincham Metrolink line to the south-east, Brian Statham Way to the west, Talbot Road to the north-west and offices currently occupied by British Gas to the north-east. The existing building itself is a substantial four storey red brick property now in use as the campus of University Academy 92 ('UA92'), a higher education establishment which received planning permission for this use in August 2018.

The land surrounding this building previously fell within the curtilage of the former Kellogg's building and mostly comprises hard surfaced areas for parking, together with grass and other soft landscaping, largely to the periphery of the site. It is understood that the parking areas within the site currently function independently from the UA92 building, with access taken from an existing point on Brian Statham Way.

Old Trafford Cricket Ground is opposite the site to the west with the Old Trafford Metrolink stop immediately beyond its southern corner. The Grade II Listed Trafford Town Hall is just to the north-west, across the junction of Talbot Road and Warwick Road/Brian Statham Way whilst the Metrolink depot is beyond the Metrolink line to the south-east. The nearest residential properties to the site are those on Warwick Road South, Edgbaston Drive and Trent Bridge Walk immediately to the south of the Metrolink line, apartments on the opposite side of Talbot Road and Warwick Road to the north and semi-detached dwellings on Barlow Road and Hornby Road, approximately 0.2km to the north-west.

The site falls within the Civic Quarter and is therefore subject to the policies contained within the Civic Quarter Area Action Plan (CQAAP) since its adoption in January 2023.

PROPOSAL

This application is seeking approval for reserved matters associated with outline planning consent ref. 99795/OUT/20, approved in July 2022. This outline application granted consent for the redevelopment of the site for up to 750no residential dwellings, as well as potential local centre and office uses, a primary school, hotel, drinking establishment and energy centre uses and associated infrastructure and open space, with access from Talbot Road.

Consent is now sought for appearance, landscaping, layout and scale in respect of the majority of the site covered by the outline consent. Only land adjacent to the north-east boundary (provisionally allocated for a primary school), land in the southern corner of the site and land to the north and west of the UA92 building is excluded from the site boundary for this reserved matters application.

Detailed consent is now sought for the erection of 639no residential dwellings, along with 529m² of local centre uses. The residential units comprise a mix of one, two and three bed apartments, along with three and four bed townhouses and are spread across the application site. The local centre uses are focussed along Brian Statham Way, adjacent to the western boundary of the site.

A cluster of four taller residential buildings is proposed adjacent to Talbot Road within the northern part of the site; this comprises buildings of 20, 13, 11 and 7 storeys with shared ground floor parking and a podium garden. Townhouses partly line the edges of these blocks at ground and first floor level. A residential block of 8 storeys is proposed adjacent to the Metrolink site boundary, whilst a 6 storey block is proposed adjacent to Brian Statham Way (with local centre uses at ground floor level). Rows of three storey townhouses are proposed within the central part of the site and adjacent to the Metrolink site boundary.

A central area of public open space is proposed, as well as smaller areas of open space and various primarily pedestrian routes through the site. A detailed landscaping scheme has also been submitted.

DEVELOPMENT PLAN

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

- The **Trafford Core Strategy**, adopted 25th January 2012; The Trafford Core Strategy is the first of Trafford's Local Development Framework (LDF) development plan documents to be adopted by the Council; it partially supersedes the Revised Trafford Unitary Development Plan (UDP), see Appendix 5 of the Core Strategy.
- The **Revised Trafford Unitary Development Plan (UDP)**, adopted 19th June 2006; The majority of the policies contained in the Revised Trafford UDP were saved in either September 2007 or December 2008, in accordance with the Planning and Compulsory Purchase Act 2004 until such time that they are superseded by policies within the LDF. Appendix 5 of the Trafford Core Strategy provides details as to how the Revised UDP is being replaced by Trafford LDF.
- The **Civic Quarter Area Action Plan (CQAAP)**, adopted 25th January 2023.

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
W2 – Town Centres & Retail
R1 – Historic Environment

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

SUPPLEMENTARY PLANNING DOCUMENTS/GUIDANCE

SPD3 – Parking Standards & Design
PG1 – New Residential Development

OTHER RELEVANT DOCUMENTS

Refreshed Stretford Masterplan (January 2018)

PROPOSALS MAP NOTATION

Priority Regeneration Area (Old Trafford)

PRINCIPAL RELEVANT REVISED UDP POLICIES/PROPOSALS

None relevant

PLACES FOR EVERYONE

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

NATIONAL PLANNING POLICY FRAMEWORK (NPPF)

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

NATIONAL PLANNING PRACTICE GUIDANCE (NPPG)

The National Planning Practice Guidance was first published in March 2014, and it is regularly updated, with the most recent amendments made in January 2023. The NPPG will be referred to as appropriate in the report.

NATIONAL DESIGN GUIDE

The MHCLG published the National Design Guide in October 2019. This will be referred to as appropriate in the report.

RELEVANT PLANNING HISTORY

109529/VAR/22: Application for variation of condition 44 (Family Housing Mix) on planning permission 99795/OUT/20 (Outline planning application (all matters reserved except for access) for the redevelopment of the site for up to 750no residential dwellings (Use Class C3); local centre and office uses (Use Class E); education (Use Class F1); hotel (Use Class C1); drinking establishment (sui generis); energy centre (Use Class B2) uses and associated infrastructure and open space, with access from Talbot Road.). To alter the wording of the condition as stated in the covering letter – Pending consideration, recommended for approval.

99795/OUT/20: Outline planning application (all matters reserved except for access) for the redevelopment of the site for up to 750no residential dwellings (Use Class C3); local centre and office uses (Use Class E); education (Use Class F1); hotel (Use Class C1); drinking establishment (sui generis); energy centre (Use Class B2) uses and associated infrastructure and open space, with access from Talbot Road – Approved with conditions 27/07/2022.

98661/EIASCO/19: Request for a Scoping Opinion in respect of a residential-led, mixed-use development – Scoping Opinion issued 01/11/2019.

94747/FUL/18: Full planning permission for change of use to part educational use (Use Class D1) and part office space (Use Class B1), together with ancillary IT demonstration/experience centre (Use Class D1), cafe (Use Class A3) and external alterations including selective demolition to facilitate conversion, landscaping, public realm and other associated works – Approved with conditions 09/08/2018.

APPLICANT'S SUBMISSION

- Crime Impact Statement
- Daylight and Sunlight Report
- Design and Access Statement
- Drainage Strategy
- Energy and Low Carbon Strategy
- Fire Statement
- Glazing, Ventilation and Overheating Strategy
- Heritage Assessment
- Landscape & Public Realm Statement
- Supporting Planning Statement
- Wind Microclimate Assessment Report

CONSULTATIONS

Electricity North West: Informative provided.

Environmental Protection (Air Quality): Refer to comments made in respect of outline application – no objections.

Environmental Protection (Contaminated Land): No objections.

Environmental Protection (Nuisance): Recommends an acoustic specialist is engaged.

Greater Manchester Archaeological Advisory Service: No consideration of archaeological matters is required, given condition on outline consent.

Greater Manchester Ecology Unit: Suggested amendments to planting scheme. Amendments have been made – no further issues.

Greater Manchester Police – Design for Security: Support subject to condition.

Health and Safety Executive (Planning Gateway One): No comments made.

Heritage and Urban Design Manager: Some concerns raised with design of scheme. Comments included within main body of report.

Lead Local Flood Authority: No objection subject to condition.

Local Highway Authority: Conditions recommended.

Sport England: Non-statutory objection on the basis that no contributions are proposed for sport provision.

Trafford Council – Waste Management: Access and collection points look acceptable. Information on waste collections provided.

Transport for Greater Manchester (Metrolink): No objection, photographic survey requested.

Transport for Greater Manchester (Transport): Conditions recommended.

United Utilities: Proposals acceptable in principle, informative provided.

REPRESENTATIONS

Two representations have been received. These make the following comments:

- Tall buildings will affect light reaching neighbouring window, especially in the winter
- Development impacts the landscape
- Lancashire County Cricket Club (LCCC): Initially objected to proposals, considering that the application and proposed mitigation were unacceptable due to conflict with 'agent of change' principle in respect of concert noise. Considered that development would result in LCCC's business having unreasonable restrictions place on it and that development does not include suitable mitigation.
- Further comments received following receipt of additional noise information. Advised that LCCC are prepared to lift objection subject to the following:
 - Local EHO policy confirms it has taken into account national guidance on statutory nuisance.
 - Local EHO policy embraces principles of 'agent of change' in national guidance and conditions regarding glazing and noise management communications plan, with complaints being considered on basis of windows closed during concerts, not open.
 - That national guidance would have strong weight in determining local complaints from concert noise.

OBSERVATIONS

PRINCIPLE OF DEVELOPMENT AND POLICY BACKGROUND

1. The principle of the redevelopment of the site has been accepted under the earlier outline planning application. The current application relates to detailed matters of scale, appearance, layout and landscaping associated with this outline consent. As such, it is not necessary to revisit the principle of a mixed use redevelopment of this site. Similarly matters of access, affordable housing and other developer contributions have been considered and secured as necessary under the outline application, so these matters do not need to be revisited.
2. Notwithstanding the above, Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF at Paragraphs 2 and 47 reinforces this requirement and at Paragraph 12 states that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making, and that where a planning application conflicts with an **up-to-date** (emphasis added) development plan, permission should not normally be granted.
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. The status of the ‘most important’ policies for determining this application is set out below:
 - The Civic Quarter Area Action Plan (CQAAP) is up-to-date, having been adopted in January 2023 and is consistent with the NPPF. This includes its housing targets and trajectory, which is based on the most up to date Local Housing Need figure, and identifies a deliverable five year housing land supply.
 - The Council does not, at present, have a five year supply of immediately available housing land in the Borough as a whole 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 is considered to be largely up-to-date in that it promotes the development and maintenance of a sustainable integrated transport network that is accessible and offers a choice of modes of travel, including active travel, to all sectors of the local community and visitors to the Borough. It is not considered to be fully up-to-date in that 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’. Nevertheless it is considered that Policy L4 can be afforded substantial weight.
 - Policy L7 of the Core Strategy is considered to be compliant with the NPPF and therefore up-to-date as it comprises the local expression of the NPPF’s emphasis on good design and, together with associated SPDs, the Borough’s design code. Full weight can be afforded to this policy.
 - Policy W1 of the Core Strategy is considered to be compliant with the NPPF by supporting economic growth and is therefore up-to-date and can be afforded full weight.

- Policy W2 of the Core Strategy is considered to be generally consistent with the NPPF in supporting the growth of Trafford's town centres and the role they play in local communities.
6. The footnote to paragraph 11(d) makes it clear that the 'most important' development plan policies should be considered out-of-date for applications involving the provision of housing, in situations where the local planning authority cannot demonstrate a 5 year supply of deliverable housing sites. The Council does not, at present, have a five year supply of immediately available housing land, so paragraph 11(d) is automatically engaged. However, the NPPF does not determine the weight to be given to those policies, and it is considered that because the CQAAP is a recent, up to date plan, consistent with the NPPF and with its own five year housing land supply, policies in the CQAAP should be given full and substantial weight.
 7. 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 (set out later in this report) does not lead to a conclusion that 'provides a clear reason for refusing the development proposed'. Paragraph 11(d)(ii) of the NPPF – the tilted balance – is therefore 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.

MIX OF PROPOSED RESIDENTIAL DEVELOPMENT

8. Policy CQ2 of the AAP states that the proposed mix of dwelling size, type and tenure should contribute to meeting the housing needs of the Borough and should include the provision of family dwellings. All new major residential schemes will be expected to deliver the following mix: 30% 1 bed, 50% 2 beds and 20% 3 and/or 4 beds. 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.
9. The application proposes the provision of 41% 1-bed, 44% 2-bed and 15% 3+ bed units; this includes 53no townhouses with the remainder being provided as apartments. Whilst this is not entirely in accordance with the mix set out under Policy CQ2, it does not represent a significant departure and the applicant confirms it has been derived from an assessment of the housing market for the area and to ensure affordability. In addition, all proposed dwellings have been designed to meet or exceed the minimum requirements set in the NDSS (Nationally Described Space Standards), in accordance with Policy CQ2.

10. Condition 44 of the outline consent requires a minimum of 65% of residential units delivered to be suitable for family living. It is noted however that an application has been submitted to amend the wording of this condition to require the provision of a minimum of 59% of units suitable for family living; this application is elsewhere on this agenda, and has been recommended for approval (ref. 109529/VAR/22). The accommodation proposed under this reserved matters application would comply with the 59% requirement and as such, subject to the proposed amendment to condition 44 being approved, the application is considered to be acceptable in this respect.
11. Overall, Officers are satisfied with the proposed mix of housing to be delivered, being generally in accordance with the CQAAP and the aims of the NPPF.

DESIGN AND APPEARANCE

Policy and guidance:

12. CQAAP policy CQ2 states that all new developments should be of excellent design quality and should demonstrate sound sustainability principles. Policy CQ6 requires all proposals for new development in the Civic Quarter to achieve high quality design which will be accessible and useable by all sections of the community. Schemes which promote poor design solutions or are not accessible will not be accepted. The CQAAP includes a Design Code at Appendix 2, which provides detailed guidance for the design of new development within the Civic Quarter.
13. 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”*.
14. Paragraph 126 of the NPPF states that *“The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities”*.
15. The National Design Guide (NDG) sets out ten characteristics which illustrate the Government’s priorities for well-designed places, including identity, built form, movement, nature and public spaces.
16. Condition 7 of the outline consent requires development proposed under subsequent reserved matters applications to be designed in accordance with a

'Design Principles Document' (DPD), submitted to accompany this earlier application. This also requires the submission of a 'Statement of Compliance' to demonstrate accordance with these principles. This was intended to ensure that the design quality envisaged under the outline application translates to the detailed scheme proposed under reserved matters applications.

Layout, Scale and Density:

17. The outline consent includes a parameter plan for maximum heights, which reserved matters applications are required to comply with. The development proposed does not exceed the maximum heights set out in this plan, and it is considered that the overall scale of development is appropriate for the site, providing variation between the different blocks without 'maxing out' the limits set by the parameter plan. Regard has been had to the surrounding context and townscape, as required by the NDG and CQAAP, with the greatest height being focused towards the north of the site, stepping down towards areas of open space and to lower-rise development within the southern part of the site. Variation is also provided between the tallest blocks A1-A4, in terms of their height, form, footprint and design approach. This helps to ensure the massing of these blocks is broken up and relief provided, particularly along the key Talbot Road frontage.
18. Policy CQ2 of the CQAAP states that an average density of 170dph will be achieved across the plan area, though this notes that higher densities will be achievable in areas where greater building heights are identified. Whilst the development exceeds this average density (at 251dph), it is acknowledged that parts of the site have been identified as accommodating some of the greatest heights within the plan area, and in this context such density is not considered to be excessive. It is also noted that maximum unit numbers and heights have been established under the outline application, and the proposed development is in accordance with this in both respects. Whilst the layout of the scheme is similar to the indicative layout shown at outline stage, the footprint of the proposed development is smaller, albeit Block D would have been better as two separate buildings because of its length, and the siting of Block B is closer to the Metrolink boundary than it ideally should be.
19. The three storey townhouses within the southern part of the site accord with the CQAAP principle of creating lower height 'villages', including through the use of narrower street patterns. The provision of houses in conjunction with apartments also helps deliver a mixed community and are likely to represent an attractive option for families, particularly given the presence of a large area of open space delivered as part of the scheme.

Detailed building design:

20. The form of the buildings includes rectangular finger blocks and two square towers, all with flat roofs. The scheme utilises two general design approaches for

the apartment blocks, as set out in the Design and Access Statement: 'brick wall' and 'brick frame' buildings. The ratio of solid to glazing in each type is similar, however the 'brick wall' buildings are intended to appear more solid and heavier, whilst the 'brick frame' buildings are designed to be more open and elegant through the use of piers and deep reveals, lighter infill materials, including glazing and aluminium panels. The principle of this overall approach is considered to be acceptable, providing variety between the different blocks whilst ensuring a complementary relationship between buildings across the scheme, albeit the development would have benefitted from buildings exhibiting more interesting forms and rooflines. The use of brick as a primary facing material accords with the requirements of the CQAAP and DPD.

21. Both the DPD and CQAAP Design Code refer to the use of the architectural convention of a base, middle and top to each building and encourage the use of 'key massing datums' to provide unity across blocks. Each apartment building proposed features a clearly defined base, middle and top, with Block D for example including a colonnade feature at ground floor level and alternative window proportions to the upper floor. Similarly, the 20 storey Block A4 includes fully glazed bays at ground floor level with a greater height than the floors above, and a clearly legible double height glazed element to the upper floors, contrasting with the more regimented 'middle' section. Whilst common 'plinth' levels are not used across the scheme, it is considered that such an approach would not be appropriate in this case, particularly given the presence of townhouses at the base of some buildings and the considerable size of the site, whereby some buildings would not necessarily be read in conjunction with others.
22. Considerable attention has been given by Officers to the detailed design of building facades, particularly in terms of the depth and materiality of window reveals, the extent and appearance of aluminium infill panels and legibility of blocks through their window and door design/placement. Discussions have taken place between Officers and the applicant with a view to improving the detailed façade design quality and following the receipt of amended plans, some improvements have been made in this respect. The DPD refers to the use of 337.5mm (1.5 brick) reveals to windows. The application proposes 275mm window reveals to the apartment buildings and whilst this is not fully in accordance with the DPD, Officers consider that this will achieve an appropriate level of depth and articulation in the expression of building facades; this depth of reveal has been used in the recently completed 'Botanica Gardens' development in Old Trafford, and Officers have had regard to the high quality appearance of that scheme in their assessment of the current proposals. The window reveals were originally proposed to be clad in aluminium, however following discussions, these are now proposed to be brick; this is considered crucial to ensuring a high quality finish is achieved. Aluminium infill panels, colour to be agreed, are proposed to parts of the 'brick frame' blocks to act as a secondary material in conjunction with the glazed window openings. Officers were concerned with the extensive use of this material initially proposed, however following discussions, the extent of these panels has

been reduced and replaced with glazing panels albeit where the aluminium panels are used the reveal is minimal and therefore disappointing. In addition, opaque-backed glazing panels have been incorporated to the upper floors of these 'brick frame' buildings to give these a fully glazed appearance, in contrast with the floors below. Notwithstanding information submitted with the application, a condition is attached to the outline consent requiring the submission and approval of specific products and materials to be used, which will enable Officers to ensure that all materials are high quality and will complement each other once development is complete.

23. The detailed design of the standalone terraced townhouses within the southern part of the site is considered to be acceptable, contrasting with the taller apartment blocks elsewhere within the site. The use of brickwork detailing to the end of the rows adds visual interest whilst variety is provided in the form of an asymmetrical roof to the row adjacent to the Metrolink line. Balconies are provided to the rear of the majority of townhouses, enabling a greater density of development to be delivered in what is a highly sustainable location.

Legibility of buildings:

24. The CQAAP references the need to ensure that substantial lengths of inactive frontage are avoided, specifically seeking that no more than 20% of the frontage of each perimeter block or development is inactive and that no more than 15m of any frontage is inactive. The proposals are generally in accordance with these aims, though there are certain exceptions which the applicant has sought to justify. In particular, it is noted that Block B backs onto the Metrolink line which is not publicly accessible, particularly given the retention of tree planting within the Metrolink boundary. The areas of inactive frontage serving Block D having been minimised as far as possible, with substantial stretches serving as the frontage for a convenience store and coffee shop, whilst ground floor apartments and their associated glazing and entrances front the residential street to the rear. The form and layout of the block is such that some extent of inactive frontage is unavoidable, given the need to provide access to facilities such as bin stores and sprinkler systems. Frontages to Blocks A1-A4 are however almost entirely active, due to the presence of an internal parking area/podium garden around which the blocks are 'wrapped'. This enables bin stores/wet riser tanks etc. to be sited to face inwards, with the external frontages being formed from townhouses, a residents' lounge and reception areas, giving the scheme a more welcoming and active presence in the streetscene. Overall, the development is considered to be acceptable in this respect.
25. The rhythm of windows and doorways along each frontage is generally considered to be clear and legible, achieving the aims of the CQAAP and DPD. Amendments have been made to the townhouses at the ground floor of Block A to improve the positioning of openings and also to remove the previously proposed ramps, steps and raised platforms, being replaced with landscaped areas of defensible space.

These units now read as individual townhouses, providing a more legible streetscene and impression of human scale to key routes into the site. The removal of ramps, steps and raised platforms has also had a positive impact in terms of accessibility. The other apartment blocks include individual entrances to ground floor units, helping to achieve a positive relationship with adjacent streets and public realm at ground floor level. The primary entrances into these apartment buildings include appropriately deep reveals with greater expanses of glazing to provide clarity and some level of architectural expression.

Public realm:

26. Policy CQ7 of the CQAAP sets out a number of public realm principles for future development. These include increased permeability, high quality street furniture and boundary treatments, and the provision of new soft landscaping. A Public Realm Code with detailed requirements is included at Appendix 3 of the CQAAP.
27. The scheme as a whole will significantly enhance pedestrian permeability of the area with linkages provided into and through the site from Brian Statham Way and Talbot Road. The design also accounts for the potential for future linkages to be created into adjacent land to the north-east. All proposed street furniture and boundary treatments are considered to be of a high quality, with timber and steel benches, low 0.9m railings to townhouse frontages and railings set within areas of planting to the ends of the residential streets in the southern part of the site. A condition is however recommended to require the submission and approval of final details of these materials/features.
28. The street typologies referred to in the DPD are reflected in the proposed scheme, in terms of street widths, visual connectivity and use of soft landscaping. The public and private outdoor spaces also accord with the principles established by the DPD. In particular the 'Central Neighbourhood Space' will be soft in character, has the potential to serve as a meeting place for future residents and would be accessible by different user groups. Substantial public spaces would also be delivered close to the Old Trafford Metrolink stop ('Trafford Gateway') and on the route between Talbot Road and the central area of open space ('Talbot Court'). The latter of these includes a significant amount of soft landscaping with trees providing a positive edge to Talbot Road, whilst the former is intended to serve as a flexible space supporting events and a point of arrival and orientation from the tram stop. A podium garden is proposed to serve as amenity space for residents of the surrounding apartment blocks and is a substantial, verdant space which also provides a pleasant outlook for these residents.
29. A full assessment of the proposed landscaping scheme is contained later in this report, however the detailed planting strategy is comprehensive and includes trees throughout the site, including along residential streets and within the Central Neighbourhood Space. Ornamental planting and lawns are also used to soften the site generally as well as providing defensible space to townhouses. In terms of

hard landscaping, it is noted that clay is not proposed to be used, although this was identified as being the predominant material in the DPD. Despite this, the scheme is considered to be generally high quality though a condition should be attached requiring the submission of specific surfacing products to be used.

Summary:

30. Whilst the proposed development accords with many of the principles of the CQAAP and the DPD, some elements of the detailed design are disappointing and do not entirely align with Policy CQ6 of the CQAAP or Policy L7 of the Core Strategy. It should also be noted that the outline application was approved in advance of the adoption of the CQAAP, meaning detailed requirements of this policy document may not have been factored into the viability of the scheme. These conclusions on design are weighed in the planning balance at the end of this report.

HERITAGE ASSETS

Legislative and policy background:

31. Section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990 advises that *“In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority ... shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.”*
32. Policy R1 of the Core Strategy states that all new development must take account of surrounding building styles, landscapes and historic distinctiveness and that developers must demonstrate how their development will complement and enhance existing features of historic significance including their wider settings, in particular in relation to conservation areas, listed buildings and other identified heritage assets. This policy does not reflect case law or the tests of ‘substantial’ and ‘less than substantial harm’ in the NPPF. Thus, in respect of the determination of planning applications, Core Strategy Policy R1 is out-of-date and can be given limited weight.
33. Policy CQ5 of the CQAAP states that the Council will seek to strengthen the historic and local character of the Civic Quarter by conserving and enhancing designated and non-designated heritage assets, their setting, and the wider historic environment. This sets out a number of criteria which new development will be expected to meet, including identifying and positively responding to the distinctive character and significance of heritage assets and their settings, and protecting key views of the clock tower of Trafford Town Hall (Grade II listed).
34. Paragraph 195 of the NPPF states that local planning authorities should identify and assess the particular significance of any heritage asset that may be affected

by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.

35. Paragraph 197 states that in determining applications, local planning authorities should take account of:
 - a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
 - b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
 - c) the desirability of new development making a positive contribution to local character and distinctiveness.

36. Paragraph 199 of the NPPF establishes that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The NPPF sets out that harm can either be substantial or less than substantial. There will also be cases where development affects heritage assets but from which no harm arises. Significance is defined in the NPPF as 'The value of a heritage asset to this and future generations because of its heritage interest. The interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset's physical presence, but also from its setting.' Setting of a heritage asset is defined in the NPPF as 'The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral'.

37. Paragraph 202 of the NPPF states that *"where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use"*. Paragraph 203 identifies that the effect of an application on the significance of a non-designated heritage asset should also be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

Significance of nearby heritage assets:

38. A full assessment of the significance of nearby heritage assets is included within the Committee Report for the outline planning application. To summarise, the closest listed building to the application site is the Grade II Trafford Town Hall immediately to the north-west, significant for its aesthetic, historical and communal

values. The Grade II listed former Entrance Portal and Lodges to White City are approximately 0.3km to the north of the site and are significant for their communal and aesthetic value. The closest conservation area is Longford Park, approximately 0.5km to the south. Old Trafford Cricket Ground, including the pavilion and turnstiles immediately to the west is deemed to be a non-designated heritage asset. Since the outline planning application was considered, Old Trafford Bowling Club, approximately 220m to the north-east of the site has been listed at Grade II due to its architectural and historic interest.

Impact of development on heritage assets:

39. An assessment of the impact of the development on the above heritage assets was carried out under the outline application, albeit this was based on indicative and parameter plans. It was concluded that the proposed development would cause moderate harm to the significance of Trafford Town Hall, minor harm to the non-designated turnstiles at Old Trafford Cricket Ground and negligible harm to all other designated and non-designated heritage assets outlined above. This harm was considered to represent 'less than substantial harm' in NPPF terms, though significant public benefits were identified which were considered to clearly and demonstrably outweigh the less than substantial harm to designated heritage assets, as well as the minor harm to non-designated heritage assets.
40. The outline consent includes a condition requiring the submission of a further Heritage Assessment with each reserved matters application, in order to consider potential impacts of the detailed scheme on heritage assets. In accordance with this condition, the current application is accompanied by a Heritage Impact Assessment.
41. The Council's Heritage and Urban Design Manager (HUDM) has been consulted on this application. Under the outline application, the HUDM considered that the proposed block in front of UA92 (up to 8 storeys) and the 20 storey block on Talbot Road were likely to have the most impact on openness and the contribution this makes to the setting of Trafford Town Hall. Furthermore, the siting of these blocks and those along Brian Statham Way was considered to impact on the processional route proposed in the CQAAP. The development proposed under this reserved matters application does not include the block in front of UA92, which does reduce some of the harm previously identified to the setting of Trafford Town Hall and the turnstiles. A number of other concerns are however raised.
42. The HUDM advises that the proposed form, massing, appearance and materiality is disappointing and does not positively reinforce the historic character of the area, nor provides an innovative and creative response to the site and wider Civic Quarter Area (CQA). Submitted section A-A demonstrates that due to the scale and massing of the blocks and the lack of views across the site, these appear as one continuous development. Some relief is identified in Section C-C between UA92 and Block D, however the drawing again demonstrates the cumulative

impact of the massing and appearance of Blocks A1- A4 as they appear in views from Brian Statham Way. The height and massing of Blocks A1 and A4 is raised as a concern along Talbot Road and the impact on views of Trafford Town Hall, although it is accepted that the height is within the parameters agreed at outline stage. The lack of an interesting silhouette, roofscape and articulation compounds the impact of the design on the aforementioned heritage assets. The staggered siting, height and horizontal massing of Block D is noted as an additional concern and in particular the impact on the setting and appreciation of the turnstiles.

43. A further concern raised by the HUDM is the proposed materiality which comprises of an extensive use of aluminium cladding, aluminium doors and windows and aluminium canopies; it is understood that the colour is to be agreed at condition discharge stage and should reflect the distinctive historic palette of materials within the CQ. It is stated that there is little detailing proposed to elevations and relief is only provided by floor to ceiling glazing. It is acknowledged that the applicant has made some further changes to increase the number of glazed panels, reduce the extent of cladding and provide more prominent entrances; this has resulted in some improvements to the design. Notwithstanding this, the HUDM considers that the development fails to address, sufficiently, a number of the policies contained within the CQAAP, in particular Policies CQ5, CQ6 and Appendix 2.
44. With regard to comments on the scale and siting of particular buildings, Officers note that the outline application establishes maximum parameters which the current proposals fall within. The proposed layout is also generally reflective of the indicative masterplan submitted at outline stage. Whilst it is acknowledged that some harm to the setting of heritage assets will result from the proposed development in these respects, this was the position established at outline stage and this harm will need to be considered against the public benefits of the scheme, in line with NPPF paragraphs 202 and 203.
45. In terms of matters of appearance and materiality, as set out earlier in this report, it is acknowledged that certain elements of the scheme are not entirely in accordance with the outline DPD and CQAAP. Officers have however secured several changes to the design of the scheme which represent an improvement in design terms; notably, these include a reduction in the extent of aluminium cladding, enhancement of entrances to buildings and the inclusion of brickwork reveals to windows. It is also noted that brickwork will be the primary material on all buildings (as required by the DPD), and details of the specific tones and products to be used will be required under a planning condition. It is however accepted that some elements of the appearance and materiality of buildings would contribute, to some extent, to the harm caused to the setting of heritage assets in the vicinity of the site. As noted above, this will be considered against the public benefits of the scheme.
46. In summary, and as advised by the HUDM, it is considered that the proposed development would cause moderate harm to the significance of Trafford Town

Hall, minor harm to the non-designated turnstiles at Old Trafford Cricket Ground and negligible harm to all other designated and non-designated heritage assets. In the case of the latter, this is largely due to their significant distance from the application site and the presence of a number of intervening buildings. The harm identified to designated heritage assets is considered to represent 'less than substantial harm' in NPPF terms (as was the case for the outline application), for which paragraph 202 is applicable, and bearing in mind the statutory duty of Section 66(1) of the Planning (Listed Buildings & Conservation Areas) Act 1990. The minor harm to the significance of non-designated heritage assets identified above requires the development to be assessed against paragraph 203.

Public benefits:

47. As set out in the outline application committee report, there are considered to be numerous substantial public benefits associated with the proposed development which would outweigh the harm to designated and non-designated heritage assets identified above. The proposals would deliver 639 no much needed residential units in a highly sustainable location, contributing towards meeting the Council's housing land targets and housing needs. The scheme would also deliver supporting local centre facilities and areas of publicly accessible open space. The construction phase is anticipated to support a substantial number of direct and indirect jobs, as well as significant local spending by new households which would also support further indirect employment. The proposals would maximise the benefits associated with a brownfield site in a highly accessible location and would serve as a catalyst for future development within the Civic Quarter. Overall, the scheme is considered to constitute a socially, environmentally and economically sustainable form of development.

Conclusion:

48. In conclusion, the public benefits identified above are considered to clearly and demonstrably outweigh the less than substantial harm to designated heritage assets as well as the minor harm to non-designated heritage assets. On this basis, the proposed development is deemed to accord with the NPPF and is considered acceptable in this respect.

RESIDENTIAL AMENITY

49. CQAAP Policy CQ2 states that all proposals for residential development should preserve the amenities of existing neighbouring residents, and should deliver high standards of residential amenity for prospective occupants.
50. Policy L7 of the Trafford Core Strategy states that *"In relation to matters of amenity protection, development must: Be compatible with the surrounding area; and not prejudice the amenity of the future occupiers of the development and / or occupants of adjacent properties by reason of overbearing, overshadowing,*

overlooking, visual intrusion, noise and / or disturbance, odour or in any other way”.

Daylight, sunlight and overshadowing:

51. The outline application was accompanied by a Daylight, Sunlight and Overshadowing Assessment which demonstrated that a scheme could be delivered within the parameters established by that application without having an unacceptable impact on neighbouring or future residents in terms of daylight, sunlight and overshadowing. The Committee Report for the outline application noted however that further consideration will be given to the final layout, scale and appearance of the development at reserved matters stage, and a condition was attached requiring the submission of a further supporting daylight and sunlight assessment, in order to ensure that within-site relationships are acceptable in this respect. In accordance with this condition, a further Daylight and Sunlight Report has been submitted.
52. The Report concludes that surrounding residential properties generally exhibit good levels of daylight and sunlight with the proposed development in place. Where deviations from relevant target criteria are identified, they are typically limited and are supported by the NPPG and by flexibly applying the targets to dense, urban locations as suggested by Building Research Establishment (BRE) guidelines. The Report also concludes that levels of daylight and sunlight for the development itself are acceptable, particularly when considering the dense, urban location of the scheme, the emerging height and density envisaged by the CQAAP/outline consent and the flexibility with which the BRE target criteria are intended to be used. Given the above, together with the conclusions reached in respect of impacts on surrounding properties at outline stage, the proposed development is considered to be acceptable in this respect.
53. Whilst some relationships between certain proposed buildings are relatively tight, with some particularly narrow residential streets, the proposed development is not considered to result in unacceptable overshadowing or overlooking impacts. The Council's guidance for new residential development contained within PG1 sets minimum separation distances for various scenarios, though it is noted that this guidance is somewhat dated (2004), was written at a time when suburban type low density development was the norm in Trafford, and is consequently based on this model and refers to the need for a flexible approach in certain circumstances. Given the highly sustainable nature of the application site, it is necessary to achieve an appropriately high density, and therefore a relaxation of the above guidelines is considered necessary and acceptable in this instance. The approximately 9.5m-10.5m between townhouses on the residential streets in the southern part of the site accords with the DPD and is generally reflective of the indicative masterplan submitted at outline stage. This delivers the intimate feel and soft nature envisaged by the DPD and constitutes a welcome contrast from the broader streets and taller buildings located elsewhere within the site. Future

residents would be well aware of these relationships when deciding whether to purchase/occupy these units, and no outlook from any existing properties would be affected. The use of soft landscaping within these streets, particularly between the southernmost row of townhouses and Block D, would also serve to minimise any perception of overlooking, providing a more pleasant outlook and screening to facing elevations. The development as a whole is considered to deliver a good standard of amenity for future residents.

Amenity space for future residents:

54. As noted earlier in this report, residents of Blocks A1-A4 would have access to a podium garden at the centre of these blocks. This provides a substantial area of semi-private amenity space, including spaces for residents to use individually as well as larger spaces for bigger groups to meet. Also proposed are elements of play provision and 'grow your own' facilities, which are intended to foster a sense of community which is often lacking in such apartment schemes in urban areas. This is considered to represent a well-designed, functional resource for future residents which could be used for a variety of purposes. Although not every unit is provided with private external amenity space (see below), this podium garden is considered to represent a good quality alternative.
55. A total of 78no of the proposed apartments have access to private balconies. It is acknowledged that this falls substantially short of the requirement of CQAAP policies CQ2 and CQ6, which seek to provide all new residential development with useable private amenity space. Whilst this is a matter which weighs against the proposed development, it is noted that the outline consent was granted prior to the adoption of the CQAAP, and the viability case submitted at the time of that application will not have had regard to requirements of the CQAAP, particularly those which came through Main Modifications following the Inspector's report in autumn 2022, including the need to provide private amenity space for each unit. In this context, the level of private and semi-private amenity space to be delivered is considered to be acceptable in this instance. Whilst public open space should not be taken as an acceptable alternative to private amenity space, the provision of the substantial Central Neighbourhood Space does represent a benefit for future residents, offering good quality outdoor space in what is otherwise generally a dense urban environment lacking such features.
56. The majority of townhouses within the terraced streets in the southern part of the site include either a private garden or private roof terrace. Other than the row of townhouses adjacent to the Metrolink line (each of which has a private garden), each townhouse in the southern part of the site also has access to a semi-private 'garden street', intended to encourage a sense of community and providing communal garden spaces, seating areas, play areas and 'grow your own' facilities. Given the dense, urban nature of the scheme, this is considered an appropriate solution for providing amenity space for these units, in conjunction with the private gardens and roof terraces.

HIGHWAY MATTERS

57. Policy CQ10 of the CQAAP states that developments should meet their own car parking needs on-site via appropriately and high-quality designed parking provision including the use of podium parking with active frontages wherever possible.
58. Policy L4 of the Trafford Core Strategy states that *“when considering proposals for new development that individually or cumulatively will have a material impact on the functioning of the Strategic Road Network and the Primary and Local Highway Authority Network, the Council will seek to ensure that the safety and free flow of traffic is not prejudiced or compromised by that development in a significant adverse way”*.
59. Paragraph 111 of the NPPF states that *“Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe”*.
60. Matters of site access were approved under the outline application, whilst impacts on the surrounding highway network and the overall level of car parking provision were also considered and deemed acceptable; the current application proposals fall within these parameters established at outline stage. A condition was however attached requiring any reserved matters applications to be accompanied by a Movement, Parking and Servicing Management Strategy. This was intended to ensure that the detailed scheme design accounts for these matters and provides information regarding the allocation of car parking spaces, accessible parking spaces and servicing arrangements. Whilst a standalone document has not been submitted, relevant information is provided within the Design and Access Statement and Landscape & Public Realm Statement.

Access:

61. The vehicular access and egress points approved under the outline consent will be located on Talbot Road and will connect internally to a 200-space podium car parking area. It is not intended for vehicles to be able drive through the majority of the site, with the exception of emergency vehicles, blue badge holders and servicing vehicles. Access within the estate will be via a 4m wide one-way route, exiting onto Brian Statham Way, and controlled by use of fob keys and automated bollards. An intercom system and onsite management team will also be provided to assist those needing access beyond the podium parking area. The Local Highway Authority (LHA) has been consulted and confirms it is accepting of the proposed internal access arrangements.

Car parking:

62. With regard to car parking, 199no spaces will be provided in a podium parking area in the northern part of the site, surrounding by Blocks A1-A4. Of these spaces, 99no will be allocated to the area of the development referred to as Block A (440no one, two, and three-bedroom apartments, and three and four-bedroom houses), 70no will be allocated to Blocks B to D (comprising a further 199no residential apartments and townhouses) and 30no will be provided for use by the commercial units/the proposed school, should it be delivered under a later phase. Ten accessible parking spaces will be provided for Block A (a 5% provision), in addition to a further four spaces that will be placed close to Blocks B and D (two spaces adjacent to each block); this gives a total provision of 7%. CQAAP Policy CQ10 seeks to deliver either 3no accessible spaces or 6% of the overall total, whichever is greater. SPD3 states that such provision will be negotiated on a case-by-case basis.
63. The LHA confirms that the proposed car parking allocations and layout are acceptable, and Officers are satisfied that the proposals will ensure an appropriate split of parking provision is delivered across various uses/buildings within the site, as envisaged under the outline application. The accessible parking provision is in accordance with the requirements of the CQAAP and SPD3 and is considered to be acceptable.

Cycle parking:

64. Condition 13 of the outline consent requires the submission of a scheme for secure cycle storage for each phase of development. It is proposed to initially install a provision below the minimum standards set out in SPD3. The applicant has stated an initial provision of 220no spaces for Block A (440no units), 40no spaces for Block B (74no units), and 38no spaces for Block D (72no units) will be delivered, with additional space provided within each block to install further cycle racks to accommodate one space per apartment, should demand for cycle parking spaces increase. Although the LHA has raised concerns with this arrangement, Officers are satisfied that a suitably worded planning condition can ensure that a review mechanism is in place to require the installation of additional cycle storage racks should demand exceed the initial provision. The condition will also specify that spare capacity should be factored into these reviews, ensuring that residents are not discouraged from owning a bike due to lack of storage space.
65. Elements of cycle parking provision are also proposed throughout areas of public realm within the site, including within the Central Neighbourhood Space, Talbot Court and Trafford Gateway. These would accommodate up to 36no bicycles, which is considered to be appropriate for a site of this size. A condition is recommended requiring details of the final design and appearance of these facilities to be submitted to the Local Planning Authority.

Servicing:

66. Condition 14 of the outline consent requires the submission of a Waste Management Strategy for each phase of development. This information is provided within the Design and Access Statement and partly also within the submitted Landscape Statement. It is noted from the DAS that discussions have taken place between the applicant and Trafford Council's Waste Management service, and it is intended to use both a private waste contractor and the Trafford Council service. The submitted plans indicate that communal bin collection points will be strategically placed across the site, with the intention that the building operation teams will manage the apartment bin stores and residents of the townhouses will be responsible for their own bins. Access for refuse vehicles will be provided via either a key fob or by using the intercom service. The LHA has sought clarification in terms of how it is intended to manage the servicing arrangements for Phase A, given that the proposed service vehicle exit will not be constructed until Phase B is brought forward. In response to this, the applicant advises that in reality, both phases shown on the submitted Phasing Plan will be delivered concurrently and therefore the proposed service vehicle exit will be delivered simultaneously. A condition should be attached to any consent issued requiring the proposed servicing arrangements to be implemented before the development is first occupied/brought into use.
67. The Council's Waste Management service has also been consulted and notes that the access and collection points are acceptable. It is also confirmed that the use of a private waste management company is acceptable, subject to a formal agreement being reached. Further advice is provided in terms of the quantity and size of bins required, and a condition should be imposed to ensure that bin servicing is carried out in accordance with the proposed arrangements.
68. As required by condition 14 of the outline consent, all bin stores serving the apartment buildings will be internalised, ensuring that there is no detrimental visual impact on the areas of public realm and landscaping within the site. Bin stores for each townhouse will be provided to the rear of each unit and a condition is recommended requiring the submission of details of the appearance of these.

NOISE AND VIBRATION

69. Policy L7 of the Trafford Core Strategy states that *"In relation to matters of amenity protection, development must: Be compatible with the surrounding area; and not prejudice the amenity of the future occupiers of the development and / or occupants of adjacent properties by reason of...noise and / or disturbance...or in any other way"*.
70. Policy CQ3 of the CQAAP states that the 'agent of change' principle will apply in circumstances where the operation of an existing non-residential use could have a significant adverse effect on new residential uses. Planning permission will be refused unless the developer of the residential use is able to suitably mitigate the

impact. Policy CQ1 states that Development should not undermine the role, function and operation of Lancashire Cricket Club as a major sport and leisure attraction within the Civic Quarter.

71. The outline consent includes a condition requiring any reserved matters application relating to 'appearance' to be accompanied by a glazing, ventilation and M&E strategy, in order to demonstrate compliance with the Environmental Statement supporting the outline application. It is noted that the committee report for the outline application considered matters of noise and vibration, and states that *"concert noise levels from the adjacent cricket ground have been predicted at the nearest exposed façade and found to be of no concern to the current operating requirements imposed in respect of such events. Concerts at the cricket ground are therefore expected to be able to continue, as the noise environment will be the same for new residents as it is for existing residents living close to the cricket ground"*. Noise levels at the site (other than a very small area close to the Metrolink and not part of this reserved matters application) were predicted to be no more than 75dB.
72. The application is accompanied by a 'Glazing, Ventilation and Overheating Strategy' which specifies the glazing and ventilation requirements for each of the proposed residential buildings of the development. The Strategy includes an Acoustic Review that considers the impact of noise from events at Emirates Old Trafford (EOT), including large scale open-air concerts. This recommends that uprated glazing and mechanical ventilation is installed to address concert noise levels at windows serving Block D, where they would otherwise exceed the limit which applies to existing residential premises, as stipulated in the current Premises Licence granted to Lancashire County Cricket Club (LCCC), the operator of EOT.
73. LCCC initially submitted a holding representation which cites concerns in respect of the potential conflict between the development and the stadium's operations, in particular music concerts and sporting events. The representation states that the supporting documentation does not specifically mention the agent of change principle, which requires a person or business (i.e. the agent) introducing a new noise sensitive land use to be responsible for managing the impact of noise from existing land uses on that change. Reference is made to a recent planning appeal decision (ref. APP/Q4245/W/20/3258552) to refuse permission for a residential development on the former B&Q site due to concerns that the development being in close proximity to EOT would lead to potential conflict with LCCC's operations. A Project Note prepared by Vanguardia (an acoustic consultancy employed by LCCC to manage concert noise) accompanies the representation to provide comments on the application documentation and in particular the supporting acoustic review by SRL. The Note advises that there is a high risk that the degree of noise impact from pop concerts and sporting events and the resultant necessary mitigation measures have been underestimated. LCCC has subsequently advised that it would be prepared to lift its objection, subject to a number of suggested

conditions and subject to the Council dealing with any subsequent statutory nuisance complaints in a manner which takes account of relevant national guidance. This is also on the basis of any complaints being considered on the basis of windows being closed during concerts, rather than open.

74. The Council's Environmental Protection service has been consulted and advised that an independent acoustic review of the information submitted by the applicant and on behalf of LCCC should be carried out, in order to ensure that noise issues associated with the 'agent of change' principle have been fully assessed by an expert in this field. In accordance with this recommendation, the Local Planning Authority has instructed such a review. Discussions are ongoing between the Council's appointed consultant and the applicant's acoustic consultant, and a detailed assessment of this matter will be provided in an Additional Information Report to committee.
75. Notwithstanding this, following discussions with the Council's appointed consultant, Officers are satisfied that this issue can be appropriately resolved prior to the committee date. Following discussions with the Council's consultant, it has been established that an internal noise level of 35dB is appropriate for new developments to seek to achieve, but this does not mean that an internal noise level above this during concert events would not be appropriate or acceptable. It would depend on the level and extent of the exceedance. The extent to which this exceedance may occur and the level of any associated harm will be reported to Members in the Additional Information Report, and will be weighed in the planning balance as necessary.

FLOODING AND DRAINAGE

76. Policy CQ4 of the CQAAP states that major development proposals will be expected to demonstrate how they have applied the hierarchy of drainage options in dealing with surface water, and incorporate sustainable drainage solutions which maximise opportunities to integrate surface water management with green infrastructure to secure multi-functional benefits. Policy CQ7 has similar aims.
77. Policy L5 of the Trafford Core Strategy states that *"the Council will seek to control development in areas at risk of flooding, having regard to the vulnerability of the proposed use and the level of risk in the specific location"*. At the national level, NPPF paragraph 167 has similar aims, seeking to ensure that development is safe from flooding without increasing flood risk elsewhere.
78. At outline stage, an outline drainage scheme was submitted and the Lead Local Flood Authority did not raise any objections to these general proposals. It was concluded that the application was acceptable in terms of flooding and drainage, though a condition was attached to require the submission of a detailed Sustainable Drainage Scheme with each reserved matters application. A further condition required the submission of foul drainage details.

79. The current application is accompanied by a detailed Drainage Strategy which seeks to follow the drainage hierarchy, as required by local and national policy. This states that 80% of the site is underlain by a significant layer of made ground classified as reworked clay, underlain by a natural layer of clay; the infiltration rate here is significantly below the minimum rate recommended as being suitable for an infiltration-based system. Three areas of the site indicate an element of underlying sands and as such, the use of infiltration based systems is proposed in these areas. The Strategy advises that there are no surface water bodies or surface water sewers near to the site and as such, for the 80% of the site where infiltration is not possible, discharge to a combined sewer is proposed. Some SuDS elements are however proposed where possible, including hydrobrake flow control, cellular storage and permeable paving.
80. A foul water drainage strategy has also been provided, and it is confirmed that these details have been submitted to and been approved by United Utilities.
81. The Lead Local Flood Authority (LLFA) has been consulted on the application and following the receipt of further supporting information, has not raised any objections to the development. The LLFA response recommends a condition requiring the submission of a Drainage Management and Maintenance Plan prior to the development being brought into use; this should be attached to any consent issued.
82. Given the above, the application is considered to be acceptable in terms of flooding and drainage and compliant with relevant local and national planning policies and guidance, subject to the planning condition referenced above.

TREES AND LANDSCAPING

83. Policy CQ4 of the Civic Quarter AAP states that all proposals should provide new areas of public realm and green space, incorporating quality hard and soft landscaping. Policy CQ7 refers to the use of tree-lined streets and new soft landscaping to enhance the character of the area and promote increased biodiversity.
84. 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. Condition 10 of the outline consent requires any reserved matters application relating to 'landscaping' to be accompanied by full details of hard and soft landscaping works for that phase.
85. The application is accompanied by a Landscape & Public Realm Statement which illustrates the public realm and landscape proposals for the site and sets out key

design principles. Also accompanying the application is an Arboricultural Impact Appraisal (AIA) which includes a survey of trees within and adjacent to the site and the impact of the development upon them. An illustrative landscape layout, landscape materiality swatches and a detailed planting strategy have also been provided.

86. The Council's Arboriculturist has been consulted and confirms that the site is not covered by any Tree Preservation Orders. The tree stock on site is dominated by large bands of mature, deciduous trees along the Metrolink boundary which provide screening, whilst there are smaller, more sporadic groups of trees along the boundary with Talbot Road. Within the site there are a few trees planted in linear features that are likely to have been planted as part of a former landscaping scheme associated with the existing building. It is advised that overall, the arboricultural quality of trees ranges from very low to moderate; there are no trees of particular merit on site. It is noted that the large groups of trees on the boundary with the Metrolink line provides a buffer to screen the adjacent Metrolink track and the large depot behind it. In total, 26no individual trees, 3no groups and part of 3no groups will require removal to facilitate the development. Additionally, 3no individual trees require removal due to their poor condition, regardless of the proposed development.
87. The Arboriculturist advises that there are a few scattered groups of small trees within the interior of the site and these are to be removed to facilitate the development. As these are of small stature and low amenity value, no objections are raised to their removal and these can be mitigated for in the detailed landscaping scheme. The belts of trees that are being removed along the Metrolink boundary will have more visual impact due to their size, maturity and prominence. It is confirmed that these should be replaced in a robust landscape plan with an appropriate maintenance schedule to ensure their survival.
88. Transport for Greater Manchester (TfGM) has been consulted and initially queried the potential impact of the development on the Root Protection Areas (RPAs) of trees beyond the south-eastern boundary of the site within land owned by TfGM. Assurances were also sought that trees on this land would not be adversely affected by the removal of adjacent trees within the development site. In response to these comments, the applicant has provided some further supporting information. This notes the presence of a boundary wall which will remain in place following the development, and which is likely to protect the RPAs of trees on TfGM land. It is also advised that a secondary boundary treatment would be provided to the proposed gardens of properties adjacent to this boundary, which would be inset from the existing wall. As a result, TfGM confirms it has no objection to the proposed development subject to a condition requiring the submission of a photographic survey of this boundary wall, to provide a record of its condition prior to commencement. This should be attached to any consent issued.

89. The application proposes a substantial number of replacement trees, both within areas of open space and along streets running through the site. The planting strategy also includes significant areas of herbaceous planting as well as lawns. Officers are satisfied that the proposed soft landscaping scheme will contribute to a high quality public realm, in line with the vision set out under the outline application and the requirements of the CQAAP. Main routes into the site will be tree lined, largely with semi-mature specimens, creating a verdant environment which will help to soften the impact of the development as a whole. Residential and 'garden streets' will also feature broadleaf tree planting, private terrace space for individual houses, as well as communal gardens with seating and 'grow your own' facilities for residents. The Central Neighbourhood Space contains open amenity lawns, with mixed tree and understorey planting to the edges, whilst natural play elements including logs, trunks and boulders are also provided. Informal routes through the planted edge enable permeability across this space and some areas of seating are also included. This is considered to represent a well thought-out design for this space which will serve to encourage a sense of community, where both residents of the scheme and visitors to the site can mix and socialise.
90. Talbot Court includes a network of 'garden paths' running through soft landscaped areas featuring lawns, ornamental planting and trees; tree species include pear, linden and rowan. These areas, together with raingardens fronting the Block A townhouses and areas for seating will create a welcoming point of entry into the site and a pleasant route leading towards the Central Neighbourhood Space. The inclusion of a large hard surfaced space at Trafford Gateway, lined with seating is intended for 'flexible event use' and also serves as a point of entry into the site. This is softened with lawn areas, tree and shrub planting (including birch and pine) whilst the adjacent spillout area for the commercial unit in Block D will help to generate activity. The acceptability of the podium garden is considered in the 'amenity' section above.
91. As noted earlier in this report, details of hard surfacing materials will be secured by condition, though the Landscape & Public Realm Statement indicates that an appropriate, high quality scheme will be delivered.
92. Overall, it is considered that the proposed landscaping scheme is acceptable subject to the conditions referenced above. The application is therefore considered to accord with the aims of CQAAP Policies CQ4 and CQ7, as well as Core Strategy Policy R3 and the NPPF.

DEVELOPER CONTRIBUTIONS

93. As noted earlier in this report, matters of affordable housing and other developer contributions have been considered and secured as necessary under the outline application, so these matters do not need to be revisited under the current application.

94. Sport England has provided comments requesting a contribution towards sport provision, however this matter was fully considered under the outline application and it would not be possible to seek further contributions at reserved matters stage.

OTHER MATTERS

Energy use and carbon reduction:

95. Condition 15 of the outline consent requires any reserved matters application relating to 'appearance' to be accompanied by a strategy for energy efficiency and low/zero carbon technologies for that phase. This is required to demonstrate how carbon emissions of at least 30 per cent below the Building Regulations Target Emissions Rate shall be achieved.
96. The application is accompanied by an Energy and Low Carbon Strategy which is intended to fulfil the requirements of this condition. This states that an enhanced building fabric specification, allied to an efficient mechanical and electrical servicing strategy will achieve compliance with the emission reduction targets stipulated by Building Regulation, Part L (2013). With respect to the 30% emissions reduction referred to in the above condition, it is advised that revised carbon factors associated with the current stage of grid decarbonisation have been applied, achieving a minimum of 30% emissions reduction against Part L 2013. The general approach to carbon reduction includes measures such as improving the thermal performance of materials used, minimising heat loss through infiltration and cold bridging and precise attention to detail with regard to construction techniques.
97. Given the above and given the scheme's compliance with outline condition 15, the proposed development is considered to be acceptable in this respect.

Security and safety:

98. Policy CQ2 of the CQAAP states that all proposals should be designed to reduce the risk of crime, including the incorporation of hostile vehicle mitigation where necessary.
99. The outline planning application was accompanied by a Crime Impact Statement (CIS), though a condition was attached requiring the submission of a more detailed CIS with each reserved matter application. In accordance with this condition, a further CIS has been submitted, which has been produced by Greater Manchester Police's Design for Security section. This confirms that the scheme is supported and makes a number of recommendations, including the need for high quality private and public realm, the use of security-rated entrance doors and windows and the use of secure cycle stores. The scheme also includes hostile vehicle

mitigation features across the southern part of the site, in the form of fixed and drop bollards and decorative signage banners, disguised within areas of planting where possible.

100. Greater Manchester Police's Designing Out Crime Officer has been consulted on the application and advises that the application is supported subject to a condition requiring the development to be designed and constructed in accordance with the recommendations and specification set out in the submitted CIS. Subject to such a condition, the proposed development is considered to be acceptable in this respect.

Ecology:

101. The outline application was considered to be acceptable with regard to matters of ecology, with conditions included to require the submission of further information prior to works taking place, or the development being brought into use. Notwithstanding this, the Greater Manchester Ecology Unit (GMEU) has been consulted on this application and advises that certain plant species proposed as part of the detailed landscaping scheme should be replaced with native, berry bearing species, in order to achieve biodiversity enhancement. An amended planting strategy has been submitted to reflect these comments, which the GMEU confirms is acceptable. As such, the proposed development is considered to be acceptable with regard to matters of ecology.

Archaeology:

102. Greater Manchester Archaeological Advisory Service has been consulted and notes that condition 28 attached to the outline consent secures archaeological interests, requiring an appropriate report to be submitted before any work commences. It is advised that the detail provided by the current reserved matters application does not have any implications on this existing condition, which does not require any amendment in the light of the new information. As such, no further consideration of archaeological matters is required for the current application.

Contaminated land:

103. The application has been reviewed by the Council's Environmental Protection service which advises that there are no objections with regard to matters of contaminated land. It is noted that the outline consent includes a condition requiring the submission of contaminated land information prior to any above-ground construction work taking place. On this basis, the current application raises no further issues in this respect.

Air quality:

104. The Council's Environmental Protection service has been consulted and advises that comments made in relation to the outline application confirm that no significant impacts are expected in relation to air quality and no mitigation measures are required in that regard. As there has been no significant change to the nature of the outline application, it is confirmed that there are no further air quality comments to make, and the development remains acceptable in this respect.

Wind microclimate:

105. The outline consent includes a condition requiring any reserved matters application relating to 'layout' and 'scale' to be accompanied either by a Wind Microclimate Assessment, or a statement detailing why such an assessment is not required for that phase. The current reserved matters application is accompanied by a Wind Microclimate Assessment Report. This is intended to identify the likely effect of the proposed development on the pedestrian level wind environment.

106. The report concludes that when tested in the absence of mitigation measures, the proposed development is causing a small region of concern on Talbot Road at the south west corner of Block A. This is not present for the cumulative scenario, so would be a temporary issue if not mitigated. The report states that this can be eradicated through the inclusion of a 1.5m wide by 3m tall screen, which ensures that there are no accessible regions at ground level which are subject to a potential wind safety risk.

107. The report goes on to say that ground level conditions are all either suitable for the intended use, or consistent with the baseline conditions. The inclusion of the proposed landscaping scheme would ensure that all ground level amenity spaces will have sufficient areas which are suitable for sitting in summer. Conditions for the podium level terrace on Block A and balconies are suitable for their intended use. The top floor corner balconies for Block A4 will require 1.5m solid balustrades to ensure there is no safety risk for users.

108. Given the above, the proposed development is considered to be acceptable in this respect subject to the implementation of the recommended mitigation measures; this is secured by condition 19 of the outline consent.

EQUALITIES

109. 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.

110. As part of the Act, the 'public sector equality duty' came into force in April 2011 (Section 149 of the Act), and with it confirmed (via Section 19 of the Act) that this duty applies to local authorities (as well as other public bodies). The equality duty comprises three main aims: A public authority must, in the exercise of its functions, have due regard to the need to:
- eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
 - foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
111. 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.
112. The applicant has provided an Equalities Statement which sets out how the application has addressed matters associated with the above-mentioned protected characteristics. This states that the proposals are brought forward by Glenbrook KS Limited, who are fundamentally committed to ensuring equality for all and promoting access to opportunities for people to improve their lives. With regard to all protected characteristics, it is advised that no persons will be restricted or prevented from using the development. In terms of the 'age' and 'pregnancy and maternity' protected characteristics, it is noted that the development has been carefully designed to ensure that the spaces, building, facilities and routes through the site are as attractive and usable for a young person as they are for more elderly members of the community. The proposals incorporate a mix of dwelling sizes, types and tenures making the proposal suitable for all. Families will be actively encouraged and as part of the residential mix, family accommodation is proposed. Open spaces and children's play equipment will be provided on site.
113. With regard to the 'disability' protected characteristic, the Statement advises that the proposals have been designed to create a welcoming and inclusive environment with minimal barriers to those persons with a physical or other non-visible disability. Specific measures which have been incorporated into the scheme include the following:
- The external building environment, including location and orientation of entrances, will be legible and not act as an impediment to any potential users.
 - All primary entrances are step free, consisting of glazed double doors followed by a reception or entrance lobby. Upon entering the buildings, the primary communal entrance/concierge desk is directly available to residents and visitors. Any front desk will be designed to accommodate a wheelchair user or seated person with a lowered section. Any seating within the

entrance foyer will be spaced to enable suitable clear circulation and passing places in line with statutory guidance.

- The proposed development includes 10% provision of dwellings compliant with Accessibility Category M4(2) and this proposed to be distributed across the different blocks and applies to all dwelling types. The common areas of the buildings that form the approach routes for the flats above also comply with the requirements of M4(2). The scheme includes a number of townhouses and ground floor apartments which have private front entrances directly off the street. The approach to these units is also step free.
- Each block is served by a main stair and a lift core both located off the reception/entrance lobby. The stairs have been designed to comply with Approved Document K, (protection from falling, collision and impact) and Approved Document M (access to and use of buildings).
- The twelve passenger lifts will be designed to comply with Approved Document M. The use of two lifts per wing keeps waiting times to a minimum and allows for one lift to be serviced while the other remains operational; in addition one lift is designated as a firefighting lift. The lifts will service the building from the car park at ground floor level to the roof level.
- Opportunities have been taken to utilise colour, textures, materials and treatment of space to assist people with sensory impairments, with the overall legibility and aesthetic value of the building.
- The proposed scheme also incorporates 199no car parking spaces within the Podium of Block A – 100no at ground floor and 99no at the first floor. Accessible parking spaces will be provided on both floors, based on a ratio of 1:20 (5%), resulting in a total of 10no spaces. Additional accessible parking spaces are provided nearer the main blocks at a ratio of 5% of 70 spaces, resulting in 4no additional spaces. These are provided in two pairs, one closer to Block B and the other closer to Block D, both close to the townhouses.
- All paved surfaces will be specified to have slip resistance finishes in accordance with the standards in the BS8300:2010A; consideration in the choice of finish will also be given to 'ease of use' for manual wheelchair users. Recognition of the need for different textured surfaces and colours can be incorporated into the way finding strategy.
- Any proposed items of free-standing street furniture that will be provided will be visually contrasted with the surrounding finishes to avoid them becoming a hazard.
- The majority of the access routes will be gently graded and to the standards of the ADM 2010 and BS8300:2010A; the routes will have external lighting as required.

114. Officers are satisfied that no adverse impact on protected groups will arise as a result of the development.

PLANNING BALANCE AND CONCLUSION

115. The principle of the redevelopment of the site has been accepted under the earlier outline planning application. The current application relates to detailed matters of scale, appearance, layout and landscaping associated with this outline consent. As such, it is not necessary to revisit the principle of a mixed use redevelopment of this site. Notwithstanding this, 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.
116. 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. 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 matters including habitat protection, heritage and flood risk.
117. The proposal complies with the development plan when taken 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. 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.

Planning balance:

118. The following adverse impacts of granting permission have been identified:
- Less than substantial harm to designated heritage assets in NPPF terms and minor harm to non-designated heritage assets.
 - Some elements of the detailed design do not entirely align with Policy CQ6 of the CQAAP or Policy L7 of the Core Strategy
 - Private outdoor amenity space is not provided for every unit.
 - Loss of trees and vegetation within the site, although this would be mitigated as far as possible by replacement planting and biodiversity enhancement measures.
119. The main benefits that would be delivered by the proposed development are considered to be as follows:
- The delivery of 639no new homes in a highly sustainable location. The proposals would contribute significantly towards addressing the identified housing land supply shortfall, contribute to the five year supply specifically identified in the CQAAP and substantial weight has been given to this benefit.

- 15 per cent of the total number of dwellings will be delivered as affordable units on site.
- The proposals would maximise the benefits associated with a brownfield site in a highly accessible location, re-using significant areas of previously developed land, including for housing which will contribute positively to the Council's policy aspiration to maximise the use of previously developed land for housing.
- The development is expected to serve as a catalyst for future development within the wider Civic Quarter, enabling additional benefits associated with this future development to be delivered. The early delivery of housing in the plan period is supported by CQAAP policy CQ2.
- Provision of new local centre facilities which has the potential to contribute to the formation of a sustainable new community, creating a sense of place.
- Improved appearance to and interaction with Talbot Road and Brian Statham Way and creation of a more positive and welcoming sense of arrival from the Old Trafford tram stop.
- Recreational, social and environmental benefits associated with the provision of on-site publicly accessible open space and public realm.
- New Homes Bonus

120. There are other benefits of the scheme which are deemed to carry 'neutral' weight, given that these were taken into account in the consideration of the outline consent and are not directly related to this reserved matters application:

- Financial contribution towards works to the processional route along Brian Statham Way.
- Financial contribution towards improvements to off-site health facilities.
- Financial contribution towards off-site improvements to open space and facilities for children/young people.
- Viability review mechanism to secure additional contributions if viable.
- The construction phase is anticipated to support up to 2,261 no direct and indirect jobs with a Gross Value Added (GVA) of up to £18.2m per year*

*These figures relate to the outline application for the wider site.

Conclusion:

121. The main adverse impacts identified above are the lack of compliance with CQ6 and L7 in respect of some of the design details, less than substantial harm to designated and non-designated heritage assets, the lack of private outdoor amenity space for every unit and the loss of some trees and vegetation (albeit mitigated) from within the site. These harms are afforded substantial weight, albeit it is acknowledged that the outline application was approved in advance of the adoption of the CQAAP, meaning detailed design requirements of this policy document may not have been factored into the viability of the scheme.

122. Substantial weight is however given to the contribution the scheme will make to the Council's identified housing land supply shortfall, the five year supply specifically identified in the CQAAP, the provision of 15% affordable housing and the development of previously developed land in a highly sustainable location. Of critical importance in this particular balancing exercise is the very substantial weight afforded to the regenerative benefits of the scheme overall, including its ability to serve as a catalyst for future development within the wider Civic Quarter, through the early delivery of housing in the plan period as supported by CQAAP Policy CQ2. This will enable additional benefits associated with this future development to be delivered. Significant weight is also afforded to the other benefits listed above.
123. 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:

That Members **GRANT** planning permission for the development subject to the following conditions:

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

| Plan Number | Drawing Title |
|---------------------------------|------------------------------------------|
| Location Plan: | |
| 6670-SRA-ZZ-ZZ-DR-A-02000 (P03) | Location Plan |
| Site Plans: | |
| 6670-SRA-ZZ-00-DR-A-02002 (P04) | Proposed Site Plan - Ground Floor |
| 6670-SRA-ZZ-ZZ-DR-A-02003 (P04) | Proposed Site Plan - Typical Floor |
| 6670-SRA-ZZ-ZZ-DR-A-02004 (P04) | Proposed Site Plan - Top Floors |
| 6670-SRA-ZZ-ZZ-DR-A-02010 (P04) | Proposed Phasing Site Plan |
| 0857-RFM-X-00-DR-L-007 (P04) | Boundary Treatments and Street Furniture |
| 0857-RFM-XX-00-DR-L-0003 (P03) | Planting Strategy |
| 0857-RFM-X-00-DR-L-0006 (P02) | Podium Level Planting Strategy |
| Site Sections: | |
| 6670-SRA-XX-XX-DR-A-02051 (P02) | Proposed Site Sections |
| Miscellaneous: | |
| 6670-SRA-ZZ-ZZ-DR-A-02060 (P01) | Service Yard U-92 |
| 6670-SRA-ZZ-ZZ-DR-A-02061 (P01) | Generator |
| Materiality: | |
| 6670-SRA-XX-XX-DR-A-02600 (P06) | Materiality Key (specific products to be |

| | |
|-----------------------------------------|-------------------------------------|
| | approved under condition discharge) |
| Block A – General Arrangement: | |
| 6670-SRA-AA-00-DR-A-02100 (P08) | Level 00 GA Plan |
| 6670-SRA-AA-01-DR-A-02101 (P06) | Level 01 GA Plan |
| 6670-SRA-AA-02-DR-A-02102 (P04) | Level 02 GA Plan |
| 6670-SRA-AA-ZZ-DR-A-02103 (P03) | Level 03-05 GA Plan |
| 6670-SRA-AA-06-DR-A-02106 (P05) | Level 06 GA Plan |
| 6670-SRA-AA-07-DR-A-02107 (P02) | Level 07 GA Plan |
| 6670-SRA-AA-ZZ-DR-A-02108 (P02) | Level 08-09 GA Plan |
| 6670-SRA-AA-10-DR-A-02110 (P05) | Level 10 GA Plan |
| 6670-SRA-AA-11-DR-A-02111 (P02) | Level 11 GA Plan |
| 6670-SRA-AA-12-DR-A-02112 (P05) | Level 12 GA Plan |
| 6670-SRA-AA-13-DR-A-02113 (P02) | Level 13 GA Plan |
| 6670-SRA-AA-ZZ-DR-A-02114 (P02) | Level 14-18 GA Plan |
| 6670-SRA-AA-19-DR-A-02119 (P06) | Level 19 GA Plan |
| 6670-SRA-AA-RF-DR-A-02120 (P03) | Level RF GA Plan |
| Block A – Elevations: | |
| 6670-SRA-AA-XX-DR-A-02200 (P10) | North-East Elevation |
| 6670-SRA-AA-XX-DR-A-02201 (P09) | South-East Elevation |
| 6670-SRA-AA-XX-DR-A-02202 (P09) | South-West Elevation |
| 6670-SRA-AA-XX-DR-A-02203 (P09) | North-West Elevation |
| 6670-SRA-AA-XX-DR-A-02204 (P08) | North-East Elevation- Internal |
| 6670-SRA-AA-XX-DR-A-02205 (P08) | South-East Elevation- Internal |
| 6670-SRA-AA-XX-DR-A-02206 (P08) | South-West Elevation- Internal |
| 6670-SRA-AA-XX-DR-A-02207 (P08) | North-West Elevation- Internal |
| 6670-SRA-AA-XX-DR-A-02208 (P05) | A1 Elevation 1 of 2 |
| 6670-SRA-AA-XX-DR-A-02209 (P05) | A1 Elevation 2 of 2 |
| 6670-SRA-AA-XX-DR-A-02210 (P08) | A2 Elevation |
| 6670-SRA-AA-XX-DR-A-02211 (P05) | A3 Elevation |
| 6670-SRA-AA-XX-DR-A-02212 (P08) | A4 Elevation 1 of 2 |
| 6670-SRA-AA-XX-DR-A-02213 (P08) | A4 Elevation 2 of 2 |
| Block A – Sections: | |
| 6670-SRA-AA-XX-DR-A-02301 (P01) | A1 & A2 Section AA |
| 6670-SRA-AA-XX-DR-A-02302 (P01) | A1 & A4 Section BB |
| 6670-SRA-AA-XX-DR-A-02303 (P01) | A2 & A3 Section CC |
| 6670-SRA-AA-XX-DR-A-02304 (P01) | A3 & A4 Section DD |
| Block A – Strip Sections & Bay Studies: | |
| 6670-SRA-AA-XX-DR-A-02401 (P02) | Strip Section A1 |
| 6670-SRA-AA-XX-DR-A-02402 (P02) | Strip Section A2 |
| 6670-SRA-AA-XX-DR-A-02403 (P02) | Strip Section A3 |
| 6670-SRA-AA-XX-DR-A-02404 (P02) | Strip Section A4 |
| 6670-SRA-AA-XX-DR-A-02501 (P03) | Bay Studies A1 TH |
| 6670-SRA-AA-XX-DR-A-02502 (P03) | Bay Studies A1 Typical |
| 6670-SRA-AA-XX-DR-A-02503 (P03) | Bay Studies A1 Top Floor |
| 6670-SRA-AA-XX-DR-A-02504 (P01) | Bay Studies A2 Ground |

| | |
|-----------------------------------------|---------------------------------------|
| 6670-SRA-AA-XX-DR-A-02505 (P03) | Bay Studies A2 Top |
| 6670-SRA-AA-XX-DR-A-02506 (P01) | Bay Studies A3 Ground |
| 6670-SRA-AA-XX-DR-A-02507 (P03) | Bay Studies A3 Typical |
| 6670-SRA-AA-XX-DR-A-02508 (P03) | Bay Studies A3 Top Floor |
| 6670-SRA-AA-XX-DR-A-02509 (P03) | Bay Studies A4 Ground |
| 6670-SRA-AA-XX-DR-A-02510 (P03) | Bay Studies A4 Typical |
| 6670-SRA-AA-XX-DR-A-02511 (P03) | Bay Studies A4 Top Floor |
| Block B – General Arrangement: | |
| 6670-SRA-BB-00-DR-A-02100 (P06) | Level 00 GA Plan |
| 6670-SRA-BB-ZZ-DR-A-02101 (P03) | Level 01-06 GA Plan |
| 6670-SRA-BB-07-DR-A-02107 (P03) | Level 07 GA Plan |
| 6670-SRA-BB-RF-DR-A-02108 (P02) | Level RF GA Plan |
| Block B – Elevations: | |
| 6670-SRA-BB-XX-DR-A-02200 (P07) | Northwest (Facing Square) Elevation |
| 6670-SRA-BB-XX-DR-A-02201 (P07) | Southeast (Facing Tramline) Elevation |
| 6670-SRA-BB-XX-DR-A-02202 (P07) | Southwest & Northeast Elevations |
| Block B – Sections: | |
| 6670-SRA-BB-XX-DR-A-02300 (P04) | Section AA |
| 6670-SRA-BB-XX-DR-A-02301 (P04) | Section BB |
| Block B – Strip Sections & Bay Studies: | |
| 6670-SRA-BB-XX-DR-A-02400 (P02) | Strip Sections |
| 6670-SRA-BB-XX-DR-A-02500 (P03) | Bay Study 01 |
| 6670-SRA-BB-XX-DR-A-02501 (P03) | Bay Study 02 |
| 6670-SRA-BB-XX-DR-A-02502 (P04) | Bay Study 03 |
| Block C – General Arrangement: | |
| 6670-SRA-TH-00-DR-A-02100 (P03) | Row 1, 2 & 5 Ground GA Plan |
| 6670-SRA-TH-00-DR-A-02101 (P03) | Row 3 & 4 Ground GA Plan |
| 6670-SRA-TH-01-DR-A-02110 (P03) | Row 1, 2 & 5 First GA Plan |
| 6670-SRA-TH-01-DR-A-02111 (P03) | Row 3 & 4 First GA Plan |
| 6670-SRA-TH-02-DR-A-02120 (P03) | Row 1, 2 & 5 Second GA Plan |
| 6670-SRA-TH-02-DR-A-02121 (P03) | Row 3 & 4 Second GA Plan |
| 6670-SRA-TH-RF-DR-A-02130 (P03) | Row 1, 2 & 5 Roof GA Plan |
| 6670-SRA-TH-RF-DR-A-02131 (P03) | Row 3 & 4 Roof GA Plan |
| Block C – Elevations: | |
| 6670-SRA-TH-XX-DR-A-02200 (P05) | Row 01 Elevations |
| 6670-SRA-TH-XX-DR-A-02201 (P05) | Row 02 Elevations |
| 6670-SRA-TH-XX-DR-A-02202 (P05) | Row 03 Elevations |
| 6670-SRA-TH-XX-DR-A-02203 (P05) | Row 04 Elevations |
| 6670-SRA-TH-XX-DR-A-02204 (P05) | Row 05 Elevations |
| Block C – Sections: | |
| 6670-SRA-TH-XX-DR-A-02301 (P03) | Row 02 Sections |
| 6670-SRA-TH-XX-DR-A-02304 (P04) | Row 05 Sections |
| Block C – Strip Sections & Bay Studies: | |
| 6670-SRA-TH-XX-DR-A-02500 (P03) | Bay Study 01 - Flat Roof |
| 6670-SRA-TH-XX-DR-A-02501 (P03) | Bay Study 02 - Pitched Roof |

| | |
|-----------------------------------------|---------------------------------|
| Block D – General Arrangement: | |
| Level 00 GA Plan | 6670-SRA-DD-00-DR-A-02100 (P06) |
| Level 01-04 GA Plan | 6670-SRA-DD-XX-DR-A-02101 (P03) |
| Level 05 GA Plan | 6670-SRA-DD-05-DR-A-02105 (P03) |
| Level RF GA Plan | 6670-SRA-DD-RF-DR-A-02106 (P03) |
| Block D – Elevations: | |
| North Elevation | 6670-SRA-DD-XX-DR-A-02200 (P06) |
| East Elevation | 6670-SRA-DD-XX-DR-A-02201 (P06) |
| South Elevation | 6670-SRA-DD-XX-DR-A-02202 (P06) |
| West Elevation | 6670-SRA-DD-XX-DR-A-02203 (P06) |
| Block D – Sections: | |
| Section AA | 6670-SRA-DD-XX-DR-A-02300 (P03) |
| Section BB | 6670-SRA-DD-XX-DR-A-02301 (P03) |
| Section CC | 6670-SRA-DD-XX-DR-A-02302 (P03) |
| Section DD | 6670-SRA-DD-XX-DR-A-02303 (P03) |
| Section EE & FF | 6670-SRA-DD-XX-DR-A-02304 (P01) |
| Block D – Strip Sections & Bay Studies: | |
| Strip Section - Sheet 1 | 6670-SRA-DD-XX-DR-A-02400 (P01) |
| Strip Section - Sheet 2 | 6670-SRA-DD-XX-DR-A-02401 (P01) |
| Bay Study 01 | 6670-SRA-DD-00-DR-A-02500 (P03) |
| Bay Study 02 | 6670-SRA-DD-XX-DR-A-02501 (P02) |
| Bay Study 03 | 6670-SRA-DD-XX-DR-A-02502 (P02) |

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

- No development shall take place unless and until a photographic survey of the existing wall adjacent to the Metrolink boundary has been submitted to and approved in writing by the Local Planning Authority. This shall demonstrate the condition of the wall, identify any areas of dilapidation and shall identify any necessary remedial works to ensure the continued stability of the wall. Any remedial works shall be implemented before the development is occupied or brought into use.

Reason: This condition is required prior to commencement in order to understand the existing condition of the wall. In the interests of ensuring retained trees on adjacent land are protected during the construction and operational phases of development, having regard to Policies CQ4 and CQ7 of the Civic Quarter AAP, Policy R3 of the Trafford Core Strategy and the National Planning Policy Framework.

- The development shall not be occupied or brought into use unless and until a surface water drainage management and maintenance plan has been submitted to and approved in writing by the Local Planning Authority. This must cover the lifetime of the development and 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 an increased risk of flooding and to ensure the future maintenance of the sustainable drainage structures, having regard to Policies L5 and L7 of the Trafford Core Strategy, Policies CQ4 and CQ7 of the Civic Quarter AAP and the National Planning Policy Framework.

4. Notwithstanding the details submitted, no phase of the development hereby permitted shall be occupied or brought into use unless and until full details of materials and products to be used for hard landscaping, boundary treatments, seating and cycle parking facilities for that phase have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the site is satisfactorily landscaped and in order to ensure a satisfactory appearance in the interests of visual amenity having regard to Policy L7 of the Trafford Core Strategy, Policies CQ2 and CQ6 of the Civic Quarter AAP and the National Planning Policy Framework.

5. No phase of the development hereby approved shall be occupied or brought into use until the means of access and the areas for the movement, loading, unloading and parking of vehicles and bicycles have been provided, constructed and surfaced in complete accordance with the submitted plans for that phase. 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, Policy CQ10 of the Civic Quarter AAP and the National Planning Policy Framework.

6. No phase of the development shall be occupied unless and until details of a review mechanism for the level of cycle parking provision within apartment buildings for that phase has been submitted to and approved in writing by the Local Planning Authority. The mechanism shall provide for the following:
 - A methodology for assessing the occupancy of existing cycle storage facilities within the apartment buildings, and criteria for determining whether/how much additional cycle storage space is required
 - The frequency at which reviews of cycle parking occupancy will be carried out
 - Details of the locations where additional cycle storage facilities will be provided

The review mechanism shall ensure that a surplus of cycle parking space is provided above the predicted occupancy levels. The review mechanism shall be implemented in accordance with the approved details, with the results submitted to and approved in writing by the Local Planning Authority in accordance with the approved timings.

Reason: To ensure that satisfactory provision is made within the site for the accommodation of bicycles and to encourage sustainable means of transport, having regard to Policies L4 and L7 of the Trafford Core Strategy, Policies CQ4, CQ6 and CQ10 of the Civic Quarter AAP and the National Planning Policy Framework.

7. No phase of the development shall be occupied or brought into use unless and until the waste collection and servicing arrangements for that phase, set out in the submitted Design and Access Statement and Landscape & Public Realm Statement, have been implemented. These arrangements include the provision of the access route for servicing vehicles and bin collection points.

Reason: In the interests of highway safety and residential amenity and to ensure that satisfactory arrangements are in place for the disposal of refuse and recyclables, having regard to Policies L4 and L7 of the Trafford Core Strategy, Policy CQ6 of the Civic Quarter AAP and the National Planning Policy Framework.

8. No phase of the development shall be occupied or brought into use unless and until details of a formal agreement with Trafford Council's Waste Management service for the engagement of a private waste management company for that phase have been submitted to and approved in writing by the Local Planning Authority. The development shall operate in accordance with the terms of the agreement.

Reason: In the interests of residential amenity and to ensure that satisfactory arrangements are in place for the disposal of refuse and recyclables, having regard to Policies L4 and L7 of the Trafford Core Strategy, Policy CQ6 of the Civic Quarter AAP and the National Planning Policy Framework.

9. The development shall not be occupied unless and until details of the design, appearance and materials to be used in the construction of the bin stores serving the townhouses within Phase B have been submitted to and approved in writing by the Local Planning Authority.

Reason: In order to ensure a satisfactory appearance in the interests of visual amenity having regard to Policy L7 of the Trafford Core Strategy, Policies CQ2 and CQ6 of the Civic Quarter AAP and the National Planning Policy Framework.

10. The development hereby approved shall, where feasible, be designed and constructed in accordance with the recommendations and specification set out in

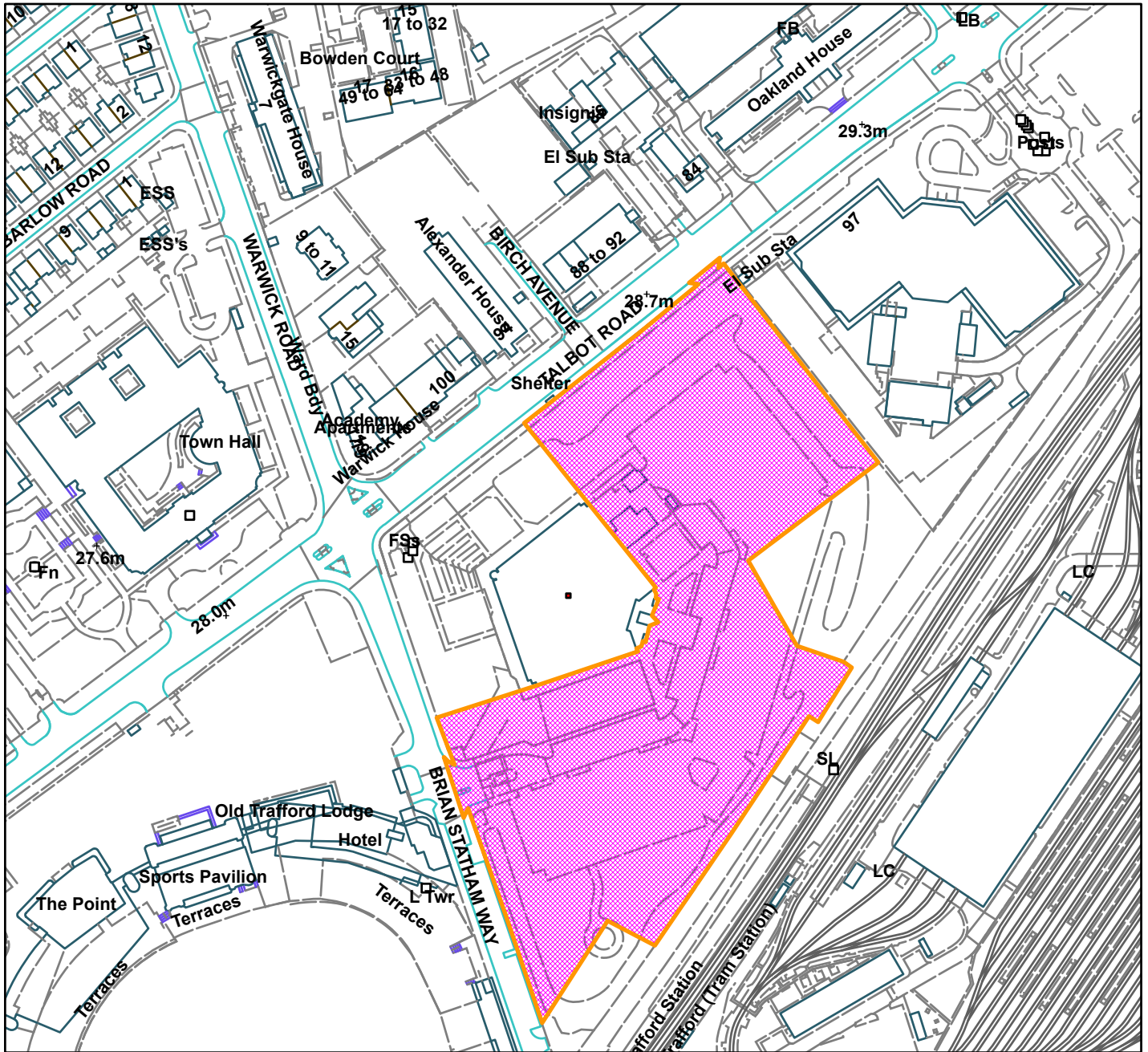
sections 3 and 4 of the submitted Crime Impact Statement (ref. 2018/0559/CIS/03, Version A, dated 01/04/22), and the approved measures shall be retained and maintained thereafter.

Reason: In the interests of crime prevention and community safety, having regard to Policy L7 of the Trafford Core Strategy, Policy CQ2 of the Civic Quarter AAP and the National Planning Policy Framework.

JD



Former Kellogg's Site, Talbot Road, Stretford. (site hatched on plan)



Scale: 1:2,500

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| | |
|--------------|---------------------------|
| Organisation | Trafford Council |
| Department | Planning Service |
| Comments | Committee date 15/06/2023 |
| Date | 05/06/2023 |
| MSA Number | 100023172 (2022) |

WARD: Hale

109780/FUL/22

DEPARTURE: No

Retrospective application for existing external seating area at roof level, glazed balustrade and associated structures. Replacement of unauthorised aluminium windows and doors at first floor with new timber windows and doors.

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

APPLICANT: Mr Sejdiu

AGENT: Savills (UK) Limited

RECOMMENDATION: REFUSE

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

Executive Summary

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

The application seeks retrospective planning permission for the creation of an external roof terrace to the front elevation, forming an extended dining area of the restaurant. The roof terrace comprises of a 3.11m high glazed canopy with steel framework and 1.1m high glass balustrade, which spans across the full width of the building and extends 1.25m beyond the north side elevation. The application is a revision to an almost identical application which Members resolved to refuse in November 2022 (ref: 103732/FUL/21). This application now seeks a change, removing unauthorised aluminium framed windows and three sets of doors and replacing them with painted timber sash windows and painted timber doors.

The proposal is considered to appear unduly prominent and the retention of the proposed roof terrace, with canopy, balustrade and associated furniture, would significantly obscure the upper level of the building and thus detract from the historic character of the building and its significance within the conservation area.

The proposal would therefore result in moderate harm to the aesthetic and historic significance of the landmark positive contributor building and the contribution that the site makes to the Hale Station Conservation Area.

Claims by the applicant that the refusal of this application and subsequent removal of the roof terrace would result in the business not being viable and thus having to close, are fully considered within the report. The report identifies that if the business is not viable, it should be a matter for the business owner to review their costs and economies of scale, rather than for the Council to have to approve an unsympathetic and harmful addition to the building and the setting of the South Hale Conservation Area. Furthermore, Officers do not consider that the vacancy rates within the Hale District Centre are a result of any underlying issue in the respect of the vitality and viability of Hale District Centre and that the refusal of this planning application would not result in harm to the vitality and viability of the of the District Centre as a whole..

It is considered that there is no clear and convincing justification for heritage harm as required by paragraphs 200, 202 and 203 of the NPPF. Furthermore there are no heritage benefits arising from the proposals.

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

SITE

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

The application building was originally built as a residential property and is now occupied as a restaurant over two floors. The building was extended to the front at

single storey in the early 20th Century and a single storey extension with a retractable roof to the side was recently constructed in 2020 (ref: 101313/FUL/20). There are further extensions to the ground floor of the premises which do not benefit from planning permission.

PROPOSAL

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

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

The roof terrace comprises of 12 tables. The applicant states that 50 covers are provided on the roof terrace, which includes 6 large fixed seating booths along the front boundary of the roof terrace, which are visible through the proposed glazed balustrade.

Some Members will recall that a previous application ref. 108288/FUL/22 was refused planning permission at the 11th November 2022 meeting of the Planning Committee. This application is submitted as a revision to that previous application in that as well as the development described above it also seeks to remove and replace unauthorised aluminium windows and doors at first floor level with painted timber sash windows and painted timber doors.

Floorspace

The increase in floor space of the proposed development would be 48m². The increase in floor area would be external.

DEVELOPMENT PLAN

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

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

superseded by policies within the (LDF). Appendix 5 of the Trafford Core Strategy provides details as to how the Revised UDP is being replaced by Trafford LDF.

PRINCIPAL RELEVANT CORE STRATEGY POLICIES

L4 - Sustainable Transport and Accessibility

L7 – Design

R1– Historic Environment

W2 – Town Centres and Retail

OTHER LOCAL POLICY DOCUMENTS

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

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

PROPOSALS MAP NOTATION

Hale Station Conservation Area

Development in Town & District Shopping Centres

PRINCIPAL RELEVANT REVISED UDP POLICIES/PROPOSALS

None

PLACES FOR EVERYONE

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

NATIONAL PLANNING POLICY FRAMEWORK (NPPF)

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

NATIONAL PLANNING PRACTICE GUIDANCE (NPPG)

DLUHC published the National Planning Practice Guidance on 6 March 2014, and was last updated on 25th August 2022. The NPPG will be referred to as appropriate in the report.

RELEVANT PLANNING HISTORY

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

108288/FUL/22 - Retrospective application for external seating area at roof level, glazed balustrade and associated structures – Refused 11.11.2022.

108807/FUL/22 - Retrospective application for proposed use of ground floor area for external seating area, including associated structures – Withdrawn 21.12.2022.

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

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

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

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

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

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

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

83484/VAR/2014 - Variation of condition 2 of planning approval H/46267 (change of use of ground floor from a mixed use of retail/hot food takeaway (Classes A1 & A3) to a use

within Class A3 (restaurant/hot food takeaway) to allow earlier opening hours - Approved with conditions 03.10.2014.

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

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

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

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

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

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

APPLICANT'S SUBMISSION

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

The applicant has also submitted an Addendum Statement in response to concerns raised by Officers, which is summarised below: -

Public Benefits Identified by the Applicant

- The proposal enables an enhancement to the appreciation of heritage assets by increasing the level of people that utilise the area and will be able to enjoy their setting.
- The proposal ensures the vitality and viability of Hale District Centre. The District Centre is declining with almost a 50% vacancy increase in the last 10 weeks. With 18 vacancies it represents approximately a 16.3% vacancy level, which exceeds the national average of 13.9%. Maintaining the roof terrace, which is well-used by residents materially supports efforts to ensure the vitality of the District Centre and its future sustainability.

- It supports local small businesses to benefit the vitality and viability of the District Centre.
- Secures sustainable economic growth to which significant weight should be attached under the terms of Paragraph 81 of the NPPF. The restaurant is the most popular location for food and drink as confirmed by the Council's own independent survey of residents.
- Removal of the terrace and closure of the business will result in the loss of 67 jobs. The loss of employment from Cibo and from other businesses within the District Centre negatively impacts on surrounding business.
- The proposal promotes social interaction that enhances the sustainability of the community.
- It accords with the demands of residents for improved outdoor eating areas at locations within their town centres.
- The development also accords with the confirmation at Page 9 of the Draft Hale Place Plan that social and community experiences are vital to bring residents together and encourage footfall and increased dwell time in our centres.
- The application has received considerable publicity in the area since its submission to a level that is considered to be much higher than would be expected of an application of this scale. The support for the proposal and therefore the recognition of the public benefits of the proposal have been overwhelmingly positive.

Environmental

- The proposal promotes sustainable travel. The site is well-located to public transport and active travel modes from surrounding residential areas and further afield, as well as promoting the opportunity for linked trips with surrounding land uses in the District Centre.
- The development makes effective use of land and meets the challenge of climate change. It promotes and supports the development of under-utilised land and buildings by providing a creative concept to the use of roof-space on an existing roof level.

Heritage

- The proposal does not alter or amend a Listed Building or result in the loss of a designated heritage asset.
- Do not consider that the application has any heritage significance which would constitute it being a non-designated heritage asset. The site was originally a house, typical of many similar Victorian properties in the South Manchester area, built from brick with bay fronted windows.
- The PPG confirms that a substantial majority of buildings have little or no heritage significance and thus do not constitute heritage assets. The site does not meet the terms of being a non-designated heritage asset.

Viability

- The applicant purchased the property as they knew demand was there as evidenced by the restaurant being well-used by local residents, though could not accommodate the level of demand. Owning the property enabled them to make changes to the building, including expanding into the upstairs and onto the roof terrace. The property was acquired with the business plan to enable it to expand upstairs and onto the roof to make the business viable.
- The internal first floor area typically accommodates 28 covers, with a private dining area accommodating an additional 8 spaces, which is not well used. The ambience of the first floor level is created by the open doors to the terrace, the atmosphere on the terrace and the views of the surrounding area. This creates the 'continental European approach' which is at the heart of the Cibo operation. The terrace is a key attractor to the Cibo operation. The removal of that atmosphere and attraction reduces significantly the attraction of using the first floor.
- There are significant overheads associated with a business like Cibo, which drives the requirement for a greater number of covers to ensure a viable operation. A significant number in the reduction of covers will result in the unviable nature of the business.
- They will not be in a position to sell the property if the application is refused and will need to close, with values not forecast to return for at least three years. The headquarters would be relocated back to Wilmslow, with the majority of staff made redundant and reduced back of house / administrative staff required due to the reduction in the Cibo operations with its flagship operation closing.
- The fit out costs of circa £900,000 has been spent on the whole fit out since acquisition, which is not an unrealistic or excessive amount.

The applicant has submitted a financial statement to support their argument that the business would have to close if the roof terrace is not granted planning permission. The information provided includes profit and loss information for the year ending 31st March 2020 but no information from more recent financial years, although this has been requested. The information provided is summarised below: -

- The turnover of the business has been adversely affected by the pandemic, although financial support received from the 'eat out to help out' scheme did help mitigate some losses.
- Due to the volume of customers served at the restaurant and changing fashions the premises require a major refurbishment every three to four years at a cost of approximately £200,000.
- Despite the initial investment in the business of approximately £500,000, the business at the levels of turnover and profit stated is not sustainable. Over a four-year period with profits the business would be unable to afford the scheduled refurbishments. Even without the refurbishment the business was not sustainable considering the initial investment and risk of 20 year lease on the property.

Officers have requested that more recent financial information is also provided. An update regarding this will be provided within the Additional Information Report.

Heads of Terms

The applicant states that they are willing to enter into a Unilateral Undertaking regarding the following: -

1. Ensure that the terrace is only for the benefit of the current Cibo operation of the site and commit to remove it should that operation cease; and
2. Commit to restoring the areas above the first floor roofline (i.e. the area where the terrace is located) to its original (i.e. pre-installation of the terrace) condition.

A letter has also been received from the Federation of Small Businesses on behalf of the applicant in support of the application. A summary of the points they raise is provided below: -

- Cibo is one of the village's largest independent businesses and contributes positively to the Hale District Centre eco-system in terms of footfall and pass on trade.
- The site has been subject to a number of failed businesses over the past few years, with the American Bar & Grill closing in 2015; and Carluccio's restaurant before that in 2018.
- Importantly, the proposed terrace is very strongly supported by residents of Hale and the wider Trafford area who understand the benefit the proposal brings to their district centre and the heritage of the area as a location for commerce, service and community facilities. In such circumstances, the focus of decision-making should be community-led and in this instance both the local residential population and business community are strongly in support of the terrace remaining.
- In the current economic climate future business investment in Hale is unlikely to be forthcoming in the short to medium term if Cibo were to pull out, resulting in a harmful reduction in footfall and attraction to existing businesses.
- I would urge Trafford's planning team to look beyond past transgressions with a view to finding an acceptable solution.

CONSULTATIONS

Heritage – Objects strongly to the development. The canopy, seating and landscaping obscure the upper floor of the landmark positive contributor. Given the size of the heritage asset, its location in the heart of the Conservation Area and that the works are a high level, the impact of the works on the significance of these building is increased. When viewing the building from Victoria Road it is no longer possible to read the form or appearance of the building at first floor. The decorative canted bays, a prominent feature which project about eaves of the building, are now completely obscured. The supporting structure of the canopy roof creates a grid like appearance which further

impacts on the appearance of the building at first floor. No justification is provided in the Heritage Statement as to why a further two openings are now required in addition to the previously approved central doorway. The removal of additional window openings increases the harm to the architectural and historic significance of this landmark building and heritage asset. The installation of the glazed balustrade has a visual impact at first floor level and has a reflective and distracting quality. These works, in conjunction with the removal and replacement of windows and formation of additional openings, diminish the landmark quality of the building and the contribution it makes to the street scene and significance of the wider Conservation Area.

The proposed development would cause moderate harm to the aesthetic and historic significance of 6- 10 Victoria Road and the contribution the site makes to Hale Station Conservation Area. Comments are discussed in the Observations section of this report and full detailed comments are provided in Appendix A of this report.

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

LHA – No objections. Full comments are discussed in the Observations section below.

REPRESENTATIONS

67 representations of support have been received, of which 57 are from residents of Trafford, 6 from residents outside of Trafford, 2 where no address was provided and 2 appear to have been sent from the applicant / application site. 5 of the representations received are from residents and businesses immediately close to the application site, on Lisson Grove and Millfield Court. A summary of the comments received is provided below: -

- It makes a wonderful fun addition to the village, enhances Hale and should be allowed to remain.
- It provides an opportunity to overlook the beautiful, quaint village.
- It keeps in touch with the local architecture, is not obnoxious and is subtle.
- It looks nicer than any previous incarnations.
- It contributes positively from an aesthetic viewpoint and to the local community.
- The design and construction is high quality.
- It has transformed what was an eyesore under previous ownership into something unique and beautiful.

- The view of the building used to be abysmal truly an ugly building.
- Day and night the exterior of the restaurant is absolutely delightful and massively enhances the look and feel of the village. The manner and style in which the outside area has been done is of high quality and class and should be regarded as a beacon of the village not something that should be declined.
- The impact on the Village is entirely positive.
- Umbrellas could be used but these could create a hazard with heavy winds.
- The real eyesores in the village and conservation area are buildings like the Cheshire Midland, People, Atticus and the railway station.
- Discussions have been held between residents of Lisson Grove and the applicant to ensure that noise is kept to a minimum and privacy is maintained. The inclusion of trees and glass roof limits the noise and privacy of the residents on Lisson Grove. They do not want to see the roof terrace or the tree foliage removed.
- The balustrade supports our request re reducing noise and is aesthetically pleasing.
- There is zero noise pollution even when walking past the restaurant.
- The trees and greenery make a highly attractive impact on the roof terrace and the local area.
- Historical views of Hale Station and the train barriers.
- The terrace brings visitors in from across Manchester which helps all businesses in the area.
- The Village is really suffering, we need all the businesses that encourage people to come into Hale.
- Fear if it is declined the restaurant will close and the village will decline further.
- To enforce the removal, or revision of the development would unnecessarily add to the difficulties for the business at a time when we should be supporting the village however we can.
- Cibo is a thriving business.
- It provides great employment.
- Social disruption has been reduced considerably. For this business to be alcohol focused rather than food and family would cause social unrest and the demise of the village.
- Cibo is a positive contributor to Hale and a well-liked business that residents want to see retained in its current form.
- It is nice to have nice places in the village unlike in Altrincham where there are lots of ugly empty units.

A representation has been received from a former Ward Councillor, Mrs Young (submitted whilst she was still in office), supporting the application, which provides the following comments: -

- People in Hale are worried about the future of Hale and the outcome of all the planning applications made by Cibo is something that is concerning a number of residents.
- Residents feel that it is an improvement to the site, including delivering vibrancy to supporting the District Centre and providing high quality design.

- There is a worry that continual refusal of attempts to improve the Cibo site and Hale centre could result in the closure of this business and add this site to the number of other businesses that have recently had to close in Hale.
- Residents disagree that this application causes less than substantial harm to the Hale Station Conservation area, in fact there is a general feeling that this actually improves it.
- The proposal supports the prosperity of Hale District Centre.
- The proposal is good quality design and improves the appearance of Hale Station Conservation Area as also confirmed by residents.
- There is significant public support for the proposals and so any decision should be considered within that context by Members elected to represent residents.
- There is significant local resident objection to any recommendation to refuse the application.

A local resident within close proximity to the site also commented that they should not have a music license past 10pm as it is a residential area and the main problems they have are with delivery vans and bin lorries blocking the exit from the road.

One letter of objection has been received from a resident of Trafford who raises the following concerns: -

- The work completed is not as per their planning submission.
- If the work is allowed to stand then it would create a precedent for everyone in the Borough to do whatever they want.
- Support Trafford Planning Enforcement.

One letter of objection has been received on behalf of a business owner within Hale, which raises the following concerns: -

- This application follows a previous application which was refused by the Planning Committee. Since that decision there has been no change in policy and except changes to the materials for the proposed windows and doors, there are no proposed changes to that previously refused.
- This application does not address the size, siting or materials of the roof canopy; the obscuring of architectural features at first floor level; the height, size and position of the canopy; projection of the canopy and the canopy's prominence in the street scene. The revised scheme has therefore not addressed the specific reasons for refusal and the mere change to the proposed windows does not render the development acceptable.
- Examples of case law is provided (North Wiltshire District Council v Secretary of State for the Environment (1993) 65 P & CR 137 Court of Appeal and Davison v Elmbridge BC [2019] EWHC 1409 (Admin)) identifying the importance of consistency in decision making.
- The proposal will have an unacceptable negative impact on the Conservation Area and the building itself as a non-designated heritage asset. It is noted that the building forms a key part of the Designated Heritage Asset identified by the Hale

Conservation Area Management Plan as a “Landmark Building” and “key contributor”.

- The proposed canopy is an alien feature in the Conservation Area utilising metal support posts. The building is in a very prominent position.
- The applicant proposes the screening of the support posts with the use of tree planting, however such screening would be difficult to enforce. It is also unclear how the positioning of trees at first floor is in keeping with the Conservation Area and preserve and enhance it. Trees at first floor level is out of keeping with the character and appearance of the wider Conservation Area and thus not considered to mitigate.
- The proposed canopy and associated planting obscure the first floor elevation of the application property, which is identified as a landmark building which makes a positive contribution to the area. Obscuring the upper floor will diminish the building’s contribution and have a harmful impact on the character and appearance of the Conservation Area.
- Consider that there are no tangible or demonstrable benefits to the proposal which would outweigh the negative impacts on the character and appearance of the Conservation Area, particularly given the status of the building as a landmark contributor.

OBSERVATIONS

BACKGROUND

1. In August 2021 planning permission was granted (reference: 103732/FUL/21) for the creation of a roof terrace above the existing single storey roof to the front elevation. During the assessment of that planning application, Officers raised concerns regarding the visual impact of the proposed roof terrace on the host building and the conservation area. As a result of these concerns, the applicant submitted amended plans to reduce the area covered by the roof terrace, ensuring that it did not project beyond the side wall of the existing building and set the glass balustrade back, providing planting in front to soften the appearance of the development. The reduced and amended roof terrace included the erection of a 1.1m high glass balustrade, which would be situated behind a planting bed ranging between 0.64m and 0.93m deep. As a result of the amendment, the application was subsequently approved with conditions under delegated powers. The application also approved the replacement of one existing window with one set of patio doors that would provide access out onto the terrace. The roof terrace would accommodate up to 6 tables, providing 30 covers. The applicant was therefore fully aware of the Council’s views regarding a roof terrace and the scale of development that would be considered acceptable in this location prior to carrying out the works that have taken place.
2. Extracts of the plans approved under the extant consent are provided within Appendix B to enable a visual comparison of what was approved against what has been built on site, which this application seeks to retain (with the exception of the proposed windows and doors).

3. Following the granting of the extant consent detailed above, a roof terrace was erected on the site in April 2022, which did not comply with the approved plans. The resulting roof terrace is now largely the subject of this planning application, with the exception of full height Perspex screens that have been installed to the northern and southern side elevations of the balcony, which are not included in the application documents, despite requests from Officers. If Members are minded to approve the application, the full height Perspex screens would remain unauthorised and subject to enforcement action.
4. The applicant did not seek pre-application advice or planning permission for the proposed development nor did they prior to the purchase of the building, despite stating that the business plan in purchasing the property was reliant on extending the restaurant into the first floor level and the formation of the roof terrace which they are now seeking to retain. From the information provided by the applicant's agent, it is therefore understood that the applicant purchased the building knowing that the business would be unviable without the roof terrace.
5. The applicant was advised that they were in breach of their Planning consent and a new planning application was subsequently submitted seeking the retention of the roof terrace, including the replacement of timber windows with aluminium windows and three sets of aluminium doors at first floor level. This was assessed under planning application reference 108288/FUL/22 and presented to the Planning Committee in November last year, where Members resolved to refuse the application for the following reasons: -
 1. *The proposed development, by reason of the size, siting and materials of the roof canopy, the positioning of the balustrade and the installation of aluminium windows and doors would be at odds with the character, appearance and architectural style of the building, obscure the architectural features at first floor level and would result in "less than substantial" harm to Hale Station Conservation Area, and moderate harm to the significance of a landmark positive contributor to the Conservation Area, which is itself a non-designated heritage asset. The public benefits of the development do not outweigh this harm and, as such, the proposal is contrary to Policies R1 and L7 of the Trafford Core Strategy, the Hale Station Conservation Area Appraisal and Management Plan and policy contained within the National Planning Policy Framework.*
 2. *The proposed canopy, by reason of its height, size, elevated position on the front elevation and projection beyond the side elevation of the existing building, results in an unsympathetic addition that detracts from the appearance of the host building and appears unduly prominent within the existing street scene. As such the proposal is contrary to*

Policy L7 and R1 of the Trafford Core Strategy, the emerging Trafford Design Guide and the National Planning Policy Framework.

6. This latest, current planning application seeks planning permission for the retention of the same roof terrace, though proposes the replacement of the unauthorised aluminium sash windows and doors at first floor level with new painted timber framed sash windows and three sets of painted timber doors.
7. The application site also contains substantial unauthorised works at ground floor level to the front and side elevations, including a single storey extension comprising of glazed screens adjoining a projecting canopy and a large steel framed canopy structure to the north-western front corner. These works form an extension to the restaurant dining areas. The ground floor extension projects across the adopted highway and does not benefit from a 'stopping-up order' and is therefore currently the subject of enforcement action by the Local Highway Authority. Officers are aware that the applicant is currently in discussions with the LHA regarding this. The front elevation at ground floor level has also been clad, covering original features on the building. There is no current planning application for works at ground floor level (the most recent having been withdrawn once the applicant understood it would be determined under delegated powers) and thus these works remain unauthorised and open to planning enforcement action. As these ground floor works are not authorised and do not form part of this current planning application, they are not shown on the plans submitted with this application.

PRINCIPLE OF DEVELOPMENT

8. 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.
9. The Council's Core Strategy was adopted in January 2012, prior to the publication of the 2012 NPPF, but drafted to be in compliance with it. It remains broadly compliant with much of the policy in the 2021 NPPF, particularly where that policy is not substantially changed from the 2012 version.
10. 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.

11. 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.
12. Policies protecting designated heritage assets are considered to be 'most important' for determining this application when considering the application against NPPF Paragraph 11 as they determine the principle of the development. Policy R1 of the Core Strategy, relating to the historic environment, does not reflect case law or the tests of 'substantial' and 'less than substantial harm' in the NPPF. Thus, in respect of the determination of planning applications, Core Strategy Policy R1 is out of date in this respect. However, its primary focus, which is the protection of heritage assets, is aligned with the NPPF.
13. Although Policy R1 of the Core Strategy can be given limited weight, no less weight is to be given to the impact of the development on heritage assets as the statutory duties in the Planning (Listed Buildings and Conservation Areas) Act 1990 are still engaged. Heritage policy in the NPPF can be given significant weight and is the appropriate means of determining the acceptability of the development in heritage terms.
14. The application site lies within Hale Village Centre and as such the proposal is also considered against Policy W2 of the Core Strategy. Policy W2 of the Core Strategy is considered to be compliant with the NPPF and therefore up to date as it is generally consistent with the NPPF in supporting the growth of town centres and the role they play in local communities.
15. Policy W2.7 states that within Hale District Centre that *"there will be a focus on convenience retailing or an appropriate scale, plus opportunities for service uses and small-scale independent retailing of a function and character that meets the needs of the local community."* The proposal relates to a restaurant, which is set out as a town centre use in the NPPF. The proposed extension would provide an enhanced dining experience for part of the restaurant and therefore complies with the aims of Policy W2.

IMPACT ON HERITAGE ASSETS AND DESIGN

16. The application site is within the Hale Station Conservation Area and within the setting of the Grade II listed Hale Station buildings, which are on the opposite side of Ashley Road.
17. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires Local Planning Authorities to pay, "special attention in the exercise of planning functions to the desirability of preserving or enhancing the character or appearance of a conservation area" in the determination of planning applications.

18. Section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990 advises that “In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority ... shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.”
19. A number of paragraphs with the NPPF under section 16 are relevant to this application, the most relevant are outlined below:
20. Paragraph 195 states that Local Planning Authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal... *they should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset’s conservation and any aspect of the proposal.*
21. *“In determining applications, local planning authorities should take account of:*
a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
c) the desirability of new development making a positive contribution to local character and distinctiveness.” (Para 197)
22. *“When considering the impact of a proposed development on the significance of a designated heritage asset, **great weight should be given to the asset’s conservation** (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.” (Para 199)*
23. *“Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.” (Para 200)*
24. *“Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use”. (Para 202)*
25. *“The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset”. (Para 203)*

26. *“Local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably”.* (Para 206)
27. Policy L7 states that *‘In relation to matters of design, development must: Be appropriate in its context; Make best use of opportunities to improve the character and quality of an area; Enhance the street scene or character of the area by appropriately addressing scale, density, height, massing, layout, elevation treatment, materials, hard and soft landscaping works, boundary treatment.* Policy L7 is up to date in NPPF terms.
28. Policy R1 states that: *All new development must take account of surrounding building styles, landscapes and historic distinctiveness. Developers must demonstrate how the development will complement and enhance the existing features of historic significance including their wider settings, in particular in relation to conservation areas, listed buildings and other identified heritage assets.*
29. The application site is situated within the Hale Station Conservation Area and so should be considered against the guidance set out in the Hale Station Conservation Area Appraisal (SPD5.11) and the Hale Station Conservation Area Management Plan (SPD5.11a). Policies 15, 31, 32 and 33 within the Plan are relevant in the consideration of this application, though Policies 6, 62 and 65 are considered to be the most important and relevant as it states:-
30. Policy 6 - *Ensure that adaptations to 21st century uses are sensitive to the historic character and appearance of the building; balancing the need for new facilities with the retention of original features, detailing and decorative materials.*
31. Policy 62 - *Any new development should be of high quality and should take inspiration from the established architectural styles within the Conservation Area. Appropriate features, materials and detailing are to be integrated into the design ... Modern design is not prohibited within the Conservation Area but should be: sympathetic to its historic context; have regard to appropriate siting; be of a high standard; of an appropriate scale and proportions; and use appropriate, high-quality materials.*
32. Policy 65 - *Buildings identified as positive contributors are not to be demolished, partially-demolished or substantially altered in any way that dilutes their contribution to the Conservation Area.*

The Significance of the Designated Heritage Assets

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

37. The application site lies within Character Zone A: Central Retail Area of the Hale Station Conservation Area. The boundary of the Character Zone is drawn around the site and includes adjacent premises on Victoria Road. The application site adjoins Character Zone C: Suburban Villas, east which includes Lisson Grove and Millfield Court.
38. The application building is identified in the Conservation Area Appraisal as both a positive contributor and landmark building and is therefore identified as a non-designated heritage asset. The applicant disputes that the building should be a non-designated heritage asset, but this is a matter of fact rather than judgement due to its identification as such in the adopted Conservation Area Appraisal which has been through consultation and adoption as an SPD – the judgement being applied at that stage. Paragraph 5.2.1. states that all positive contributors in the conservation area are also considered to be non-designated heritage assets.
39. The Conservation Area Appraisal considers the building to be in good condition, and that it was likely to have been a 1900s residential dwelling that was converted to retail use as early as the 1930s. Stating “*The original house is of five bays with projecting double-height bays at either end, with large six over six sash windows and a rendered rear exterior. The ground floor shop projects out to the pavement edge and is in keeping with the character of the Conservation Area*” (section 5.2). Section 4.8.5 of SPD5.11 also states “*The bank and restaurant (Carluccio’s) on the corner of Victoria Road and Ashley Road just east of the station are strong visual landmarks when travelling each along Ashley Road*”. A vista looking south along Victoria Road including the site is also recognised in section 3.4 of SPD5.11.
40. The character of the Hale Station Conservation Area is defined by active frontages at ground floor and not first floor in Character Zone A: Central Retail Area. Section 4.7.3 of SPD5.11 states “*The majority of the shops make use of the ground floor only, with accommodation, offices and storage above, and some additional shop floor space and possibly some residential units*”. The Council’s Heritage and Urban Design Manager notes that “*the first floor was until recently let as an office not a restaurant and this would be an appropriate alternative use consistent with the conservation of the heritage asset. The Conservation Area does not solely exist because of the District Centre. It is acknowledged that the diverse independent shops, cafés and amenities contribute to the character of the retail centre. Nevertheless, the significance of the Conservation Area derives from the wealth of buildings of architectural and historic interest which survive from the late 19th century which epitomise the growth of a rural village into a wealthy suburb and thriving retail centre.*”
41. The Heritage and Urban Design Manager further advises “*A former late 19th century residence (built as a pair of interlocking Cheshire semis), the building was extended with a single storey addition to the principal elevation during the*

interwar period. The extension links to 159 Ashley Road. Together the buildings complement one another and the group address Ashley Road and Victoria Road in the heart of the Conservation Area. There is a symmetry to the principal elevation of the building both at ground floor and first floor levels this along with the orientation of the building results in a strong relationship with Victoria Road and the junction with Ashley Road. The upper floor and gable facing Lisson Grove provide some evidence of the former residential use. The building comprises of a large frontage at ground floor and is unusual in its size in the Conservation Area. This, along with the location, increases the prominence of the building.

The upper floor is constructed from a brown/red brick laid in a stretcher bond with detailing comprising of an advanced brick string course, slim brick soldier course and splayed brick headers. It appears that the Victorian villa was re-faced in the interwar period in conjunction with an extension at ground floor to form a retail premises. The building comprised of three, central 12 pane vertical sliding sashes with two canted bays. The bays each contained a 12 pane vertical sliding sashes flanked by two 8 pane vertical sashes. All windows were constructed from timber painted in white with horns and single glazed. The canted bays are a distinctive feature at first floor projecting above the overhanging eaves and capped with stone copings. The roof is pitched clad with blue slate and includes three tall chimneys with crown pots.

The townscape map includes a vista looking south along Victoria Road incorporating the application site and building. The site also lies within the setting of Hale Station, a group of four Grade II listed buildings sited within the heart of Hale Station Conservation Area. There are views from the railway crossing and also glimpses from the platforms.”

Design and Impact on Significance, Character and Appearance

42. The application proposes the retention of a partially enclosed roof terrace, providing external seating above the existing single storey flat roof to the front elevation of the building. The roof terrace includes a 1.1m high glass balustrade (as measured from the floor level of the terrace) along the front elevation and 3.11m high glazed canopy over the resulting roof terrace. Access to the roof terrace has been created through the replacement of three existing windows with patio doors at first floor level.
43. The canopy structure comprises of a powder coated steel framework with glazed panels forming a roof over the seating area. The canopy has been decorated with driftwood style timber, moss, artificial leaves and artificial flowers.
44. The application site has extant planning permission for the creation of a first floor roof terrace to provide an outside seating area with 6 tables providing up to 30 covers (ref: 103732/FUL/21). The principle of a roof terrace to the building has thus been established and the main areas for consideration are therefore the

impact of the proposed larger roof terrace, covering a large floor area with 12 tables providing up to 50 covers, the erection of the canopy, siting of the glass balustrades and screens and the replacement of three central windows at first floor level with three sets of patio doors.

45. The proposed canopy in situ over the roof terrace has a maximum height of 3.11m from the floor level of the roof terrace and measures 6.63m deep and 14.8m wide. The canopy extends 1.25m beyond the northern first floor side elevation of the original building. The canopy therefore forms a significant structure that substantially obscures views of the original first floor architectural details of the front elevation of the building. The proposed larger roof terrace also accommodates 6 large seating booths along the front boundary of the roof terrace, immediately adjacent to the glazed balustrade and thus are easily visible from street level. A further 6 sets of tables are also provided within the roof terrace, resulting in a total of 50 covers. This large number of tables and seating further adds visual clutter at first floor level, which obscures views of the first floor elevation of the historical building.
46. The extant planning permission (103732/FUL/21), includes the siting of a 1.1m high glass balustrade to the front and sides of the roof terrace. Unlike the glass balustrade proposed under the current planning application, it would be set back from the front parapet wall, with a planting bed ranging between 0.64m and 0.93m deep in front of it. It was considered under the previous application that the provision of landscaping in front of the glazed screens would help to soften its appearance and reduce the risk of reflection which would detract from the appearance of the building. This mitigation planting has not been provided under the current application and the balustrade is not set back from the front elevation, preventing such planting from being provided. The resulting effect is that the glazing is fully visible from the front, which has a reflective nature, particularly on bright days and six sets of seating areas and tables are fully visible from outside of the site, making the terrace more prominent and contributing to masking the first floor elevation of the building.
47. It is noted that the framework of the canopy, which includes four supporting posts, has been substantially decorated on the posts and underside of the roof by driftwood style timber, moss and artificial leaves and artificial flowers, which are positioned to give the appearance of trees. Whilst this decoration partially screens some of the supports and framework, they are not an integral part of the structure and could be easily removed, particularly as styles and fashion change and if the premises changed hands. The removal and also degradation of this decoration to the framework would result in the roof terrace and canopy appearing even more unduly prominent on the building, further increasing the harmful impact of the structure on the host building and the setting of the conservation area. Officers, including the Council's Heritage and Urban Design Manager also note that whilst the decoration helps to soften the appearance of the canopy, it does have the adverse effect of substantially obscuring the upper

floor of the positive contributor, resulting in the historical front elevation of this landmark building no longer being readable to passers-by. It is therefore considered that the planting and artificial planting to the canopy, whilst providing an attractive environment to sit in (as noted by representations received from customers), does not mitigate against the harmful impact of the canopy and large amount of seating at first floor level to this positive contributor (non-designated heritage asset) and landmark building and the setting of the designated conservation area.

48. The Heritage and Urban Design Manager further states: *“When viewing the building from Victoria Road it is no longer possible to read the form or appearance of the building at first floor. The decorative canted bays, a prominent feature which project about eaves of the building, are now completely obscured. The supporting structure of the canopy roof creates a grid like appearance which further impacts on the appearance of the building at first floor. The installation of the glazed balustrade has a visual impact at first floor level and has a reflective and distracting quality. These works, in conjunction with the removal and replacement of windows and formation of additional openings, diminish the landmark quality of the building and the contribution it makes to the street scene and significance of the wider Conservation Area. The works also harm the architectural and historical significance of the building as a non-designated heritage asset... it is considered that the level of harm to the significance of this building as heritage asset and the contribution it makes to the significance of the designated heritage asset is moderate. For clarification it is the harm to the significance of the affected Conservation Area as a whole not “the level of harm on the Conservation Area as a whole” as suggested in the D&A Statement.”*
49. The proposed development includes the replacement of three unauthorised aluminium framed doorways positioned centrally on the front elevation at first floor level, which were formerly painted timber windows and the replacement of unauthorised aluminium framed windows at first floor level with timber framed windows. It is acknowledged that a central door was approved under the extant planning permission (103732/FUL/21), however the works that have been carried out are substantially greater and different. A condition was also attached to the planning permission requiring full technical details, including the design and construction details, of the door to be submitted and approved prior to its installation. These details were never submitted for approval.
50. These works include the removal of existing masonry to form the three openings, which has resulted in the loss of existing brick detailing and stone string course which also forms the cills to existing windows. The submitted plans do not provide a section of the building to adequately illustrate this elevation and detail the alterations required to form the three openings. A justification has not been provided in the submitted Heritage Statement as to why a further two openings are now required in addition to the previously approved central doorway. The Heritage and Urban Design Manager states *“The removal of additional window*

openings increases the harm to the architectural and historic significance of this landmark building and heritage asset. The proposed pattern of glazing and fanlights does not reflect the previously approved door design nor complements sufficiently the proposed reinstatement of the 12 and 8 pane vertically sliding sashes. The proposed elevation does not sufficiently detail the reinstatement of the windows which are described...Whilst the reinstatement of the timber windows is welcomed in principle, the lack of sufficient detail provided, the loss of historic brickwork and detailing to the front elevation and the design of the French doors remains a concern”.

51. It is therefore considered that whilst the provision of timber frames is more appropriate than the unauthorised aluminium frames, the design of the proposed openings are not considered appropriate and the provision of three doorway openings at first floor level is considered excessive, with no justification provided. The proposed replacement doors and windows would therefore not provide a heritage benefit as argued by the applicant. Furthermore, the existing first floor windows, prior to the unauthorised works taking place, were timber windows. Therefore reinstating timber windows cannot be viewed as a heritage benefit (or indeed a benefit of the scheme as a whole) as it does not provide a heritage improvement to the buildings existing form (prior to the unauthorised works). It is still harm as the original sash window frames have been lost.
52. A minimum distance of approximately 32m lies between the roof terrace and associated canopy and Hale Station, which comprises of a collection of Grade II listed buildings. This distance is across Victoria Road and the car park to the station. Officers, including the Council’s Heritage and Urban Design Manager, consider that whilst the development does comprise of a large structure, which has a harmful impact on the appearance of the host building and key views along Victoria Road and Ashley Road, the development does not adversely impact on the appreciation of the group of listed buildings at Hale Station and would not cause harm to the designated heritage assets.
53. Notwithstanding the identified harm to heritage assets, the canopy is inappropriate on the grounds of its design alone. It is prominent in the street scene and out of character with the existing building and the surrounding area. It is not appropriate in its context and conflicts with Policy L7 of the Core Strategy and guidance in the emerging Trafford Design Guide.
54. It is also recognised that the site has an extant planning permission for a roof terrace, which would have a significantly reduced visual impact on the building and the setting of the conservation area than the current proposals. The applicant states that parasols were not successful as they kept blowing over as well as not being visually attractive. The extant consent permits the use of parasols / umbrellas for up to 50% of the tables, which were then required to be removed during periods of when the roof terrace was not in use. This restriction was put in place in order to minimise the visual impact of the development on the

building and the conservation area. The applicant has not provided evidence to show that parasols could not be sufficiently secured on the roof terrace. There are many of examples of parasols being used and effectively secured in windy locations, for example on the coast.

55. Furthermore, Officers do not agree with the applicant's argument that the use of parasols would not be visually attractive. It is considered that the use of a limited number of parasols to the roof terrace would have a substantially less visual impact on the building than the proposed canopy as they are a temporary feature that would be closed and removed at certain times, unlike the canopy which is a solid permanent structure.
56. The National Planning Practice Guidance states that harmful development can be justified in realising the optimum use of a heritage asset, providing that harm is minimised. The extant consent was also considered to cause limited harm, but to an extent where this harm was minimised and where the public benefits outweighed the harm. This current proposal does not make any attempt to minimise the harm, and goes beyond the harm necessary to enable the continued use of the building as a restaurant.
57. Representations from neighbouring residents and customers of the restaurant which support the appearance of the terrace and canopy are noted. Officers do not agree that the structure is in keeping with the character of the Hale Village centre and conservation area as a whole. The predominant character of the conservation area is of brickwork at first floor level, with some buildings also containing areas of painted render. A large metal structure with extensive glazing, furniture and faux trees at first floor level is therefore not reflective of or in keeping with the character of the conservation area.
58. It is therefore considered that the proposal is clearly contrary to Policy 65 of the Hale Station Conservation Area Management Plan (SPD5.11a), which states that *"Buildings identified as positive contributors are not to be...substantially altered in any way that dilutes their contribution to the Conservation Area"*. The proposal is also not sensitive to the historic character and appearance of the building, significantly obscuring original features and detailing and as such is contrary to Policy 6 of the Hale Station Conservation Area Management Plan, which states that development must ensure that *"adaptations to 21st century uses are sensitive to the historic character and appearance of the building; balancing the need for new facilities with the retention of original features, detailing and decorative materials"*.
59. The applicant states that the business would have to close if the roof terrace was not permitted, which would have a detrimental economic and visual impact on the building and the vitality of the Conservation Area. This matter is addressed elsewhere in the report. Currently, however, only negligible weight can be given

to the applicant's assertions that the business will need to close if planning permission is refused.

Public benefits

60. A number of public benefits arising from the proposal have been identified by the applicant and by those writing in support of the application as follows:-

- Ensures that the restaurant can remain open.
- The proposal ensures the vitality and viability of Hale District Centre. Maintaining the roof terrace, which is well-used by residents materially supports efforts to ensure the vitality of the District Centre and its future sustainability.
- It attracts visitors to Hale, which in turn benefits other local businesses.
- It has made Cibo a real destination venue, offering local people a vibrant and exciting location.
- It generates activity that contributes positively to place-making and the enhancement of centres.
- A refusal, resulting in the closure of the restaurant would result in a vacant unit and a loss of 67 jobs.
- The proposal will ensure the building maintains its prominence, to the benefit of the overall Conservation Area.
- It creates social benefits through promoting social interaction and a strong neighbourhood centre.
- The proposal promotes social interaction that enhances the sustainability of the community.
- It creates never seen before angles of the conservation area.
- It creates an enjoyable area to sit, including those with sensory needs.

61. Officers have weighed these public benefits against the harm caused to designated and non-designated heritage assets. The NPPF and the statutory heritage duties require great weight to be given to a heritage asset's conservation. It is considered that the harm caused to heritage assets significantly outweighs the public benefits of the proposal, which are not nearly as compelling, particularly given the negligible weight which can be afforded to the potential closure of the business.

62. It is recognised that a substantial number of representations have been received in support of the proposal. However, local opposition or support for a proposal is not in itself a ground for refusing or granting planning permission, unless it is founded upon valid material planning reasons. It is not the number of representations in support which is critical to the weight to be given to them but their content. Letters of support do not in themselves demonstrate public benefits.

63. The applicant has proposed entering into a Unilateral Undertaking (UU), which they state would ensure that the terrace is only for the benefit of the current Cibo operation and would commit to the removal of the roof terrace and associated works should the operation cease and the restoration of the areas above the first floor roofline to its original condition. The applicant has not provided evidence to show that the building could be fully restored to its original state, as found prior to the installation of the roof terrace. Notwithstanding this, such an agreement would not remove the harm that the development causes to the landmark positive contributor building or the setting of the Hale Station Conservation Area. In turn it could also lead to a harmful precedent replicated at other businesses within the District Centre, further eroding the significance of the Conservation Area.
64. Members are also advised that should they be minded to approve the application, that the proposed replacement of the unauthorised aluminium windows and doors with timber windows and doors could not simply be covered by a condition as the works to create the roof terrace have already taken place. The most appropriate method in which to ensure that these works are carried out in a timely manner is through a S106 legal agreement. Notwithstanding this, as detailed above, it is considered that the replacement of the unauthorised aluminium windows and doors with timber frames does not mitigate the harm of the overall development and is still harmful when compared to the baseline position of the original windows being in situ before development took place.
65. The proposed development would therefore result in moderate harm to the significance of the building as a non-designated heritage asset and the contribution it makes to the significance of the Hale Station Conservation Area (a designated heritage asset). The proposal is therefore contrary to Policies L7 and R1 of the Trafford Core Strategy, the Hale Station Conservation Area Appraisal and Management Plan and advice contained within the National Planning Policy Framework. .

VITALITY AND VIABILITY OF THE DISTRICT CENTRE

66. The site is within Hale District Centre. Hale District Centre is the largest of the three district centres in Trafford. It features a number of independent retailers and the centre is focused around leisure service with convenience and comparison goods provision also catered for.
67. Policy W2.7 of the Core Strategy identifies Hale as a District Centre within which there will be a focus on convenience retailing of an appropriate scale, plus opportunities for service users and small scale independent retailing of a function and character that meets the needs of the local community.
68. Paragraph 85 of the NPPF states that planning policies and decisions should support the role that town centres play at the heart of local communities by taking a positive approach to their growth, management and adaptation.

69. A survey on existing retail provision within Hale was undertaken in July 2019. The survey results identified that there are 109 units located within Hale district centre which accounts for 15,291sq.m of commercial floorspace. The vacancy rate was recorded as being 12.1% of total commercial floorspace and 11.9% of all units. The survey identified 13 vacant units, which had increased from the 5 vacant units out of a total of 100 units in 2007 (Previous Trafford Retail and Leisure Study 2007).
70. It is acknowledged that some premises, such as the former Cheshire Midland PH, have closed down, but others have opened, such as Gupshup. A retail study carried out in January 2023 of town centres (not district centres) identifies that in 2019 Hale had a higher vacancy rate than the other district centres, however it is a much larger centre and larger centres tend to have higher vacancy rates. Altrincham currently has a vacancy rate of 12.9% and Stretford has a vacancy rate of 27.6%. Hale therefore has a similar vacancy rate to Altrincham, and the latter is considered to be thriving after a period of decline.
71. Officers currently working on the draft Hale Place Plan (January 2023), state that the number of vacant units has decreased from 13 to 8 since 2019. The current vacancy rate is considered not to be as a result of any underlying issue in respect of vitality and viability of Hale District Centre. The vacancy rate is not especially high, and there are other factors, such as the range of businesses, the existence of an evening economy, and the balance between independents and multiples which also contribute to a centre's vitality and viability.
72. It is noted that the applicant's agent states that the Hale District Centre currently has 18 vacancies, representing approximately 16.3% vacancy level, which exceeds the national average of 13.9%. However it is evident from the source of the agent's information regarding the national average (Local Data Company), that the national average relates to overall vacancy rates and does not distinguish between different area types, such as town or local centres or retail parks. It is also evident from such retail studies that there are also geographical differences in vacancy rates. It is therefore not a clear or fair comparison for the District Centre of Hale.
73. Officers also note that some of the vacant premises identified by the applicant are currently or very soon to be undergoing renovation works in relation to Use Class E units, such as 198 Ashley Road (planning permission 106679/FUL/21) and 201 Ashley Road (planning permission 105422/FUL/21). A part retrospective planning application is also currently under consideration in relation to 1-10 Crown Passages (ref: 110824/FUL/23), which proposes 10 separate units, 9 in Class E and one sui generis (bar). . These applications demonstrate that there is an appetite for investment in Hale District Centre and edge of centre, beyond that of the application site.
74. The applicant has submitted supporting financial information in regards to profits and loss for the business in stating that the business would have to close if

planning permission is not granted. Financial information has been specifically submitted in relation to the financial year 2019 - 2020. The Council's Estates Team have reviewed the submitted information and accept that the submitted information shows that the proposed roof terrace is the difference between this specific business being sustainable or not. The applicant has not however provided any supporting information to demonstrate that the roof terrace permitted under the extant planning permission (103732/FUL/21) would also not make the business financially viable. Therefore, there is currently no justification provided to prove that the 50 covers, as currently proposed, is sustainable, but 30 covers as approved is not.

75. Officers have requested the latest financial information for the year 2022 – 2023 to provide the most accurate and up to date information as it is noted that the current data received is from three years ago and therefore not reflective of the current financial situation. Additionally, the financial information received is only of the businesses' first full financial year, as the restaurant opened in 2018. Since this time the business has become more established and as demonstrated through the representations received, gain a positive reputation within the local area. More up to date financial information has not yet been provided. An update regarding this will be provided in the Additional Information Report.

76. It is noted that the applicant's agent states that significant weight should be attached to the need to support economic growth and productivity and refers to paragraph 81 of the NPPF, which states "*Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development*". Officers do not dispute the importance of supporting economic growth and productivity, as shown through the Council's approval of extensions and alterations, including a roof terrace, to the application site. Proposals do however also need to be weighed in the balance against the statutory requirement to apply considerable importance and weight to the desirability of preserving the Hale Station Conservation Area and the character of this landmark positive contributor within it. As identified in the heritage assessment above, paragraph 199 of the NPPF states that "*When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation*".

Conclusion on Vitality and Viability

77. The applicant did not seek pre-application advice or planning permission for the proposed development nor did they prior to the purchase of the building, despite stating that the business plan in purchasing the property was reliant on extending the restaurant into the first floor level and the formation of the roof terrace which they are now seeking to retain. From the information provided by the applicant's agent, it is therefore understood that the applicant purchased the building knowing that the business would be unviable without the roof terrace. The applicant also states that they have invested £900,000 into the fit out of the

premises. Evidence has not been provided of what exactly this has covered, however it is assumed that it includes the single storey side extension with retractable roof, which the Council granted planning permission for in October 2020, ref: 101313/FUL/20. This extension provided an additional sheltered dining area, which could also provide a 'continental' dining experience (like the applicant states they are seeking with the roof terrace) as it includes a retractable roof.

78. The applicant's comments regarding the significant overheads of businesses like Cibo and that a significant number in the reduction of covers will result in the business becoming unviable are noted. However Officer's note that the applicant states that the unauthorised roof terrace can accommodate up to 50 covers, which is 20 covers greater than the permitted roof terrace (ref: 103732/FUL/21). Officers do not consider that the loss of 20 covers to be a significant number against the overall number of covers provided throughout the restaurant. It is acknowledged that less use of the roof terrace could be made in inclement weather, however it is not the case that the terrace could not be used at all. The applicant has also not provided evidence to demonstrate why the permitted roof terrace would not enable the business to be viable.

79. If the business is not viable when the restaurant is full, excluding the roof terrace, it should be a matter for the business owner to review their costs and economies of scale, rather than for the Council to have to approve an unsympathetic and harmful addition to the building, which also has a harmful impact on the setting of the Hale Station Conservation Area, in order enable the business to be viable. It is not for the Council to shoulder the developer's financial risks. The applicant has confirmed that the business plan for the restaurant included covers which did not benefit from the necessary consents. This is a risk he has chosen to take.

80. This stance is supported by the Planning Inspectorate who stated the following in dismissing an appeal relating to a previously proposed single storey side extension at this building in 2019/2022 (planning application reference 97046/FUL/19): -

"I have been made aware of the challenging market conditions that the restaurant sector is experiencing, and that the addition of further covers would be commercially expedient. I have also been made aware of the high regard in which the appellant's restaurant business is held. However, there is no substantive evidence that the economic viability of the specific business is dependent on the extension, and even if it were, that other restaurateurs or other businesses would be unable to trade successfully from the appeal site in a manner consistent with Policy W2, of the Trafford Core Strategy which supports town centre uses. Therefore, I do not consider this to weigh in favour of the proposed development." (Appeal ref: APP/Q4245/W/19/3236465, paragraph 18)

81. This is also the test by which Members should consider the assertions made about the closure of the business. The appeal decision is a material consideration in the determination of this application. It is whether the **building** is viable as a restaurant (irrespective of occupier), not whether the applicant would himself choose to close. The level of profit and turnover acceptable to this applicant may be higher than another operator.
82. Furthermore, there is an important principle to be considered. If the applicant's business plan assumes a greater number of covers than could be lawfully accommodated at the site, with the necessary consents, then this is a risk that he has chosen to take. The Local Planning Authority should not be held to ransom over or be expected to mitigate a developer's risk through a grant of planning permission for otherwise unacceptable development. This is an argument that could be repeated by every business as a means of trying to secure a planning permission that might not otherwise be forthcoming.
83. The applicant's assertions about the weight to be given to economic benefits is also one that could be repeated too often. If proposals which have economic benefits to a business but cause heritage harm should be found to be acceptable in most cases, then the character of existing historic commercial centres would rapidly be eroded. It is the Local Planning Authority's duty to protect its heritage assets in the public interest against the private interests of a developer or business owner.
84. Officers do not consider that the vacancy rates within Hale District Centre are a result of any underlying issue in respect of the vitality and viability of Hale District Centre. On-going investment of existing vacant units also demonstrates a continued financial interest in the centre. Again, rather than the individual operator or building, the impact on vitality and viability needs to be considered in relation to the District Centre as a whole. It is therefore considered that the refusal of this planning application would not result in the decline of Hale District Centre as argued by the applicant.
85. It is also identified that whilst economic growth and productivity is supported within the NPPF, the significant weight attached to it is not outweighed by the statutory duty to conserve heritage assets. There are no identified compelling economic benefits from the proposal that would outweigh the identified harm to the setting of the Hale Station Conservation Area and this landmark positive contributor building. The proposal therefore conflicts with heritage policy in the NPPF and thus the application of policies in the Framework that protect areas or assets of particular importance provide a clear reason for refusing the development proposed.

IMPACT ON RESIDENTIAL AMENITY

86. Policy L7 requires new development to be compatible with the surrounding area and not to prejudice the amenity of the future occupiers of the development

and/or occupants of adjacent properties by reason of overbearing, overshadowing, overlooking, visual intrusion or noise and/or disturbance.

87. Policy L7 of the Core Strategy is considered to be compliant with the NPPF and therefore up to date as it comprises the local expression of the NPPF's emphasis on good design and, together with associated SPDs, the Borough's design code.
88. Residential houses and apartments lie to the north of the site on Lisson Grove and within Millfield Court, which overlook the northern side elevation and boundary of the site. Residential houses on Lisson Grove also lie to the rear (east) of the site.
89. A minimum distance of approximately 23m lies between the proposed roof terrace and Millfield Court. This distance is across the highway of Lisson Grove. Whilst it is noted that the Council's Environmental Health Officer (EHO) has recommended that options such as a barrier/wall/fence is provided on the northern-elevation of the proposed roof terrace is provided to protect the occupants of Millfield Court, it is considered that such an addition would have a significant visual harmful impact on the building, which is a landmark positive contributor within the conservation area and would be harmful to the setting of the conservation area overall. It is noted that no letters of objection have been received from the residents of Millfield Court or Lisson Grove. It is considered that through the implementation of conditions (should Members chose to approve the application) restricting the hours of use of the roof terrace to between 09:00 and 20:00 on any day, restricting the number of tables and covers and preventing external music and restricting music levels from within the restaurant whilst the roof terrace is in use, in line with the EHO's recommendations, the proposed development would not result in undue noise and disturbance to neighbouring residents. Further in line with the EHO's recommendations, a condition could also be attached requiring the submission of a noise management plan.
90. It is noted that such conditions, including hours of use, are in line with the conditions previously attached to the planning permission relating to the existing single storey extension, which includes a fully retractable roof that lies to the northern side elevation adjacent to Lisson Grove.
91. It is noted that the EHO also recommended that the tables on the roof terrace where restricted to use by customers who are seated with waiter/waitress service only. It is considered that a planning condition of this nature would not meet the tests of lawfulness as it would be unenforceable. It is also recognised that the restaurant benefits from seating at ground floor that benefits from a retractable roof, which is not restricted in this way and that through the conditions outlined above, it is also considered that such a condition is not necessary.
92. The EHO also recommended a condition restricting doors and windows at first floor level to be closed outside the hours of 09:00 and 19:00 daily. It is considered that this condition would not be reasonable or necessary in this

instance as the existing restaurant at first floor level is not restricted in this way. Additionally, the proposed first floor door would have limited use outside of the hours of 09:00 and 20:00 as the roof terrace would not be open and it is noted that the windows to the seating area at first floor would be on the front elevation, facing out towards the commercial area of Hale and not the residential street of Lisson Grove and neighbouring Millfield Court.

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

HIGHWAYS AND PARKING

94. 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.

95. In regards to cycle and car parking standards, Policy L4 is considered to be consistent with the NPPF in making efficient use of land and providing sustainable development.

96. 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.

97. SPD3: Parking Standards and Design for Trafford states that the proposal would generate the need for an additional six car parking spaces. The application does not include the creation of any additional car parking provision within the site, however, the site is located within a sustainable location, a short walking distance from Hale train station, close to public car parks and bus stops. The LHA therefore raises no objections to this shortfall in car parking provision.

98. SPD3 also states that the proposal would generate the need for the provision of two cycle parking spaces. It is considered that the site could accommodate this within the rear car parking / service area and should planning permission be granted, a condition could be attached requiring the provision of a minimum of two additional secure cycle parking spaces within the site.

99. Whilst the LHA notes that details of servicing arrangements have not been submitted with the application, the proposal relates to the creation of an external seating area at first floor level above the existing single storey extension. The

proposal would not impede the storage or movement of the refuse / recycling arrangements on the site or deliveries to the site.

100. It is therefore considered that the proposed development is acceptable on highways grounds.

EQUALITIES

101. 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.

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

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

103. 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.

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

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

OTHER PLANNING APPLICATIONS AND RELEVANT APPEAL DECISIONS

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

169-171 Ashley Road (Victors)

107. **91975/FUL/17** - Erection of first floor extension following removal of existing roof and replacement of fixed glazing and retractable roof with external raised terrace to rear.
108. This application was withdrawn by the applicant in December 2017. The proposal included the erection of a first floor glazed enclosure to the front elevation. The proposal was not considered acceptable by Officers on design grounds and viewed to detract from the setting of the conservation area.

199 Ashley Road (Gupshup)

109. **94319/FUL/18** - Change of use from a Bank (Use Class A2) to a Restaurant (Use Class A3). Erection of a part single/part two storey rear extension following demolition of the existing brick store. Creation of an external seating area to the front with planters. Creation of a first floor front terrace area with glass balustrade. External alterations to include new windows alongside new ventilation and condenser units.
110. This application was approved by the Planning Committee with conditions in August 2018. The proposal included the creation of an external seating area at first floor level to the front elevation, including the installation of a 0.18m high glass balustrade, which would be situated above a 0.38m high sandstone wall, atop the existing sandstone parapet wall. The roof terrace did not include any roof coverings (including parasols) and so was considered to be sensitively designed, incorporating traditional designs and materials and thus would have an acceptable impact on the host building, street scene and the setting of the conservation area.
111. Officers have therefore been taking a consistent approach to the consideration of roof terrace proposals in Hale Village and the Hale Station Conservation Area, balancing the harm to the street scene and conservation area with the desire of restaurateurs to maximise covers. It is also noted that both Victors and Gupshup continue to trade well.
112. It is also considered that the following recent appeal decisions are relevant to this application: -

APP/Q4245/W/19/3236465 – Cibo, 6-10 Victoria Road, Hale – 28th January 2020 (97046/FUL/19)

113. This appeal related to a proposed single storey side extension at the application site where the applicant in submitting the appeal identified challenging market conditions. In dismissing the appeal the Inspector stated: -

“I have been made aware of the challenging market conditions that the restaurant sector is experiencing, and that the addition of further covers would be commercially expedient. I have also been made aware of the high regard in which the appellant’s restaurant business is held. However, there is no substantive evidence that the economic viability of the specific business is dependent on the extension, and even if it were, that other restaurateurs or other businesses would be unable to trade successfully from the appeal site in a manner consistent with Policy W2, of the Trafford Core Strategy which supports town centre uses. Therefore, I do not consider this to weigh in favour of the proposed development.” (paragraph 18)

114. This is the also the test by which Members should consider the assertions made about the closure of the business. It is whether the **building** is viable as a restaurant (irrespective of occupier), not whether the applicant would himself choose to close. The level of profit and turnover acceptable to this applicant may be higher than another operator. Comparables have been requested, but have not been provided.
115. Officers do not dispute that part of the historic character of the Hale Station Conservation Area is that it is a commercial centre providing local services. The current planning application does not seek to change the use of the site and as such the use of the site does not form part of the recommended reasons for refusal. The Council has supported the commercial use of the site and the existing business in particular through the granting of planning permission for new commercial frontages and awnings to the front elevation in 2018 (ref: 95133/FUL/18), the granting of planning permission for a single storey side extension increasing the seating area of the restaurant in 2020 (ref: 101313/FUL/20) and through the granting of planning permission for a first floor roof terrace to the front in 2021 (ref: 103732/FUL/21). As discussed in the ‘Vitality and Viability’ section of this report, the Council has a statutory duty to give great weight to the impact of a development on heritage assets, there is no such duty in regards to economic growth. Officers are also mindful that the viability of an individual business is an argument that could be repeated too often in all historic towns and district centres, that a development is commercially necessary, despite identified harm to a heritage asset. The purpose of the designation (the conservation area and landmark positive building) of the site is to elevate the heritage implications of the development above all other considerations.

APP/Q4245/W/22/3301081 – 1 Lostock Road, Davyhulme – 14th May 2022 (105762/FUL/21)

116. The appeal related to a proposed aluminium framed structure with a retractable PVC awning to the front elevation of a restaurant, covering an existing front courtyard area. In dismissing the appeal the Inspector noted:

“Although the proposed structure would be constructed using materials considered ‘lightweight’ it would be of substantial mass and project significantly forward of the host building’s front elevation, resulting in an overly dominant and visually prominent form of development causing harm to the character and appearance of the area... the proposed structure would appear as a prominent and unsympathetic addition that would be out of keeping with the character and appearance of the area. Its prominence would be further exacerbated by virtue of the front elevation of the appeal property being approximately 1 metre further forward than the immediately adjacent Nags Head Public House.

In addition, I find that the proposed materials would not relate to the traditional design and appearance of the host property. In particular, the large expanse of glazing and sections of PVC fabric would not be in keeping with the traditionally built red brick and grey tile roof property. Whilst its glazing would afford some views through to the existing exterior walling, the proposed structure would nevertheless largely obscure the ground floor of the front elevation from view and would be out of keeping with the character of the host property.” (paragraphs 4 – 6)

“The appeal property immediately abuts the Nags Head Public House, which the Council has identified as a non-designated heritage asset” (NDHA) (paragraph 9)

“The appeal proposal would bring about social and economic benefits as it would help support the existing restaurant business by protecting the jobs of existing staff and providing additional covered seating for which could still be used by customers during inclement weather. This benefit is of moderate weight. There would also be benefits to the local economy through the construction of process, however given the scale and temporary nature of the proposed works these benefits would be limited. Overall, I find that when taken together these benefits would not outweigh the harm would be caused to the setting and significance of the NDHA.

As a result, I find that, on balance, the proposed development would cause harm to the setting of the adjacent NDHA and therefore on its significance. The proposal would therefore conflict with Policy R1 of the CS which seeks, among other matters, to protect, preserve and enhance locally significant historic buildings”. (paragraphs 14-15)

117. Officers are therefore taking a consistent approach with previous decisions relating to the site and other proposals for front terraces. Officers recommendations for this application are also in line with comments made by the Planning Inspectorate on recent appeal decisions.
118. The applicant has identified an appeal (reference APP/R3650/W/21/3266933), which they consider to be relevant to this application in regards to the application site being identified as a non-designated heritage asset. The appeal relates to

the grounds of a former school in Haselmere, Surrey, where 71 dwellings and advertisements were proposed following the demolition of existing school buildings and a dwellinghouse. Whilst it is understood that the dwellinghouse was identified by Waverley Borough Council as being a non-designated heritage asset, which the Planning Inspector did not agree, Officers consider that this appeal is not relevant to this application as the proposed developments are entirely different, as are the application sites. Furthermore, the appeal relating to the application site as referenced above in paragraph 105 (appeal reference APP/Q4245/W/19/3236465, Trafford Planning reference 97046/FUL/19), the Inspector notes that 6-10 Victoria Road is a “*substantial former semidetached villa, is identified as a landmark building and ‘positive contributor’ within the CA appraisal*” (paragraph 9). The Inspector did not question or disagree with the Council’s historical appraisal of the site and the significance attached to it.

RELEVANT CASE LAW

119. In considering this application, particularly the fallback position of the extant planning permission for the roof terrace, and the requirement to minimise harm to heritage assets, Members should be mindful of the recent judgment in *Council of the City of Newcastle upon Tyne vs. Secretary of State for Levelling Up, Housing and Communities [2022] EWHC (Admin)*. This found that where it is considered that a proposal does minimise harm to heritage assets, this does not change the absolute level of harm caused to the heritage asset, or its scaling within ‘less than substantial’. This still needs to be weighed against the public benefits of the proposal, with great weight being given to the assets conservation (and with regard given to development plan policy and the relevant paragraphs of the NPPF).

DEVELOPER CONTRIBUTIONS

120. The proposed development would generate an additional floor area of less than 100m² and therefore is not CIL liable.
121. The proposed development does not require any developer contributions having regard to Policy L8 of the Core Strategy and advice contained within SPD1:Planning Obligations.

PLANNING BALANCE AND CONCLUSION

122. The development has been assessed against the development plan, policy in the NPPF and SPD5.11 Hale Station Conservation Area Appraisal and SPD5.11a Hale Station Conservation Area Management Plan. The retention of the proposed roof terrace, with canopy, balustrade and associated furniture, would significantly obscure the upper level of the building and thus detract from the historic character of the building and its significance within the conservation area. The proposal would therefore result in moderate harm to the aesthetic and

historic significance of the landmark positive contributor building and the contribution that the site makes to significance of the Hale Station Conservation Area.

123. Claims by the applicant that the refusal of this application and subsequent removal of the roof terrace would result in the business not being viable and thus having to close, have been fully considered. However, if the business is not viable, it should be a matter for the business owner to review their costs and economies of scale, rather than for the Council to have to approve an unsympathetic and harmful addition to the building and the setting of the South Hale Conservation Area. It is not for the Council to shoulder a developer's financial risk. Furthermore, Officers do not consider that the vacancy rates within the Hale District Centre are a result of any underlying issue in the respect of the vitality and viability of Hale District Centre and that the refusal of this planning application would result in the decline of the District Centre as stated by the applicant.
124. It is considered that there is no clear and convincing justification for this heritage harm as required by paragraphs 200, 202 and 203 of the NPPF. Furthermore there are no specific heritage benefits arising from the proposals, with the replacement of the aluminium doors and windows with timber still being harmful when compared to the baseline position before development took place as the original windows and doors have been lost.
125. The proposal is also unacceptable in design terms generally and would have a harmful effect on the street scene and the character of the area. This would be contrary to Policy L7 of the adopted Core Strategy.
126. Considerable importance and weight has been given to the desirability of preserving the Hale Station Conservation Area and the character of this landmark positive contributor within it. The public benefits of the proposals identified by the applicant and those in support of the proposals do not outweigh the "less than substantial" but moderate harm identified to Hale Station Conservation Area and the moderate harm to the non-designated heritage asset. The proposal conflicts with heritage policy in the NPPF and therefore the application of policies in the Framework that protect areas or assets of particular importance provide a clear reason for refusing the development proposed. The proposal would also represent poor design that is out of character with the surrounding area and detrimental to the street scene. The proposal would be contrary to Policies R1 and L7 of the Trafford Core Strategy, the Hale Station Conservation Area Appraisal and Management Plan and the emerging Trafford Design Guide. It is therefore recommended that the application is refused.

RECOMMENDATION: REFUSE for the following reasons:

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

VW

APPENDIX A

Full consultation response from the Council's Heritage and Urban Design Manager: -

Significance of the affected heritage asset(s)

6-10 Victoria Road (now occupied by Cibo restaurant) is located within Character Zone A: Central Retail Area. The boundary of the Character Zone is drawn around the site and includes adjacent premises on Victoria Road. The application site adjoins Character Zone C: Suburban Villas, east which includes Lisson Grove and Millfield Court.

The Central Retail Area encompasses Ashley Road as it runs west to south-east through the Conservation Area. The primary use of the buildings lining the street to the west and east of the station is retail, restaurant and commercial use. There are examples of residential properties converted to retail premises as well as with purpose built shops. Retail premises are generally confined to the ground floor with store rooms, offices or residential accommodation at first floor and attic storeys.

The accompanying SPD 5.11 identifies 6-10 Victoria Road as a positive contributor and landmark building for the following reasons;

Date: Early 20th century. Condition: Good. 6-10 Victoria Road is likely to be a 1900s residential dwelling that was converted to retail use as early as the 1930s, judging from OS map evidence, as by 1936 the house had been extended forward. The original house is of five bays with projecting double-height bays at either end, with large six over six sash windows and a rendered rear exterior. The ground floor shop projects out to the pavement edge and is in keeping with the character of the Conservation Area.

SPD5.11 also identifies the adjoining building no. 159 Ashley Road as a positive contributor and landmark;

Date: Early 20th century Condition: Good A substantial bank built on the junction of Ashley Road and Victoria Road between 1910 and 1936 to replace a pair of semi-detached dwellings. Architecturally, this building fits in with the character of the wider Conservation Area. It has Arts and Crafts motifs such as tall chimney stacks, textured bricks and rendered plasterwork. It is a significant landmark when travelling along Ashley Road in both directions.

The building was empirically identified by external heritage consultants, Purcell, during the appraisal of Hale Station Conservation Area in 2016. The Conservation Area Appraisal and Management Plan (SPD 5.11 & 11a) were the subject of extensive public consultation and were adopted in July 2016. SPD 5.11 identifies "To the south of here at the junction of Victoria Road and Ashley Road the roads open out into a wide space. Distinctive buildings are situated on this prominent corner, including a restaurant that was originally a large suburban house (Nos. 6-10 Victoria Road), a purpose built bank in an Arts and Crafts style (No.159 Ashley Road), a newly refurbished Neo-Tudor shop

building of 1906 (No. 150 Ashley Road) and a three bay corner unit with terracotta detailing (Nos. 152-156 Ashley Road) (4.7.7)".

The character of the Conservation Area is defined by active frontages at ground floor not first floor in Character Zone A: Central Retail Area. "The majority of the shops make use of the ground floor only, with accommodation, offices and storage above, and some additional shop floor space and possibly some residential units". It is noted that the first floor was until recently let as an office not a restaurant and this would be an appropriate alternative use consistent with the conservation of the heritage asset. The Conservation Area does not solely exist because of the District Centre. It is acknowledged that the diverse independent shops, cafés and amenities contribute the character of the retail centre. Nevertheless, the significance of the Conservation Area derives from the wealth of buildings of architectural and historic interest which survive from the late 19th century which epitomise the growth of a rural village into a wealthy suburb and thriving retail centre.

A former late 19th century residence (built as a pair of interlocking Cheshire semis), the building was extended with a single storey addition to the principal elevation during the interwar period. The extension links to 159 Ashley Road. Together the buildings complement one another and the group address Ashley Road and Victoria Road in the heart of the Conservation Area. There is a symmetry to the principal elevation of the building both at ground floor and first floor levels this along with the orientation of the building results in a strong relationship with Victoria Road and the junction with Ashley Road. The upper floor and gable facing Lisson Grove provide some evidence of the former residential use. The building comprises of a large frontage at ground floor and is unusual in its size in the Conservation Area. This, along with the location, increases the prominence of the building.

The upper floor is constructed from a brown/red brick laid in a stretcher bond with detailing comprising of an advanced brick string course, slim brick soldier course and splayed brick headers. It appears that the Victorian villa was re-faced in the interwar period in conjunction with an extension at ground floor to form a retail premises. The building comprised of three, central 12 pane vertical sliding sashes with two canted bays. The bays each contained a 12 pane vertical sliding sashes flanked by two 8 pane vertical sashes. All windows were constructed from timber painted in white with horns and single glazed. The canted bays are a distinctive feature at first floor projecting above the overhanging eaves and capped with stone copings. The roof is pitched clad with blue slate and includes three tall chimneys with crown pots.

The townscape map includes a vista looking south along Victoria Road incorporating the application site and building. The site also lies within the setting of Hale Station, a group of four Grade II listed buildings sited within the heart of Hale Station Conservation Area. There are views from railway crossing and also glimpses from the platforms.

Impact of the proposed development

The application seeks retrospective permission for external seating area at roof level, glazed balustrade and associated structures and proposed installation of timber windows and doors at first floor level.

I previously responded to application 108288/FUL/22 and concluded the development would cause moderate harm to the aesthetic and historic significance of 6-10 Victoria Road. At the time of consultation, the unauthorised removal of windows did not form part of the application therefore the level of harm identified did not include these additional works. Prior to the determination of the application at Planning Committee, it was identified that the existing timber sash windows, to the bay windows on the front elevation at first floor, have been replaced with new grey aluminium framed windows, with mullion and transom details. The three timber original windows in the central section have also been replaced with glazed aluminium doors powder coated grey. Under application 103732/FUL/21, one window was approved to be converted to a painted timber door to provide access to an external seating area. No conditions were discharged associated with application 103732/FUL/21.

The retrospective development [108288/FUL/22] was refused on 11th November 2022 which was considered to be “odds with the character, appearance and architectural style of the building, obscure the architectural features at first floor level and would result in "less than substantial" harm to Hale Station Conservation Area, and moderate harm to the significance of a landmark positive contributor to the Conservation Area, which is itself a non-designated heritage asset”.

The current proposal seeks permission for reinstating the timber windows to the two canted bays and formation of three doors in conjunction with the retention of external seating area at roof level, glazed balustrade. The works also include the removal of existing masonry to form the three openings. This has resulted in the loss of existing brick detailing and stone string course which also forms the cills to existing windows. The submitted plans do not provide a section of the building to adequately illustrate this elevation and detail the alteration required to form the three openings. No justification is provided in the Heritage Statement as to why a further two openings are now required in addition to the previously approved central doorway. The removal of additional window openings increases the harm to the architectural and historic significance of this landmark building and heritage asset. The proposed pattern of glazing and fanlights does not reflect the previously approved door design nor complements sufficiently the proposed reinstatement of the 12 & 8 pane vertically sliding sashes. The proposed elevation does not sufficiently detail the reinstatement of the windows which are described. Elevational and sectional drawings to a scale of 1:5 and 1:10 are required of all types of replacement window and door to ensure the glazing, profile and dimensions accurately reflects the removed fenestration. Clarification is needed regarding the colour which is detailed as both white and grey in D&A Statement. Whilst the reinstatement of the timber windows is welcomed in principle, the lack of sufficient detail provided, the loss of historic brickwork and detailing to the front elevation and the design of the French doors remains a concern.

The development also comprises of a cantilevered glazed canopy supported on a black powdered coated steel frame. The canopy sits under the main eaves and extends slightly beyond the main gables. It is unclear from the submitted drawings how the structure is supported on existing masonry therefore further details are required. The terrace includes fixed seating with impermanent landscaping surrounded by a glazed balustrade on two sides. A large glazed screen has been erected on the Lisson Grove elevation as part of the canopy structure. This is not reflected in the drawings nor is the scale sufficient to differentiate between the sizes of the supporting structure and glazing.

The canopy, seating and landscaping obscure the upper floor of the landmark positive contributor. Given the size of the heritage asset, its location in the heart of the Conservation Area and that the works are a high level, the impact of the works on the significance of these building is increased. Whilst the landscaping softens the impact of the canopy, it does have the adverse effect of obscuring the upper floor of the positive contributor. The front elevation is now covered by the tree canopies meeting the underneath of the glazed roof. When viewing the building from Victoria Road it is no longer possible to read the form or appearance of the building at first floor. The decorative canted bays, a prominent feature which project about eaves of the building, are now completely obscured. The supporting structure of the canopy roof creates a grid like appearance which further impacts on the appearance of the building at first floor. The installation of the glazed balustrade has a visual impact at first floor level and has a reflective and distracting quality. These works, in conjunction with the removal and replacement of windows and formation of additional openings, diminish the landmark quality of the building and the contribution it makes to the street scene and significance of the wider Conservation Area. The works also harm the architectural and historical significance of the building as a non-designated heritage asset. Taking into account my previous response and the works now proposed, it is considered that the level of harm to the significance of this building as heritage asset and the contribution it makes to the significance of the designated heritage asset is moderate. For clarification it is the harm to the significance of the affected Conservation Area as a whole not “the level of harm on the Conservation Area as a whole” as suggested in the D&A Statement.

In accordance with para 195 NPPF; LPAs must take the significance of a heritage asset into account “when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset’s conservation and any aspect of the proposal”. It is noted that a scheme to provide a first floor terrace with a less harmful impact was approved under application 103732/FUL/21. Furthermore, an external terrace with a "flat" retractable roof system formed from a steel framed structure has already been approved under application 101313/FUL/20 which provides a covered outdoor seating area at ground floor.

It is confirmed that the works are considered not to impact on the significance of the group of listed buildings forming Hale Station.

Policy & guidance

Section 72 (1) of the Planning (Listed Buildings & Conservation Areas) Act 1990, the local planning authority shall pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas. Section 66 (1) requires the local planning authority to pay special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

In addition the requirements of paragraphs 194, 195, 197, 199-200, 202, 203 of the National Planning Policy Framework 2021; policies R1 & L7 of the Trafford Core Strategy 2012 apply and policies in SPD 11a. Whilst R1 is considered to be out of date the policy is still a material consideration.

Position

The proposed development would cause moderate harm to the aesthetic and historic significance of 6-10 Victoria Road and the contribution the site makes to Hale Station Conservation Area. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance (NPPF 199). LPAs are also required to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal (para 195:NPPF). The applicant has not provided a clear and convincing justification for this harm as required by NPPF 200. It should therefore be weighed against the public benefits of the proposal in accordance with NPPF 202. The balancing exercise should be undertaken bearing in mind the statutory duty of Section 72 of the Planning (Listed Building & Conservation Areas) Act 1990 to "pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas". The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset (NPPF 203).

APPENDIX B

Below are extracts of the plans for the extant planning permission shown against those now proposed for comparison: -

Approved Front Elevation



Proposed Front Elevation



Approved North Side Elevation

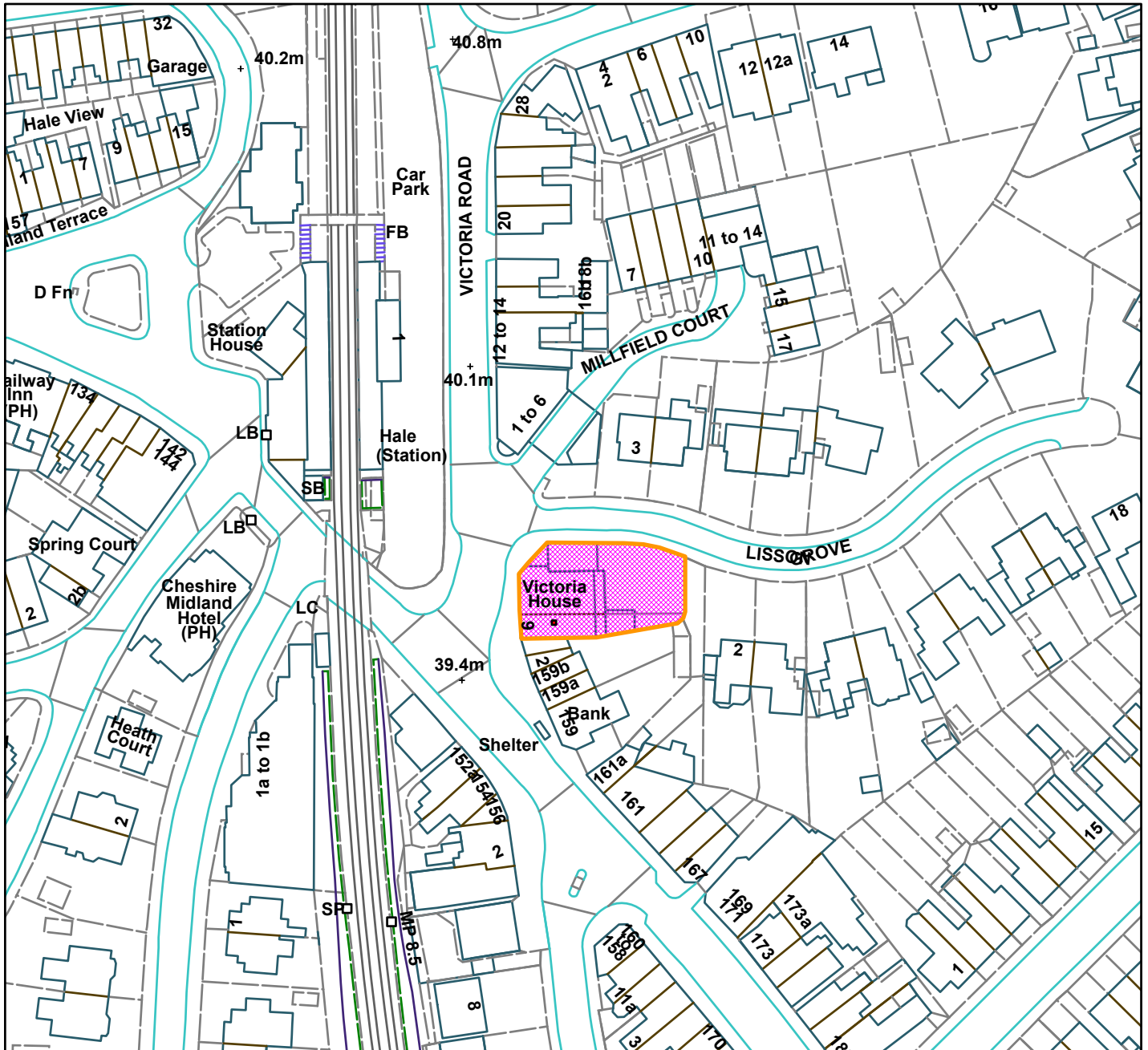


Proposed North side Elevation





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



Scale: 1:1,250

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| | |
|--------------|---------------------------|
| Organisation | Trafford Council |
| Department | Planning Service |
| Comments | Committee date 15/06/2023 |
| Date | 05/06/2023 |
| MSA Number | 100023172 (2022) |

WARD: Longford

109833/FUL/22

DEPARTURE: No

Demolition of existing buildings on site and erection of three residential buildings ranging from 4 to 5 storeys in height to provide 80 affordable apartments, with associated car and cycle parking, and landscaping.

Land To East Of Warwick Road South, Old Trafford

APPLICANT: Victor (Old Trafford) Limited / Southway Housing Trust

AGENT: Paul Butler Associates

RECOMMENDATION: MINDED TO GRANT SUBJECT TO LEGAL AGREEMENT

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

EXECUTIVE SUMMARY

The application seeks full planning permission for the erection of three residential buildings providing 80 affordable apartments following demolition of the existing buildings on a site located on the east side of Warwick Road South, Old Trafford. The proposed development comprises one 5 storey block and two 4 storey blocks, car parking to the rear and associated landscaping. All apartments are proposed to be affordable and will be delivered by Southway Housing Trust.

Objections received relate primarily to the impact of the proposed development on the adjacent allotments, insufficient car parking proposed, impacts on residential amenity, and impacts on nesting birds and other wildlife on the allotments site.

The principle of development is considered to be acceptable and because the Council does not have a 5 year supply of housing land, the tilted balance in NPPF paragraph 11 d) is engaged.

Residential development is considered acceptable in principle on this brownfield site and which is in a highly sustainable location.

The proposed buildings are considered to be of an appropriate scale and height for the location and the articulation, detailing and proposed materials result in a well-designed scheme. The height and massing of the proposed development is however, considered to result in minor harm to the setting of non-designated heritage assets on Ayres Road.

The applicant has demonstrated that the proposed buildings would not result in a loss of sunlight or daylight to the adjacent allotments over the growing season when compared to the existing situation.

It is considered that sufficient on-site car parking would be provided having regard to the highly sustainable and accessible location and the findings of the on-street parking survey submitted in support of the application.

Harm to biodiversity and specifically to nesting birds present on the allotment site can be avoided by conditions.

The impact of noise from surrounding land uses on the amenity of future residents will be considered in the Additional Information Report.

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

SITE

The application site is situated on the east side of Warwick Road South, opposite Old Trafford Metrolink stop. The site extends to approximately 0.38ha and comprises a series of predominantly single storey buildings (and one two storey building) previously in industrial, storage and veterinary surgery uses. The buildings are mostly vacant although a café and a second hand furniture warehouse currently operate from one of the buildings. Each part of the site currently has access from Warwick Road South and off-street car parking to the front of the buildings.

The site is within a mixed-use area comprising residential and commercial uses. To the west on the opposite side of Warwick Road South the 'Cricket Ground Estate' comprises two storey terraced dwellings and apartments and Old Trafford tram stop is to the north west. Old Trafford Cricket Ground is on the other side of the tram line. To the south there are three relatively recently built apartment buildings, the nearest being the Johnny Briggs Building, all of which are three storey's high. To the rear the site adjoins Seymour Grove allotments which extends to approximately 2.8ha and comprises 116 individual allotments. To the east along Ayres Road there is an industrial unit adjacent to the site, beyond which is the Faizan-e-Islam Mosque and a vehicle repair/MOT business. To the north and north east of the site on the opposite side of Ayres Road is the Metrolink Trafford Depot.

PROPOSAL

The application seeks full planning permission for the erection of three residential buildings ranging from 4 to 5 storeys in height to create 80 apartments, with associated

car and cycle parking and landscaping. The proposed development comprises 38 x one-bed and 42 x two-bed apartments.

The proposed development comprises three separate buildings, one of which is 5 storey (Block A at the northern end of Warwick Road South and adjacent to Ayres Road) and two 4 storey blocks along Warwick Road South (Blocks B and C). 22 car parking spaces are proposed to the rear of the buildings and two areas of outdoor amenity space are proposed; one between Blocks B and C and one to the rear of Block A. Each block includes a cycle store on the ground floor, providing an overall total of 80 cycle parking spaces. A substation is also proposed to the rear of the site adjacent to the southern boundary.

Two vehicle access points from Warwick Road South are proposed providing access to the car parking within the site. Pedestrian access to each block would be from Warwick Road South and the ground floor apartments would have their own access. Pedestrian access is also provided between Blocks B and C to the rear of the site.

The buildings would be of predominantly red brick construction with grey brick to the ground floor and recessed elements, vertically aligned glazing and flat roofs. An area of defensible space would be provided in front of the ground floor apartments at both the front and rear, enclosed by hedge and shrub planting to the front boundary.

The total floorspace of the proposed development would be approximately 6,124m².

Value Added – Amended plans and further information has been submitted in response to officer comments and consultation responses. Amendments to the design, materials and landscaping include the top floor of Block A amended from metal cladding to brick; a wrap-around brick structure to enclose some of the front balconies; amended entrance details; and amended tree planting and landscaping scheme. An updated ecological report, Flood Risk and Drainage Strategy, Noise Impact Assessment and a Parking Technical Note have also been submitted in response to issues raised during consideration of the application.

The application follows a previously withdrawn application for three buildings of between 3 and 5 storeys to create 102 apartments, which itself originally sought permission for 126 apartments. The current application seeks to address concerns raised by officers and in the representations to that scheme, including retaining a greater distance between the proposed buildings and the allotments and responding to concerns raised relating to design, amenity and landscaping.

DEVELOPMENT PLAN

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

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

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

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

PRINCIPAL RELEVANT CORE STRATEGY POLICIES

SL3 – Lancashire County Cricket Club Quarter (the site lies outside of this Strategic Location but is close to the boundary)

L1 – Land for New Homes

L2 – Meeting Housing Needs

L3 – Regeneration and Reducing Inequalities

L4 – Sustainable Transport and Accessibility

L5 – Climate Change

L7 – Design

L8 – Planning Obligations

W1 – Economy

R1 – Historic Environment

R2 – Natural Environment

R3 – Green Infrastructure

R5 – Open Space, Sport and Recreation

PROPOSALS MAP NOTATION

Old Trafford Priority Regeneration Area

Main Industrial Area

PRINCIPAL RELEVANT REVISED UDP POLICIES/PROPOSALS

H10 – Priority Regeneration Area: Old Trafford

E7 – Main Industrial Areas

SUPPLEMENTARY PLANNING DOCUMENTS/GUIDANCE

PG1 – New Residential Development (2004)

SPD3 – Parking Standards and Design (2012)

Revised SPD1 – Planning Obligations (2014)

Trafford Community Infrastructure Levy: Charging Schedule (2014)

Civic Quarter Area Action Plan (2023)

Draft Trafford Design Guide

PLACES FOR EVERYONE

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

PfE Regulation 19 consultation concluded in Autumn 2021 and the Plan was submitted to the Secretary of State for Levelling Up, Housing and Communities on 14 February 2022. Independent Inspectors have been appointed to undertake the Examination in Public of the PfE Submission Plan and the timetabled hearings have now been completed with further updates from the Inspectors possible. Whilst PfE is at a significantly advanced stage of the plan making process, for the purposes of this application it is not yet advanced enough to be given any meaningful weight, such that it needs consideration in this report.

NATIONAL PLANNING POLICY FRAMEWORK (NPPF)

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

NATIONAL PLANNING PRACTICE GUIDANCE (NPPG)

DLUHC published the National Planning Practice Guidance on 6 March 2014, and was last updated on 25th August 2022. 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 and will be referred to as appropriate in the report.

RELEVANT PLANNING HISTORY

104662/FUL/21 – Demolition of existing buildings on site and erection of three residential buildings ranging from 3 to 5 storeys in height to create 102 apartments, with associated car and cycle parking, and landscaping (the application was originally for 126 apartments, subsequently amended to 102 apartments). Withdrawn 03.11.22

Various applications prior to the above, none of which are directly relevant to the proposed development. The most recent previous applications are as follows: -

99775/COU/20 – 7 Warwick Road South / former PDSA – Change_of use of existing veterinary surgery (D1 use) to a flexible B8 (storage) / D1 (veterinary surgery) use. Approved 01.04.20

79091/COU/2012 – 1 Warwick Road South – Change of use from storage and distribution (Use Class B8) to mixed use comprising place of worship, children's day centre/ nursery and community meeting and events space with ancillary offices (Use Class sui generis). Refused 21.06.13

H/46214 – 7 Warwick Road South / former PDSA – Change of use of ground floor from two residential units to veterinary staff facilities; erection of front extension to form entrance lobby. Siting of a portakabin for a temporary period for use as 5 consulting rooms and waiting room. Approved 15.10.98

APPLICANT'S SUBMISSION

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

- Planning Statement
- Design and Access Statement
- Landscape Strategy Document
- Carbon Budget Statement
- Transport Statement and subsequent Technical Note
- Independent Report into the Effect on Seymour Grove Allotments
- Affordable Housing Statement
- Employment Land Assessment
- Daylight and Sunlight Report
- Heritage Statement
- Archaeological Desk Based Assessment
- Preliminary Ecological Appraisal and Bat Scoping Report and subsequent Ecological Planning Submission Document
- Arboricultural Survey
- Preliminary Site Investigation Report
- Air Quality Assessment
- Noise Impact Assessment
- Flood Risk & Drainage Strategy Report
- Crime Impact Statement
- Interim Travel Plan
- Statement of Community Involvement

The Planning Statement and Design and Access Statement include the following key points in support of the proposed development: -

- The principle of development is considered acceptable with the development of this site positively contributing to the Council's supply and delivery of housing. The site is located in a highly accessible and sustainable location close to jobs, transport links, services and local amenities.
- The proposed development will introduce a high-quality, distinctive building of an urban scale, making a positive contribution to the wider townscape on a prominent and highly sustainable site.
- The project aims to provide high quality residential accommodation with an emphasis on private amenity space, with each apartment benefitting from a private balcony or terrace.
- The number of units accessed from the street has been maximised to provide an

active frontage to the development.

- The southern tip of the scheme increases the scale slightly from the adjacent apartment blocks, increasing to 5 storeys as a feature element on the corner of the site. This is a strategy used elsewhere in the local context and the massing does not dominate or seem out of place within the adjacent houses.
- The mass of the scheme has been focussed onto the Warwick Road South frontage preventing overshadowing of the adjacent allotments.
- The proposal is subdivided in to three blocks to allow access and ensure the building is permeable and the façade is further broken down through careful use of materials, form and recesses.

Pre-application consultation with the local community was carried out and the Statement of Community Involvement sets out the consultation process and responses received. This included meeting with representatives of Seymour Grove Allotments and a drop-in consultation event, both held in November 2022.

CONSULTATIONS

Allotments Officer – No comments received.

Arboriculturist – No objections. Comments on the proposed tree planting are incorporated in the report.

Cadent Gas – No objection. Comment that the application is in close proximity to Cadent Gas medium and low pressure assets and request an informative is included on the decision notice advising of Cadent Gas infrastructure and possible legal interest and the developer’s responsibilities and obligations.

Education – There are sufficient school places available in local primary and secondary schools and a financial contribution from this development towards education facilities is therefore not required.

GMAAS – GMAAS are satisfied that the proposed scheme will not impact on any below-ground archaeological remains and is not seeking a watching brief as it seems very unlikely that this will return any meaningful and significant results.

GMEU – Recommend a condition is attached to any permission relating to nesting birds and an informative relating to bats.

GMP (Design for Security) – Support the application and recommend a condition requiring that the development, where feasible, is designed and constructed in accordance with the recommendations and specification set out in sections 3 and 4 of the Crime Impact Statement and the agreed measures retained and maintained thereafter.

Heritage and Urban Design Manager – Concerns regarding the proposed height and massing of the development and the relationship with non-designated heritage assets

identified on Ayres Road. The harm is at a lower level (minor) to the setting of nos 225-235 Ayres Road.

Housing Strategy and Growth – No objections in principle to the application which will bring much needed affordable housing into Old Trafford. The proposed 100% affordable units exceeds the policy requirement in this area. No issues with the tenure mix proposed as it will offer both affordable rented and intermediate units options.

LLFA – Recommend conditions requiring the development to be carried out in accordance with the Flood Risk and Drainage Strategy and a management and maintenance plan for the lifetime of the development.

LHA – No objections on highway grounds. Recommend conditions to require a Construction Method Statement; removal of redundant dropped kerb crossovers and full reinstatement of the footway; waste management strategy; provision of the car parking and vehicular access arrangements; cycle parking; and Travel Plan.

National Allotment Society – No comments received.

NHS Greater Manchester (Integrated Care Broad) – No concerns from a health perspective. On the basis of this response it is considered there are adequate healthcare facilities to cater for the additional residents.

Pollution and Housing (Air Quality) – The units are not located within the Council's Air Quality Management Area and are suitable for future site users. Conditions are recommended to require a scheme for the provision of low emission vehicle charging points and a Construction Environmental Management Plan.

Pollution and Housing (Contaminated Land) – No objection subject to conditions requiring a remediation strategy to deal with the risks associated with contamination of the site and a verification report demonstrating completion of works set out in the approved remediation strategy prior to occupation of the development.

Pollution and Housing (Nuisance) – Comments on the updated Noise Impact Assessment will be included in the Additional Information Report.

TfGM – Concern that without suitable parking restrictions, the development is likely to result in an increase in on-street parking and it would be beneficial for a review to be undertaken of the Traffic Regulation Orders in the vicinity of the development, with a view to introducing additional parking restrictions as appropriate. Comments on active travel infrastructure are summarised below and conditions are recommended requiring a Full Travel Plan, the provision of dropped kerbs and tactile paving, and any redundant vehicle access points reinstated as continuous footway to adoptable standards.

TfGM (Metrolink) – No objection. Applicant to be referred to details of working safely near Metrolink and as would not want access from Warwick Road South compromised

during the construction period. Note the revised acoustic report concludes that noise levels can be adequately mitigated.

United Utilities – The proposals are acceptable in principle and request a condition requiring the drainage for the development to be carried out in accordance with principles set out in the submitted Foul and Surface Water Drainage Design Drawing and completed prior to occupation in accordance with the approved details and retained thereafter.

Waste Management – No comments received

REPRESENTATIONS

Neighbours and allotment plot holders – 13 letters of objection received (from 12 separate addresses), including from the Old Trafford Amateur Gardeners' Society (OTAGS) on behalf of Seymour Grove Allotments. Six further letters received in response to the revised plans and further information. One letter received with comments. The issues raised are summarised as follows: -

Impact on the allotments

- The buildings will cast significant shade across the neighbouring plots and result in loss of sunlight, which is critical for crop yields and healthy plants.
- 5 stories on the corner is going to tower over the allotments.
- Loss of sunlight will reduce the variety of vegetables that can grow successfully. Remain concerned the development will harm the ability to grow a wide range of fruit and vegetables on the allotments site. The list of vegetables mentioned in the report that will grow omits a number of staple crops grown annually.
- The sunlight report shows plots adjoining the development will still be affected by the development and the range of crops which can be grown will be reduced.
- The height of the buildings would cause light and rain shadows on the allotment plots adjoining the development, rendering them unsuitable for growing food.
- Up to 10 plots could be made unviable for the majority of vegetable and fruit growing. This at a time when demand for green space, urban agriculture and gardening is on the increase.
- Independent sunlight and growing reports should be commissioned.
- The windows and balconies will directly overlook the allotments and reduce privacy. The balconies will also increase noise.
- The allotments are a place for peace and calm and for many the allotment is essential to well-being and mental health, which would be harmed.
- The allotment site is protected green space and development should be in line with Policy OSR5. The allotments should be valued by the Council for the many benefits it brings to Old Trafford residents.
- Security concerns. A 6ft high boundary fence with the allotments is not high enough. In a meeting with the applicant, plot holders requested an anti-climb fence of at least 8ft between the plots and the development. The Council should stipulate a boundary fence of 2.4m (8ft) minimum height.

- Concerns over dust, noise, damage, contamination and security during the demolition and construction period.
- Disruption during construction will have negative consequences to nearby plots and wildlife.
- Precedent for further multi-storey development along the perimeter, rendering most of the allotment site useless for its purpose.

Car parking and highway issues

- Not enough parking is proposed. 22 spaces is inadequate and will affect local residents, commuters, businesses and mosque users.
- Many more than 22 households are likely to have a car and will need to find on-street parking.
- The parking provision does not meet the Council's standards: 120 spaces should be provided.
- Parking and traffic is already a problem in the immediate area on a daily basis due to Metrolink commuters, businesses on Ayres Road and the mosque.
- The situation is exacerbated on match and event days due to proximity to LCCC and Manchester United. On football match days, cars and coaches park on pavements and double yellow lines.
- During prayer times at the Mosque, congestion increases and parking is chaotic, with double parking, cars parked on double yellow lines and on the pavement.
- Illegal and dangerous parking/driving takes place every day and will be made worse with more vehicles.
- Less parking available along Ayres Road for Metrolink users and Mosque users will push the parking problem into nearby residential areas.
- Residents may use Metrolink for work but many will still also have a car.
- Proximity to public transport does not make a big difference to car ownership.
- No evidence submitted to prove that fewer car spaces will result in less car use.
- The parking agreed for the adjacent social housing development was 61 spaces for 60 flats based on some evidence of lower car ownership in equivalent social housing developments.
- Traffic calming measures should be required, potentially one way or residents parking as on surrounding roads.

Scale, height and design

- The proposed buildings are too high, imposing and not in keeping with the area.
- The buildings are significantly taller than recent developments along the road.
- It is too dense a development for the size and location of the site.
- There are no buildings of more than 3 storeys in the immediate vicinity.
- Negative impact on visual amenity for both local residents and allotment tenants.
- Precedent for more and taller new builds being constructed in this part of Trafford.
- The height should be reduced to 3 storeys to be more in keeping with the area.

Impact on nearby dwellings

- The height of the development will impact on nearby dwellings.

- The buildings will block out the already restricted natural light to houses on the opposite side of the road.
- 5 storeys will tower over the houses opposite and the 4 storey blocks will close in the houses, taking light and creating a depressive atmosphere.
- The view from housing opposite would be blocked by the proposed 4-5 storeys and it would be difficult to see the sky facing the buildings.
- Concern over this area turning into an extension of Manchester's urban areas and precedent for even higher builds towering over existing housing.
- The tramlines should represent the delineation of urban to suburban areas.
- Loss of privacy to the Johnny Briggs Building.
- Increase in noise from traffic and additional residents.

Impact on wildlife and habitat

- There has still not been a thorough ecological survey. The survey is the same as submitted previously which was inaccurate, is now out of date and no access was requested to the allotment site to assess wildlife.
- There are many nesting birds along the fence or close to the boundary including red and amber listed species. The boundary is prime nesting territory as it has historically been a quiet and safe habitat.
- The OTAGS has undertaken their own nesting bird's survey and this is included in the representations.
- Potential harm to birds and other wildlife on the allotment site.
- Plans do not take account of the known at risk bird species nesting in the area.
- There are several ponds within 250m of the development site.
- There has still not been proper assessment to assess whether bats are present. Bats have been observed on the allotments site.
- An up-to-date and comprehensive ecological survey is required before any development goes ahead and should be done by a totally independent body.
- A survey needs to take place on the allotments site during the time of year when wildlife is not hibernating.

Other issues

- Objections to the original planning application have not been addressed in this new application.
- Negative effects on air quality caused by the demolition and construction.
- Tenants/owners could sublet properties as Airbnb due to proximity to the cricket ground and football stadium.
- The Rent to Buy units could be purchased by initial renters quite quickly and turned into Airbnb.
- The contract with Southway Housing should stipulate that tenants or future owners cannot sublet and flats can't be turned into Airbnb to ensure the properties end up as housing for permanent residents in perpetuity.
- The majority of flats will only be affordable in the short term.
- Only 23 of the flats will be affordable in perpetuity, as the shared ownership and rent to buy units total 57. This is under the affordable housing policy of 40%.

- The affordable housing is not guaranteed and relies on funding from Homes England. If this is not given will this mean the flats won't be affordable?
- Lack of schools, doctor's surgeries and medical facilities, and shops.
- Insufficient carbon saving credentials. Only small sections of the roofs are allocated for PV panels.
- High density tall buildings add to the "urban heat island effect".
- Inconsistencies, incorrect calculations and out of date reports submitted.
- Request that promises made to plot holders in the meeting with the developer are put into writing and made binding.

Positive comments

- Welcome the reduction in size of the proposed development, the commitment to affordable housing and the buildings further from the allotments boundary.
- The plans are much improved resulting in a less impact on the allotments.
- Appreciate the time taken by the developers to make themselves available to the OTAGS site committee and plot holders through online meetings, visits to the allotment site and an in-person consultation.
- In favour of residential development on this site and there have been some improvements to the proposals since the previous application.

Other comments

- Rents and house prices are spiralling out of control across Manchester and specifically in Old Trafford. If we continue to oppose and reject proposals to build new homes, house prices and rents will continue to rise, the local economy will stagnate and people who want to live in this area will be displaced.
- The proposal is an appropriate density for the location and the type of density found in these sort of locations in successful European cities.
- Similar densities have been approved in the Civic Quarter Framework a short distance away.
- The scheme should be approved if the Council are serious about hitting housing targets, levelling up the northern part of Trafford, and growing the local economy.

OBSERVATIONS

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 2021 NPPF, particularly where that policy is not substantially changed from the 2012 version. Whether a Core Strategy policy is considered to be up-to-date or out-of-date is identified in each of the relevant sections of this report and appropriate weight given to it.
3. The NPPF is a material consideration in planning decisions, and as the Government's expression of planning policy and how this should be applied, should be given significant weight in the decision making process. Paragraph 11 (c) 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.
4. The Council's current housing land supply figure is in the range 3.47 to 3.75 years and the most recent Housing Delivery Test figure (2021) is 79%. This housing supply and delivery position automatically triggers Paragraph 11d) but does not automatically render development plan policies out of date. It is for the decision maker to determine what weight to give to development plan policies and this can take into account the specific characteristics of the housing land supply position such as the extent of the shortfall and the steps being taken to remedy it.
5. The footnote to Paragraph 11(d)(i) explains that the policies of the NPPF that protect areas or assets of particular importance include those which relate to habitats protection, designated heritage assets and flood risk. The assessment of the scheme against NPPF policies relating to habitats protection and designated heritage assets (set out later in this report) does not lead to a conclusion that 'provides a clear reason for refusing the development proposed'. Paragraph 11(d)(ii) of the NPPF – the tilted balance – is therefore engaged.
6. Paragraph 11(d)(ii) requires that 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. This exercise is set out within the 'Planning Balance and Conclusion' section of this report.

Loss of Employment Land

7. The site is within a Main Industrial Area as allocated on the adopted Policies Map and the buildings currently provide approximately 2,287 sq. m of employment floorspace, although a large proportion of this space is currently vacant. The demolition of the existing buildings and subsequent loss of employment land should therefore be assessed against the relevant tests set out within Policy W1.12 of the Core Strategy.
8. An Employment Land Assessment has been submitted in support of the application which concludes the existing units have not proved to be feasible to let for ongoing employment use due to their unattractive nature, and the availability of better located and higher quality alternatives in nearby larger established and designated employment areas. The report includes evidence of marketing for employment use of two of the three buildings to support the case that they are proving to be unattractive to the market, whilst for the third building it states this is in such poor condition that the cost of bringing it back into beneficial use renders such works economically unviable. The report also refers to the 2015 permission for the apartments adjacent to the site which were built on the site of industrial buildings. In that case the Council considered the buildings were unsuitable for reoccupation for industrial purposes, noting their poor condition, their residential context and a history of crime and anti-social behaviour. The report considers that these points are also applicable to the subject application site.
9. It is considered that the applicant has demonstrated the buildings are no longer required for employment use. Furthermore, although within a Main Industrial Area, the site is not in one of the locations where Policy W1 states employment uses will be focussed. Rather, its allocation reflects the historic evolution of this railway-side site and the industrial role of this location has shrunk over time. Policy W1 makes clear that the strategy for employment land in the borough is to focus on the creation of economic clusters where infrastructure is in place to attract key economic growth sectors, such as the Trafford Park Core. It is also recognised that whilst there are a number of employment uses present, particularly along Ayres Road, much of the surrounding area is residential. For the foregoing reasons it is considered that the principle of the loss of the employment use is acceptable.

Demolition of Existing Buildings

10. The site comprises mostly poor quality and predominantly vacant buildings and which have a neutral or negative impact on the street scene. The buildings are not considered to be of historic or architectural significance. Demolition of the existing buildings is therefore considered acceptable and their replacement with a well-designed scheme has the potential to improve the appearance of the site.

Proposed Residential Development

Suitability of the Site/Location

11. The site is not specifically allocated for residential development in the Core Strategy, although it has been identified on Trafford's Brownfield Land Register as a site considered appropriate for residential development.
12. The NPPF states that 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 (paragraph 105). The 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 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. Policy L2 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.
13. The site is in a highly sustainable and accessible location, close to public transport infrastructure, highly accessible for pedestrians and cyclists, and close to a range of retail, community and leisure facilities. Old Trafford Metrolink stop is directly opposite the site providing a frequent tram service to the city centre, Altrincham and other destinations and the site is within walking distance of bus stops on Kings Road and Talbot Road, also providing frequent services to the city centre and other destinations. The site is therefore well served by public transport, which should provide a genuine alternative to travel by car. Walking and cycling would also be a realistic travel option for some residents given the location. The site is immediately adjacent to the Sustrans Cycle Network and close to the TfGM Cycle Network. The location of the site is therefore considered highly suitable for housing development.
14. Policy L1 of the Core Strategy sets out an indicative 80% target proportion of new housing provision to use brownfield land and buildings. The NPPF also requires policies and decisions to support development that makes efficient use of land and 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 120c). The application site is previously developed land and the proposed development will therefore contribute towards the 80% target of new housing provision to use brownfield land as set out in Policy L1.

Housing Land Supply

15. 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 60 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.
16. Policy L1 of the Core Strategy controls the number and distribution of new homes across the Borough. The latest housing land supply calculation suggests that the Council's supply is in the range of 3.47 to 3.75 years (which includes a 20% buffer for historic under delivery). Given the lack of five year housing land supply, and the age of this policy (including the need to use the more recent 'standard method' of calculating housing need), it is now out of date and should be given limited weight.
17. 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. Policy L2 remains up to date in respect levels of affordable housing required and in terms of site specific requirements for development (L2.2). Full weight can be given to this part of the policy. Other parts of this policy, for example in relation to dwelling mix, are not up to date and should be given limited weight.
18. Given that the Council cannot demonstrate a five year supply of deliverable housing sites and that this site constitutes previously developed land in a sustainable location within a predominantly residential area, residential development on this site is therefore acceptable in principle and would make a positive contribution to the Council's housing land supply.

Housing Type and Mix

19. The NPPF at paragraph 62 requires the size, type and tenure of housing for different groups in the community to be assessed and reflected in planning policies. 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 and Policy L2.6 states that developers should make it clear how their proposed development will increase the provision of family homes. 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.

20. The proposed development would provide 80 residential units, comprising 38 x one-bed apartments and 42 x two-bed apartments. The scheme would not therefore include any larger homes (3+ beds) that would contribute towards the overall 30% target referred to in Policy L2. The mix of unit sizes is nevertheless considered appropriate for this location given that the target split of 70:30 is a Borough-wide target and apartment schemes in higher density, sustainable locations would normally be expected to provide a higher proportion of smaller units than developments in lower density areas in other locations in the Borough where this would be less appropriate and overall this would be expected to balance out to achieve the 70:30 split.
21. With regards the provision of family homes, Policy L2 provides a broad definition of family housing as including larger properties (three bedrooms and larger), as well as smaller two bedroom houses to meet a range of family circumstances. Although this only refers to houses and not apartments, the 42no. 2-bedroom apartments (accounting for 53% of the scheme) would potentially be suitable for families and therefore contribute towards the provision of family homes.
22. Overall, whilst the scheme only includes 1-bed and 2-bed units and the mix of unit sizes is limited, it will nevertheless provide a range of new homes for small families and single and two-person households.

Affordable Housing

23. The NPPF confirms that affordable housing is required for major developments and Policy L2 of the Core Strategy states that in respect of all qualifying development proposals, appropriate provision should be made to meet the identified need for affordable housing. Policy L2.3 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. Policy L2.14 states that the expected method of delivery for affordable housing will be on site.
24. 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 65 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, whilst the NPPG advises that 'First Homes' should account for at least 25% of all affordable units delivered.

25. Old Trafford is identified in the Core Strategy as a “cold” market location for the purposes of applying Policy L2 and with the Borough in ‘good’ market conditions, the policy requires 10% of the proposed residential units to be delivered on an affordable basis. Policy L2.12 goes on to explain that in areas where the nature of the development is such that, in viability terms, it will perform differently to generic developments within a specific market location, the affordable housing contribution will be determined via a site specific viability study, and will not normally exceed 40%.
26. The recent Housing Need Assessment 2019 confirms that there is an annual net need of 165 new affordable housing units required in Old Trafford.
27. The Affordable Housing Statement (AHS) confirms that 100% of the proposed apartments are to be delivered as affordable housing. It states that on receipt of a positive planning outcome, Southway Housing Trust will be applying to Homes England for grant funding to support the housing provision. This level of provision therefore exceeds the requirement set out in Policy L2 and will bring much needed affordable housing into Old Trafford.
28. The AHS states that the proposals are for a mixed tenure site wholly owned and managed by Southway Housing Trust and its subsidiaries. The AHS confirms the tenure mix will be 26 x 1-bed and 31 x 2-bed units for affordable rent and 12 x 1-bed and 11 x 2-bed units for shared ownership.
29. Policy L2 states that in terms of the required affordable housing provision, at least 50% will be required to be accommodation suitable for families whilst the Housing Need Assessment 2019 confirmed that the majority of the affordable accommodation required in Old Trafford is 2 or more bedroom flats. The proposed affordable units comprise 38 x 1-bed units and 42 x 2-bed units which is considered acceptable given that just over 50% of the units would be of a size potentially suitable for families.
30. Policy L2 seeks a 50:50 split 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 Housing Need Assessment 2019 confirms a need in Old Trafford for 40% intermediate tenure (shared ownership) and 60% affordable/social rent. The provision of 23 x shared ownership and 57 x social rent units equates to 29% shared ownership and 71% social rented which does not reflect the split sought by Policy L2 or that identified in the Housing Need Assessment, nevertheless the split is considered acceptable given the scheme would provide significantly more affordable housing than the policy would require. A policy compliant 40% affordable housing would be 32 units and split 50/50 this would require 16 shared ownership and 16 social rented units. The amount of shared ownership and social rented housing proposed in the application exceeds

both. The Council's Housing Strategy and Growth Manager has no objections in principle to the proposed development, which will bring much needed affordable housing into Old Trafford and also considers that the tenure mix proposed is acceptable as it will offer both affordable rented and intermediate units options.

31. SPD1: Planning Obligations indicates that affordable housing will normally be secured by S106 agreement. In this case the applicant has advised that the delivery mechanism for the affordable housing should be required by condition, rather than by a Section 106 agreement. It is understood that in order to secure Homes England grant funding required to deliver the affordable housing, it is a requirement that no S106 obligation can be used to secure affordable housing. A condition is recommended to ensure that the affordable housing is delivered and in accordance with the tenure specified.
32. The Ministerial Statement "Affordable Homes Update" and the PPG require a minimum of 25% of all affordable housing units secured through developer contributions to be First Homes, however in this case there is no requirement for First Homes to be provided as part of the proposal as this is a 100% affordable housing scheme.

LAYOUT, SCALE AND DESIGN

33. Policy L7 of the 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.
34. Paragraph 126 of the NPPF states that *"The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities"*. Paragraph 130 requires planning decisions to ensure that developments, inter alia, function well and add to the overall quality of the area; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; sympathetic to local character and history; establish or maintain a strong sense of place;

optimise the potential of the site; and create places that are safe, inclusive and accessible, with a high standard of amenity for existing and future users.

35. 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. The Guide states at paragraph 120 that “*Well-designed homes and buildings are functional, accessible and sustainable*” and goes on to state at paragraph 122 that “*Successful buildings also provide attractive, stimulating and positive places for all, whether for activity, interaction, retreat, or simply passing by*”.
36. The draft Trafford Design Guide was published for consultation in July 2022. The Core Objectives of the Design Guide are set out on pages 14 and 15 and state that development proposals should respond to the historic and contemporary character of the place, delivering designs that are adaptable, resilient and innovative and that complement and enhance their context to deliver places and buildings that the community can be proud of. The draft Design Guide states that apartment buildings offer an opportunity to bring greater density, either on an individual plot or as part of a larger development, and when designed well can bring an attractive scale and definition to a site. It states designers should be creative and consider how the building responds to its context, creating buildings with interesting profiles and avoiding conventional slab block solutions.

Density

37. Policy L1 of the Core Strategy states that the Council will seek to ensure the efficient use of land, concentrating higher density housing development in appropriate and sustainable locations where it can be demonstrated that it is consistent with the provisions of L2. 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 125). It states that minimum density standards should be used for locations that are well served by public transport and should seek a significant uplift in the average density of residential development within these areas, unless there are strong reasons why this would be inappropriate.
38. The density of the proposed development equates to 210 dwellings per hectare which is relatively high in comparison to its immediate surroundings, nevertheless this is a highly sustainable location well served by public transport where higher density is encouraged by the NPPF. Whilst the need to make efficient use of previously developed land in sustainable locations is recognised, a high density scheme must take into account the desirability of maintaining an area’s prevailing character and setting, and the importance of securing well-designed, attractive and healthy places (NPPF paragraph 124).

Layout, Height and Massing

39. The proposed development comprises three separate blocks ranging in height from 4 to 5 storeys, with a 5 storey block located opposite the Metrolink stop at the northern end of Warwick Road South and extending along Ayres Road (Block A), and two 4 storey blocks along Warwick Road South (Blocks B and C). Car parking and landscaping would be provided to the rear of the blocks and two areas of communal amenity space are proposed including the area between Blocks B and C and an area to the rear of Block A.
40. The proposed buildings would occupy a significant proportion of the site area and extend across much of its width, however the gaps retained between the blocks would break up the built-form and allow for views between the blocks of the proposed planting within the scheme and beyond. These gaps are 9.4m between Blocks A and B and 13m between Blocks B and C (which narrow to the rear), which are comparable to the gaps retained between each of the existing apartment buildings to the south of the site (12.5m and 11.8m). A gap of 6m would be retained to the southern boundary. In terms of the depth of the blocks, this would be similar to the adjacent apartment buildings and a distance of between 11.2m and 13.2m would be retained to the rear boundary (measured from the closest part of the blocks to the boundary), which is also similar to the adjacent apartments.
41. The buildings would be positioned relatively close to Warwick Road South with an area of defensible space provided in front of the ground floor apartments. Block A would be set back 1.3m-1.5m from back of pavement, Block B (central element) set back 0.7m-1m and Block C (central element) set back 1.6m-2.3m. This set back relative to Warwick Road South would be comparable to the three apartment buildings to the south of the site (although slightly closer). In relation to Ayres Road, Block A would be on the same alignment as existing buildings on the road and would therefore have acceptable impact within the street scene in this respect. On both Warwick Road South and Ayres Road the scheme would introduce a strong active street frontage.
42. The car parking is proposed to the rear of the buildings, which ensures that parked cars and hardstanding would not dominate the external street scene. The parking area itself would be well landscaped, with planting strips including trees used to break up the spaces and the use of block paving rather than tarmac for the parking bays.
43. The proposed 5 storey block would have an overall height of 15.6m and the 4 storey blocks an overall height of 12.6m. The height of surrounding development in the immediate vicinity of the site is 2 and 3 storey; properties within the Cricket Ground Estate opposite the site are 2 storey (and there is also one 3 storey block) and the apartment buildings on Warwick Road South to the south of the

site are 3 storey. The height of buildings along Ayres Road close to the site vary between single storey and 3 storey, with a 2 storey building immediately adjacent to the site. The wider context on the east side of the Metrolink line comprises predominantly 2 storey housing.

44. In this context it is acknowledged the proposed buildings would be taller than those in the immediate vicinity, however in this particular location where predominantly 2 and 3 storey development to the east and south meets the Metrolink stop, cricket ground and Civic Quarter (where there are existing tall buildings and proposals for further tall buildings), the height of the proposed development is considered appropriate. The height of 5 storeys to the northern block seeks to address this prominent location at the corner of Warwick Road South and Ayres Road and opposite the Metrolink stop and which, due to its height, would be visible from Brian Statham Way (part of the proposed processional route proposed in Policy SL3 and the CQAAP). This will connect the built form along Warwick Road South and Ayres Road and 'turn the corner' in an appropriate manner. The 5 storey block would be approximately 7m higher than the adjacent two storey building on Ayres Road and whilst this would be a noticeable height difference, given the location opposite the tram stop on a prominent corner and there being taller buildings further along Ayres Road, it is considered the height would not harm the character of the area. The height of the buildings then steps down to 4 storey to transition towards the existing 3 storey apartments to the south of the site. The 4 storey blocks would be approximately 3.6m higher than the adjacent 3 storey apartments and it is considered that this relationship with a 6m gap between the blocks would have acceptable impact in the street scene.

Design and Materials

45. The proposed buildings would be of predominantly red brick construction with a contrasting dark grey brick to the ground floor and which would also run vertically in recessed sections to break up the elevations at regular intervals. The fenestration comprises large, vertically proportioned windows that would be recessed a full brick reveal (100 mm) from the façade, set within dark grey uPVC frames. Doors would be similarly recessed from the façade. The window arrangement and recessed sections creates a series of repeating vertical bays to the front elevation, providing vertical rhythm that helps to break up the horizontal mass of the buildings. In response to concerns raised that the proposed balconies did not read as an integral part of the design, a brick structure to enclose some of the balconies has been introduced which better integrates the balconies into the buildings and improves the design. The detailing also includes a soldier course below the parapet to add further detailing to the elevations. Collectively it is considered that these details result in a well-articulated appearance with depth and interest and a good quality design.

46. The main entrance to each block is on Warwick Road South (on the corner of Warwick Road South and Ayres Road in the case of Block A) and the ground floor apartments at the front of each block would also have access from Warwick Road South, providing active ground floor frontages and which will help the scheme integrate into the street scene. The entrance details have been amended to make these more pronounced and create a more active and inviting frontage than originally proposed. These include alternate projecting brickwork to the main entrance to Block A and adjacent to the main and private entrances to Blocks B and C. The main entrances to Blocks B and C also include a projecting canopy and contrasting internal face and soffit. Glazed doors are proposed to the communal entrances and part solid panel, part glazed doors with glazed side panel to the private entrances, amended from solid doors originally indicated. The proposed hedges will provide a defensible boundary to the road, ensuring the boundary is secure whilst also softening the built form.
47. The surrounding area comprises a range of building styles and materials, however red brick is prevalent in the vicinity, including the apartments to the south of the site, the industrial buildings on Ayres Road to the east and much of the housing on the opposite side of the road (in addition to buff brick). The use of red brick will give a quality and robust appearance as well as reflect the materiality of the surrounding area. The quality of the materials will be important in ensuring a high quality scheme and a condition requiring submission and approval of samples of materials is necessary should planning permission be granted.
48. Overall it is considered that the proposed buildings are of an appropriate scale and height for their location and the articulation, detailing and proposed materials result in a well-designed scheme that will have acceptable impact in the street scene and on the character of the area. As such it is considered that the scheme complies with the requirements of Policy L7 and relevant guidance in the NPPF and National Design Guide. In order to ensure that the design intent and quality of the external appearance of the buildings is retained it is recommended that through the use of a legal agreement the current architects are retained in the role of design certifier throughout the construction period.

Landscaping

49. Policy L7 of the Core Strategy requires appropriate hard and soft landscaping works as part of the design to enhance the street scene or character of the area and the NPPF requires developments to be *“visually attractive as a result of...appropriate and effective landscaping”* (paragraph 130). The importance of trees is highlighted in the revised NPPF which states trees make an important contribution to the character and quality of urban environments and can also help mitigate and adapt to climate change. It states that *“decisions should ensure that new streets are tree-lined”* and that *“opportunities are taken to incorporate trees elsewhere in developments”* (paragraph 131).

50. Guidance on the Council's expectations for green infrastructure, including appropriate levels of provision for tree planting and/or other forms of green infrastructure within developments, is provided in SPD1: Planning Obligations. This sets out a guideline of 1 tree per apartment in new developments and also states that alternative green infrastructure treatments could be provided in lieu of, or in combination with, tree provision such as native species hedge at a rate of 5m per 2 apartments or green roof/wall provided at 1/10th of the area of then building footprint.
51. The scheme includes tree and hedge planting adjacent to Warwick Road South, comprising native species hedge in front of the proposed buildings and 5 trees (Pear and Cherry), and 3 street trees (Cherry) within an area of public realm on Ayres Road. Within the site the scheme includes trees and shrub planting between Blocks B and C and the communal space to the rear of Block A includes a lawn, trees, ornamental shrub planting and bulb planting. Trees are proposed within the car park and along the rear boundary with the allotments and hedges and shrub planting proposed to the rear of the buildings. The tree planting scheme has been amended to include larger species where feasible. A tree pit detail for trees adjacent to hardstanding has been provided and the soil volume for each tree has been specified to ensure that this is sufficient for the trees to establish and mature.
52. In total the scheme includes 3 x large feature trees, 4 x medium trees, 22 x small trees, 3 x multi-stem trees, 164m of native hedge planting as well as areas of shrub planting and climber planting. The proposed tree and hedge planting exceeds the quantum of green infrastructure set out in SPD1 and it is considered the green spaces, trees, hedges and other planting would provide an attractive setting for the buildings and soften the built-form. This would also be a significant increase in landscaping on the site compared to the existing situation. 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.
53. A 2m high timber fence is proposed along the rear boundary and along the southern boundary of the site. Due to its length and height this fence wouldn't be an attractive feature, however the proposed landscaping in front of the fence would soften the impact. Although narrow in places the space between the car park spaces and fence is wide enough to accommodate species that could soften the impact and climber planting is also proposed. Landscaping has also been provided in the vicinity of the proposed substation to minimise its visual impact as far as possible whilst still allowing the necessary access.
54. The NPPF, National Design Guide and draft Trafford Design Guide emphasise the importance of landscaping and tree-lined streets. The proposals include street trees to Ayres Road but none to Warwick Road South, although some

trees are proposed within the site to the front. The applicant has been requested to include street trees to Warwick Road South to help soften the built form and add to the overall quality of the scheme, however due to a number of services beneath the pavement and its width the applicant has advised it wouldn't be feasible to plant trees in the footpath. Whilst street trees would be desirable, these constraints are acknowledged and the trees and hedge planting within the site adjacent to Warwick Road South will provide relief to the built form and a soft edge to this boundary.

55. With regards hard landscaping, the access roads would be block paved and the parking bays would be a contrasting block paving. The approach to each entrance, main circulation paths, patios and building perimeter paving would be flag and block paving in a range of sizes and sett edge trim. The proposed use of different types of block paving will provide variation and serve to visually break up the areas of hardstanding and provide a high quality finish compared to tarmac for example.

Living Conditions for Future Occupiers

56. Policy L7 of the Core Strategy states that in relation to matters of amenity protection, development must not prejudice the amenity of the future occupiers of the development, including by reason of overbearing, overshadowing, overlooking, visual intrusion, noise and / or disturbance or in any other way. In addition to ensuring that developments are designed to be visually attractive, the NPPF at paragraph 130 advises that planning decisions should create places that provide a high standard of amenity for existing and future users.

Nationally Described Space Standard

57. The Government published the nationally described space standard (NDSS) in 2015 and the NPPF states that planning policies for housing may make use of the standard where the need for an internal space standard can be justified. Although the Council's housing policies don't refer to the NDSS, compliance with these standards will ensure that homes are of acceptable size for future occupiers. The Planning Statement confirms that all apartments will meet the NDSS.

Separation Distances and Privacy

58. An assessment of the scheme in terms of separation distances to the existing housing opposite is considered below.

Daylight and Sunlight

59. All apartments have either a front or rear aspect, ensuring that each apartment has a front or rear outlook and natural daylight to the main habitable room. The

application includes a Daylight and Sunlight Report that includes an assessment of the levels of daylight and sunlight that the proposed development would achieve. This assessment has been undertaken in accordance with the Building Research Establishment (BRE) Guidelines '*Site Layout Planning for Daylight and Sunlight – A Guide to Good Practice 3rd Edition (2022)*'. The results of the assessment show that the majority of rooms will meet the BRE recommended target values, although some of the apartments would receive less daylight and sunlight than recommended in the guidance.

60. With regards internal daylight, the applicant's Average Daylight Factor (ADF) analysis demonstrates that 195 out of 202 rooms within the development (97%) will meet the BRE's numerical targets. The 7 rooms below this target are living/kitchen/dining spaces and the report states the windows serving these rooms are deeply recessed behind internal balconies, which limits their ability to admit light. The report considers that the benefits of providing occupants with access to private outdoor space outweighs the impacts of the balconies on daylight amenity levels.
61. With regards internal sunlight, the report shows that 105 rooms within the development are orientated due west/east or within 90° of due north and are therefore unlikely to meet the BRE numerical targets due to their orientation, although 56 of these do still meet the targets and the majority that fall short are bedrooms rather than the main living areas. Of the 97 rooms with windows within 90° of due south, 100% of these rooms will meet the BRE targets for sunlight.

Outdoor Amenity Space

62. 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. It states whether the amount of private outdoor space is adequate will mainly depend upon the type and size of dwelling and the nature of its surroundings, however as a guide it states that 18 sq. m of adequately screened communal area per flat is generally sufficient, with balconies contributing to this provision.
63. Each of the proposed apartments would have their own outdoor amenity space, comprising an outside terrace in the case of the ground floor apartments and balconies for the upper floor apartments. The terraces for the ground floor apartments vary in size but generally exceed the minimum area recommended in the draft Trafford Design Guide of 5 sq. m for dwellings designed for up to two occupants and a minimum depth of 1.5m to ensure that they provide usable space (only 2 out of the 16 terraces are less than 5 sq. m and not significantly). The terraces include integrated seating or space in which chairs and tables can be placed. PG1 notes that private outdoor space does not include front or side garden areas open to view from roads, therefore the terraces to the apartments at the front of the building wouldn't be considered 'private'. Notwithstanding, they

would nevertheless provide a space for future occupants to sit out and which would also provide activity to the street. The proposed balconies vary in size with most around 5 sq. m or larger which complies with the draft Trafford Design Guide which recommends a minimum area of 5 sq. m for dwellings designed for up to two occupants and a minimum depth of 1.5m to ensure that they provide usable space (44 out of 64 balconies comply with the 5 sq. m guideline and those below the guideline are at least 4 sq. m).

64. Two areas of shared outdoor amenity space are also proposed within the site, including an area of approximately 260 sq. m between Blocks B and C comprising tree and shrub planting, seating and a sculpture and an area of approximately 130 sq. m to the rear of Block A comprising a timber pergola to provide sheltered seating, integrated seating and pocket spaces and a lawn to create a flexible space for residents. The Planning Statement states these amenity spaces will allow for passive observation within / outside of the site and break out space for fresh air. It states the communal spaces will encourage social interaction by providing the opportunity for sitting out, conversations with neighbours and passers-by which is important in helping to create a community, interacting with existing residents in the area, and enhancing residents' wellbeing.
65. In quantitative terms the private amenity space is less than the PG1 guideline of 18 sq. m of screened communal space per flat, however in combination with the communal amenity space provision it is considered that the scheme would provide an acceptable level of outdoor amenity space for future occupiers.

Noise

66. The site is in a location exposed to noise including from operations at the Metrolink Depot, trams on the line and stopping, events at Lancashire County Cricket Club, traffic noise and a commercial garage premises on Ayres Road. 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 development must not prejudice the amenity of the future occupiers of the development by reason of noise and / or disturbance. The NPPF also advises that decisions should prevent new development from being put at unacceptable risk from, or being adversely affected by, unacceptable levels of noise pollution (paragraph 174e) and avoid noise giving rise to significant adverse impacts on health and the quality of life (paragraph 185a).
67. The application is supported by a Noise Impact Assessment (NIA) to assess external noise intrusion to the proposed development arising from industrial, commercial and transportation sources. The NIA has been updated to response

to the original comments made by the Pollution and Housing section, including the need to assess noise from events at the Cricket Ground. The report includes a sound level survey in the vicinity of the site to assess the impact of external noise to the proposed development, in accordance with national standards and guidelines. The report states that with the acoustic specification of façade elements shown in the report (see below), calculated internal sound levels within habitable rooms will comply with recommended criteria set out in ProPG and BS 8233:2014. The report concludes that potential adverse or significant adverse impacts can be adequately mitigated to ensure noise is not detrimental to the amenity of future occupants.

68. The proposed acoustic specification for façade elements to achieve the internal sound level criteria includes the following:

- high performance acoustic secondary glazing with double glazed outer pane to Block A top floor overlooking Warwick Road South and Ayres Road;
- secondary glazing to all levels in Block A adjoining industrial units to the north east and to Block A lower floor levels overlooking Warwick Road South and Ayres Road;
- secondary glazing to all windows in Blocks B and C overlooking Warwick Road South;
- double glazing to Blocks B and C rear lower floor levels;
- mechanical ventilation to some flats.

69. The comments of the Pollution and Housing section in response to the updated NIA in respect of industrial, traffic and Metrolink noise will be reported in the Additional Information Report, however it is considered that noise from these sources can be adequately mitigated with an appropriate acoustic specification to ensure no adverse impacts on future occupiers.

70. TfGM originally raised concern that the NIA uses survey data recorded in February 2021 when Metrolink was operating a reduced timetable due to COVID-19 and when operations within the depot site were likely to have been scaled back, therefore this could have provided misleading readings of noise associated with Metrolink. TfGM therefore requested that the acoustic report is revisited to ensure that the development is adequately protected from noise resulting from Metrolink operations which, as the report identifies, need to be mitigated. In response to the updated NIA, TfGM note the report concludes that the higher noise levels now identified can be adequately mitigated and TfGM have no further comments to make on this point.

71. The proximity of the site to Lancashire County Cricket Club / Emirates Old Trafford (EOT) is such that the proposed apartments would be exposed to noise from events taking place at the ground, including concerts. The premises licence allows for up to seven concerts per year. It is therefore necessary to give consideration to whether or not the effect of noise from events at EOT would

result in acceptable living conditions for future occupants of the proposed development. The NPPF states that where the operation of an existing business could have a significant adverse effect on new development in its vicinity, the applicant (or 'agent of change') should be required to provide suitable mitigation before the development has been completed (paragraph 187). The 'agent of change' principle in the NPPF is engaged – the responsibility for mitigating impacts from existing noise generating activities or land uses falls on the developer.

72. The submitted Noise Impact Assessment seeks to demonstrate that with the acoustic specification summarised above, calculated internal sound levels within sample rooms during concerts would be 35 dB, which will comply with recommended criteria set out in ProPG and BS 8233:2014 (this being the recommended internal ambient noise level for dwellings).
73. The Council has appointed an acoustic consultant to carry out an independent review of the applicant's NIA and to advise on the noise impacts from events at EOT and whether or not the proposed mitigation strategy is adequate, having regard to the agent of change principle. The findings of this review and any conditions considered necessary will be included in the Additional Information Report, however it is considered that in principle and subject to further assessment of recent noise monitoring, low frequency noise and vibration, suitable mitigation can be provided to ensure that acceptable internal noise levels within the development can be achieved.
74. It is clear that for the proposed balconies and terraces, mitigation of noise impacts arising from events at EOT would not be feasible and therefore it is likely these outdoor spaces would be exposed to unacceptable noise levels from events at EOT having regard to BS 8233:2014. Future occupiers would however, subject to an acceptable noise mitigation scheme being delivered as discussed above, have the option to go indoors during concerts where acceptable noise levels are achieved. Furthermore it is considered that the benefits of providing apartments with balconies and terraces that can be used for the remainder of the year significantly outweighs not being able to use these spaces during the limited times when concerts are taking place.

IMPACT ON HERITAGE ASSETS

75. The site lies within the setting of the Grade II listed Trafford Town Hall and within the setting of several non-designated heritage assets, including the buildings at nos. 225, 227-229 and 235 Ayres Road, Old Trafford Cricket Ground and Old Trafford Station.
76. 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.

77. The Government has set out its planning policies for design and the historic environment in the NPPF and the accompanying National Planning Practice Guidance. Both the NPPF and the NPPG are material considerations relevant to this application 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.
78. Paragraph 195 of the NPPF states that *"local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal"*.
79. Paragraph 199 of the NPPF states that *"When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be) This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance"*.
80. Paragraph 200 of the NPPF states that *"Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification"*.
81. Paragraph 202 of the NPPF states that *'Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use'*.
82. Paragraph 203 of the NPPF states *"The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset"*.
83. Policy R1 of the Core Strategy states that all new development must take account of surrounding building styles, landscapes and historic distinctiveness and that developers must demonstrate how their development will complement and enhance existing features of historic significance, including their wider settings, in particular in relation to conservation areas, listed buildings and other

identified heritage assets. This policy does not reflect case law or the tests of 'substantial' and 'less than substantial harm' in the NPPF. Thus, in respect of the determination of planning applications, Policy R1 is out-of-date and can be given limited weight. 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.

84. The application includes a Heritage Statement which has identified the heritage assets affected and assessed the potential impact on their significance and setting. This concludes that the scheme will not have an adverse impact on the setting or significance of the Town Hall, the LCCC Ground or the buildings on Ayres Road which could be regarded as a non-designated heritage asset.

Designated Heritage Assets

85. Trafford Town Hall is significant for its aesthetic, historical and communal values. The clock tower in particular is an important local and distinctive landmark and views of this contribute greatly to its aesthetic value. Its landmark quality orientates residents and visitors and provides a focal point within the locality. The clock face is intentionally visible on all four elevations of the tower emphasising the importance and visibility of this civic building at the time of construction in 1933 and this remains the case today. During this period Talbot Road was extended to the west through the Clifford Cricket ground (immediately north of Old Trafford Cricket Ground) and Gorse Hill golf course to join Chester Road.
86. There are potentially some limited viewpoints from where part of the proposed development may be seen in the context of the Town Hall (from Warwick Road looking south), however given the significant distance between the proposed development and the Town Hall, the intervening cricket ground (including the new stand on the east side of the stadium currently under construction), and the maximum height of the development being 5 storeys, it is considered the proposal would not result in any harm to its setting. On this basis, the proposed development is deemed to accord with the NPPF and is considered acceptable in this respect. Therefore in terms of paragraph 11 of the NPPF there is no clear reason for refusing the development on heritage grounds.

Non-Designated Heritage Assets

87. A number of buildings along the southern side of Ayres Road in the vicinity of the site exhibit architectural and historic significance. Ayres Road and Warwick Road South were laid out from the Interwar period onwards which included the allotment gardens established in the 1920's. The area developed rapidly during this period with a number of factories and works manufacturing a variety of products including the National Corrugated Paper Co (225 Ayres Road) and the International Wafer Company (227-229 Ayres Road), also known as Progress

Biscuit Works. A former laundry, now the Faizan-e-Islam Mosque (235 Ayres Road), is also considered to be a non-designated heritage asset.

88. The Council's Heritage and Urban Design Manager has raised concerns regarding the height and massing of the proposed development and its relationship with the non-designated heritage assets identified on Ayres Road. The proposed apartment blocks would be several storeys higher than the adjacent buildings and this could impact on the appreciation of the non-designated heritage assets on Ayres Road. Taking into account the design changes to the scheme, including improved elevational treatment and detailing, it is considered that the harm is at a lower level (minor) to the setting of numbers 225-235 Ayres Road. Having regard to paragraph 203 of the NPPF, it is considered that the scale of harm to the wider setting of these buildings and taking into consideration their significance, would not suggest refusal of the scheme, although this is considered an adverse impact of the scheme to be considered in the planning balance under NPPF paragraph 11(d)(ii). In reaching this conclusion it is also acknowledged that there are intervening buildings between the proposed development and the non-designated heritage assets i.e. they are not immediately adjacent, and that the scheme will result in the regeneration of a longstanding non-descript in the vicinity of the non-designated heritage assets that generally detracts from the character of the area.

89. The Old Trafford Cricket Ground including the pavilion and turnstiles are identified as non-designated heritage assets. Old Trafford Station (formerly known as the Cricket Ground Station then Warwick Road Station) also has historic significance. It is considered that the proposed development would not harm the significance of these non-designated heritage assets.

Archaeology

90. The application is supported by an archaeological desk-based assessment and Heritage Statement, which have been undertaken in accordance with Paragraph 194 of the NPPF. GMAAS note the assessment report is a useful document that demonstrates the site to be of little, or no, archaeological interest, and whilst it concludes that there may be some merit in conducting an archaeological watching brief during development groundworks in the western part of the site, the report also acknowledges that any archaeological remains are likely to have been removed during development of the site during the second half of the 20th century. GMAAS is satisfied that the proposed scheme will not impact on any below-ground archaeological remains and, contrary to the conclusion drawn in the archaeological assessment, GMAAS is not seeking a watching brief as it seems very unlikely that this will return any meaningful and significant results. As such, GMAAS advise that no further consideration needs to be afforded to archaeological matters in this instance.

IMPACT ON SEYMOUR GROVE ALLOTMENTS

91. The application site backs on to Seymour Grove Allotments which extends to an area of approximately 2.8 ha and comprises 116 individual allotments. There has been allotments on this site since the early 20th century and it is understood they are fully occupied with a long waiting list. It is clear from the representations received that the allotments are an important community asset, providing a place for many people to grow fruit and vegetables and which benefits personal well-being and supports healthy and active lifestyles. The Old Trafford Amateur Gardeners Society (OTAGS), on behalf of Seymour Grove Allotments Committee, and a number of individual plot holders have submitted representations raising concern that the height and proximity of the proposed buildings will have a detrimental impact on the allotments in terms of productivity, the range of crops that can be grown and on privacy.
92. Policy R3 of the Core Strategy identifies allotments as forming part of an integrated network of high quality and multi-functional green infrastructure in the Borough that will (amongst other benefits) improve health and wellbeing; protect existing sites of nature conservation value; and mitigate the negative effects of climate change and support biodiversity. At the national level, the NPPF states that planning decisions should aim to achieve healthy, inclusive and safe places which enable and support healthy lifestyles, especially where this would address identified local health and well-being needs – this includes through the provision of allotments and access to healthier food (paragraph 92c). The PPG recognises that allotments form part of ‘Green Infrastructure’ that provides environmental and wider benefits, which for communities can include enhanced wellbeing, outdoor recreation and access, enhanced biodiversity and landscapes, food and energy production, urban cooling, and the management of flood risk (Natural Environment paragraph 004).
93. The proposed buildings would be positioned to the west of the allotments, each block set back 11.2m, 12.7m and 13.2m from the boundary with the allotments at their closest point. Given their height they would be visually prominent from the allotments and there is potential to impact on daylight and sunlight into the allotment site and being to the west potential for overshadowing in the evenings. It should be acknowledged that in any assessment of the impact of the proposed development on the allotments, that there is currently almost continuous built form alongside this boundary and which is up to the boundary or in close proximity, albeit these buildings are only single storey or two storey in height.
94. The application includes an ‘Independent Report into the Effect on Seymour Grove Allotments’ to assess this potential impact. The report is produced as a ‘Statement of Opinion’ by a Garden and Landscape Consultancy, based on site visits, the relevant plans and simulated sunlight analysis using software and with sunlight position added. This includes a ‘Sunlight Comparison’ report which has assessed sunlight to the nearest allotment plots compared to the existing situation and a ‘Full Daylight’ report which has assessed total sun hours per day

for each of the nearest plots. The report focuses on the impact during the growing season only (March to September inclusive) and has assessed the impact of the proposed development on the allotment plots closest to the application site (plots 1, 4, 7, 10 and 12) and the next nearest plots to the application site (plots 2, 5, 8, 11 and 13). The report does not consider other plots further away from the proposed development given its findings in respect of the ten nearest plots.

95. The Sunlight Comparison report indicates that all allotment plots would be positively affected by daylight and shadows (i.e. compared to the existing situation the first shadow, 50% shadow and 100% shadow on each plot would occur later in the day compared to the existing situation), gaining between 0.44% and 7.59% increase in full sun coverage throughout the growing season (March to September). For the plots nearest the proposed buildings, the report indicates that full sunlight coverage during the growing season would increase by around 5% to 8%. The report states that the proposals will have no negative impact on growing conditions for the allotments and that there may be some positive impact to growing conditions for plots 1, 4, 7, 10 and 12, whilst plots 2, 5, 8, 11 and 13 would experience more negligible gains in sunlight. It states that the vast majority of plants and vegetables will enjoy the improved daylight and shadow impact. The report goes on to identify plants and vegetables that enjoy full sun and which will also thrive in the degree of partial shade indicated by the Sunlight Comparison report.
96. The Full Daylight report provides an analysis of the time from the 'first shadow' to the full 100% shadow coverage of an allotment plot, referred to as 'total Shadow Time'. The sunrise and sunset times are also included in the report and termed 'total daylight Hours'. The report states subtracting 'total Shadow Time' from 'total Daylight Hours' provides a useful value, and may be termed 'full sun time'. The analysis shows that all plots gain some element of sunlight throughout the growing season compared to their existing conditions: from an additional 0.53 days up to 33.72 days. For the plots nearest the proposed buildings the report indicates that 'full sun time' during the growing season would increase by between approximately 16 to 34 days.
97. In summary the opinion provided in the Independent Report states that the proposed development has a positive impact – in terms of hours of sunlight during the growing season – on the allotments compared to the existing situation. It also notes that the previously submitted scheme would have had a significant impact on ten of the allotment plots, whilst these latest proposals would have a positive impact. It concludes that the extent of the increase in sunlight to the plots will likely have fairly negligible impact on growing conditions, and no detrimental impact.
98. Officers have approached the National Allotment Society to request whether or not they could provide any further technical analysis or guidance in respect of

assessing the impact of the proposed development on growing conditions, however they advised that they are unable to provide the level of technical advice necessary.

99. The findings of the analysis in the Independent Report is accepted by officers and it is considered that the proposed buildings would not result in a loss of sunlight or daylight to any of the allotments over the growing season as a whole compared to the existing situation. Essentially, whilst the proposed buildings would be significantly taller than the buildings to be replaced, a greater impact on the allotments in terms of overshadowing and loss of daylight and sunlight is avoided by virtue of the buildings being positioned 11-13m away from the boundary compared to the existing buildings being situated directly adjacent to the boundary. As such, growing conditions would not be adversely affected by the proposed development.
100. A number of representations raise concern that the proposed apartments would overlook the allotments and result in a loss of privacy. The fact the allotments aren't significantly overlooked is acknowledged as a positive feature for plot holders, however there is no reason why allotments should be afforded a high level of privacy and for this to preclude development on a site that is otherwise considered suitable for residential development; the allotments are a communal space, owned by the Council (as opposed to being private) and are used for gardening or growing food which is an activity that does not require privacy. It is also noted that the allotments are already overlooked to some degree by existing apartments and housing adjacent to the site. Noise from the proposed apartments and use of their balconies has also been raised as a concern, however it isn't considered that noise associated with residential use would be reason to oppose the scheme.
101. The proposed boundary to the allotments is described in the Landscape Strategy Document as comprising a double fence line, providing a secure boundary for allotment holders to personalise and plant up, and a decorative timber boundary for apartments to front onto. The accompanying plan suggests a 1.8m or 2m high vertical hit and miss treated timber fence to this boundary. Subsequently submitted information confirms that a 2m high vertical hit and miss treated timber security fence, with fence security comb along the top edge, would be erected to the boundary. The Crime Impact Statement prepared by GMP recommends that the rear boundary should be 1.8m-2m high.
102. Demolition of the existing buildings could cause damage, disruption or nuisance to the adjacent allotment plots if not carefully managed. It is considered that a condition requiring submission and approval of a Construction Environmental Management Plan (CEMP) prior to commencement of development, including demolition, would ensure that suitable measures are agreed and implemented to avoid damage, prevent or minimise dust and debris, noise and other potential impacts having a detrimental impact on the allotments.

IMPACT ON RESIDENTIAL AMENITY

103. Policy L7 of the Core Strategy states that development must be compatible with the surrounding area and not prejudice the amenity of the occupants of adjacent properties by reason of overbearing, overshadowing, overlooking, visual intrusion, noise and / or disturbance, odour or in any other way. Policy L7 is considered to be up to date for decision making purposes and full weight can be attached to it. Policy L5 also states that development that has the potential to cause adverse pollution (of air, light, water, ground), noise or vibration will not be permitted unless it can be demonstrated that adequate mitigation measures can be put into place. Paragraph 130 of the NPPF also advises that planning decisions should create places that provide a high standard of amenity for existing and future users.
104. The Council's adopted guidelines for new residential development (PG1) provide guidance on separation distances to be retained between proposed residential development and residential properties. Although this document is of some age (2004), it does still carry some weight in the decision making process. For development of four or more storeys where there would be major facing windows, the guidance states that development should retain a minimum distance of 24 metres across a public highway, 30 metres across private gardens and at least 13.5 metres to rear garden boundaries from main windows. In situations where overshadowing is likely a minimum distance of 15 metres should normally be provided.
105. The Cricket Ground Estate on the opposite side of Warwick Road South comprises predominantly two storey residential properties on Warwick Road South, Edgbaston Drive and Trent Bridge Walk. Numbers 6 to 20 Warwick Road South front on to the road and have habitable room windows facing the site and of these, nos. 6-16 are directly opposite the application site. To the front of these properties is an area of green space with mature trees. A distance of between approximately 29m to 32m would be retained between proposed Blocks B and C to nos. 6-10 Warwick Road South directly opposite and approximately 34m to 38m would be retained between Block C and nos. 12-16 Warwick Road South. These separation distances comply with the 24m guideline referred to in PG1 and as such it is considered the proposed development would not be overbearing from inside these dwellings or result in an unacceptable loss of privacy. The area of green space with trees in front of the dwellings would further lessen the impact of the proposed development on the properties directly opposite.
106. Numbers 2, 2a, 4 and 4a Warwick Road South opposite the site are orientated such that a blank gable wall faces the site and the windows in their front elevation face north east rather than directly towards the site. Whilst these windows would partly look onto the proposed 5 storey block, the orientation of

these properties and the distance to the block ensures the development would not be overbearing or result in unacceptable loss of privacy.

107. Similarly numbers 15-17 Edgbaston Drive are orientated such that there is a blank gable elevation facing the site and windows in the front elevation face north east. As above, whilst these windows would partly look onto the proposed 5 storey block, the orientation of these properties and the distance to the block ensures the proposed development would not be overbearing or result in unacceptable loss of privacy.

108. The Johnny Briggs Building adjacent to the site to the south is a 3 storey apartment building with a blank side elevation adjacent to the site, however there are windows in the rear elevation (bedrooms) and in the side elevation of the projecting section to the rear (living rooms). Block C would be positioned largely parallel with the Johnny Briggs Building and would retain a distance of 6m to the shared boundary. Whilst Block C would project beyond the rear elevation of the nearest part of the Johnny Briggs Building by approximately 2.9m, it is considered that in combination with the 6m distance retained to the boundary this extent of projection would not be overbearing or adversely affect daylight to apartments at the rear of the Johnny Briggs Building.

109. The application includes a Daylight and Sunlight Assessment which has assessed the impact of the proposed development on surrounding properties against the Building Research Establishment (BRE) Guidelines '*Site Layout Planning for Daylight and Sunlight – A Guide to Good Practice 3rd Edition (2022)*' and also BS EN 17037 '*Daylight in Buildings*'. This includes assessment of the Vertical Sky Component (VSC) and Daylight Distribution (DD) methods for determining potential daylight effects and the Annual Probable Sunlight Hours (APSH) for sunlight effects. This assessment found that of 162 windows and 143 rooms in the neighbouring properties assessed, all windows and doors will meet and exceed the BRE's numerical targets. Of the 20 windows assessed for sunlight amenity (those which have a reasonable expectation of enjoying direct sunlight i.e. those which face within 90 of due south), 19 will meet and exceed the BRE's numerical targets which demonstrates the majority of windows will not be materially affected by the proposed development in terms of sunlight amenity. The one exception falls marginally short of the BRE targets (retaining winter sunlight hours of 4% when the target is 5%), however the annual level of retained sunlight at this window is 36% which is well in excess of the BRE's numerical target of 25%. The report notes this is a small reduction in winter sunlight and unlikely to be noticeable.

110. With regard to the construction phase and controlling noise, dust and other potential nuisance impacts, a condition is recommended requiring a Construction Environmental Management Plan (CEMP) relating to the environmental impacts of the construction works. This would cover such issues as hours of construction works, areas for parking of site operatives' vehicles and

for loading and unloading, and measures to control dust and dirt emissions to prevent undue nuisance and disturbance from noise, vibration and dust to nearby dwellings and the wider environment.

ACCESS, HIGHWAYS AND PARKING

111. 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 105). The NPPF also states that applications for development should, so far as possible, facilitate access to high quality public transport (paragraph 112a).
112. 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*”.
113. Policy L4.8 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*”.
114. Paragraph 111 of the NPPF states that “*Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe*”.
115. Policy L4 is considered to be largely up to date in that it promotes the development and maintenance of a sustainable integrated transport network that is accessible and offers a choice of modes of travel, including active travel, to all sectors of the local community and visitors to the Borough. It is not considered to be fully up to date in that 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’. Nevertheless it is considered that Policy L4 can be afforded substantial weight.

116. Policy L4.14 to L4.16 of the Core Strategy 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: Parking Standards and Design. 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.

117. Policy L7 of the Core Strategy 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 car and cycle parking, manoeuvring and operational space.

Impact on the Highway Network

118. The application includes a Transport Statement (TS) which has used the industry standard TRICS database to calculate trip generation rates, based on 22no. car parking spaces proposed. This forecasts that the scheme will generate 7 vehicle trips departing in the AM peak hour and 8 vehicle trips arriving in the PM peak hour. The TS also states that given the nature of the development, its close proximity to Manchester City Centre and its highly sustainable location, it is anticipated that the traffic generated by the development would not reach these low levels of car use predicted by using the TRICS database. The TS also makes reference to the existing/most recent uses on the site and states that these would have generated significantly more vehicle movements than the proposed apartments and therefore the proposed development would represent a net reduction in terms of traffic movements on the local highway network. The LHA has not raised any concerns in respect of traffic generation and it is considered the volume of traffic generated by the proposed development would be modest and not have a significant impact on the operation of the local highway network. As such it is considered that the 'residual cumulative impacts' of the development would not be 'severe' (as set out in NPPF paragraph 111).

119. TfGM comment that the TS does not include a car trip rate and this should be included. The applicant has not responded or updated the TS in response to this comment, however it is noted that TfGM also comment that the trip generation associated with the development is unlikely to result in a material impact at junctions in the vicinity of the development. Given that the LHA has raised no objection in respect of traffic generation and that TfGM's role is advisory and non-statutory, it is considered that the application can be determined without this information.

Access Arrangements

120. Two vehicular accesses are proposed; one between Blocks A and B towards the northern end of the site and one adjacent to the southern boundary

of the site, each of which would serve one side of the proposed car park. Both entrances would be 6m wide and two-way, with gates set back from Warwick Road South that would open inwards. The LHA and TfGM confirm that the minimum required visibility splays are achieved in both directions for each access and the proposed gates are set back a sufficient distance from the highway to accommodate a vehicle off the adopted highway whilst waiting for the gates to open. Vehicle tracking shows that for each of the proposed accesses, two large cars would be able to simultaneously enter and exit the site.

121. No plans relating to highway works outside the proposed development have been provided. The LHA request that the dropped kerb vehicle crossovers provided for the existing business units across the full extent of the proposed development (Warwick Road South and Ayres Road, excluding the two proposed gated points of access) are removed and the footway is fully reinstated to include the provision of standard height footway kerbs and pedestrian dropped kerb tactile paving crossings. The new footway will be required to tie-in to the footway/crossover provision for the neighbouring properties, and any existing tactile crossings also reinstated. The developer will be required to enter into a Section 278 agreement with the Council for these highway works. TfGM similarly recommend a condition requiring the access points to be designed to ensure the provision of dropped kerbs and tactile paving and any redundant vehicle access points reinstated as continuous footway to adoptable standards.
122. Cyclists would utilise the pedestrian access between Blocks B and C and the vehicle access to Block A for access to the proposed internal cycle stores. Pedestrian access would be provided from Warwick Road South with a communal entrance to each block and the ground floor apartments would also have their own entrance to the front or rear. Pedestrian access into the site would also be provided between Blocks B and C.
123. TfGM comment that the pedestrian and cycling environment should be designed to be as safe, convenient and attractive as possible, so as not to discourage people from accessing the site on foot / by bicycle. This should be applied both throughout the site layout, and also between the site and existing active travel networks and can be achieved through measures such as the appropriate use of surfacing materials, landscaping, lighting, signage and road crossings. TfGM also advise that improvements to the pedestrian environment are required to help encourage the uptake of active travel modes by future residents. A requirement to improve pedestrian and cycling infrastructure off-site is not considered necessary to make the development acceptable in planning terms, other than ensure that the pavement will be reinstated to provide 2m width (the pavement is already in excess of this width alongside the site), provide tactile paving and dropped kerbs at the site access points, and provide footway resurfacing and renewal as appropriate. These works would be secured by condition.

Car Parking

124. The Council's standards as detailed within Appendix 3 of the Core Strategy and SPD3: Parking Standards and Design state that for this location a one bedroom dwelling requires one car parking space and a two bedroom dwelling requires two car parking spaces, which for the proposed development would generate a maximum requirement for 122 spaces. This is a maximum standard and it is accepted in principle, that a lower level of provision would be appropriate in this highly sustainable location.

125. SPD3 states that where a developer seeks to provide a lower level of parking than the standard set down in the Core Strategy this will need to be fully justified and will need to demonstrate what measures e.g. design, location or operation are to be taken to minimise the need for parking (paragraph 5.1.2). It states that car parking below the maximum standard will only be allowed where there will be no adverse impact on on-street parking arising from the development and includes the following criteria where this may be the case: -

- *There is sufficient capacity for on-street parking without detrimentally affecting the safety and convenience of other residents and occupiers and road users.*
- *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.*

126. As set out at paragraph 13 of this report, the site is close to public transport infrastructure being located next to Old Trafford Metrolink stop and within walking distance of bus stops on Kings Road and Talbot Road, close to a range of shops and local services, and is highly accessible for pedestrians and cyclists. Given the highly sustainable location it is accepted that a level of parking below the Council's maximum standard will be appropriate in this case. 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. Nevertheless the parking shortfall relative to the standard is significant in this case with 22 car parking spaces proposed, representing a shortfall of 100 spaces relative to the Council's maximum standard. It is acknowledged the site is next to a Metrolink station and close to bus stops, however this doesn't mean future occupiers won't own a car and require a parking space, even if occupiers frequently use public transport, cycle or walk. Many people travel sustainably to work but keep a car at home for other journeys.

127. In support of the proposed parking provision the TS submitted with the application refers to the following factors: the site benefits from high levels of accessibility; the reduced number of spaces will encourage residents to take advantage of available sustainable transport opportunities; any prospective tenant will be aware of the level of parking provided and decide whether to take up occupancy accordingly; and census data demonstrates that car ownership levels for the area are low, with most residents owning either no vehicle or one vehicle. The TS advises that car ownership levels taken from the 2011 census data show that 29% of households in the middle super output area where the proposed development is located do not own a car, 45% of households own one car and 26% of households own at least two cars (2021 census data was not available at the time of the report). The TS also refers to the availability of parking on surrounding streets and includes the results of a parking survey undertaken to establish the current level of residential on-street parking in the area. The TS states that “*there is sufficient space for any overspill parking from the proposed development in the immediate vicinity of the site.*” A Parking Technical Note has also since been submitted in response to the initial comments of the LHA.
128. With regards on-street parking, the roads within the immediate vicinity of the site are generally not subject to parking restrictions; there are double yellow lines on Warwick Road South along the site frontage and on the opposite side for part of its length, however on-street parking is otherwise not restricted on both sides of Warwick Road South from the junction with Kings Road up to the site and on both sides of Ayres Road in the vicinity of the site. Parking within the Cricket Ground Estate opposite the site is also not restricted, other than on event days.
129. The parking survey undertaken by the applicant includes Ayres Road, Edgbaston Drive, Warwick Road South, Headingly Drive, Rutland Avenue and Wilton Avenue. The survey was carried out overnight at 00:30 and 05:30 hours i.e. when residential demand for on-street parking will be at its highest. The results of the survey show that on-street parking was available on all of the roads, with none at capacity, although it was also acknowledged that some of these streets are restricted to permit holder parking only on event days. A subsequent Parking Technical Note has been submitted in response to the LHA’s request for clarification of the survey results and regarding what constitutes an on-street parking space. The Technical Note considers the number of parking spaces available on street which satisfy a number of criteria, i.e., each bay is 6m long and vehicles can park fully on street with no obstruction in whole or part of the any footway, private access, forecourt, or junction. The survey demonstrates that between 61% and 71% of on-street parking spaces are in use overnight, confirming that the location is not operating at capacity in terms of (residential) on-street parking.

130. The LHA comment that whilst it is accepted that some future occupants will likely require use of a car and using public transport may not be a suitable or viable option for all, the site is nonetheless located in a highly sustainable area in terms of having access to public transport and local shops and services and is also very close to the boundary of the Civic Quarter. The LHA advise that the applicant should submit a robust Full Travel Plan following any grant of planning permission and it is further understood that future occupants of the development will be advised of the limited availability of parking both within the development, and on-street (and the restriction on obtaining any parking permits). No objection is raised by the LHA on highways grounds to the proposals.
131. TfGM has raised concern that without suitable parking restrictions, the development is likely to result in an increase in on-street parking and suggest that it would be beneficial for a review to be undertaken of the Traffic Regulation Orders in the vicinity of the development, with a view to introducing additional parking restrictions as appropriate, as well as ensuring adequate parking restrictions remain in place, and are refreshed accordingly. This will help to discourage pavement parking associated with the development and assist in improving the quality of the surrounding public realm. TfGM consider that on-street parking should be discouraged, as it reduces the available footway width, restricts visibility and generally provides a poor pedestrian environment. TfGM suggest that TROs are introduced and enforced outside of the development to contain over-spill on-street parking. Given that the LHA has raised no objection in respect of the proposed level of car parking and that TfGM's role is advisory and non-statutory, it is considered that a requirement for additional TROs is not necessary in order to make the development acceptable in highway terms.
132. In conclusion it is considered that the proposed level of car parking is acceptable, taking into account the highly sustainable location with excellent connectivity via tram and bus and opportunities for walking or cycling. A high proportion of future residents would be able to travel by tram, bus, bicycle and walk rather than need to own a car. A Travel Plan would also be required by condition to help encourage sustainable transport choices, which would be a realistic option in this location. Furthermore, future occupiers of the development would be aware of the amount of car parking available on the site and the situation regarding on-street parking in the vicinity before deciding whether or not to buy or rent an apartment and it is likely this will influence the number of future occupiers who own or intend to own a car. It is acknowledged that the development may result in additional parking demand on adjacent and nearby roads, however evidence provided demonstrates that on-street parking is available in the area when residential demand is at its highest (overnight). It is 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. The LHA has not raised an objection to the level of car parking provision as summarised above. The proposal is therefore considered to be in accordance with the NPPF (paragraph

105) and Development Plan policy to focus development on sustainable brownfield sites, with excellent access to public transport and walking and cycling routes offering a genuine choice of modes of transport and as such complies with Policies L4 and L7 of the Core Strategy and guidance regarding car parking standards contained within SPD3.

Accessible Parking

133. The accessibility parking standards shown in SPD3 Appendix A are minimum requirements (refer to Policy L4 and Appendix 3 of the Trafford Core Strategy). The SPD states that for residential developments the level of disabled parking will be negotiated on a case-by-case basis. The TS and site layout plan confirm that 4 accessible parking bays are proposed and this is considered an appropriate proportion of the overall number of spaces.

Cycle Parking

134. SPD3 sets out cycle parking standards for residential development and 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 standards detailed within SPD3 state that where communal cycle parking is proposed, as in this case, one cycle parking space is required for each one or two-bedroom dwelling unit. For the proposed development this equates to a minimum requirement of 80 cycle spaces.

135. The scheme includes a communal cycle store on the ground floor of each block and the application confirms that 80 cycle spaces are proposed in total. The TS further confirms that a total of 43 double stacked cycle racks will be provided across all three blocks (which would actually provide 86 cycle spaces). This complies with SPD3 and the application is therefore considered to be acceptable in this respect. The LHA recommend a condition requiring details of the cycle parking and storage arrangements, including the specification of any sheds/lockers, stands/racks, to be submitted and approved prior to occupation or use of the development and the approved cycle parking made fully available prior to the development being first brought into use and retained thereafter. TfGM advise that the cycle facilities should be easily accessible and made secure through the use of measures such as CCTV and lighting and that cycle maintenance tools/repair facilities/bicycle pumps etc. should also be provided – these matters can be considered at discharge of condition stage.

Servicing Arrangements

136. The proposed development includes a bin store on the ground floor of each block and a kerbside collection will be utilised. The Design and Access Statement confirms that collection will be taken directly from the bin stores as they are located within an accessible drag distance from a kerbside collection

point. The LHA confirm that the refuse / recycling storage facilities are suitably located, with the stores being located within a maximum distance of 10m from the adopted highway. The LHA also advise that if the intention is to use the Trafford Council kerbside collection service, the bins should be made readily available for collection on the relevant days, as the waste operatives will not be able to access any locked bin stores. The LHA recommend a condition requiring the submission and approval of a waste management strategy detailing the bin stores and to require the approved bin stores to be completed and made available for use prior to the first occupation of the development and retained thereafter. The Waste Management Team has been consulted on the proposed waste and recycling storage and collection arrangements and any comments will be included in Additional Information Report if received.

Travel Plan

137. The application includes an Interim Travel Plan that sets out the developer's commitment to reducing the number of vehicular trips generated by the development. The Travel Plan identifies a range of measures for implementation by a travel plan coordinator to reduce overall car usage and promote the use of sustainable transport modes and includes an Action Plan and details for monitoring and review. A condition is recommended to require a Full Travel Plan to be submitted and approved within six months of first occupation of the site and which shall include a firm commitment to targets, effective initiatives to reduce car travel, and be implemented for a period of not less than 10 years from the first operation of the development.

Construction Management Plan

138. A condition to require a Construction Management Plan is recommended to ensure that arrangements are put in place for the safety of residents, workers and visitors during demolition and construction works and to minimise disturbance and nuisance to occupiers of nearby properties and users of the highway. Both the LHA and TfGM recommend a Construction Management Plan is secured as part of the development.

IMPACT ON TREES

139. The submitted Arboricultural Survey identifies two existing trees and two groups of trees on the site and states that due to the very low quality of trees they have not been considered for retention. The Arboricultural Survey also states that none of the trees off site, including three fruit trees on the allotments site, should be adversely affected by the proposals. The Council's Arboriculturist notes that in terms of impact on trees, the only place this is likely to occur is on the boundary with the allotments particularly to the south of the site, however under common law the applicant would be able to prune back to the boundary.

EDUCATION

140. 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 deliver complementary improvements to social infrastructure, including schools, to ensure the sustainability of the development. The proposed 80 apartments include 42 x 2-bed units that could potentially be occupied by families with children of school age and which will place additional demand on existing schools in the local area. The pupil yield of the proposed development has been calculated as 3 primary and 0 secondary school places. The Council's Schools Capital Projects Team has advised that both the primary and secondary surplus is above 5% at Stretford primary schools within 2 miles from the site and at secondary schools within 3 miles of the site. This means that there is currently sufficient capacity in primary and secondary schools and therefore a financial contribution from this development towards education facilities is not required.

HEALTH FACILITIES

141. 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 deliver complementary improvements, including in respect of health facilities. The NHS Greater Manchester (Integrated Care Board) has confirmed that in this case there are no concerns from a health perspective. On the basis of this response it is clear that the NHS are satisfied there is sufficient capacity in the healthcare system to accommodate the new residents.

ECOLOGY AND BIODIVERSITY

142. Policy R2 of the Core Strategy seeks to ensure that all developments protect and enhance the Borough's biodiversity and to protect the natural environment throughout the construction process. Paragraph 180 of the NPPF states that "*if significant harm to biodiversity resulting from a development cannot be avoided...adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused*". 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 174d) and opportunities to improve biodiversity in and around developments should be integrated as part of their design (paragraph 180d). Policy R2 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 habitats and biodiversity. Accordingly, full weight can be attached to it in the decision making process.
143. The existing buildings and areas of hardstanding cover the majority of the site, with only a limited number of trees and other vegetation present which is of low ecological/habitat value.

144. A Preliminary Ecological Appraisal and Bat Scoping Report has been submitted with the application which confirms that a survey for bat species, nesting birds, amphibians, reptiles and mammals has been carried out. A subsequent Ecological Planning Submission Document has been submitted in response to comments made by the GMEU and in the representations and includes an updated bat survey and survey of the allotments site.

Bats

145. Both the original survey and subsequent survey found no signs of bats or roosting bats on the site and consider the site offers negligible bat roosting potential. The report notes that the habitat occurring over the allotments will offer some bat foraging habitat, however it considers that this will be limited by the high levels of street and floodlighting surrounding the site. It also notes the surrounding area offers low potential foraging habitat due to its urbanized nature, although there is potential for connectivity to linear corridors offered by Warwick Road South and the Metrolink tram lines.
146. The GMEU note the updated bat report and accept its findings. GMEU also note that individual bats can on occasion turn up in unexpected locations and recommend an informative on any permission advising that whilst the buildings to be demolished have been assessed as negligible risk for bats, the applicant is reminded that under the 2019 Regulations it is an offence to disturb, harm or kill bats. If a bat is found during demolition all work should cease immediately and a suitably licensed bat worker employed to assess how best to safeguard the bat(s).
147. In order to provide biodiversity gain post development, the report states that no lighting will be provided on the allotment side of the proposed building and that some lbstock bat bricks will be installed on the rear of the buildings.

Nesting Birds

148. The original survey found no evidence of nesting birds within the site boundaries, although because of the possible presence of nesting birds within the site it recommends that any vegetation clearance and demolition works should be undertaken outside the bird-nesting season March–August to minimise any impact on nesting birds.
149. The original survey was limited to the application site and did not consider nesting or breeding birds on the allotment site. A number of representations received from plot holders and the Old Trafford Amateur Gardeners' Society (OTAGS) refer to birds nesting on the allotment site, including along the boundary with the application site. OTAGS has undertaken a nesting birds' survey which is included with their representation. This states the allotments are

home to at least 17 bird species and that nesting birds are present along the fence between the site and the allotments next to the buildings proposed to be demolished. These include Wren, Robin and Dunnock (which is an amber listed at risk species) and House Sparrow (a red listed species) also nest in close proximity to the site.

150. The subsequent survey carried out in February 2023 notes that the habitat on the boundary between the allotments and the application site has the potential to contain a number of passerine species nesting, for example Wren, Dunnock, Blackbird, Robin and within the building House Sparrow. As wild birds are protected under the Wildlife and Countryside Act 1981, it is an offence to disturb or damage a bird's nest and contents during the bird nesting season March-September. The report recommends that if the works start within this period, a bird nest check will be undertaken by a suitably experienced ecologist prior to any works commencing. If a live nest is located a safeguarding method statement, including the provision of a no work buffer, will be put in place. The report also states that the developer will ensure the boundary vegetation will be maintained and enhanced to provide long term bird nesting habitat and the building will contain some house sparrow bricks on its higher elevation facing the allotments. With regards habitat loss, the report states the proposal will not result in the loss of any areas that offer bird nesting habitat. It is acknowledged however, that the works will occur close to the boundary habitat, therefore it is suggested that a standoff buffer is implemented to ensure that no damage to these features occurs during the works.

151. The GMEU recommend a condition that no demolition shall occur at any time or vegetation clearance occur between the 1st March and 31st August in any year, unless a detailed bird nest survey by a suitably experienced ecologist has been carried out immediately prior to demolition and/or vegetation clearance and written confirmation provided that no active bird nests are present which has been agreed in writing by the LPA (unless the species present is feral pigeon in which case a general license issued by Natural England authorising destruction of feral nests should be provided to the LPA).

Ponds and Amphibians

152. The originally submitted Ecological Appraisal states that no ponds are located within 250m of the site and therefore no additional actions are required, however the OTAGS and other representations has advised that there are ponds on the allotment site. The subsequently submitted report acknowledges that a number of ponds and waterbodies occur on the allotment site and that these are mainly provided within the plots to enhance the biodiversity. They are located within excellent amphibian terrestrial habitat with a selection of hibernacula, therefore it is likely that the water features hold a population of amphibians. Given this, it is important that the amphibians are protected during the site works and the report recommends that the site clearance and subsequent construction

work adhere to specific reasonable avoidance measures (Amphibian RAMs). The GMEU note that this recommendation and has no issues to this being conditioned.

Biodiversity Enhancement / Net Gain

153. The site itself has very low habitat value, consisting primarily of hard standing and buildings with some small areas of introduced shrub. The proposed development would result in a significant increase in soft landscaping across the site, including native tree and hedge planting, and the submitted plans also indicate that 12 bird boxes (6 boxes on the proposed tree planting and 6 Sparrow terraces to be installed on the buildings) and 6 bat boxes will be installed on the buildings. It is considered this will ensure an overall habitat gain as a result of the development. It is recommended a condition is attached to any permission requiring the submission and approval of details of the biodiversity enhancement measures and requiring their subsequent implementation. Subject to this condition it is considered that the scheme will contribute towards the achievement of biodiversity net gain in line with the provisions of the NPPF.

FLOOD RISK AND DRAINAGE

154. Policy L5 of the Core Strategy states that *“the Council will seek to control development in areas at risk of flooding, having regard to the vulnerability of the proposed use and the level of risk in the specific location”*. At the national level, NPPF paragraph 159 has similar aims, seeking to ensure that development is avoided in areas at risk of flooding and at paragraph 167 in 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.

155. The site falls within Flood Zone 1 as defined by the Environment Agency (land with a low probability of flooding from rivers or the sea), where guidance in the NPPG identifies residential development as an appropriate form of development. The site is within a Critical Drainage Area as specified within Trafford Council’s Strategic Flood Risk Assessment.

156. A Flood Risk and Drainage Strategy Report has been submitted and which has been updated during the course of the application in response to comments made by the LLFA. The report sets out that infiltration based drainage and connection to a watercourse can be discounted, therefore surface water is proposed to be disposed of by the combined sewer network with attenuation provided on site. Foul sewage will discharge to the public sewer network.

157. The LLFA advise that the proposed development will only be acceptable if the following measures as detailed in the Flood Risk and Drainage Strategy Report are implemented and secured by way of conditions: development to be carried out in accordance with the approved Flood Risk and Drainage Strategy

Report, including limiting surface water run-off and provision of attenuation flood storage on site, and a management and maintenance plan for the lifetime of the development.

158. United Utilities confirm that the proposals are acceptable in principle and request a condition requiring the drainage for the development to be carried out in accordance with principles set out in the submitted Foul and Surface Water Drainage Design Drawing, also that surface water must drain at the restricted rate of 17.5 l/s. United Utilities also recommend a condition to ensure effective management and maintenance of sustainable drainage systems included as part of the proposed development.

159. It is therefore considered that in relation to flood risk and drainage and subject to the conditions recommended above, the development is acceptable and compliant with Policy L5 of the Core Strategy and the NPPF.

AIR QUALITY

160. 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. Paragraph 186 of the NPPF seeks to ensure that opportunities to improve air quality or mitigate impacts are identified, with the presence of Air Quality Management Areas being taken into account. Policy L5 is considered to be up-to-date in this regard and so full weight can be attached to it. The site does not lie within the GM Combined Authority Air Quality Management Area (AQMA) 2016, although the junction of Warwick Road South and Kings Road and other areas in the vicinity of the site are within the AQMA.

161. An Air Quality Assessment has been submitted with the application and has been reviewed by the Council's Pollution and Housing section.

162. During the construction phase the qualitative construction dust risk assessment shows that the site presents a risk for adverse impacts during construction. To effectively reduce the risk of impacts to negligible, appropriate mitigation measures should be adopted. The Council's Pollution and Housing section recommend a condition to require the submission and approval of a Construction Environmental Management Plan prior to the commencement of development in order to ensure that the development does not present a nuisance risk or impacts on the wider environment

163. For the operational phase the assessment predicts that changes in annual mean concentrations of nitrogen dioxide due to vehicle movements associated with the development do not lead to a significant impact at any receptor. The

assessment also confirms that all concentration changes are negligible with reference to the Institute Air Quality Management (IAQM) significance criteria. The Pollution and Housing section recommend mitigation measures are incorporated into the scheme which will help to reduce any increase in emissions associated with development traffic flows and a condition to require a scheme for the provision of low emission vehicle charging points is recommended.

164. The NPPF states that applications for development should be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations (paragraph 112e). The current IAQM planning guidance recommends the provision of at least 1 Electric Vehicle (EV) “fast charge” point per 10 residential dwellings, which in this case would require 8 charging points. The application indicates 6 EV charging points which it is considered should be increased to 8 to meet the IAQM guidance. It is also considered the scheme should provide the passive infrastructure (cable runs etc.) to ensure that all the parking spaces have access to an EV charging point. A condition to require the provision of 8 EV charging points and approval of the detail/specification of the charging points is recommended and this will help to reduce any increase in emissions associated with development traffic flows.
165. Subject to the above conditions the development is considered to comply with the requirements of Policy L5 in relation to air quality.

CONTAMINATED LAND

166. The Council’s Pollution and Housing section confirm that due to the former commercial usage of the land it is highly likely that contamination is present which could present an adverse risk to future site users and the wider environment. 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 120) and decisions should ensure that a site is suitable for its proposed use taking account of ground conditions and any risks arising from contamination (paragraph 183).
167. The application includes a Preliminary Site Investigation Report which confirms the presence of several contaminants within the development area that are above objective levels and will require remediation to break pollutant pathways. However, there are locations across the development site which have not been subject to site investigation due to the presence of buildings and occupied commercial units. The report confirms that further investigation will be required following demolition to ensure that full site investigation of the site is obtained.
168. The Council’s Pollution and Housing section raise no objection to the proposed development in relation to contaminated land, but to ensure that the

further site investigation is undertaken and remediation takes place to remove risks to future site users and the wider environment conditions are recommended to require 1) a remediation strategy to deal with the risks associated with contamination of the site (to include additional site investigation; preliminary risk assessment; options appraisal and remediation strategy; and verification plan) and 2) a verification report demonstrating completion of works set out in the remediation strategy 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.

SUSTAINABILITY AND ENERGY EFFICIENCY

169. Policy L5.1 of the Core Strategy states that new development should maximise its sustainability through improved environmental performance of buildings, lower carbon emissions and renewable or decentralised energy generation and L5.4 states that development will need to demonstrate how it contributes towards reducing CO₂ emissions within the Borough. For major development the policy states there is potential to deliver CO₂ reduction target of up to 5% above current Building Regulations. It is considered that Policies L5.1 to L5.11 are out-of-date as they do not reflect NPPF guidance on climate change, whilst the remainder of the policy is compliant with the NPPF and remains up-to-date.
170. The Design and Access Statement and Carbon Budget Statement confirm the intention is to adopt building fabric based on values better than the minimum required for Building Regulations Part L compliance, minimising energy demand. This will include higher external wall U-value, party wall, roof U-value, window/door glazing U-value, door U-value, building air permeability and thermal bridging Y-value than the Part L minimum requirement. Main heating and hot water would be provided by electric systems and efficient systems will be adopted to minimise energy consumption. Roof mounted photovoltaic panels are also included. The Carbon Budget Statement demonstrates that the building design will comply with Building Regulations AD Part L1A and the requirement for a CO₂ reduction target of up to 5% above current Building Regulations. It states that initial SAP calculations show that the building can achieve a 5.7% improvement on Building Regulations, when constructed utilising the fabric performance values and the system performance parameters outlined in the report. As noted above, the proposed car parking layout includes 6no. EV charging points (to be increased to 8), which will help encourage electric vehicle uptake and contribute to reduced emissions.
171. It is therefore considered that the development will make an ongoing contribution to reducing the annual CO₂ emissions of the Borough and will meet policy targets. A condition is recommended to achieve the CO₂ reduction required by the Core Strategy and on this basis, officers are satisfied that the

proposed development will be able to achieve the goals of Core Strategy Policy L5 and the NPPF in this respect.

CRIME PREVENTION AND SECURITY

172. 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 does not have an adverse impact on public safety. Paragraphs 92 and 130 of the NPPF require planning decisions to achieve inclusive and safe places which are *“safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion”*.

173. A Crime Impact Statement prepared by GMP has been submitted with the application and confirms that the scheme is well-designed from a crime prevention perspective and its presence is likely to positively affect patterns of crime and anti-social activity previously associated with the site and its surroundings. The report identifies a number of positive features of the development from a crime prevention perspective and provides advice on how security can be further enhanced. GMP (Design for Security) support the application subject to a condition requiring the development, where feasible, to be designed and constructed in accordance with the recommendations and specification set out in sections 3 and 4 of Crime Impact Statement, and the agreed measures retained and maintained thereafter. 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 outlined above.

EQUALITIES

174. 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.

175. 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.

176. 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.

177. Policy L7.5 of the Core Strategy also requires that development should be fully accessible and usable by all sections of the community and Paragraph 130 of the NPPF reinforces this requirement by requiring planning decisions to ensure that developments create places that are safe, inclusive and accessible.

178. The application includes an Equalities Statement that considers the proposed development in relation to the relevant protected characteristics. With regards disability, the Design and Access Statement confirms that the building has been designed to be fully compliant with Building Regulations Approved Document M: Access to and use of buildings. Level access has been ensured at all entry points to the building and to the apartments. All apartments are M4(1) compliant, meeting provision for most people (including wheelchair users) to approach and enter the dwelling/access habitable rooms and sanitary facilities. All blocks include lift access to the upper floors of a sufficient size to suit wheelchairs and prams alongside other residents. As summarised above, 4no. accessible parking spaces will be provided which is considered an appropriate level of provision for the scheme.

179. The Equalities Statement states that no persons will be affected by access to or use of the development due to their age; no persons will be affected by access to or use of the development due to being pregnant or being a parent; no persons will be affected by access to or use of the development due to their race, religion or belief; and no persons will be affected by access to or use of the development due to their sex, sexual orientation or gender. The Equalities Statement confirms that all equality issues have been addressed in the design of the proposed scheme.

180. 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.

OTHER MATTERS

181. 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.

182. TfGM advise that as the site is reasonably close to the Metrolink Trafford Depot and an operational Metrolink line, the applicant should be referred to details of working safely near Metrolink. TfGM also advise that the Metrolink Depot relies on Warwick Road South for access by larger vehicles due to the width restriction on Ayres Road and therefore would not want this route to be compromised during the construction period.

DEVELOPER CONTRIBUTIONS

Local Open Space and Play Facilities

183. 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 set out in that policy in relation to local open space, sport and recreation, either by way of on-site provision, off site provision or 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. Policy R5 is up to date in that it seeks to ensure that residents have access to an appropriate range of green spaces and other recreational facilities to aid their health and wellbeing. Policy L8 of the Core Strategy states that the Council will seek contributions towards Spatial Green Infrastructure, including parks and play areas.
184. SPD1: Planning Obligations states that the cumulative impacts on open space arising from smaller developments (those below 100 units) will be addressed through the use of CIL funds. This pre-dates the changes to the CIL Regulations in September 2019 which now allow the Council to take both S106 contributions and CIL monies towards the same piece of infrastructure.
185. The proposed on-site amenity space described at paragraph 64 above would not constitute 'local open space' as it would not be publicly accessible, does not include children's play facilities and is intended as amenity space for residents. The proposed development will create additional demand on existing public open space and play facilities in the local area and therefore in accordance with Policy R5, L8 and SPD1 a contribution towards the provision of new or improved local open space and children's play facilities is considered necessary to mitigate the impact the development will have on these facilities. This has been calculated as £48,847.37 based on the formula in SPD1, comprising £20,198.75 towards the provision of new or improved local open space and £28,648.62 towards provision for children/young people.

Sport Facilities

186. 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 above, this pre-dates changes

to the CIL Regulations in September 2019. Policy L8 of the Core Strategy states that the Council will seek contributions towards Spatial Green Infrastructure, including outdoor sports facilities. The proposed development will create additional demand and place pressure on existing sports facilities in the local area and therefore it is considered a contribution towards the provision of new or improved facilities is necessary to mitigate this impact. This has been calculated as £65,000 based on the formula in SPD1.

Community Infrastructure Levy

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

PLANNING BALANCE AND CONCLUSION

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

189. 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, paragraph 11(d) 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 the matters referred to in footnote 7, including in relation to habitat protection and designated heritage assets. The application therefore falls to be considered against Paragraph 11(d)(ii): granting permission 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.

190. 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.

Adverse Impacts

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

- A limited mix of unit sizes is proposed and no larger homes (3+ beds) would be provided that would contribute towards the 30% target referred to in Policy L2;
- Minor harm resulting from the level of car parking proposed, which is significantly below the Council's maximum parking standards and which is likely to result in additional on-street parking in the vicinity of the site to the potential detriment and inconvenience of existing residents and others who rely on on-street parking;
- Minor harm to the setting of buildings on Ayres Road identified as non-designated heritage assets.

192. 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

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

- The delivery of 80 new homes would contribute towards addressing the identified housing land supply shortfall. Substantial weight has been given to this benefit;
- The delivery of 80 affordable homes, which exceeds the number required by policy and will help meet the identified need for affordable housing in the Borough and in Old Trafford. Substantial weight has been given to this benefit;
- Re-use of previously developed, under-utilised land will contribute positively to the Council's policy aspiration to maximise the use of previously developed land for housing. Moderate weight is afforded to this benefit;
- The redevelopment of a site comprising mostly poor quality and predominantly vacant buildings will improve the appearance of the site and contribute towards the regeneration of the area, including the adjacent Civic Quarter/LCCC Strategic Location. Moderate weight is afforded to this benefit;
- The delivery of a well-designed development including active frontage, good landscaping and amenity space for future occupiers. Moderate weight is afforded to this benefit;
- An increase in tree and other planting on the site and biodiversity improvements. Moderate weight is afforded to this benefit;
- Economic benefits that will flow from construction and occupation. Additional expenditure into the local economy will support existing services in the area, limited weight is afforded to this benefit.

194. The main adverse impacts relate to the proposed level of car parking provision and potential for on-street car parking demand and the moderate harm to setting of non-designated heritage assets and these issues are considered in the relevant sections of the report. However the benefits arising from the scheme are numerous and a number of them can be given substantial weight. Substantial weight is afforded to the provision of affordable housing on a sustainable brownfield site. Substantial weight is also given to the good quality design and increased green infrastructure. Moderate or limited weight is also afforded to the other benefits listed above.

195. 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:

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

- (i) To complete a suitable legal agreement under S106 of the Town and Country Planning Act 1990 (as amended) to secure:
 - A financial contribution of £48,847.37 towards local open space and play facilities, comprising £20,198.75 towards local open space and £28,648.62 towards provision for children/young people;
 - A financial contribution of £65,000 towards outdoor sports facilities;
 - Nomination rights for on-site affordable housing;
 - The retention of Corstorphine & Wright Architects in the role of design certifier throughout the construction period, or alternatively to secure a commuted sum to cover the professional fees required to enable the local planning authority and developer to work together to secure the involvement of an architectural practice of their choice in the role of design certifier.
- (ii) To carry out minor drafting amendments to any planning condition.
- (iii) To have discretion to determine the application appropriately in the circumstances where a S106 agreement has not been completed within three months of the resolution to grant planning permission.

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

1. The development must be begun not later than 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:

- WRS-CW-ZZ-01-DR-A-01-000 Rev P2 – Proposed Site Block Plan
- WRS-CW-ZZ-01-DR-A-20-000 Rev P6 – Proposed Site Plan – Ground
- WRS-CW-ZZ-01-DR-A-20-001 Rev P5 – Proposed Site Plan – Typical
- WRS-CW-ZZ-03-DR-A-20-005 Rev P5 – Proposed Site Plan – Roof Level
- 20634-2001 Rev 02 – General Arrangement – Block A Floor Plans
- 20634-2002 Rev 02 – General Arrangement – Block A Floor Plans
- 20634-2151 Rev 05 – General Arrangement – Block A Elevations
- 20634-CWA-A-XX-DR-A-0303 Rev P-00 – Block A Communal Entrance Proposal
- WRS-CW-ZZ-XX-DR-A-2001 Rev 03 – General Arrangement – Block B Floor Plans
- WRS-CW-ZZ-A-2151 Rev P-07 – General Arrangement – Block B Elevations
- WRS-CW-ZZ-XX-DR-A-2001 Rev 03 – General Arrangement – Block C Floor Plans
- WRS-CW-ZZ-XX-DR-A-2151 Rev P-07 – General Arrangement – Block C Elevations
- WRS-CW-ZZ-A-21-002 Rev P5 – Bay Studies
- WRS-CW-B-XX-DR-A-0302 Rev P-00 – Proposed Entrance Details
- WRS-CW-B-XX-DR-A-0301 Rev P-00 – Proposed Jamb Details
- 3013 | 01 Rev C – Landscape Proposals
- 3013 | 02 Rev B – Tree Planting Plan

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

3. The residential units hereby permitted shall only be used for the purposes of providing affordable housing (as defined by the NPPF Annex 2, or any subsequent amendment thereof) to be occupied by households or individuals in housing need and shall not be offered for sale or rent on the open market. The units shall comprise 26 x 1-bed and 31 x 2-bed units for affordable rent and 12 x 1-bed and 11 x 2-bed units for shared ownership. Any affordable housing units provided for affordable rent

shall only be occupied by individuals from within the boundaries of Trafford Borough in housing need and Trafford Borough Council shall be given at least 75% nomination rights. Provided that this planning condition shall not apply to the part of the property over which:- (i) a tenant has exercised the right to acquire, right to buy or any similar statutory provision and for the avoidance of doubt once such right to acquire or right to buy 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 and L8 of the Trafford Core Strategy and 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 a full specification of materials to be used externally on the buildings have been submitted to and approved in writing by the Local Planning Authority. Such details shall include the type, colour and texture of the materials and the building of sample panels on site. 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 (including sections and details at 1:20) 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) Location of materials and brick detailing
 - (ii) All fenestration details including recesses/window reveals
 - (iii) All entrances into the buildings including doors and canopies
 - (iv) The means of dealing with rainwater and any necessary rainwater goods that may be visible on the external façade of the buildings
 - (v) The position and type/design of any necessary soil and vent pipes that may be visible on the external façade of the buildings
 - (vi) External balconies
 - (vii) The siting of any external façade structures such as meter boxes
 - (viii) Elevation details of lift overruns and plant enclosure
 - (ix) Plans detailing the siting and design of the photovoltaic panels on the buildings

- (x) The siting and design of any fixed plant
- (xi) The siting, design and material/finish of any vents for mechanical ventilation

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

Reason: In the interests of visual amenity and in protecting the original design intent and quality of the proposed development, having regard to Policy L7 of the Trafford 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 the formation of any banks, terraces or other earthworks, hard surfaced areas and materials (which shall be in accordance with drawing no. 3013 | 01 Rev C – Landscape Proposals), planting plans, specifications and schedules (including planting size, species and numbers/densities), existing plants / trees to be retained, a scheme for the timing / phasing of implementation works, and details of the proposed pavilion and seating indicated on the approved drawings and any other structures proposed within the communal and private areas .
(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.

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 design, 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. 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 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. Notwithstanding the details shown on the submitted drawings, the details to be submitted and approved shall include a detailed specification for the timber fence to be erected along the boundary with the adjacent allotments site. 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.

9. No development shall take place, including any works of demolition, until a Construction and Pre-Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The approved CEMP shall be adhered to throughout the demolition/construction period. The CEMP shall address, but not be limited to, the following matters:
 - a) the parking arrangements for site operative and visitor vehicles
 - b) hours and location of proposed deliveries to site
 - c) loading and unloading of plant and materials
 - d) storage of plant and materials used in constructing the development
 - e) the erection and maintenance of security hoardings including decorative displays and facilities for public viewing (where appropriate)
 - f) wheel washing facilities and any other relevant measures for keeping the highway clean during demolition and construction works
 - g) measures to control the emission of dust and dirt during demolition and construction and procedures to be adopted in response to any complaints of fugitive dust emissions
 - h) a scheme for recycling/disposing of waste resulting from demolition and construction works
 - i) measures to prevent disturbance to adjacent dwellings and the allotments from noise and vibration, including piling activity
 - j) 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
 - k) proposed days and hours of demolition and construction activity (in accordance with Trafford Council's recommended hours of operation for construction works)
 - l) contact details of site manager to be advertised at the site in case of issues arising, and
 - m) measures, including protective fencing, to prevent pollution, run-off and contaminants from entering the adjacent allotments site.

Reason: To ensure that appropriate details are agreed before works start on site and to minimise disturbance and nuisance to occupiers of nearby properties, users of the adjacent allotments and users of the highway, having regard to Policies L4, L5 and

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

10. Before the development hereby approved is first brought into use the existing redundant vehicular crossovers to Warwick Road South and Ayres Road, excluding the two gated points of access hereby approved, shall be removed and the footway fully reinstated to include the provision of standard height footway kerbs and pedestrian dropped kerb tactile paving crossing on both sides of each of the proposed accesses. The new footway shall tie-in to the footway/crossover provision for the neighbouring properties, and any existing tactile crossings also reinstated.

Reason: In the interests of highway safety and 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.

11. 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, and shall be retained thereafter for 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.

12. No occupation or use of any building hereby permitted shall take place until such time as full details of the cycle parking and storage arrangements for that building, including the specification of stands/racks, have been submitted to and approved in writing by the Local Planning Authority. The approved cycle parking for each building shall be made fully available prior to that building being first brought into use and shall be retained thereafter for their intended purpose.

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.

13. A full Travel Plan (TP) shall be submitted to the Local Planning Authority for review and approval in writing within 6 (six)-months of first occupation of the site and shall include the following: -

- a. a firm commitment to targets detailed within the TP is expected, as such measures indicated in the TP shall not be primarily concerned with providing information e.g., timetables for public transport etc., a map of the local area etc.,
- b. the TP shall include realistic and quantifiable targets and details for how it is proposed to address any targets that are not achieved,
- c. the TP shall include realistic and effective initiatives and incentives to reduce car travel,
- d. the TP targets shall be reviewed and monitored against the baseline which will be established within 6 (six)-months of first occupation of the site, and
- e. residents travel survey shall be completed every 12 (twelve) months for a minimum period of 5 (five) years,
- f. the TP shall be implemented for a period of not less than 10 (ten) years from the first date of operation of the development.

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

14. 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 to deal with the risks associated with contamination of the site in respect of the development hereby permitted, has been submitted to and approved in writing by the Local Planning Authority.

This strategy will include the following components:

1. The additional site investigation scheme as detailed within section 11.0 of the Preliminary Site Investigation Report ref. 10/1799/001 Rev. 03 dated November 2022, prepared by Clancy Consulting Limited, to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
2. A preliminary risk assessment which has identified:
 - all previous uses
 - potential contaminants associated with those uses
 - a conceptual model of the site indicating sources, pathways, and receptors
 - potentially unacceptable risks arising from contamination at the site.
3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
4. A verification plan providing details of the data that will be collected to demonstrate that the works set out in the remediation strategy in (3) 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.

15. 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.

16. The development hereby permitted shall only be carried out in accordance with the approved Flood Risk and Drainage Strategy Report ref. Rev. 08 dated 17 May 2023, prepared by Clancy Consulting Limited, and the following mitigation measures detailed within the Report:

- Limiting the surface water run-off generated by the development so that it will not exceed 7.2l/s to Ayres Road sewer and 5.5l/s to Warwick Road sewer.
- Provision of 83.6m³ (Ayres Road catchment) and 38.3m³ (Warwick Road catchment) of attenuation flood storage on the site to a 1 in 100-year (+45%CC allowance) return period.

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.

17. No above ground construction works shall take place until a Drainage Management and Maintenance Plan for the lifetime of the development has been submitted to and approved in writing by the Local Planning Authority. The Drainage Management and Maintenance 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. The development shall

subsequently be completed, maintained and managed in accordance with the approved details.

Reason: To ensure that suitable management arrangements are in place for the drainage system in order to manage the risk of flooding and pollution during the lifetime of the development, having regard to Policies L5 and L7 of the Trafford Core Strategy and the National Planning Policy Framework.

18. The drainage for the development hereby approved shall be carried out in accordance with principles set out in the submitted drawing no. FRA-03 Rev P8 – Drainage Strategy, prepared by Clancy Consulting Limited. Surface water must drain at the restricted rate of 17.5 l/s. Prior to the first occupation of the development the drainage schemes shall be completed in accordance with the approved details and retained thereafter for the lifetime of the development.

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

19. No demolition shall occur at any time or vegetation clearance occur between the 1st March and 31st August in any year, unless a detailed bird nest survey by a suitably experienced ecologist has been carried out immediately prior to demolition and/or vegetation clearance and written confirmation provided that no active bird nests are present which has been agreed in writing by the Local Planning Authority, unless the species present is feral pigeon in which case a general license issued by Natural England authorising destruction of feral nests should be provided to the Local Planning Authority. Should the survey reveal the presence of any nesting species, then no development shall take place during the period specified above unless a mitigation strategy has first been submitted to and approved in writing by the Local Planning Authority which provides for the protection of nesting birds during the period of works on site. The mitigation strategy shall be implemented as approved.

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

20. No development shall take place, including any works of demolition, until details of Reasonable Avoidance Measures (RAMs) to prevent harm to amphibians and amphibian habitat present on the Seymour Grove Allotments site have been submitted to and approved in writing by the Local Planning Authority. The approved RAMs shall be implemented and adhered to throughout the demolition and construction period strictly in accordance with the approved details.

Reason: To ensure that appropriate details are approved before works start on site in order to prevent or minimise any habitat disturbance to amphibians that may be present on the allotments site, having regard to its location and the nature of the

proposed development and Policies L7, R2 and R3 of the Trafford Core Strategy and the National Planning Policy Framework. It is necessary for this information to be submitted and approved prior to the commencement of each phase to avoid disturbance to amphibians and to undertake appropriate mitigation prior to any works taking place on site if this is necessary.

21. No above ground construction works shall take place unless a scheme detailing the biodiversity enhancement measures proposed on the site, which shall include bird boxes and bat boxes, have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to first occupation of the development (or in accordance with a phasing plan which shall first be agreed in writing with the Local Planning Authority) and shall be retained thereafter.

Reason: In order to protect and enhance the ecology of the site and to mitigate any potential loss of habitat having regard to Policy R2 of the Trafford Core Strategy and the National Planning Policy Framework.

22. The development hereby approved shall be designed and constructed in accordance with the recommendations and specification set out in sections 3 and 4 of the submitted Crime Impact Statement dated 06 December 2022, ref. 2021/0248/CIS/01 Version B, other than where this would conflict with any details shown on the approved drawings listed at Condition 2 of this permission, and the measures retained and maintained thereafter. For the avoidance of doubt the requirements of this condition do not include aspects of security covered by Part Q of the Building Regulations 2015, which should be brought forward at the relevant time under that legislation.

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

23. No above ground works shall take place until a Waste Management Strategy has first been submitted to and approved in writing by the Local Planning Authority. The Strategy shall include full details of the bin storage areas, including the number, size and type of bins to be provided, and shall include accommodation for separate recycling receptacles for paper, glass, and cans in addition to other household waste, and shall detail how the refuse and recycling bins will be made available for collection on bin day and returned to their approved storage area thereafter. The approved bin stores shall be completed and made available for use prior to the first occupation of the development and shall be retained thereafter. The approved strategy shall be implemented and adhered to for the lifetime of the development.

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.

24. The development hereby approved shall not be occupied or brought into use until full details of the provision of at least 8 electric vehicle (EV) charging points and other passive infrastructure for future use, have 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 accordance with the Policy L5 of the Trafford Core Strategy and the National Planning Policy Framework.

25. The development hereby approved shall not be occupied unless and until details of energy efficiency measures and any low/zero carbon technologies incorporated into the development have been submitted to and approved in writing by the Local Planning Authority. This shall demonstrate how carbon emissions of at least 5 per cent below the Building Regulations Target Emissions Rate have been achieved. The approved measures shall be implemented in full.

Reason: In the interests of achieving a reduction in carbon emissions, having regard to Policy L5 of the Trafford Core Strategy and the National Planning Policy Framework.

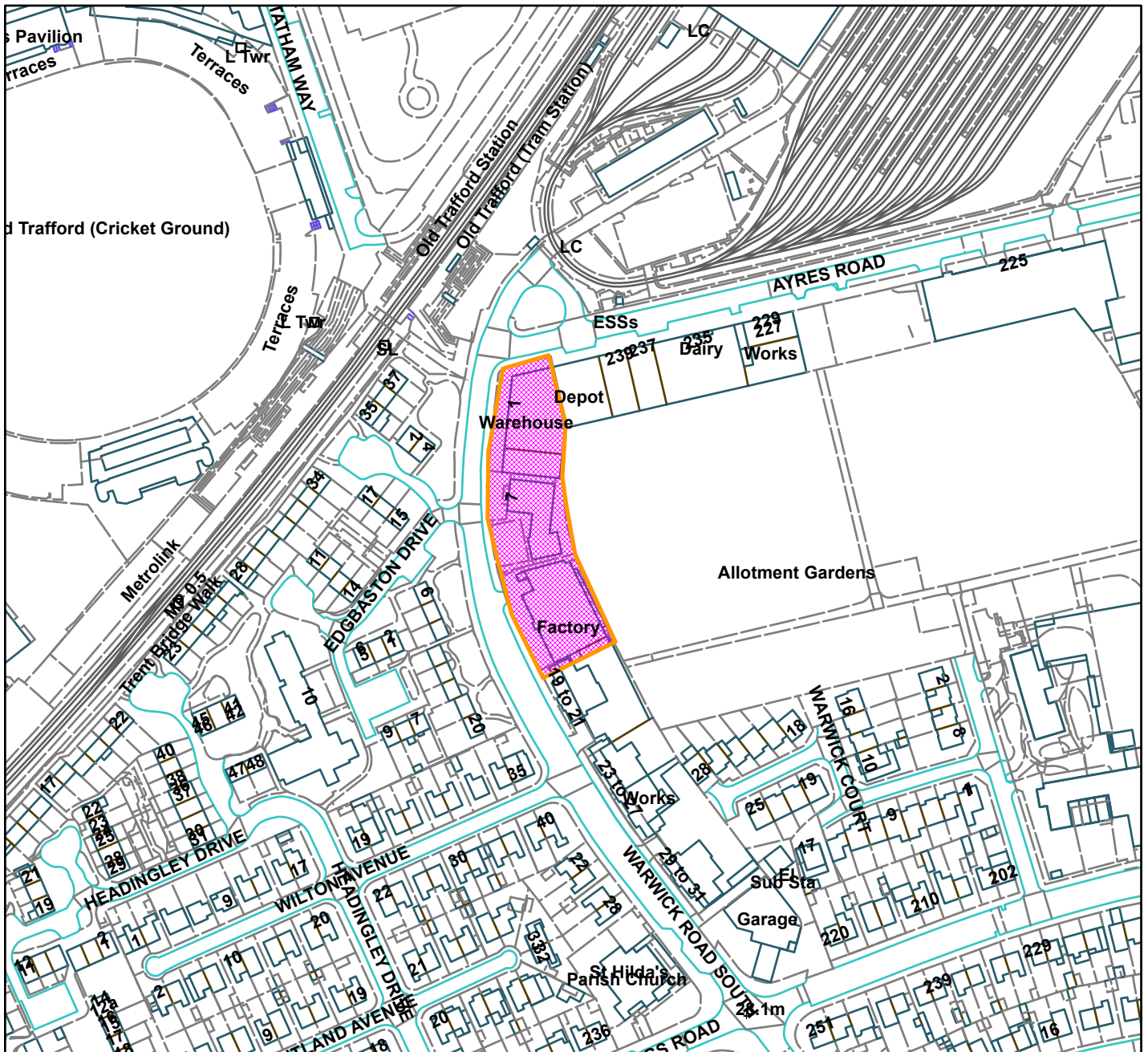
26. No external lighting shall be installed on the buildings or elsewhere on the site unless a scheme for such lighting has first been submitted to and approved in writing by the Local Planning Authority. Thereafter the site shall only be lit in accordance with the approved scheme.

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

RG



Land to East of Warwick Road South, Old Trafford (site hatched on plan)



Scale: 1:2,500

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| Organisation | Trafford Council |
| Department | Planning Service |
| Comments | Committee date 15/06/2023 |
| Date | 05/06/2023 |
| MSA Number | 100023172 (2022) |

WARD: Old Trafford

110280/VAR/23

DEPARTURE: NO

Application under Section 73 of the Town and Country Planning Act 1990 (as amended) for variation of condition 3 of planning permission H/44988 to allow for an extension of opening hours from 1200 to 2230 to 0800 to 2230.

89A Ayres Road, Old Trafford, Manchester, M16 7GS

APPLICANT: Mr Afsar

AGENT:

RECOMMENDATION: GRANT

The application has been reported to the Planning and Development Management Committee as more than six representations have been received contrary to officer recommendation.

SITE

The proposed development site consists of the ground floor commercial unit within an end terrace property, located on the south side of Ayres Road, on the corner with Carlton Street. The site is located in a predominantly residential area of Old Trafford, although along Ayres Road there are clusters of commercial units. The application site is occupied by a hot food takeaway, known as Chaiwala.

To the side / rear of the application unit is another hot food takeaway known as Spices of Kashmir, however the current application does not include this unit. Within the first and second floors above the takeaway there is residential accommodation. To the front of the property there is a small area of hardstanding, and to the rear there is a small rear yard, beyond which is an alleyway that runs to the rear of 71-89 Ayres Road.

PROPOSAL

In March 1998 planning permission was granted for the change of use of the ground floor unit to a hot food takeaway, with the condition that the use shall not be open outside the hours of 12.00 to 22.30 on any day. The current application is seeking to vary that planning permission to allow for an extension to the opening hours to 08:00 to 22:30.

The application seeks no other alterations to the scheme as previously approved.

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
 L8 – Planning Obligations

PROPOSALS MAP NOTATION

Local Shopping Centre

OTHER LOCAL PLANNING POLICY DOCUMENTS

PG13 Hot Food Take Away Shops

PRINCIPAL RELEVANT REVISED UDP POLICIES/PROPOSALS

PROPOSAL H10 – Priority Regeneration Area: Old Trafford
 PROPOSAL S10 – Local and Neighbourhood Shopping Centres

PLACES FOR EVERYONE

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

NATIONAL PLANNING POLICY FRAMEWORK (NPPF)

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

NATIONAL PLANNING PRACTICE GUIDANCE (NPPG)

DLUHC published the National Planning Practice Guidance on 6 March 2014, and was last updated on 25th August 2022. The NPPG will be referred to as appropriate in the report.

RELEVANT PLANNING HISTORY

H/44988 - Change of use of ground floor from shop to hot food take-away.
Approved with Conditions on 18.03.1998.

H6437 - variation of condition no. 3 of planning permission no. H/44988 to allow an extension of opening hours of hot food takeaway from 1200 hrs until 2400 hrs Monday to Sunday incl.
Refused on 16.12.1998.

84763/FUL/15 - Erection of single storey rear extensions, following the demolition of detached garage.
Approved with Conditions on 17.04.2015.

89589/FUL/16 - Conversion of the first and second floors from 1 no. dwelling to 2 no. self contained apartments. External works to include front dormer window.
Approved with Conditions on 23.02.2017.

91143/FUL/17 - Relocation of shop entrance and new shopfront.
Approved with Conditions on 14.06.2017.

APPLICANT'S SUBMISSION

None

CONSULTATIONS

Environmental Health - Pollution and Licensing

Raise no objection to the development proposals, subject to conditions, regarding hours of use, servicing, deliveries and a condition requesting that a noise impact assessment is submitted within 6 weeks from the date of the variation approval notice. These conditions are requested in order to protect residential amenity.

Local Highway Authority

Raise no objection to the development proposals.

REPRESENTATIONS

15 objections were received, which are summarised below:

Amenity

- Rubbish and general uncleanliness within alleyway and general waste management and servicing issues, including blocking alleyway for other residential and commercial waste collection and waste from deliveries discarded within the area.
- The use increases litter within the street and surrounding area, including residential gardens, with issues with vermin.
- Visiting customers sit in cars near residential properties, either waiting or eating, playing music and making noise, resulting in disturbance to residents.
- The number of customers visiting the premises has increased, resulting in increased harm to residents of neighbouring streets.
- Large customer base ordering online via Deliveroo exacerbates the situation, as customers are making orders throughout the day and night.
- The extraction equipment results in excessive noise, cooking smells, spreading hundreds of metres wide and impact on sleeping residents nearby and neighbours not able to open windows.
- Reports of anti-social and criminal behaviour from customers and people congregating near the premises causing disturbance and stress to residents.
- Extending opening times will harm the living conditions of nearby residents and increase litter

Protected Characteristics:

- Children, women and the elderly are disproportionately adversely affected. So are disabled residents, who often struggle to pass the alleyway due to the excessive food produce, bins, waste, litter, blocked drains, etc. caused by this unauthorised development. This is an equality issue, adversely affecting more vulnerable/disadvantaged members of the community most.

Parking, and Highways

- The business has resulted in dangerous parking and traffic problems and a reduction in the spaces to park in the area for residents.
- The waste management service serving the premises illegally drives into Carlton Street the wrong way, down a one way street because it is easier for them to collect the refuse this way (despite the fact that Carlton Street is a 1 way street).

- The bins and deliveries are often placed where cars should be able to park (i.e. on the side of the street).
- The terrible parking and driving are further damaging pavements and making active travel both less safe and less inviting. Extending the opening hours of this business would only mean that this problem intensifies and affects more residents travelling at more times.
- Vehicles have been spotted driving the wrong way down Carlton Street, which is a one-way road. This has led to multiple near collisions and traffic jams. This is a serious danger to pedestrians, particularly young children or the elderly.

Violation of planning permission

- The business has been operating in violation of planning permissions for around 20 months. Residents have complained about this, and Trafford Council have failed to take action. This has led to exacerbation of all the problems residents are suffering from this development. This has had a massive detrimental impact on local amenity and residents' health and wellbeing. This request simply should not be permitted, if the welfare and physical/mental wellbeing of residents are to be taken seriously.
- The proposed changes and resulting impacts have happened already - primarily due to the unauthorised change from a local family run hot food takeaway to a popular national franchise chain hot food takeaway/cafe, with hundreds of branches across the country. No planning permission to assess the risks and impacts of this development going ahead was gained.

Consultation process

- The consultation for this application has been extremely limited, to only one or two directly adjacent properties. Given how many complaints about this development have been made by residents over the last 20 or so months, this seems lacking foresight, effective involvement and participation. Trafford claims to value the communities it serves and their needs and be collaborative with shared decision-making and putting communities in "the driving seat". Trafford claims to "place citizen engagement and co-production at the heart of everything we do". Trafford Council is aware that numerous problems have arisen because of this development and residents are extremely upset and adversely affected by these issues.

Officer comments:

All comments regarding amenity, and parking and highways will be addressed within the planning assessment below.

The application consultation has been accrued out in accordance with Trafford adopted Statement of Community Involvement (SCI).

The application description has been amended for clarification, and neighbours were re-consulted for 10 days. Any additional comments will be reported in the AIR.

OBSERVATIONS

PRINCIPLE OF DEVELOPMENT

1. This application seeks approval under Section 73 of the Town and Country Planning Act (1990) (as amended) for minor-material amendments following a grant of planning permission and if approved grants a new planning permission in its own right.
2. In terms of decision taking, regard should be had to any changes to national and development plan policies and other material considerations which may have changed significantly since the original grant of permission. The NPPG states that *“in deciding an application under Section 73, the local planning authority must only consider the disputed condition/s that are the subject of the application – it is not a complete re-consideration of the application”* (paragraph 031, Reference ID: 21a-031-20180615). Although both development plan policy and national policy has changed substantially since the original grant of planning permission in 1998, the general principle of protecting the amenity of residential properties from activity at nearby commercial premises is unaltered.
3. When assessing Section 73 applications, the LPA does not only have the option of either approving or refusing the proposed varied condition wording, but also has the power to impose an amended condition, the wording of which has not been requested by the applicant, as well as the option of imposing additional conditions or removing them should this be deemed appropriate.
4. 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 is a material consideration in planning decisions, and as the Government’s expression of planning policy and how this should be applied, it should be given significant weight in the decision-taking process.
5. The Council’s Core Strategy was adopted in January 2012, prior to the publication of the 2012 NPPF, but drafted to be in compliance with it. It remains broadly compliant with much of the policy in the 2021 NPPF, particularly where that policy is not substantially changed from the 2012 version.

6. The NPPF, at paragraph 11, introduces ‘the presumption in favour of sustainable development.’ For decision-taking purposes, paragraph 11 (c) explains that ‘the presumption in favour’ means approving development proposals that accord with an up-to-date development plan without delay.
7. However, as per NPPF paragraph 11 where a planning application conflicts with an up-to-date development plan, planning permission should not normally be granted.
8. Policy relating to amenity impacts of developments is considered to be ‘most important’ for determining this application when considering the application against NPPF Paragraph 11.
9. Core Strategy Policy L7, design, which also encompasses amenity impacts, is consistent with the NPPF and is therefore considered to be up to date. Full weight should be afforded to this policy. The tilted balance is not engaged.
10. The principle of the use of the premises as a hot food takeaway has been established through the original grant of planning permission. The current application relates only to a variation of the approved hours of use and therefore only matters arising from the proposed amendment will be considered within the current application and not the use in this location.

RESIDENTIAL AMENITY

11. Paragraph 130 of the NPPF states that planning decisions should ensure that developments will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development. It continues that planning decisions should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.
12. Policy L7 of the Core Strategy states: In matters of amenity protection, development must be compatible with the surrounding area and not prejudice the amenity of the future occupiers and/or occupants of adjacent properties by reason of overbearing, overshadowing, visual intrusion, noise and/or disturbance, odour or in any other way.
13. The existing hours of opening were imposed as a planning condition for the use of the premises as a hot food takeaway (H/44988). The proposed increase in opening times would be within morning hours, with the existing closing time of 22:30 to remain. Whilst the site is surrounded by many residential properties, it is within a cluster of

commercial units along Ayres Road and has planning permission to operate as a hot food takeaway between the hours of 12:00 to 22:30.

14. Whilst many of the objections received focus on the use and operation of the unit in general, the use is established and therefore the assessment must consider the proposed increase of hours and the impact, harmful or otherwise of this change in hours.
15. The proposed increase in opening hours into the morning would allow operations between the hours of 8am and 12pm, which is currently not permitted. These are not considered to be sensitive hours, like evening and night-time would be and are considered to be normal opening hours for a commercial use within a residential area. Whilst at 8am this would open the unit before many of the other commercial units nearby, it is not considered to be at a time when general activity is not taking place within an area, so as to cause unacceptable disturbance. It is considered that the proposed hours are acceptable in principle subject to appropriate management of servicing, deliveries and extraction equipment.
16. In regards to waste management and deliveries the existing authorised use does not have conditions relating to the management of these matters. However, the proposed increase in operating hours would also intensify the operation of the food business, which is likely to result in a greater need for servicing and deliveries, which may need to take place at an earlier time before the proposed operations commence. Therefore it is considered necessary and reasonable to condition the hours for servicing and deliveries to limit the impact of the extended opening hours on the local community.
17. The extraction and ventilation equipment installed to facilitate the use has been subject of complaints submitted to the Council's Environmental Health Pollution and Licensing team (EHO), as well to the planning team. Through investigations mitigation measures have been put in place to improve the performance of the equipment, which was noted during site visits. However officers acknowledge that an extension of the permitted operating hours could potentially increase the length of time and intensity of impact to residents if the mechanical equipment is operating below standard.
18. Therefore whilst no objection has been received from the EHO team they have requested a condition regarding the extraction equipment and requested surveys be carried out and any mitigation measures to be implemented, this would ensure that noise and emissions from the equipment are acceptable. This is considered to be necessary and reasonable to ensure that the equipment is maintained to the required standard of operation throughout the lifetime of the development to protect the amenity of local residents.

19. Furthermore, the revised hours of use condition would be explicit that the premises should close for business and operations cease outside of the approved hours to avoid online orders and deliveries taking place outside of these hours, which could still impact local residents when the unit is closed.
20. The comments regarding behaviour of customers is noted, however Officers must consider the land use, the acceptable of the use and operation of that use, including the hours. The comments regarding anti-social and criminal behaviour are not matters for the planning department to assess and legislate but are a matter for the Police.
21. Subject to the attachment of the requested conditions, it is considered the additional operating hours would not cause an unacceptable impact on amenity of local residents. As such are found to be in compliance with Policy L7 of the Trafford Core Strategy.

Highways and parking

22. The LHA have stated that they do not object to this proposal. Specifically they have noted that the parking on the footway is an existing problem and evidence suggests this is a problem that has existed along the length of the road, not just adjacent to the application site and has done for many years. Furthermore the obstruction of the footway is a police enforcement matter, and enforcement of double yellow lines is undertaken by the Trafford Council Parking Services team. As such the LHA do not considered the proposal to increase the opening hours to result in a harmful impact on parking demand and highway safety.

Equalities Statement

23. 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.
24. 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 quality duty comprises three main aims: A public authority must, in the exercise of its functions, have due regard to the need to:

- (i) Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- (ii) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- (iii) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

25. 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.

26. Objections received to the proposed development consider that the proposal would negatively impact groups with protected characteristics, stating that children, women and the elderly are disproportionately adversely affected. *“So are disabled residents, who often struggle to pass the alleyway due to the excessive food produce, bins, waste, litter, blocked drains, etc. caused by this unauthorised development”*. Continuing that *“this is an equality issue, adversely affecting more vulnerable/disadvantaged members of the community”*. However the objection did not detail how they consider the increase in hours of use would harm the groups identified.

27. The comments regarding the blocked alleyway do not specifically relate to the opening within the morning, rather the general operation of the unit. Whilst bins were present in the alleyway during site visits, the alleyways were otherwise free from rubbish and access and movement were not blocked.

28. Subject to conditions the additional 4 hours of opening from 8am – 12pm are not considered to result in any additional impact on road/pedestrian safety, or the amenity of residents, through noise pollution, compared to the existing opening hours. It is considered that the proposed conditions would further protect residents within the area, including those with protected characteristics.

29. No other benefits or dis-benefits have been identified to persons with any other protected characteristic.

30. Overall taking into account the proposal and conditions, it is considered that consideration of the matters raised has been taken and found not to cause disproportionate harm or be unacceptable.

DEVELOPER CONTRIBUTIONS

31. This proposal is not subject to the Community Infrastructure Levy (CIL) as there is no increase in the commercial floorspace as part of this proposal.

CONCLUSION

32. The scheme has been assessed against the development plan and national policy, with all relevant planning issues have been considered and representations taken into consideration. Whilst the objections of residents are noted and weighed in the planning balance the proposal has not received any objection from the EHO or LHA and the proposal is not considered to unduly impact residential amenity or groups with protected characteristics. The scheme is considered to comply with the development plan as a whole. The application is therefore recommended for approval.

RECOMMENDATION

GRANT subject to the following conditions:

1. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, titled: Document A.

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

2. Within six weeks from the date of this permission, a Noise Impact and Odour Assessment prepared by (a) suitably qualified professional(s) shall be submitted to and approved in writing by the Local Planning Authority, to demonstrate that the noise level and odour emissions from the kitchen extraction system, when rated and assessed in accordance with BS 4142: 2014 *Methods for rating and assessing industrial and commercial sound*, would not result in an adverse impact to residential receptors. Any mitigation measures required to achieve compliance with said requirement shall be detailed within the report, implemented on site and the kitchen extraction system shall be retained and maintained in good order thereafter.

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

3. The premises shall not be open to the public and no trade or business shall take place on the premises (including the preparation of food or any other activity associated with home delivery services) outside the following hours: 08:00 to 22:30 on any day.

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

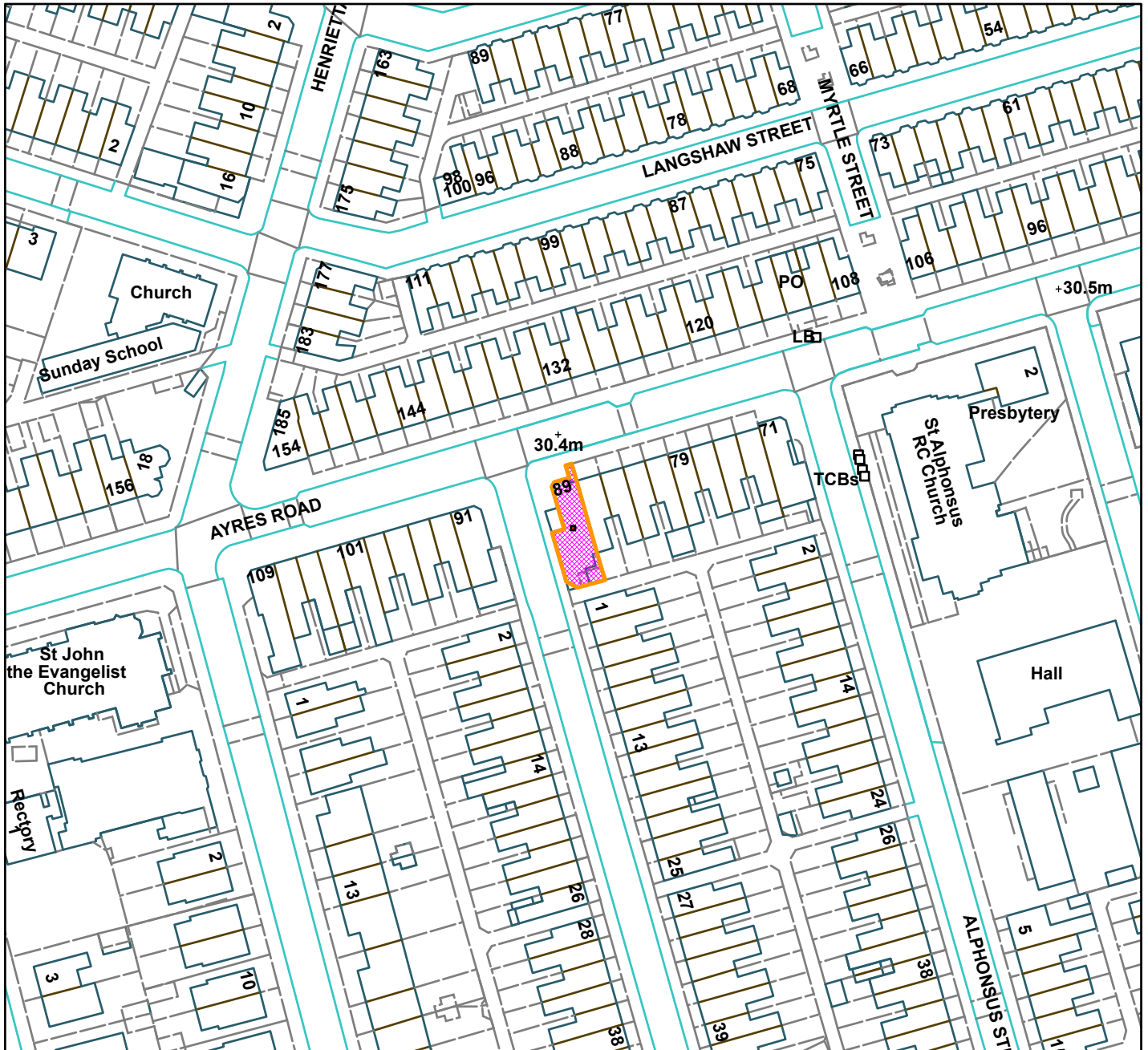
4. Within six weeks from the date of this permission a strategy for servicing, deliveries and waste and recycling collections shall be submitted to and approved in writing by the Local Planning Authority. The premises shall operate in accordance with the approved strategy thereafter.

Reason: in the interest of residential amenity and having regards to Policy L7 of the Trafford Core Strategy and the National Planning Policy Framework.

AF



89A Ayres Road, Old Trafford (site hatched on plan)



Scale: 1:1,250

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| Organisation | Trafford Council |
| Department | Planning Service |
| Comments | Committee date 15/06/2023 |
| Date | 05/06/2023 |
| MSA Number | 100023172 (2022) |

**WARD: Ashton Upon
Mersey**

110458/VAR/23

DEPARTURE: No

Part retrospective application under Section 73 of the Town and Country Planning Act 1990 (as amended) for variation of condition 2 (Approved Plans) on planning permission 94663/FUL/18 (Demolition of a small side lean-to of No 8 and the build of a 2 storey new-build dwelling on the side garden of No 8.). To amend the approved plans to allow for an increase in scale (height/width/depth) with alterations at first floor/roof level, alterations including part scale reduction at ground floor level, alterations to windows and landscaping

8 Kings Road, Sale M33 6GB

APPLICANT: Dermott

AGENT: Four Architects

RECOMMENDATION: GRANT

This application is being reported to the Planning and Development Management Committee as it has been called in by Cllr Gilbert and received more than 6 representations contrary to Officer Recommendation.

SITE

The application site comprises a roughly rectangular area to the south east side of No. 8 Kings Road, which itself is one of a pair of semi-detached houses on the southwestern side of Kings Road. The site was previously the lawned side garden of No. 8 and is edged with trees and shrubs to the rear. There is fencing along the Kings Road frontage of the site and a detached garage adjacent to the front boundary still present. No. 8 features a single storey rear extension and off street parking on the front drive, alongside a rendered/brick wall to the front side. On the opposite side of Kings Road to the northeast are the front elevations of a row of four two storey terraced houses (with basement/attic accommodation).

To the rear the site adjoins the rear garden of No. 10, Sandiway Road, a two storey detached house with detached outbuilding adjacent to the rear boundary. On the southern side the site adjoins the side boundary of No. 12 Kings Road, a two storey detached house.

The area is predominantly residential in character but is mixed in character with examples of detached, semi-detached and terraced houses and apartments.

PROPOSAL

Planning permission 94663/FUL/18 was granted in on 26th February 2019 for the demolition of a small side lean-to on No 8 Kings Road and the build of a 2 storey new-build dwelling on the side garden of No 8 Kings Road.

Planning permission is sought for the variation of Condition 2 (approved plans) attached to planning application reference 94663/FUL/18. This granted planning permission for *Demolition of a small side lean-to of No 8 and the build of a 2 storey new-build dwelling on the side garden of No 8.*

The proposed variations relate to the following:

- Increase in roof ridge height from 9.50m to 9.90m
- Increase in east eaves height from 5.90m to 6.20m
- Increase in first floor depth from 12m to 12.10m
- Increase in first floor width from 9.40m to 9.90m
- Alterations to ground floor footprint siting, including reduction by 0.30m to front elevation and 0.40m to part of west side elevation. Increase of 0.30m to 0.40m to part of east side elevations. Reduction by 1m to rear elevation.
- Alteration to front landscaping, retaining the existing front west side boundary wall line, separating the driveway of no. 8 Kings Road to the applicant property
- Re-positioning, addition and removal of windows and roof lights.

The main structure of the dwelling has already been constructed, with blockwork walls and timber framed roof structure. Facing brickwork has largely been installed to the front, sides and rear at ground floor. Aluminium framed windows have been installed within some openings. Cladding for the first floor elevations, roof tiles and other finished facing elements have not been installed.

The increase in height has come about as a result of insufficient head height internally at stairs level from the approved plans.

The base of the dwelling has been constructed lower in the ground than shown on the approved plans, which has reduced the effective height difference from outside the site. This is illustrated on the street scene comparison plan. The site is (and was prior to development) at a lower level to no. 12 than shown on the approved front elevation plan

Part of the perceived increase in scale above the original approved plans is due to the case that no. 8 and no. 12 either side were inaccurately shown as being higher on the approved elevation plans than they are in reality by the original architect. This has had the effect of making the proposed dwelling appear somewhat higher in reality in context than the extent of plan variations would suggest.

For reference no. 8 Kings Road was shown 0.50m lower than in reality on the approved elevation (0.50m at ridge and 0.50m at eaves). No. 12 Kings Road was 0.60m lower

(0.60m at ridge and 0.80m at eaves). This is outlined on the street scene comparison plan.

In addition, the siting of no. 8 relative to the applicant property and plot width of the application site was not shown accurately. This, alongside the increase in width of the application property has resulted in a 1m closer siting at two storey.

The total internal floor space of the dwelling is 287sqm. Amended plans were submitted which showed the correct dimensions of the dwelling, the position of no. 8 Kings Road, the proposed site layout and difference with the approved plans.

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
L4 – Sustainable Transport and Accessibility
L5 – Climate Change
L4 – Sustainable Transport and Accessibility
L5 – Climate Change
L7 – Design
L8 – Planning Obligations
R2 – Natural Environment
R3 – Green Infrastructure

PROPOSALS MAP NOTATION

None relevant

OTHER LOCAL PLANNING POLICY DOCUMENTS

SPG1 – New Residential Development
Revised SPD1 – Planning Obligations

SPD3 – Parking Standards and Design

SPD4 – A Guide to Designing House Extensions and Alterations (somewhat relevant for facing distances)

NATIONAL PLANNING POLICY FRAMEWORK (NPPF)

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

NATIONAL PLANNING PRACTICE GUIDANCE (NPPG)

DLUHC published the National Planning Practice Guidance on 6 March 2014, and was last updated on 25th August 2022. The NPPG will be referred to as appropriate in the report.

PLACES FOR EVERYONE

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

RELEVANT PLANNING HISTORY

106989/CND/22: Application for approval of details reserved by conditions of grant of planning permission 94663/FUL/18. Condition number: 3 (materials), 4 (Architectural details), 12 (surface water drainage), 13 (drainage design)
Pending determination

94663/FUL/18: Demolition of a small side lean-to of No 8 and the build of a 2 storey new-build dwelling on the side garden of No 8
Approved with conditions 26.02.2019

8 Kings Road

74110/HHA/2009: Erection of a single storey veranda to the side elevation
Approved with conditions 25.11.2009

H/66741: Erection of single storey rear extension to form additional living accommodation. Revision to H/66164
Approved with conditions 22.05.2007

CONSULTATIONS

Lead Local Flood Authority

As the proposed development is a single dwelling, it is classed as a minor development and therefore we do not require a detailed drainage strategy. Therefore condition 13 isn't required.

REPRESENTATIONS

Revised plans were received to provide accuracy and reflect what has been constructed on site. An updated description of development was also published. A neighbour re-notification period for this is still live and any further representations received will be included in an additional information report prior to the committee.

Letters of objection have been received from 9 neighbouring properties. The comments received are summarised as follows:

- *Unacceptable impact on visual amenity/street scene*
- *Increase in height is notably higher than surrounding houses*
- *Did not raise objections to original application*
- *House is too large and overbearing*
- *Negative impact on existing semi-detached houses and character of area*
- *Loss of privacy from first floor windows*
- *Inaccurate information in various plans*
- *Visually dominating*
- *Dwelling fills width of plot*
- *Not a good design and increase in mass spoils appearance*
- *Apex of building to front is out of character*
- *No application for variation of other differences aside from height increase*
- *Disproportionate to plot*
- *Loss of privacy from top floor window*
- *Negative impact upon character of local area*
- *Scale and massing was a significant concern by residents during previous planning process*
- *Cladding would make building larger*
- *New structural specification drawings required*
- *Party wall agreement not in place with no. 12*
- *Development goes higher than ridge line of no. 12 and 8*
- *Ground floor footprint wider*
- *Front building line appears too close to road.*

- *Difference with approved plans unclear*

Cllr Gilbert

I'd like to call this retrospective planning request in for committee please.

My reason is that the increased ridge height will make the house noticeably higher than the surrounding houses. This will have an unacceptable impact on visual amenity and the street scene

OBSERVATIONS

PRINCIPLE OF DEVELOPMENT

1. This application seeks approval under Section 73 of the Town and Country Planning Act (1990) (as amended) for minor-material amendments following a grant of planning permission and if approved grants a new planning permission in its own right. In terms of decision taking, regard should be had to any changes to national and development plan policies and other material considerations which may have changed significantly since the original grant of permission. The NPPG states “in deciding an application under Section 73, the local planning authority must only consider the disputed condition/s that are the subject of the application – it is not a complete re-consideration of the application’ (paragraph 031)
2. In the period since planning permission was originally granted (February 2019), it is not considered that there have been any material changes in planning policy which would justify a different approach being taken in respect of planning matters relevant to this development. In addition, there has been no significant change to the site or surrounding area other than construction work commencing at the site.
3. This report will assess the acceptability of the proposed amendments to the scheme. There is no requirement to revisit all other previous issues through the determination of this application and this report will assess relevant considerations to the amendments as proposed.
4. When assessing section 73 applications the LPA does not only have the option of either approving or refusing the proposed varied condition wording, but also has the power to impose an amended condition, the wording of which has not been requested by the applicant, as well as the option of imposing additional conditions or removing them should this be deemed appropriate.
5. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise. That remains the starting point for decision making. The NPPF is an important material consideration.

6. 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.
7. Policies relating to the supply of housing are considered to be 'most important' for determining this application when considering the application against NPPF Paragraph 11. The Council does not, at present, have a five year supply of immediately available housing land and thus, development plan policies controlling the supply of housing are 'out of date' in NPPF terms. Paragraph 11(d)(ii) of the NPPF is therefore engaged.
8. Paragraph 69 of the NPPF states that small and medium sized sites can make an important contribution to meeting the housing requirement of an area, and are often built-out relatively quickly. To promote the development of a good mix of sites it indicates at bullet point c) that local planning authorities should support the development of windfall sites through their policies and decisions – giving great weight to the benefits of using suitable sites within existing settlements for homes.
9. The Council does not, at present, have a five year supply of immediately available housing land. 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.
10. The application is for the provision of a new dwelling on formerly vacant greenfield land, within the former spacious side garden of an existing dwelling. The principle of the replacement dwelling on this urban infill site has already been approved and the present application seeks a variation to the approved plans. The principle of development is acceptable and is subject to the material considerations outlined below in this report.

DESIGN & APPEARANCE

11. The NPPF states within paragraphs 126 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.

12. 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”.*
13. The increase in effective ridge height and eaves level is considered minor in the context of the approved plans and is not considered excessive. The slightly altered roof pitch angle of the gable would be very similar to the approved shape and is still considered to provide an appropriate appearance. The eaves line as finished, would be slightly lower than currently constructed on site, due to the cladding which is yet to be installed. The ridge would be very slightly higher, due to the coping covering which is yet to be installed.
14. The front gable is prominent, however a front gabled form has already been approved. It is not considered to be overly prominent or unduly dominant in the street scene compared to the approved elevation. The siting of the property on a slight bend in the road means that the frontage is not seen face on in the immediate context of both neighbours to the sides in a straight run of houses. The neighbouring property to which the applicant property bears the closest relationship is no. 8, which is part of a sizable semi-detached pair and features a larger roof mass than no. 12. In terms of neighbours opposite, the applicant property bears the closest relationship with the terrace, which is a substantial built form in itself and larger than the applicant property.
15. Again, whilst this has been covered in the original approval, it should be emphasised that there are a variety of architectural styles to properties on Kings Road in the vicinity of the application site, including roof forms with hips, gables or a combination of both. Similarly the height of properties ranges, and it is observed that the terrace opposite is notably higher than its neighbour's no. 11 and 13 and significantly more so than the difference in height between the applicant property and its neighbours either side (no. 8 and 12). Plots range from detached and semi-detached houses to terraced properties and flats. In terms of materials, properties feature brickwork and render, with some dark timber detailing present in the vicinity.
16. The roof apex and eaves line is sited furthest away from no. 12, which has less roof mass than the applicant property and no. 8. The roof form of the applicant property which slopes up from the side boundaries, minimises massing close to the boundaries. Similarly the hipped roof form of neighbours provides good separation at this higher roof level. The ridge points themselves between the applicant property and neighbours are still sited a significant distance away. The difference in eaves level with no. 8 is noticeable but is not considered excessive, again given the varying

scales of properties in the locality.

17. Regarding the increase in first floor width by 0.50m, this change is considered minor and is still considered to provide a sufficient separation with the side elevation of no. 8 in particular. Specifically 1.10m increasing to 2.40m is provided at first floor to the east side boundary line and 1.30m to the west side boundary. A 2.30m ground floor and 2.40m first floor separation is provided with the side elevation of no. 8 as a result of the altered width, which is still considered sufficient.
18. The alterations to the ground floor footprint siting would still provide a sufficient 1m to 1.10m separation with the east site boundary and at least 1.40m with the west site boundary. The spaciousness to the rear would be increase slightly, as a result of the removal of the right single storey rear element (when viewed from the rear).
19. The increase in first floor depth by 0.10m is minor and sufficient separation distance (at would still be provided to the rear boundary, following the general two storey building line of neighbours on this side of the road and particularly no. 8 Kings Road.
20. The siting and relationship of the properties is such that the increase in height above the approval is not considered overly prominent or to any extent which would justify a refusal on this basis.
21. Several neighbour comments have noted that there were changes sought to the plans submitted originally with the approved application to reduce the height. It was the case that negotiations were made previously on the original application to reduce the height of the dwelling. This was largely in relation to the eaves level, where the eaves height proposed originally was 6.70m to 6.90m. The as built dwelling is still lower in eaves height at 6.20m than these originally proposed plans.
22. Re-positioned windows would still be well sited within the elevations and of an appropriate shape / size. An updated close up elevation drawing has not been submitted (to substitute previously approved drawing KR_PL_112), however more detailed façade/roof edge and opening drawings would still be provided by way of condition 4, which would cover this.
23. Overall the dwelling is still considered to provide a satisfactory design and would appropriately address scale, density, massing and layout. The conditions imposed previously in relation to detailed design elements would remain.

RESIDENTIAL AMENITY

24. Policy L7.3 of the Trafford Core Strategy states: *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.*

25. SPG1: 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. This would also apply to views from balconies and would need to be increased by 3 metres for any second floor windows / balconies. With regard to overshadowing SPG1 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.
26. SPD4: A Guide for Designing House Extensions and Alterations states the Council will seek to protect the amenities of neighbouring occupiers and ensure that any domestic alteration does not have an adverse overlooking, loss of light or overbearing impact on neighbouring properties (paragraph 2.14.1). Section 3.4 of SPD4 allows for a ground floor rear extension for a detached property to project 4m, plus the set in from the boundary, and 1.5m at first floor plus the set in from the boundary.

Impact upon no. 12 Kings Road (neighbour to side to south east)

27. The single storey rear projection closest to no. 12 has now been removed and results in less projection past the closest rear elevation of this dwelling. Whilst the first floor depth would be 0.10m greater, this is very minor and still provides an appropriate relationship between the dwellings. Taking these changes into account, there is not considered to be a significant or unreasonable amenity impact upon no. 12. This is from loss of outlook, light or visual intrusion/overbearing impact. The eaves height increase is not considered excessive and is not considered to have a significant amenity impact upon the rear garden and elevation of no. 12

Impact upon no. 8 Kings Road (neighbour to side to north west)

28. The applicant property would provide a 2.30m to 2.80m separation to the side elevation of no. 8 and at least 1.40m to the side boundary of its own site. It is also noted that no. 8 does not feature main habitable room side windows. The increase in scale is not considered to cause any significant or excessive visual intrusion, loss of light outlook for no. 8. The two storey rear elevation is sited 0.70m past the rear first floor elevation of no. 8. The ground floor elevation is sited 0.30m past the rear extension elevation of no. 8. Taking into account the respective boundary set in of both dwellings, this is considered an acceptable relationship. The canopy would project 3.30m past the rear elevation of no. 8. This structure would be open sided and is also considered to have an acceptable relationship, in compliance with SPD4.

Impact upon nos. 3 to 13 Kings Road (neighbours to front to north east)

29. The applicant property would provide the same facing distance across the road as approved. The increase in height is not considered to appear overbearing for neighbours opposite, or cause any significant loss of light, also taking into account the facing distance of 25m+.
30. To the front a number of objections have stated that the development would be overly dominant and overbearing within the streetscene. The design of the development is considered in the section above.

Impact upon no. 10 Sandiway Road and apartment block (neighbours to rear to south west)

31. The increase in first floor depth would provide only a 0.10m closer facing distance to the rear site boundary line. From a privacy perspective, this still complies with the 10.50m requirement from SPD4 and SPG1. A minimum 24m to 27m facing distance would be provided with the closest rear extension elevation of no. 10 Sandiway Road. This facing distance is considered acceptable and would not cause significant overlooking, also taking into account the slightly splayed relationship.
32. The apartment block to the rear would not be directly opposite the rear elevation of the applicant property and there is not considered to be any amenity impact upon this building. Any trees and hedges through the landscaping of the development would provide further protection of privacy between the sites.

Conclusion

33. In conclusion the proposal would not result in material harm to the living conditions of occupiers of neighbouring properties or future occupiers and is considered to be compliant with Core Strategy L7, the NPPF and SPG1.

HIGHWAYS, ACCESS AND PARKING

34. 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.”*

35. The variation would not change the number of bedrooms within the property and site access would remain the same. There are no highways impacts of the proposal.

DRAINAGE

36. Conditions 12 and 13 of the original approved required the submission of drainage hierarchy details and a drainage scheme, prior to commencement of development. The submitted drainage plan as part of application 106989/CND/22 shows the

drainage layout and the proposed soakaway system. This is in order to comply with the sustainable urban drainage hierarchy, which recommends soakaway as the priority, to reduce run off to the highway / main sewer drainage network. However details have not been received of the infiltration testing results.

37. In this regard and given that development has already commenced, it is considered necessary to alter the wording of Condition 12 to require the submission of a drainage strategy and layout, prior to installation of the drainage system.
38. Condition 13 relates to discharge rates for surface water. The Lead Local Flood Authority have advised that this is considered overly onerous, given that the scheme is a minor development only for a single dwelling. It is recommended that Condition 13 be removed.
39. There would also be the opportunity however for permeable hardstanding to be used, and this could be demonstrated through the landscaping scheme. In this regard it is considered acceptable to remove condition 12 and 13. Compliance with the drainage plan would be referenced instead.

OTHER MATTERS

40. Whilst development has commenced, no conditions have been formally discharged. Details in relation to Conditions 3, 4, 12 and 13 have been submitted as part of application 106989/CND/22. In terms of materials, there is no objection to the bricks, which would provide a suitable contrast with darker cladding above. Given that development has commenced, it is considered necessary to alter the wording of several conditions in order to remove pre commencement wording as appropriate or combine conditions.
41. Condition 3 is recommended to be altered as prior to finished external facing works, as is Condition 4. A new condition is recommended, to reference the bricks and windows that have already been installed.
42. Condition 10 of the original approval removed permitted development rights in relation to external alterations, garages/carports, new means of access, hard surfacing, windows and dormer windows.
43. Given the increase in height/width and previous inconsistencies regarding the scale/position of neighbours, it is considered necessary and beneficial to also remove permitted development rights for all extensions to the dwelling. Previously only external alterations were removed.
44. Condition 11 in relation to boundary treatment is not considered necessary in that details of the new front side boundary treatment have been included on the proposed site plan. Driveway section/elevation details are recommended to be referenced as prior to construction of the driveway instead. The proposed site plan

shows that the driveway of no. 8 would remain unaltered with the line of the existing boundary wall line retained, to separate the area to the front of each property.

45. It is noted that tree protection fencing for rear boundary trees has not been in place on site, as stipulated by Condition 14. However it is noted that there is a large separation distance from the dwelling (including scaffolding) to these trees. The rear of the site is still grass and has been largely untouched. Materials and a portaloo have been sited to the front of the dwelling, well away from these trees. In this regard the tree protection fencing is not considered necessary, however a substitute condition is recommended, to require that all materials are stored to the front for the duration of the construction phase, to avoid root protection zones of retained trees at the rear.
46. It is recommended that Condition 15 (bird boxes) is removed and incorporated into Condition 6 (landscaping), required prior to occupation.

DEVELOPER CONTRIBUTIONS

47. This proposal is subject to the Community Infrastructure Levy (CIL) and is located in the medium zone for residential development, consequently private market houses will be liable to a CIL charge rate of £40 per square metre, in line with Trafford's CIL charging schedule and revised SPD1: Planning Obligations (2014).
48. 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 is attached to ensure satisfactory tree and hedge planting is provided on site.

PLANNING BALANCE AND CONCLUSION

49. The variations to the approved plans condition have been assessed against the Core Strategy, supplementary guidance and the NPPF and are considered to provide an appropriate design and appearance. The scheme complies with the development plan when taken as a whole which would suggest that the scheme should be granted permission. The increase in scale is minor in the context of the scheme as a whole and there are a combination of footprint reductions at ground floor and scale increases at first floor. The scheme is not significantly different from the approval and the principle of this contemporary dwelling, including general scale, form and siting has already been granted.
50. There is not considered to be a significant or unreasonable amenity impact upon neighbouring dwellings from the proposal. Other material considerations in respect to trees, ecology and drainage remain largely unchanged, subject to details by way of conditions. It is considered necessary to update some conditions, to take into account the fact that development has already commenced.

51. Given that the Council does not have a 5 year housing supply, the tilted balance in Paragraph 11d) of the NPPF is also engaged. It is considered that there are no adverse impacts of granting permission that would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole. It is therefore recommended that planning permission be approved.

RECOMMENDATION:

GRANT subject to the following conditions:

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

FA-DR-SK-004 (proposed front + rear elevation);
FA-DR-SK-003 (proposed side elevations);
FA-DR-SK-002 (street scene height drawing);
FA-DR-04-200a (proposed site plan/ground floor plan, as received 05.06.2023);
FA-DR-04-200b (proposed first floor plan, as received 05.06.2023);
FA-DR-04-200c (proposed second floor plan, as received 05.06.2023);
FA-DR-04-200d (proposed roof plan, as received 05.06.2023)

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

2. Notwithstanding any description of materials in the application, no development involving the use of any external facing materials (aside from bricks and window frames) shall take place until a detailed schedule, specifications and samples of all materials and finishes for external cladding, doors, roof coverings, copings and rainwater goods to be used on the building have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Reason: In 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.

3. External facing bricks to the ground floor shall be Mystique by Wienerberger bricks and windows shall be black aluminium framed.

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. Notwithstanding the details hereby approved, no external finished facing works shall take place until detailed plans and sections at a scale of 1:5 showing the external reveals, detailing of window and door openings (including heads, cills and jambs), the screens at first floor level and the treatment of facade and roof

edges have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Reason: In 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. All window and door openings shall be constructed with minimum 90mm deep external reveals.

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

6. 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 floor on the east and west side elevations facing no. 8 and no. 12 Kings Road 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.

7. a) Notwithstanding the details shown on the approved plans, the development hereby permitted shall not be occupied until full details of both hard and soft landscaping works, including details of new trees and bird boxes to be introduced 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.

8. Notwithstanding the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking, re-enacting or modifying that Order), the use of the flat roofs on the building hereby approved shall be as set out in the application and no development or the formation of any door providing access to the roof shall be carried out, nor shall the roof area be used as a balcony, roof garden or similar amenity area.

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

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

Reason: To secure proper drainage and to manage the risk of flooding and pollution and 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."

10. 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) no external alterations, re-cladding, extensions or roof alterations shall be carried out to the dwelling, no garages or carports shall be erected within the curtilage of the dwelling, no means of access or areas of hard surfacing shall be constructed in the curtilage of the dwelling and no windows or dormer windows shall be added to the dwelling 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, having regard to Policy L7 of the Trafford Core Strategy and the National Planning Policy Framework.

11. Prior to construction of the driveway to the new dwelling, plans, section and elevation of the proposed car parking to the new dwelling hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. The details shall include visibility splays. The development shall be carried out in accordance with the approved details.

Reason: To ensure adequate off street parking provision is provided and 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 4: A Guide for Designing House Extensions and Alterations and Supplementary Planning Document 3: Parking Standards and Design and the National Planning Policy Framework.

12. Prior to installation of drainage for the new dwelling, a sustainable surface water drainage scheme, based on the hierarchy of drainage options in National Planning Practice Guidance with evidence of an assessment of site conditions shall be submitted to and approved in writing by the Local Planning Authority. The surface water drainage scheme must be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards. The development shall be completed in accordance with the approved details.

Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution. This condition is imposed in light of policies within the NPPF and NPPG.

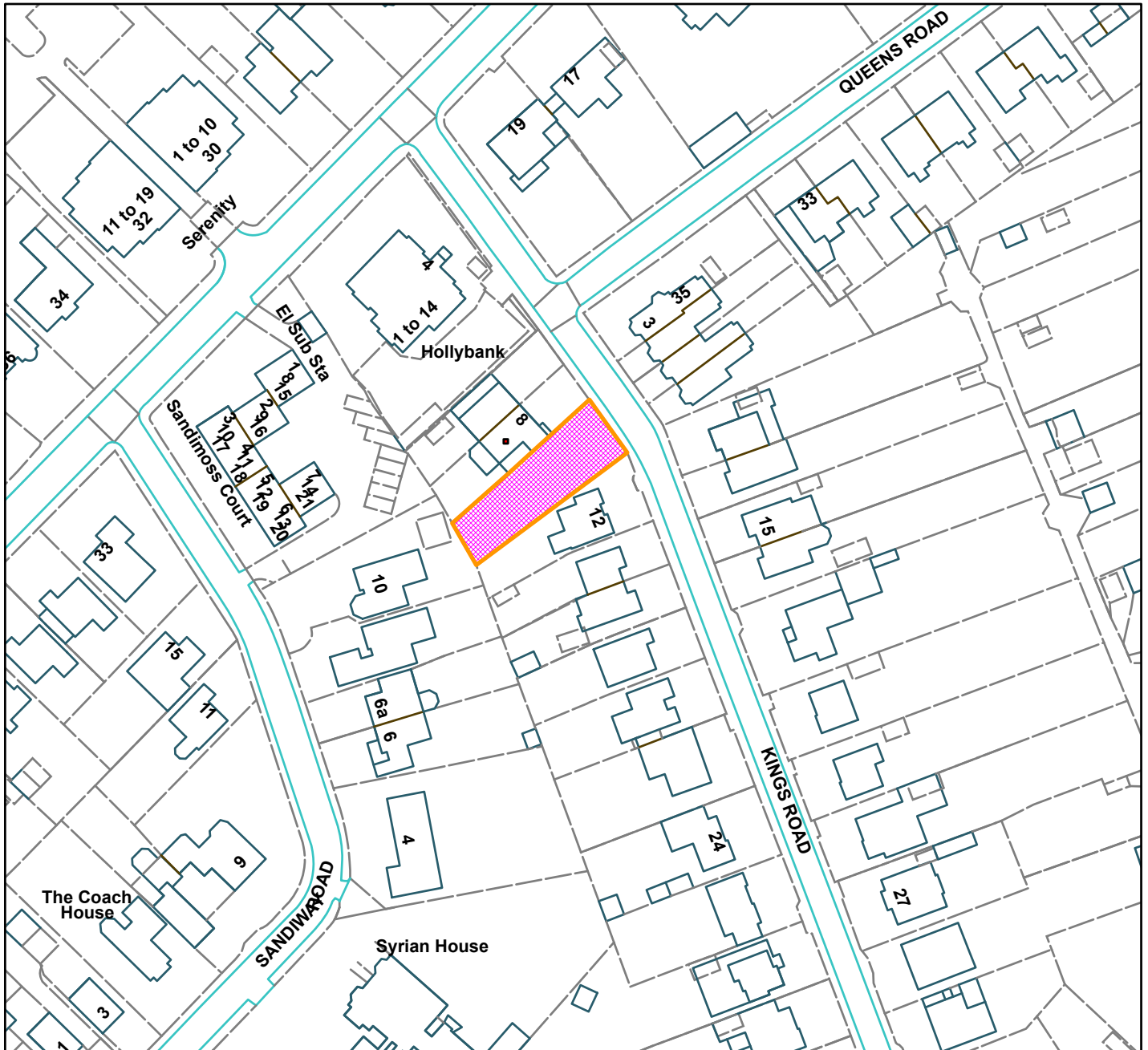
13. All construction materials shall be stored to the front of the dwelling for the duration of the construction phase and construction works shall avoid the root protection zones of retained trees to the rear.

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.

GEN



8 Kings Road, Sale (site hatched on plan)



Scale: 1:1,250

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| Organisation | Trafford Council |
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