

AGENDA ITEM 9

PLANNING AND DEVELOPMENT MANAGEMENT COMMITTEE – 15th June 2023

ADDENDUM TO THE AGENDA:

ADDITIONAL INFORMATION REPORT (INCLUDING SPEAKERS)

1.0 INTRODUCTION

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

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

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

REVISED ORDER OF AGENDA (SPEAKERS)

| Part 1 Applications for Planning Permission | | | | | |
|---|---|------------------------|------|--------------------------------------|---------------------|
| Application | Site Address/Location of Development | Ward | Page | Speakers | |
| | | | | Against | For |
| <u>109337</u> | 160 Higher Road, Urmston, M41 9BH | Urmston | 1 | ✓ | ✓ Cllr K Procter |
| <u>109529</u> | The Kellogg Building, Talbot Road, Stretford, M16 0PU | Gorse Hill & Cornbrook | 25 | | ✓ |
| <u>109631</u> | Former Kellogs Site, Talbot Road, Stretford, M16 0PU | Gorse Hill & Cornbrook | 51 | | ✓ |
| <u>109780</u> | Cibo Hale, 6 - 10 Victoria Road, Hale, WA15 9AF | Hale | 95 | | ✓ Cllr Sutton |
| <u>109833</u> | Land To East Of Warwick Road South, Old Trafford | Longford | 144 | ✓ Cllr Lloyd | ✓ |
| <u>110280</u> | 89A Ayres Road, Old Trafford, M16 7GS | Old Trafford | 213 | ✓ Cllr Hirst AND Cllr S Taylor | ✓ |
| <u>110458</u> | 8 Kings Road, Sale, M33 6GB | Ashton Upon Mersey | 226 | ✓ Cllr Gilbert | ✓ |

Page 1 **109337/FUL/22: 160 Higher Road, Urmston**

SPEAKER(S) **AGAINST: John Honess
(Neighbour)**

**FOR: George Henshaw
(Applicant)
Cllr K. Procter**

APPLICANTS SUBMISSION

The agent has provided further information regarding the proposed windows in the rear dormers, regarding accessibility issues and regarding drainage as referred to below.

CONSULTATIONS

LLFA – On the basis of the latest revised drainage scheme, the objection is removed, subject to a condition requiring a management and maintenance plan.

OBSERVATIONS

RESIDENTIAL AMENITY

The agent has confirmed that the double height windows in the dormers are vertical windows with a fixed lower section and opening top section to create a 'juliet' style arrangement. It is also noted that, whilst the report referred to the impact on 23 and 25 Hazel Grove, the address of the affected properties is actually 23 and 25 Lodge Avenue. Having regard to this, paragraph 48 of the original report has been updated as below:

Impact on 23 and 25 Lodge Avenue

Replace paragraph 48 with the following:

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. The agent has confirmed that the dormers are vertical windows with a fixed lower section and opening top section to create a 'juliet' style opening. It is therefore considered that this would further exacerbate this impact.

FLOODING, DRAINAGE AND CLIMATE CHANGE

Replace paragraphs 73 to 76 with the following:

A further revised drainage scheme has been received on 15.06.23 following the latest LLFA comments and the proposed reason for refusal in relation to drainage. In summary, the key changes are:

- Storage tank for houses 1-3 no longer needed at the higher discharge rate
- The scheme now connects storm water from House 5 to the attenuated sewer discharge. House 4 remains on a soakaway as it has the space needed in its rear garden.

The LLFA has stated that, on the basis of the latest revised drainage scheme, it has now removed its objection, subject to a condition requiring a management and maintenance plan for the lifetime of the development, which shall include the arrangements for adoption by an appropriate public body or statutory undertaker, management and maintenance by a Residents' Management Company or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime.

Should permission be granted, a condition would also be required securing the implementation of the submitted amended drainage scheme. On the basis of the LLFA's further consultation response, it is therefore recommended that Reason 3 on the original report is omitted from the recommendation.

EQUALITIES

Replace paragraph 83 with the following:

The agent has advised that the homes themselves have been designed so that they could be Part M4(2) Accessible and Adaptable Dwellings. Stairs are sized to accommodate stairlifts, there will be level thresholds to the front and additionally to the sliding doors at the back and the site in general will be level with step free access into and around the homes.

It is considered that the measures proposed to provide a facility accessible to all (including those required through the Building Regulations application), would on balance provide an appropriate, practical and reasonable response to the equalities impacts of the scheme.

RECOMMENDATION

The recommendation remains as per the original report in relation to Reasons 1 and 2 except in relation to the fact that Reason 2 should refer to the overlooking impact in relation to 23 and 25 Lodge Avenue not 23 and 25 Hazel Grove. This condition is therefore reworded accordingly. Condition 3, relating to drainage, is omitted on the basis of the revised drainage plan and further consultation response from the LLFA.

For the avoidance of doubt, the whole revised recommendation is set out below: - **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 Lodge Avenue 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 Lodge Avenue 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.

Page 25 **109529/VAR/22: The Kelloggs Building, Talbot Road, Stretford**

SPEAKER(S) **AGAINST:**

FOR: **Rhian Smith
(Agent)**

Page 51 **109631/RES/22: Former Kelloggs Site, Talbot Road, Stretford**

SPEAKER(S) **AGAINST:**

FOR: **Rhian Smith
(Agent)**

RECOMMENDATION

The recommendation at the top of the Committee Report incorrectly states 'Grant subject to S106 agreement'. The recommendation is as stated at the end of the report: that Members grant planning permission for the development.

REPRESENTATIONS

Following the publication of the main Committee report and the results of further noise monitoring carried out by the applicant at the recent Arctic Monkeys concert being shared with Lancashire Cricket Club (LCC) and their acoustic consultants, further representations have been received from LCC as follows:

- The Arctic Monkeys noise monitoring showed that noise levels at the height of the top floor of Block D were 90dB freefield / 93dB façade with levels at the licence limit of 80dB at Trent Bridge Walk.
- This noise level is challenging and will need a robust, heavy glazing system and a cooling system to prevent overheating to achieve 35dB inside the dwellings.
- The noise from the Arctic Monkeys concerts is dominated by low frequency noise which more easily penetrates the building envelope and makes mitigation more difficult.
- Comments on the agent of change principle are repeated from their previous representation (already summarised in the main report).
- Detailed conditions relating to noise mitigation and noise management are suggested.

The three noise conditions referencing concert event noise below have since been shared with LCC and they have confirmed that they withdraw their objection on the basis that these conditions are imposed as drafted.

OBSERVATIONS

NOISE AND VIBRATION

1. British Standard (BS) 8233: 2014 recommends that internal noise levels of 35dB are achieved in living areas and bedrooms and 40dB in dining rooms or areas during daytime hours (0700 to 2300), although a 5dB relaxation can be applied where development is considered necessary or desirable. The National Planning Practice Guidance (NPPG) explains that the numerical values in the BS are not to be regarded as fixed thresholds and as outcomes that have to be achieved in every circumstance. The test to be applied is whether the residents of the proposed dwellings closest to Emirates Old Trafford (EOT) would experience harm to their amenity and unacceptable living conditions as a result of the internal noise levels they experience during concert and other events. These are the residents of Block D with windows facing EOT, particularly on the upper floors.

2. Since the publication of the main Committee report the applicant's acoustic consultants, SRL, have carried out noise monitoring at the Arctic Monkeys concert held at Emirates Old Trafford on Friday 2 June 2023. A cherry picker was set at the proposed build line of Block D at the location of the worst affected dwelling window. A microphone was placed at 18m above ground level (using a cherry picker) so that it was situated in the exact position of the middle of the fifth floor bedroom window with direct line of sight to the stage and speakers at EOT. Measurements were also taken at other locations with LCC's acoustic consultants, Vanguardia, including at the mixing desk and on Trent Bridge Walk to compare to the noise model predictions.
3. The noise monitoring demonstrates that the noise models produced by both SRL and Vanguardia represent an accurate picture of the noise climate during a concert event. They can therefore be relied upon to inform the building design which is required to incorporate mitigation in the building envelope to protect against noise ingress from concert and other events at EOT. It is accepted by the Council's EHOs and acoustic consultant that mitigation against concert event noise would also provide sufficient mitigation against cricket noise.
4. The currently proposed acoustic glazing and building envelope strategy would deliver internal noise levels of 45dB_LA_{eq},1hr during concert events. Advice from the Council's Environmental Health Officer and the Council's appointed noise consultant is that this would not provide an appropriate internal noise environment during concerts at EOT. It would likely lead to a Significant Observed Adverse Effect Level as set out in the noise exposure hierarchy table in the NPPG where the noise would cause a material change in behaviour, attitude or other physiological response.
5. The applicant has however agreed to a more robust glazing and building envelope strategy which would ensure that internal noise levels in the dwellings would not exceed 40dB at an external noise level of 90dB (freefield) / 93dB (façade). The precise construction details will be secured by condition, but will likely in the worst affected locations require a double glazed window unit with a further internal secondary double glazed unit, and specified insulating materials behind the brick skin of the building. It is also likely that air used in ventilation and cooling will be ducted from the north east facing elevation of the building which faces into the site.
6. Alongside noise mitigation in the building envelope a scheme for mechanical ventilation and cooling is also required by condition, to ensure that residents do not suffer discomfort from overheating at times they need to keep windows shut. A Noise Management Plan is also required to secure communication with affected residents ahead of concert events to advise them that mitigation from concert and other event noise is achieved by closing windows and operating the mechanical ventilation and cooling system.

7. It is accepted that the maximum internal noise level of 40dB LAeq,1hr exceeds the BS8233: 2014 recommended levels by 5dB. This is in accordance with the relaxation suggested by the BS where development is necessary and desirable and where external noise levels exceed WHO guidelines. The maximum noise level also takes account of the advice in the BS to use an alternative time period for measurement where local conditions do not follow a diurnal pattern. This means that the noise mitigation can be representative of noise levels during the loudest part of a concert.
8. It is considered that an internal noise level of 40dB LAeq,1hr would cross the boundary to the Lowest Observed Adverse Effect Level (LOAEL) as set out in the noise exposure hierarchy table in the NPPG. Small changes of behaviour would be required, including keeping windows shut and operating the mechanical ventilation and cooling system. The noise would be audible, particularly at low frequencies. It is not considered that it would be 'occasional' noise, which the BS suggests should be disregarded as there are up to seven concert events a year, plus sound checks – a total of 14 days in any one calendar year as a worst case scenario.
9. The noise would however be time limited, and peak noise levels of 93dB LAeq,1hr at the façade and thus 40dB LAeq,1hr internally would occur for around one hour at the close of each concert. Residents would be aware of when concert events were taking place at EOT via the Noise Management Plan. Given that concerts generally take place during the summer months, the mechanical ventilation and cooling system would enable windows to be closed without discomfort via overheating being experienced by residents. There are no balconies on the elevation of Block D facing EOT and therefore no expectation that residents can sit outside as part of their own individual living space. It is only Block D, and the side facing EOT that is affected in this way which is a relatively small proportion (c. 10%) of the overall scheme. An even smaller proportion of units, mainly on the fourth and fifth floors, would experience the 93dB external noise level.
10. Taking into account all of these factors, it is not considered that, with the conditions proposed to protect against concert noise, that residential amenity or living conditions would be adversely affected to such a degree that a refusal of planning permission would be justified, particularly when weighed in the planning balance with the benefits of the scheme.
11. It is also considered that with a maximum noise level of 40dB LAeq,1hr achieved internally with windows closed, that this would not give rise to noise complaints that would put at risk existing and established operations at EOT either through a change to their licence or a noise abatement notice. The agent of change principle is therefore satisfied. The Council's EHO agrees with this conclusion.

12. In order to ensure consistency it is important to compare this scheme to the appeal at the former B&Q site (ref. APP/Q4245/W/20/3258552) which was dismissed for a number of reasons, one of which was the adverse impact of concert noise on the residents of the development. The Inspector found the impact of cricket noise on the development to be acceptable. There was disagreement about the noise level from concerts that would be experienced at the façade, however the Inspector preferred the model produced by LCC's consultants which gave external noise levels of 90dB LAeq, 15 min at the façade. There was also disagreement about the internal noise levels which would be achieved but the best case put forward by the appellant was 46dB LAeq, 15min. This was found by the Inspector to be too high to achieve acceptable living conditions for residents. It is also 6dB higher (albeit equalised over 15 minutes rather than 1 hour) than would be achieved at the application site and slightly beyond the level of 45dB originally proposed here which the Council's EHOs and acoustic consultant considered to be unacceptable. Additionally, the B&Q scheme proposed no mechanical ventilation or cooling so residents would have been wholly reliant on windows being open for air circulation. This was considered to be unreasonable during concert events given the noise levels which would result.
13. Officers are satisfied that there are significant, material differences between this scheme and the B&Q scheme which mean that a different conclusion can be reached in terms of the impact of concert noise on residents and the acceptability of the proposals. Had the B&Q scheme mitigated to 40dB and included mechanical ventilation and cooling, the Inspector may have come to a different view on the issue of concert noise.
14. The Council's acoustic consultant has also recommended further conditions for the whole of the development in relation to transport noise and vibration. Condition 28 of the outline permission satisfactorily covers this matter and there is no need to repeat it at reserved matters stage.

HERITAGE

15. The main Committee report refers to the recently Grade II listed Old Trafford Bowling Club. However the impact of the development on the Bowling Club is not then specifically assessed. It is considered that 'minor' harm would arise to the setting of the Old Trafford Bowling Club, equating to less than substantial in NPPF terms, at the lower end of the scale. It is acknowledged that the Civic Quarter AAP has already taken into account the impact on the Bowling Club when setting the height parameters within it, and that specific reference is made to lowering heights close to heritage assets, which would have a greater effect on the redevelopment of the former British Gas site that lies between the application site and the Bowling Club.
16. The cumulative overall impact on designated heritage assets would remain less than substantial, and the public benefits of the scheme are still

considered to outweigh this harm as set out in Paragraph 47 of the main report.

PLANNING BALANCE AND CONCLUSION

The impact of concert noise on some residents of the development would be classed as Lowest Observed Adverse Effect Level (LOAEL) with mitigation in place. Noise would be audible, particularly at low frequency, and residents would need to keep windows shut and use mechanical ventilation and cooling. This would be an additional adverse impact of the scheme which was not identified in the Planning Balance section of the main report. Moderate weight is given to this harm.

The benefits identified in the main report are considerable, and even with this additional harm from concert noise identified, the adverse impacts of the development are not considered to significantly and demonstrably outweigh the benefits. The recommendation to grant permission is therefore unchanged.

CONDITIONS

The following additional conditions are recommended:

Façade design

Notwithstanding the details submitted with the application, with the exception of site preparation, no construction works in relation to Block D of the development hereby permitted (as shown on plan ref. xxx) shall take place until an acoustic report and mitigation strategy for noise arising from concert events at Lancashire Cricket Club via the reduction of external to internal noise transmission by the building envelope (walls, roofs, glazing and ventilation measures) has been submitted to and approved in writing by the Local Planning Authority.

The acoustic report and mitigation strategy shall be based on modelling of noise from concert events at Lancashire Cricket Club that assumes an external free field music noise level of 90 (freefield) / 93 (façade) dBA Leq,1hour at the top floor of the façade facing Lancashire Cricket Club, based on the spectrum given below.

| 1/1 Octave Band (Hz) | dB(A) | Octave band centre frequency (Hz), dB | | | | | | | |
|---|-------|---------------------------------------|-----------|-----------|-----------|------|------|------|------|
| | | 63 Hz | 125 Hz | 250 Hz | 500 Hz | 1kHz | 2kHz | 4kHz | 8kHz |
| Measured external noise spectrum (free field) | 90 | 99 | 96 | 91 | 88 | 84 | 78 | 67 | 54 |

The acoustic report shall include mapping of noise levels expected across the entirety of the front (south west) and side (north west and south east) facing

elevations of Block D. The mitigation strategy shall include details of the construction of the building envelope necessary to achieve internal noise levels within living rooms and bedrooms of no more than 40 dB LAeq1hr between the hours of 0700 and 2300 with windows closed and alternative means of ventilation (as required by Condition xx of this permission) operational. The report shall clearly demonstrate by way of detailed construction drawings how and where mitigation varies between dwellings depending on the expected external noise levels.

The acoustic report and mitigation strategy submitted for approval shall include data verifying the acoustic performance of the relevant elements of the building envelope obtained using appropriate field and laboratory testing methodologies based on relevant international and British Standards. Any divergence from the test methods in these standards shall be identified and an assessment of the impact on the uncertainty of the data shall be included in the report.

The mitigation strategy shall include a methodology for the on-site testing of the acoustic performance of the building envelope prior to the first occupation of Block D, with no fewer than 10% of the affected dwellings being tested and including dwellings on the fourth and fifth floors of the building. The on-site testing shall be carried out and the results of this on site testing shall be submitted to and approved in writing by the Local Planning Authority prior to first occupation of Block D.

The approved noise mitigation measures shall be retained and maintained to provide internal noise levels which comply with the requirements of this condition for the lifetime of Block D.

Reason: To protect the amenity of occupiers during concert and other events at Lancashire Cricket Club and to prevent Lancashire Cricket Club from being required to curtail their existing lawful and established operations in accordance with the 'agent of change' principle and in compliance with Policies CQ1, CQ2 and CQ3 of the adopted Civic Quarter Area Action Plan, Policies L5 and L7 of the adopted Core Strategy, and the requirements of the National Planning Policy Framework.

Mechanical ventilation

Notwithstanding the details submitted with the application, with the exception of site preparation, no construction works in relation to Block D of the development hereby permitted (as shown on plan ref. xxx) shall take place until a scheme for the mechanical ventilation and cooling (the latter where required by Building Regulations following an appropriate overheating assessment) of dwellings has been submitted to and approved in writing by the Local Planning Authority.

The scheme shall demonstrate how dwellings with windows on the front (south west) and side (north west and south east) facing elevations of Block D can maintain a comfortable internal temperature and avoid overheating in circumstances where windows are shut to mitigate against noise ingress from concert and other events at Lancashire Cricket Club.

The scheme shall also demonstrate that it does not enable noise ingress to dwellings which would conflict with the acoustic report and mitigation strategy required by Condition xx of this permission.

None of the units in Block D shall be occupied until the Local Planning Authority have confirmed in writing that the scheme has been fully implemented and the approved mechanical ventilation and cooling equipment shall be retained and maintained to provide an appropriate internal temperature (as defined by the Building Regulations) which complies with the requirements of this condition and an internal noise environment which complies with the requirements of Condition xx for the lifetime of Block D.

Reason: To protect the amenity of occupiers during concerts and other events at Lancashire Cricket Club and to prevent Lancashire Cricket Club from being required to curtail their existing lawful and established operations in accordance with the 'agent of change' principle and in compliance with Policies CQ1, CQ2 and CQ3 of the adopted Civic Quarter Area Action Plan, Policies L5 and L7 of the adopted Core Strategy, and the requirements of the National Planning Policy Framework.

Noise Management Plan

None of the units in Block D of the development hereby permitted (as shown on plan ref. xxx) shall be occupied until a Noise Management Plan (NMP) has been submitted to and approved in writing by the Local Planning Authority. The NMP shall include:-

- Details of overall management responsibility for Block D;
- Details of proposed liaison with Lancashire Cricket Club to establish the dates and frequency of concert events in every calendar year;
- Details of intended communication with residents of Block D to advise them of upcoming concert events and that mitigation from concert and other event noise is provided by closing windows and operating the mechanical ventilation and cooling system, and a named contact to report to if these systems are not functioning properly;

Any change in management responsibility for Block D shall be reported to the Local Planning Authority within 28 days of that change taking place.

The NMP shall be implemented prior to the first concert event at Lancashire Cricket Club following the occupation of Block D and shall continue to be implemented thereafter for the lifetime of Block D.

Reason: To protect the amenity of occupiers during concert and other events at Lancashire Cricket Club and to prevent Lancashire Cricket Club from being required to curtail their existing lawful and established operations in accordance with the 'agent of change' principle and in compliance with Policies CQ1, CQ2 and CQ3 of the adopted Civic Quarter Area Action Plan, Policies L5 and L7 of the adopted Core Strategy, and the requirements of the National Planning Policy Framework.

SPEAKER(S) AGAINST:

**FOR: Joe Shammah
(Neighbour)
Cllr Sutton**

PROPOSAL

The height of the proposed canopy is incorrectly stated in the 'Executive Summary' and 'Proposal' sections and within paragraph 45 of the report. The height of the canopy from the finished floor level of the roof terrace is **3.44m** and not 3.11m as stated within the report.

REPRESENTATIONS

A resident of Hale who wrote in support of the application has requested that their support is withdrawn. The number of representations received in support of the application has therefore changed from 67 to 66, of which 56 are from residents of Trafford.

OBSERVATIONS

Vitality and viability of the district centre

As noted in paragraph 75 of the main report, officers requested that the applicant submit the latest financial information for the restaurant for year 2022 – 2023, to provide the most accurate and up to date financial information for the business. The submitted data received with the application is from three years ago and therefore not reflective of the current financial situation. Providing up to date information would help to demonstrate how viable the business would be without the current roof terrace in the current financial climate. The requested financial information has not been provided by the applicant.

RECOMMENDATION

The recommendation to refuse and reasons given remain unchanged.

events at Emirates Old Trafford (EOT) affecting the proposed development has been received (referred to at paragraph 73 of the main report). A response to this review from the applicant has also been received.

In terms of noise impacts from the adjacent industrial building directly to the east of the site, a mechanical ventilation solution is proposed to the apartments with rooms overlooking this building which will enable windows to be kept closed (as per the rooms fronting Ayres Road). The Noise Impact Assessment does not refer to the possibility of breakout from the western façade and roof of the adjacent industrial building, and only says that mechanical ventilation is required to rooms at the rear on the top floor. The report states however, that acoustic trickle vents are to be provided to the rear of Blocks B and C with mechanical vents to all other flats, which would be sufficient to resolve the query as the concern relates just to Block A.

A condition will be necessary to require implementation of a noise mitigation scheme to address all sources, with a verification report to be provided on completion of the development confirming the correct installation of the measures.

With regards noise impacts from events at EOT, the independent advice provided to the Council is that subject to a number of conditions requiring the submission and approval of further information, noise from events at EOT can be mitigated to ensure that acceptable internal noise levels within the development can be achieved. These are summarised as follows:

- Notwithstanding the information submitted to date, an assessment of low frequency music noise ingress criteria in line with *Proposed criteria for the assessment of low frequency noise disturbance*, University of Salford, 2011 (with a 5 dB relaxation as a daytime music noise source is being assessed) to be submitted and approved.
- Façade design / mitigation strategy to be submitted and approved and which takes into account the above and which shall achieve internal noise levels within living rooms and bedrooms of no more than 35 dB.
- A Level 1 acoustics, ventilation and overheating assessment in line with Approved Document O 2021 and Association of Noise Consultants (ANC) *Acoustics Ventilation and Overheating, residential Design Guide*, 2020 to be submitted and approved.

The advice also recommends that an assessment of tactile vibration in line with BS 6472-1:2008, and ground-borne noise in line with the Association of Noise Consultants (ANC) guidelines *Measurement and assessment of ground-borne noise and vibration*, 3rd edition published in 2020 is carried out in respect of impacts from the nearby Metrolink line and depot and for any necessary mitigation measures to be identified.

Conditions relating to noise impacts from EOT and tactile vibration and noise from Metrolink as summarised above will be worded up by officer's and included on any planning permission.

The Pollution and Housing section recommend a condition to require the submission and approval of an Exterior Lighting Impact Assessment to demonstrate that lighting impacts from exterior lighting installations into habitable windows would be within acceptable margins, following the Institution of Lighting Professionals' Guidance Note 01/21 Guidance notes for the reduction of obtrusive light, in order to protect residential amenity. A condition requiring details of external lighting is recommended in the main report (Condition 26) and it is proposed that this is amended to also include the above.

Impact on Residential Amenity

A condition requiring a Construction Environmental Management Plan (CEMP) is recommended in the main report (Condition 9), which is proposed to be amended to include additional requirements recommended by the Pollution and Housing section, including that the parking of vehicles of site operatives and visitors and the loading and unloading of plant and materials takes place within the site, measures to prevent disturbance from noise and vibration impacts shall be in accordance with the relevant British Standard, and acceptable working hours to be specified in the condition.

Affordable Housing

The affordable housing provider has advised that with regards Condition 3 which secures the affordable housing, the requirement for the Council to be given at least 75% nomination rights is an issue in respect of the shared ownership units, as this disqualifies them from Homes England funding. The applicant has requested confirmation that the nomination rights are not applicable to the shared ownership units and only apply to the rented properties. The Council's Housing Strategy and Growth Manager has confirmed that nomination rights should apply only to the rented units and not the shared ownership units, as the Council only allocates rented property from the housing register and shared ownership is dealt with by the Registered Provider. The condition as drafted already only requires nomination rights for the rented units, however a minor amendment to the wording of the condition is proposed to make this clear.

RECOMMENDATION

Amended conditions

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-A-20-000 Rev P9 – Proposed Site Plan – Ground
- WRS-CW-ZZ-A-20-001 Rev P9 – Proposed Site Plan – Typical
- WRS-CW-ZZ-03-DR-A-20-005 Rev P8 – Proposed Site Plan – Roof Level
- 20634-CWA-A-A-2001 Rev 03 – General Arrangement – Block A Floor Plans
- 20634-CWA-A-A-2002 Rev 03 – General Arrangement – Block A Floor Plans
- 20634-CWA-A-A-2151 Rev 06 – General Arrangement – Block A Elevations
- 20634-CWA-A-XX-DR-A-0303 Rev P-01 – Block A – Communal Entrance Proposal
- WRS-CW-B-XX-DR-A-2001 Rev 04 – General Arrangement – Block B Floor Plans
- WRS-CW-B-A-2151 Rev P-08 – General Arrangement – Block B Elevations
- WRS-CW-ZZ-XX-DR-A-2001 Rev 04 – General Arrangement – Block C Floor Plans
- WRS-CW-ZZ-XX-DR-A-2151 Rev P-08 – General Arrangement – Block C Elevations
- WRS-CW-B-XX-DR-A-0302 Rev P-01 – Proposed Entrance Details
- WRS-CW-ZZ-A-21-002 Rev P6 – Bay Studies
- 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
- WRS-CW-ZZ-01-DR-A-21-100 Rev P5 – Site Cross Sections
- WRS-CW-ZZ-01-DR-A-21-101 Rev P3 – GA Sections
- 20700-ZZ-DR-2001 Rev P01 – Proposed Sub-station

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 on the affordable rent units. 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.

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 (all within the site)
 - b) hours and location of proposed deliveries to site
 - c) loading and unloading of plant and materials (all within the site), including times of access/egress
 - d) storage of plant and materials used in constructing the development
 - e) the erection and maintenance of security hoardings including decorative displays and facilities for public viewing (where appropriate)
 - f) wheel washing facilities 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 (prohibiting fires on site)
 - i) measures to prevent undue impact of disturbance to adjacent dwellings and the allotments from noise and vibration in accordance with the principles of Best Practicable Means as described in BS 5228: 2009 (parts 1 and 2), including from piling activity and plant such as generators
 - 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, which shall be restricted to between 08:00 -18:00 on Monday to Friday; 09:00 – 13:00 on Saturday, and no work permitted on a Sunday or a Bank Holiday.
 - l) contact details of site manager to be advertised at the site in case of issues arising
 - m) measures, including protective fencing, to prevent pollution, run-off and contaminants from entering the adjacent allotments site
 - n) information to be made available for members of the public

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.

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 and an Exterior Lighting Impact Assessment shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the development. The Exterior Lighting Impact Assessment shall demonstrate that lighting impacts from exterior lighting installations into habitable windows would be within acceptable margins, following the Institution of Lighting Professionals' Guidance Note 01/21 Guidance notes for the reduction of obtrusive light. Thereafter the site shall only be lit in accordance with the approved scheme. The approved details, including any mitigation measures, shall be retained in good order for the lifetime of the development.

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

Additional conditions

Conditions relating to noise impacts from events at EOT and relating to tactile vibration and noise from Metrolink will be worded up by officer's and attached to any planning permission to ensure that acceptable internal noise levels within the development will be achieved.

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110280/VAR/23: 89A Ayres Road, Old Trafford

SPEAKER(S)

**AGAINST: Claire Hewson
(Neighbour)
Cllr Hirst AND Cllr S Taylor**

**FOR: Tayyab Akhlaq
(Applicant)**

REPRESENTATIONS

The description of development was changed for clarification, and neighbours were re-consulted for 10 days, which expired on 11 June, following the publication of the committee report

In response to the latest consultation representations were received from 4 different addresses objecting to the proposal. In addition an objection has been received from Cllr Hirst (including supporting photographs). The comments are summarised below.

Comments from Cllr Hirst:

- States that Chaiwalla is not a hot food takeaway, but a large café with a burgeoning delivery arm.
- References paragraphs 23-30 of the committee report, noting that there is no disabled access at Ayres Road, and it is not a safe and inclusive place.
- Many vulnerable residents do not know that they can object to the application, and therefore no judgement can be made about the impact of the proposed development on them.
- The objections to Chaiwalla are a result of them being a 'bad neighbour', not a result of the intrinsic nature of the business.
- It is noted that this planning application only relates to the extension in hours, rather than the general authorised use as a hot food takeaway, but the two should not be separated.
- The extension in opening hours will result in an extension to the existing anti-social behaviour of customers.
- Lack of toilet has resulted in customers urinating in the alleyway.
- Ongoing issues with litter/waste
- Noise increase from extraction equipment and cooking smells, which are detrimental to residents and extending in to the morning will give them no respite at all.
- Owner has no regard for planning conditions, given that the business has been operating from 8:00 to 22:30 for the last two years.
- Disagrees site is within a cluster of commercial units due to proximity to residential units and the commercial units nearby are small scale business, who have caused no issues for residents.
- References paragraph 18 of the committee report, and requests that the increase to opening hours is delayed for these surveys to be completed, by independent.
- Disagrees with officer conclusion on parking/highway impacts
- Increase in opening hours will make the walk to local primary school more unsafe for children.
- Disagrees with officers regarding anti-social behaviour and parking issues as police matters.
- Requests that the committee do not approve this application.

Comments from residents:

- Business is an ongoing nuisance to residents, and confirming that all the previous objections to the development (from themselves and the 18 other neighbours) still stand.
- Notes that issues regarding noise and smells are a daily occurrence, and have been operating between 8am – 11pm for the last 2 years.
- Development is a significant blight on the neighbourhood and residents can't enjoy hardens due to adverse impacts of the cooking smells, and noise from the extractor fans.
- No space at the site to store bins permanently. The scale of waste suggests that the business is too big for the existing site.
- The development is having an adverse impact on elderly residents.
- Facilities to allow customers to eat inside, but no customer toilet, as a result, many people use the alleyways outside resident's houses.
- Health implications for residents from customers sitting in cars with engines on
- Approving this application would be to reward their disregard for planning regulations.
- Guidance on public consultation not clear and more people should have been consulted
- Conditions should be met before planning permission is given.
- Council should have acted sooner than 2 years since first reporting.
- Other commercial units nearby operate without issue.
- If planning officers think that 8:00 – 12:00 are not sensitive hours then perhaps they should explain why planning consent to extend opening hours was previously refused on two different occasions.

OBSERVATIONS

1. The majority of the representations detailed above have already been raised during the previous consultation, and have been addressed within the published committee report.
2. In respect of the planning conditions for noise and waste, officers consider that allowing a timescale for implementation and approval is reasonable and would provide a framework for mitigation and monitoring the ongoing operation of the development.
3. One representation seeks an explanation as to why the planning department refused two previous VAR applications, both seeking to vary the opening hours at the premises. The planning history for the unit shows that there was only one previous VAR application, which specifically sought to extend the hours of opening from 12:00 – 24:00. Therefore, the proposed hours between this application, and the application in question are materially different.

4. Subject to the attachment of the requested conditions, it is considered the additional operating hours would not cause an unacceptable impact on amenity and living conditions of local residents. As such are in compliance with Policy L7 of the Trafford Core Strategy.

Equalities Statement

5. Although consultation has taken place in accordance with Council's adopted standard, it is recognised that there are residents within the local area that would not have been formally consulted on the application. However, there has been significant public response to the planning application resulting in the application being referred to the Planning and Development Management Committee for consideration and allowing for Local Ward Councillors to represent the views of the wider local community.
6. It is acknowledged that there is no disabled access at the premises, however, this is currently the case. The existing planning permission for the unit did not require that ramped access be provided. This comment relates to the existing authorised use, rather than the current proposed extension of hours, as such it would not be reasonable to request that disabled access be included in this scheme.
7. The representations have been considered and action taken to minimise the impact through planning conditions. It is therefore considered that the extension of opening hours would have an acceptable impact upon all local residents, including those with the protected characteristics.

RECOMMENDATION

The recommendation of approval subject to conditions is unchanged.

Page 226 **110458/VAR/23: 8 Kings Road, Sale**

SPEAKER(S) **AGAINST: Michael Brady
(Neighbour)
Cllr Gilbert**

**FOR: Matthew Atkinson
(Agent)**

REPRESENTATIONS

Three further representations have been received, summarised as follows:

- *Impact on right to light*
- *Substantially higher than neighbouring properties*

- *Inaccurate architect's impressions*
- *Building dominates the surrounding houses*
- *Overbearing size and scale within size of plot and disproportionate*
- *Could set a precedent for other houses on Kings Road*
- *Increase in size should have been apparent as building progressed*
- *Street scene plan does not indicate measured height of new build*
- *New drawings fail to take into account the context of the new building with those either side and previous discussion regarding reducing building height*
- *Developer should check information on building plans prior to start of building works and as works progress.*
- *The comparison drawing confirms the ridge is higher than the permitted roof line*
- *Development could set a precedent*
- *Cladding and roof covering would further increase the size of the building*
- *Project has been built larger than permitted, closer to no. 8 and looks bulky*
- *Materials and boundary treatment proposed are now inferior*
- *Questioning the validity of the height measurements*
- *Concerns over the impact on drainage infrastructure*

OBSERVATIONS

1. The majority of the above points raised, including the difference to the approved plans and neighbouring properties, have been addressed in the published committee report.
2. Each planning application is considered on the merits or otherwise of the proposal and assessed against the relevant material considerations, including the context of the development site. Therefore the assessment and decision to be taken with this application is not considered to set a precedent for other decisions locally.
3. It should be noted that the cladding and roof covering, which are yet to be installed, have been taken into account on the proposed plans. Furthermore the material for the cladding is yet to be agreed and would be approved via condition prior to installation.
4. It has since been noted by Officer's that the proposal section of the report should state that the ridge height of the dwelling is 10.10m, rather than 9.90m. However the assessment on the design and amenity impact remains the same. The current application has provided updated streetscene elevations to represent the ground level of the application site and that of the neighbouring properties, this differs to the original scheme. The new measurements of the application property have been assessed on site by officers, which has informed the assessment of the current proposal.

5. The comments on drainage are noted, however the approved planning permission already has conditions relating to drainage, but notwithstanding this any damage to drainage pipes would need to be addressed outside of the planning system.
6. In regards to the representations in respect of the rights to light, it is noted that paragraphs 27-29 of the committee report consider the impact on loss of daylight/sunlight to the adjacent dwelling in respect of residential amenity. The report conclusions on this point are that the proposal would have an acceptable impact on neighbouring properties. However in respect of the *rights to light*, this is a civil matter which falls to be considered outside of the planning system

CONCLUSION

The recommendation to grant with the same conditions is unchanged.

RICHARD ROE, CORPORATE DIRECTOR, PLACE

FOR FURTHER INFORMATION PLEASE CONTACT:

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