

**WARD:** Flixton

**110688/FUL/23**

**DEPARTURE:** No

**Erection of 12no 1B cottage style apartments with associated landscaping and parking for MSV Housing.**

Land off Shawe Road, Urmston, M41 5DL

**APPLICANT:** Mrs O'Connor

**AGENT:** Mr Elliot Denby (BTP Architects).

**RECOMMENDATION: GRANT SUBJECT TO CONDITIONS**

**The application is reported to the Planning and Development Management Committee since it relates to land in the Council’s ownership. Additionally, more than six letters of objection have been received contrary to the Officer recommendation.**

**BACKGROUND**

Members will recall that this application was originally brought to the Planning and Development Management Committee in August 2023. Members resolved to defer the application to enable Officers to seek further design improvements, with an aspiration to secure a better relationship with the existing Shawe View terrace and reduce the perception of the development within a car park.

Since the Committee meeting in August, the applicant has engaged with Officers to address the concerns raised in the previous committee report and those expressed by Members at the Committee meeting. The revised plans make welcome and positive changes to the scheme. The recommendation is unchanged in that Officers still recommend that the scheme is approved subject to conditions. However, the design has been improved, lessening the previously identified harm and tilting the balance further in favour of the proposals.

**Executive Summary**

This application seeks planning permission for the erection of 12 no. dwellings available for social rent, which would be constructed along the eastern the edge of the Pennybridge Lane car park. This would comprise 12 no. one-bedroom apartments and associated access and landscaping. The dwellings would provide accommodation to support people out of homelessness / rough sleeping. No parking is proposed on site, and 49no. informal parking spaces would be lost within the Pennybridge Lane car park. There are no Tree Preservation Orders, Heritage Assets or Conservation Areas affecting the site.

During the consideration of the application, significant amendments have been negotiated by Officers. These relate to the massing, scale, siting, and external

appearance of the building, landscaping (including tree planting), private and communal amenity space, and servicing. Following concerns raised by Members at the August Planning Committee, the proposed building has been re-located approximately 9.5m to the south, with additional landscaping now proposed. The façade has also been amended to incorporate repetitive bays as opposed to the previous symmetry.

Letters of objection received relate primarily to the loss of parking within Pennybridge Lane car park, and the potential for overspill parking and any impact that this could have on the surrounding area. The representations received have been duly noted and the issues raised considered as part of the application appraisal.

Whilst significant amendments have been secured through this application, Officers remain concerned that the development would not align with the historic urban grain and that extensive landscaping is required in order to prevent a visually contrived development within a car park. This can, however, be strictly conditioned. These design concerns are, however, balanced against the substantial weight which is afforded to the delivery of greatly needed affordable homes, specifically for those who are homeless, on a sustainable brownfield site, and the benefits this would bring.

All other detailed matters have been assessed and the proposal is considered to be acceptable in terms of policy, residential amenity, parking, highway safety, ecology, flood risk, drainage, contamination and other relevant matters.

The Council cannot demonstrate a five year housing land supply and therefore paragraph 11(d) of the NPPF is engaged. When assessing the scheme against paragraph 11(d)(i) there is no clear reason for refusal. When the tilted balancing exercise is carried out, the adverse impacts do not significantly and demonstrably outweigh the benefits the scheme would deliver. Although some conflict is identified with Policies L7 (Core Strategy) and JP-P1 (PfE), the scheme is considered to comply with the development plan when taken as a whole. The application is therefore recommended for approval, subject to appropriate conditions.

## **SITE**

The application relates to the north-eastern section of an area of land used informally for parking accessed from Pennybridge Lane, and some of the associated trees bounding the eastern boundary of this car park. The area is characterised by an array of uses including residential, educational, and leisure uses, alongside car parking and formal open space. An Area of Landscape Protection abuts the western side of Pennybridge Lane. The site area is 0.14 hectare. The car park on Pennybridge Lane could accommodate up to 154no. spaces.

Bounding the site to the north is Shawe View Terrace, a row of characterful two-storey terraced properties which to the site. To the east resides Shawe View Residential Home, and its associated car park. To the south and western boundaries is the remaining car park. Further south resides Trafford FC and Shawe View Stadium, and

designated Green Belt.

The site and wider estate is located within a Critical Drainage Area within Trafford Councils Strategic Flood Risk Assessment and is also identified as coming within Flood Zone 1 with regards Environment Agency Flood maps (lowest risk of flooding).

There are no designated or non-designated heritage assets within the vicinity of the site, nor are there any Tree Preservation Orders.

## **PROPOSAL**

Planning permission is sought for the erection of 12no. one bedroom apartments within the eastern area of the Pennybridge Lane car park. This would incur the loss of 35no. parking spaces from the car park, alongside a proportion of the trees and shrubbery established along the eastern boundary. The proposed apartments are to be affordable (social rent) and would be made available for those who are homeless, with nomination rights through the Council's HOST (Housing Options Service Trafford) service.

It is understood that each unit would in most cases be occupied by one person. The ground floor units would comprise approximately 46sqm. The first floor units would comprise approximately 49sqm. No parking is proposed on site.

The building itself would be two storeys, comprising a pitched roof, and to be finished in red facing brick. Bin and cycle stores would be integral to the building via single storey elements at each gable end. The building would actively front the highway – identified as Shawe View, and the car park associated with Shawe View Residential Home. Individual amenity terraces would be provided for the ground floor apartments only. Communal space would be available within the rear and front of the site. Two pedestrian routes would connect the site to the east only.

Planting is proposed to the western boundary of the application site including a mixture of hedges and trees, separated 6.0m from the proposed building. A 2.1m high brick wall would form the main boundary to the retained car park.

The proposal has been significantly amended from the previous plans presented to Members at the 10<sup>th</sup> August Planning Committee. The applicant has re-located the proposed building 9.5m to the south within the Pennybridge Lane car park, and now proposes a modest area of communal green space to the north of the proposed building. Changes proposed to the façade include re-siting the units internally to allow repetitive bays within the façade, as opposed to the symmetrical appearance previously proposed. No changes are proposed to the number of units, internal floorspace, or the form/size of the building. A full 21 day re-consultation with residents has been carried out on the latest plans. The differences as a result of the amended layout are quantified as follows:

|   | Previous Plans    | Proposed Plans    | Change             |
|---|-------------------|-------------------|--------------------|
| Proposed single storey separation to existing Shawe View terrace          | 11.5m             | 21.0m             | +9.5m              |
| Proposed 1 <sup>st</sup> storey separation to existing Shawe View terrace | 15.0m             | 24.5m             | +9.5m              |
| Proposed site boundary to existing Shawe View terrace                     | 7.5m              | 7.5m              | None               |
| Proposed communal green space   | 298m <sup>2</sup> | 438m <sup>2</sup> | +140m <sup>2</sup> |
| Reduction in space for parking at Pennybridge Lane                        | 35                | 49                | -14 parking spaces |

## **DEVELOPMENT PLAN**

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

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

## **PRINCIPAL RELEVANT CORE STRATEGY POLICIES**

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

R3 – Green Infrastructure  
R5 – Open Space, Sport and Recreation  
W1 – Economy

## **PROPOSALS MAP NOTATION**

None.

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

None.

## **SUPPLEMENTARY PLANNING DOCUMENTS**

PG1 – New Residential Development  
SPD1 – Planning Obligations  
SPD3 – Parking Standards and Design

## **OTHER RELEVANT DOCUMENTS**

Manchester City, Salford City, and Trafford Councils Level 2 Hybrid Strategic Flood Risk Assessment (SFRA).

Trafford Council Homelessness Strategy 2019 – 2024.

## **PLACES FOR EVERYONE (PfE)**

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). It identifies the quantum of new housing and employment development, supports the delivery of key infrastructure, and protects environmental assets. The Plan was submitted to the Secretary of State for Levelling Up, Housing and Communities in February, and its Examination in Public commenced on 02 November 2022. Hearings sessions concluded on 05 July 2023 and the Inspectors issued IN39 on 11 September 2023 advising that they are satisfied at this stage of the examination that all of the proposed main modifications are necessary to make the Plan sound and/or legally compliant, and would be effective in that regard. Consultation on the Main Modifications started on 11 October 2023 and will close on 6 December 2023. Consequently the plan is at a very advanced stage in the plan making process and substantial weight can be attached to its policies.

Emerging policies relevant to this application are:

JP-C7 – Transport Requirements of New Development  
JP-G9 – A Net Enhancement of Biodiversity and Geodiversity  
JP-H1 - Scale, Distribution and Phasing of New Housing Development

JP-H2 - Affordability of New Housing  
JP-H3 - Type, Size and Design of New Housing  
JP-H4 - Density of New Housing  
JP-P1 - Sustainable Places  
JP-S 1 - Sustainable Development

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

The MHCLG published the revised National Planning Policy Framework (NPPF) on 5<sup>th</sup> September 2023. The NPPF will be referred to as appropriate in the report.

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

DCLG published the National Planning Practice Guidance on 6 March 2014, which replaced a number of practice guidance documents and was updated on 5<sup>th</sup> April 2022. The NPPG will be referred to as appropriate in the report.

## **RELEVANT PLANNING HISTORY**

None.

## **APPLICANT'S SUBMISSION**

Arboricultural Impact Assessment  
Bat Survey  
Carbon Budget Statement  
Crime Impact Statement (CIS)  
Design and Access Statement (DAS)  
Drainage Strategy  
Flood Risk Assessment (FRA)  
Phase 1 Ground Investigation Report  
Preliminary Ecological Appraisal (PEA)  
Statement of Community Engagement  
SuDS Pro-Forma  
SuDS Sustainability Assessment  
Transport Statement (TS)

## **CONSULTATIONS**

**Environmental Health (Contamination)** – No objection subject to conditions regarding investigation and risk assessment, and a verification plan.

**Environmental Health (Nuisance)** – No objection subject to conditions regarding details of the mechanical ventilation heat recovery, air source heat pumps, and a construction and environment management plan (CEMP).

**Greater Manchester Ecology Unit (GMEU)** – No objection subject to conditions

regarding soft felling of trees, nesting birds, and biodiversity net gain.

**Lead Local Flood Authority (LLFA)** – No objection subject to conditions regarding management and maintenance plan for drainage scheme.

**Local Highway Authority (LHA)** – No objection subject to conditions regarding a CEMP.

**TBC Arboriculturist** – No objection subject to conditions regarding tree protection fencing.

**TBC Heritage Development Officer** – No objection. ‘I have undertaken my own assessment of the terrace and note the aesthetic value of the dwellings deriving from their form, rhythm and materiality which is complemented by the pedestrian access and mature landscaping. Nevertheless, the terrace has undergone a degree of alteration and the associated mill has been demolished. I consider therefore that the significance is negligible and that Shawe Terrace does not warrant consideration as a non-designated heritage asset’

**TBC Housing Strategy and Growth** – Supportive.

**TBC Waste** – No objection.

## **REPRESENTATIONS**

In response to the consultation on the amended plans, an additional 16no. letters of objection have been received, summarised as follows:

- New location taking up more car park than previously proposed
- Increased overlooking of care home and impact in terms of light and dominance
- Footpath to front of Shawe View terrace is privately owned and development would hinder this access.
- Development remains too close to Shawe View
- Affirmance that the land is a car park
- Transport statement is inaccurate regarding loss of car parking
- Owl survey should be undertaken
- Use of the development could change in the future.

The consultation on the original plans attracted letters of objection received from 45no. surrounding properties. A petition was also submitted with 533 verified signatories. The petition stated that:

*‘Whilst it is appreciated that such developments are needed, and the proposed residents in need of support, the proposed site is unsuitable.*

*Residents are concerned that the local infrastructure cannot accommodate such a development with parking already causing major issues within the locality. Residents already have to cope with parking from 2 schools, a football club, a sports field, a large*

*park and many residents who do not have drives to park their cars on. Any further traffic and parking will add to the already dangerous and inflammatory situation.*

*The proposed site is to be placed on a car park that is regularly full of cars, due to events, football, and walkers. These cars will then park on the residential streets. Ambulances have already struggled to gain access to the streets when needed.'*

The concerns/comments raised within the individual letters of representation are summarised as follows:

#### *Principle of Development*

- Will the temporary accommodation become permanent? What happens after the fixed term ends?
- Better, more suitable places, to build homes
- Social housing would become dominant in this area
- Creation of an unsafe environment and introduction of unsavoury characters into this area
- Urmston already overpopulated

#### *Design / Character*

- Poor aesthetic design
- Shawe View houses have historic value. Proposal will harm their significance.

#### *Residential Amenity*

- Loss of light to gardens and windows of Shawe View
- Loss of privacy to Shawe View
- Noise impact during construction works and impact on air quality
- Odour from bins to be placed near Shawe View on collection day and attraction of pests

#### *Highways Impact*

- Loss in parking at Pennybridge Lane car park which is well used.
- Overspill of parking onto surrounding roads, which could create safety issues for pedestrians
- Reduced access for emergency vehicles
- Trafford FC is an asset in the community and any parking overspill (owing to reduction in off-street car parking in the area) could lead to disputes with residents
- New residents may have access to own vehicles, increasing parking demands in the area
- One off transport survey does not accurately reflect parking demand in the area
- Damage to resurfaced Shawe Road



### *Other Matters Raised*

- Consultation events poorly organised, poorly managed, and resident's views not properly heard
- Loss of habitats within trees and hedgerows
- Exacerbation of existing drainage issues
- Drug use and anti-social behaviour within existing car park
- Reduction in property values
- Works required to ensure safe pressure levels and access to fire hydrant point
- No funding for CCTV/external lighting in remaining car park
- Local residents should have final say on this application
- Harm to wellbeing of residents through poorly managed consultation events and pre-application discussions, and harm to mental health of residents during this application
- Buildings, and residents, may not be looked after, which could cost tax-payers.
- Many neighbouring properties do not have access to internet to make representations
- Need to preserve integrity and viability of Trafford FC
- Site visit should be undertaken
- Loss of place for use by children when carpark is empty
- Reduction in opportunities for exercise (on carpark).
- Loss of accessibility to car park from Shawe View, including for those with additional needs.

*Officer response: All representations received have been duly noted and considered. Please note that reductions in property value and use of private rights of way are not a material planning consideration. A number of site visits have been undertaken during the assessment of this planning application. It can be noted that the retained car park is not included within the site edged red, and opportunities for lighting and CCTV within this area is not proposed under this application. For other concerns raised, please see appraisal.*

### **OBSERVATIONS**

#### PRINCIPLE OF DEVELOPMENT

##### The Decision-taking Framework

1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF at Paragraphs 2 and 47 reinforces this requirement and at Paragraph 12 states that the presumption in favour of sustainable development does not change the statutory status of the development plan as a starting point for decision making, and that where a planning application conflicts with an **up-to-date** (emphasis added) development plan, permission should not normally be granted.

2. The Council's Core Strategy was adopted in January 2012, prior to the publication of the 2012 NPPF, but drafted to be in compliance with it. It remains broadly compliant with much of the policy in the 2023 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 3.85 years and the most recent Housing Delivery Test figure (2021) is 79%. This housing supply and delivery position automatically triggers Paragraph 11(d) 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. As set out later in this report, there are no policies within the NPPF protecting areas or assets of particular importance which provide 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.

### Suitability of the Site

7. This site is not specifically allocated for residential development in the Core Strategy, nor is the site identified on Trafford's Brownfield Land Register as a site considered suitable for residential development. The NPPF at paragraph 55 directs

the planning system to focus development in locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes.

8. Whilst the site resides on the edge of the settlement boundary, it is in close proximity to a number of bus services, Chassen Road railway station, areas of open space, and approximately 12 minute walking distance from Urmston's designated town centre. Retail units, leisure facilities, educational facilities and areas of public open space are located in the vicinity of the site. The site falls under Greater Manchester Accessibility Level 5 (with 8 being the highest). The location of this site is considered to be sustainable for housing development.

### Proposed Residential Development

9. 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.
10. 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 3.85 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.
11. Policy L1 states that there is an indicative 80% target 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 would therefore contribute to the 80% target of new housing provision to use brownfield land.
12. 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.

13. Emerging Policy JP-H1 outlines that a minimum 175,185 net additional dwellings shall be delivered across the PfE plan area (Greater Manchester, excluding Stockport Borough). The minimum delivery across the plan period for Trafford would be 19,077 net additional dwellings between 2022 and 2039. This would equate to an average minimum delivery rate of 1,122 dwellings per year.
14. The proposal would be developed at a density of 84 units per hectare. The site itself is located outside of any designated centre, albeit the site is located within 400m of Chassen Road railway station which provides a frequent service between Manchester and Liverpool. PfE policy JP-H4 outlines that the minimum net residential density for this location (subject to an appropriate design) would be 70 dwellings per hectare. The proposal therefore exceeds the minimum standard and is in accordance with emerging policy JP-H4.
15. The Council cannot demonstrate a five year supply of deliverable housing sites. This site constitutes previously developed land in a sustainable location within a predominantly residential area, and therefore residential development on this site is acceptable in principle and would make a positive contribution to the Council's housing land supply.

#### Housing Type and Mix

16. 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 Core Strategy Policy L2, 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 Needs Assessment. Policy L2.4 states that the Council will seek to achieve a target split of 70:30; small:large (3+beds) residential units. 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 these aspects of Policy L2.5.
17. The proposed development would provide 12 new residential units; comprising entirely one-bedroom units. This equates to a 100% provision of small homes. It is noted that the Urmston housing propositions (2018/19 – 2022/23) identifies a requirement for 30no. one-bedroom affordable units, with 145no. such units required across the Trafford Borough. While the scheme doesn't fully reflect the target split of policy L2 it is considered appropriate for this location given that a need does exist in Urmston for this size of affordable housing and that this housing provides for a specific housing need. Specifically, the application indicates that this development would be used solely as housing for the previously homeless / rough sleepers. A planning condition is recommended to ensure that these units are used solely for this purpose.

18. Core Strategy 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. The application proposes 100% on site affordable housing provision. Emerging policy JP-H2 sets out that substantial improvements will be sought in the ability of people to access housing at a price they can afford, including through supporting the provision of affordable housing.
19. 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).
20. The Homelessness Reduction Act 2017 significantly reformed England's homelessness legislation by placing duties on local authorities to intervene at earlier stages to prevent homelessness in their areas. It also requires housing authorities to provide homelessness services to all those affected, not just those who have a priority need.
21. Homelessness is increasing year-on-year in Trafford, Greater Manchester and nationally. The Trafford Homeless Strategy (2019-2024) identifies a key priority (3) is the eradication of the use of Bed and Breakfasts (B&B) for accommodating homeless persons, and increase the provision of good quality accommodation for homeless people in Trafford. This Strategy identifies a clear upwards trend in those requiring temporary accommodation (doubling since 2013). The development would directly contribute to this key priority. The proposed scheme would also contribute to meeting key priorities 2 (Improve access to permanent affordable accommodation and supported homes, primarily through the increased supply of social housing), 4 (work towards ending rough sleeping in Trafford) and 6 (improve health and wellbeing for homeless people in Trafford). This carries substantial weight in favour of this application.
22. The Housing Strategy and Growth Manager is supportive of this application, advising that these 12 units will be a valuable resource to Housing Options Service Trafford (HOST) and that there is a shortage of supported accommodation in Trafford that meets the needs of homeless households. These units will enable HOST to secure accommodation for those people currently placed within the 'A Bed Every Night' provision as a pathway to secure permanent accommodation after a 2 year period.
23. The applicant has confirmed that those eligible for this accommodation would only be rough sleepers, or those with a history of rough sleeping currently in emergency accommodation, or those at risk of rough sleeping or homelessness. Those eligible will be Trafford residents with low level support needs who are already engaging

with the relevant services to address any support needs that may be barriers for long term success in a tenancy. The applicant has confirmed that Trafford residents refer to those with a local connection to Trafford who have been accepted as homeless by Housing Options Service Trafford, in line with homelessness legislation. All referrals to this scheme would be made via HOST. The provision of this housing for those that meet this eligibility criteria only can be conditioned and this is part of the recommendations of this report. It is on the basis of this proposed use that this application is assessed.

24. There is no requirement for First Homes to be provided as part of the proposal as this is a 100% affordable housing scheme.

### Conclusion on the Principle of Development

25. It is considered that the proposals will make a much needed contribution to affordable and overall housing supply on a sustainable brownfield site within the settlement boundary. The proposed housing, which would be for those who are homeless / rough sleeping, is greatly needed within the Borough, as set out within the Trafford Homelessness Strategy and as confirmed by the Housing Strategy and Growth Manager. This specific housing type can be secured by way of condition to therefore meet an identified housing need and is given substantial weight. The proposed re-development of previously developed land for affordable housing would accord with Core Strategy Policies L1, L2, emerging PfE policies JP-H1 and JP-H2, and the NPPF.

### DESIGN AND APPEARANCE

26. 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'.
27. 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.
28. The Core Strategy also attaches importance to the design and quality of the Borough's built environment. The text supporting Policy L7 advises that high quality design is a key factor in improving the quality of places and in delivering environmentally sustainable developments. Design solutions must: be appropriate to their context; and enhance the street scene by appropriately addressing scale, density, height, massing, layout, elevational treatment, materials, hard and soft landscaping, and boundary treatments, the policy is clear. Policy L7 is considered to be compliant with the NPPF as it comprises the local expression of the NPPF's

emphasis on good design and, together with associated SPDs, the Borough's design code. It can therefore be given full weight in the decision making process.

29. Emerging PfE policy JP-P1 outlines an ambition to create a series of beautiful, healthy and varied places. Development should be distinctive, with a clear identity that respects and acknowledges the character and identity of the locality in terms of design, siting, size, scale and materials used.

### Background

30. The plans presented to Members in August 2023 had been significantly amended from those originally submitted in April 2023. Officers had sought to improve the design of this scheme. Amendments received include removing the dog leg element, integral bin and cycle stores, significant increases to both the amount and size of windows, provision of greater communal and private amenity space, architectural detailing, and greater landscaping.
31. Following the August Planning Committee, the applicant has engaged positively and proactively to address the concerns expressed by Members and those within the Committee Report set out to Members. This has involved re-locating the proposed terrace further south within the site by approximately 9.5m, and introducing additional communal gardens to the northern end of the terrace. The applicant has explained that this is proposed to create a meaningful separation to the existing Shawe View terrace. Improvements to the façade include providing rhythm across the terrace through the use of repetitive bays.

### Siting and Layout

32. The proposed development would still be bound by the Pennybridge Lane car park (referred to as the car park) to the west and southern aspects, and the car park associated with the Shawe View Residential Home to the east. The site boundary would still be sited approximately 7.5m to the Shawe View terrace (nos.20-28), albeit with the built form now located significantly south of that existing building at 24.5m. The proposed siting necessitates a loss of 49no. parking spaces within the Pennybridge Lane car park (a further loss of 14 spaces in comparison to the previous plans) and a similar extent of moderately sized trees which extend along its eastern boundary.
33. The development would comprise a terraced form, extending north to south. The building would no longer abut the Shawe View terrace at a perpendicular angle. There would now be 21.0m between the existing Shawe View terrace and the proposed development which would allow each to be appreciated in their own right. Historic mapping shows that the eastern part of Shawe View terrace was constructed pre 1888 (associated with Flixton Cotton Mills, constructed 1851) with the western part of the terrace known to be constructed prior to 1904. Whilst much of its façade has been altered including rendering and window replacements, the

historic form is retained. The Council's Heritage Development Officer (HDO) has assessed this building, and whilst it is noted as a characterful building, prominent in the public realm, it is not a non-designated heritage asset. This has been re-assessed following the August Planning Committee, and it is acknowledged that the aesthetic value of this building is complemented by its pedestrian access and mature landscaping. Nevertheless, owing to the degree of alteration to the terrace, and that the associated Flixton Cotton Mills has been demolished, the HDO has advised that it would not warrant consideration as a non-designated heritage asset. Paragraph 191 of the NPPF states that when Local Planning Authorities consider the designation of conservation areas an area should justify such status in order not to devalue the concept of conservation, and the same principle could apply to any heritage asset, designated or non-designated.

34. The proposed development does follow the rectangular layout of the car park, and the terraced form does reflect the nearest building typology, however the scheme would not reflect the orientation of the longstanding Shawe View terrace. The layout therefore still does not reinforce the historic urban grain. However, the impact has been significantly reduced through creating a greater separation from this terrace. The impact of the proposed layout would also be reduced by its siting closer to the modern T-Shaped Residential Home which itself supports a primary north to south emphasis. The visual impact of the development can be further offset through the establishment of tree planting to reduce the prominence of this development in the context of the Shawe View terrace.
35. The successful implementation of tree planting to the western and southern boundaries will be crucial in seeking to establish a residential setting to this site. Officers have negotiated extensive tree planting along the site boundaries, and secured 6.0m spacing to the proposed building to allow these trees sufficient space to grow. It is considered that, in time, a residential setting to this development will be properly established. However, in the interim, and during times when the trees are not in leaf, the scheme would be read as a rather contrived residential development constructed within a car park. The applicant has recognised the importance of landscaping along this boundary and the trees proposed would be 'heavy standard' with a height of 350-425cm. This would provide some screening from the outset when in leaf.
36. For the above reasons, some conflict is demonstrated with policy L7 of the Core Strategy. In particular, the development does not make best use of opportunities to improve the character and quality of this area, nor is the development clearly appropriate in its context with a reliance upon landscaping to prevent a contrived appearance. The landscaping can however be secured by condition, offering some mitigation.
37. Within the site, the layout allows for a moderate amount of communal amenity space, and some private terraces to the ground floor units. Pathways are provided around the development and sufficient space is retained to the site boundaries. It is



understood that the eastern boundary would remain open fronted to create an active frontage to the street scene and a sense of arrival to this site. The applicant has shown willingness to ensure a strong landscape buffer to the rear and side boundaries of the site with the use of a brick boundary wall, dense hedge and tree planting. It is recommended that this is secured by way of planning condition.

### Scale, Form and Massing

38. The proposed building would be 44m in width (including the single storey sections) and 9.8m wide. The ridge height would be 8.5m to a pitched tile roof. At two-storey, the development accords with surrounding building scales. The length of the terrace is not considered to be excessive with the adjacent care home extending approximately 44m in length and the terrace extending approximately 98m in length. Single storey sections comprising bin and cycle stores are attached to each gable end, which breaks down the massing at the site boundaries. This also prevents the need for separate structures within the site to accommodate bins and bicycles. These single storey elements are set back from the principal elevation to avoid appearing dominant, particularly given their blank facades. Bins and cycles would be accessed from the sides of the building, avoiding the use of closed and ventilated doors to the front elevation.
39. The roof pitch is relatively shallow, albeit not to an extent which would result in a poorly proportioned appearance. The use of larger windows to the east elevation, and clearly defined entrances, helps to define the principal elevation. Defensible space would be established around front elevation ground floor windows.
40. Notwithstanding the concerns regarding the siting of the development, the terraced form replicates the established building typologies within this area. The form and massing is relatively simple.

### Appearance and Materials

41. The pitched roof terrace design would provide a traditional aesthetic, which would be enhanced by architectural details. Two string courses are proposed. The submitted Design and Access statement confirms that window cills would be stone. Arched brickwork would be used above entrances and a number of windows. The applicant has also confirmed that doors and windows would sit in a reveal of 90mm. This level of architectural detail can be conditioned. Red brick would be used throughout the elevations of the building which would reflect the predominant building material in the local area. Grey concrete roof tiles – Marley Edgemere - is proposed, which is a relatively thin interlocking tile designed to create the appearance of slate.
42. Windows would be of a moderate size with suitable floor to ceiling proportions and similar styles in both the front and rear façade. The window to wall ratio to the principal elevation is 18%, whilst the rear elevation would achieve 41%. This is owing to the rear patio doors and the Juliet balconies. It is noted that the Juliet

balconies would be visible from Pennybridge Lane and would be viewed in a broadly similar context as the characterful terrace. Whilst the Juliet balconies would introduce a new architectural feature within the public realm, this should be balanced against the desire to enhance natural light and outlook for the occupiers of this residential development. These features would also facilitate greater passive surveillance of the car park, thereby reducing opportunities for crime.

43. The frequency of windows within the elevations allows for punctuation in the façade, particularly given that the applicant has committed to 90mm window/door reveals. Use of vertical rainwater goods can help to define bays within the façade, which can be conditioned. The amended plans now propose repetitive bays across the building which would allow for rhythm in the façade. This is an improvement from the previously proposed symmetrical appearance and which would better correspond to the established rhythmic character of the Shaw View Terrace. Notwithstanding this, the re-siting of the development 24.5m from the terrace would also reduce the prominence of any contrast between the two facades when viewing the site from the west.
44. Officers have raised concerns regarding the high proportion of front doors (12no.) to the principal elevation. Amendments have been received including increasing the size and quantity of windows to lessen the prominence of these doors. However, it is still considered that the proposed doors are excessively numbered and reduces the transparency of the façade at ground level.
45. Meter boxes are proposed to the principal elevation. The applicant has suggested that these are standard and must be placed outside in an accessible location. It is considered that these are slightly excessive in design terms, and are a direct result of the large number of separate front doors proposed to this elevation. A condition can require exact details of these to be submitted to the LPA, including possible painting of these fixtures, with the aspiration of this condition to reduce their prominence.
46. Details of materials can be conditioned to ensure a satisfactory appearance to the development.

### Design Conclusion

47. Through extensive discussions, the applicant has proactively amended the scheme taking into account the concerns raised at the August Planning Committee. The layout has been significantly improved through creating a meaningful separation to the existing Shawe View terrace which also involves a greater provision of on-site communal green space. The applicant has also amended the façade with the introduction of repetitive bays within the terrace, which would be contextually more appropriate and more attractive in design terms.

Concerns are still raised with the layout of this development. Namely, the siting of this building would not reinforce the historic urban grain, and its siting within a car park would result in a visually contrived development. Some conflict is therefore identified with policy L7 of the Core Strategy, emerging PfE policy JP-P1 and the Council's supplementary planning document (PG1: New Residential Development). However, the visual impact of the development could be mitigated through an extensive landscape buffer to be planted along the boundary which can be strictly conditioned. This would in time, help to restore a landscaped setting to the car park. The use of heavy standard trees, which the applicant is proposing, can help to expedite the growth of this landscape buffer.

## LANDSCAPING / GREEN INFRASTRUCTURE

48. Policy R3 of the Core Strategy seeks to protect and enhance the Borough's green infrastructure network. Policy R5 states that all development will be required to contribute on an appropriate scale to the provision of the green infrastructure network either by way of on-site provision, off-site provision or by way of a financial contribution. Both policies are considered to be up to date in terms of the NPPF and so full weight can be afforded to them.
49. There are no protected trees within, or in the vicinity of, the site. A significant number of semi-mature trees along the eastern boundary of Pennybridge car park would be removed to accommodate the development. These trees are considered to be of moderate quality, with clear visibility from the southern end of Pennybridge Lane and the Shawe View terrace. The applicant has sought to mitigate their loss through the planting of medium sized trees along the western boundary of the application site, planted approximately 6.0m from the proposed building. Species to be planted include Field Maple, Bird Cherry, Common Whitebeam and Callery Pear, all heavy standard with a girth of 12-14cm and a height of 350-425cm. These are all native species that are considered suitable for the Borough and this particular setting. These trees have the ability to give structure in urban landscapes and can appear large at the human scale.
50. The loss of the existing trees is regrettable, particularly given their visibility in the public realm and their integral position within a line of moderate quality trees. This would cause moderate harm to the landscaped character and appearance of this area. However, it is considered that the replacement planting would, in time, ensure the restoration of a landscaped setting to the Pennybridge car park which does offset some of this harm in the medium-long term. The Council's Arboriculturist has raised no objection provided that the landscaping plans are implemented and has suggested that this layout represents an improvement over the previous scheme presented to Members – given the increase in tree planting and landscaping to the northern end of the terrace. This can be conditioned alongside a maintenance plan to ensure their maintenance for the lifetime of the development.

51. Seventeen trees – an increase of five from the plans previously presented at Committee – would be planted, alongside native hedge mix which would be planted in a double, staggered row at a density of four plants per metre along the rear and side boundaries of the site. Shrubs would be planted within the defensible spaces to the principal elevation. The northern-most boundary of the proposed communal garden would not provide for tree planting, but rather the continuation of the boundary hedge. This would be so to prevent any established trees having an adverse impact upon the existing terrace having regard to light and the southern positioning of this boundary.
52. The proposed planting provision would exceed the requirements of SPD1 for on-site specific green infrastructure.
53. A tree protection plan has been submitted demonstrating that the existing trees south and north-east of the development site would be protected during construction works. This can be conditioned.
54. Limited information has been submitted with respect to hard landscaping. However, the indicative landscape layout does indicate that pathways and private terraces would be physically delineated through changes in surfacing. The submitted boundary treatment plan shows that a good quality boundary wall, and picket fencing would be delivered on the site. Details of hard landscaping (and full details of the boundary treatments) can be dealt with via conditions to ensure an appropriate and quality mix of materials to promote navigation within the site and to secure an attractive layout.
55. Subject to the aforementioned landscaping and tree protection conditions, the proposal would accord with both policies R3 and R5 of the Core Strategy and the NPPF.

## RESIDENTIAL AMENITY

56. Policy L7.3 of the Trafford Core Strategy states that development must not prejudice the amenity of future occupants of the development and/or occupants of adjacent properties by reason of overbearing, overshadowing, overlooking, visual intrusion, noise and/or disturbance, odour or in any other way. As previously stated, L7 is considered to be up to date for decision making purposes and full weight can be attached to it.
57. Supplementary Planning Guidance - PG1 (New Residential Development) sets out the guidelines that relate to all forms of new residential development. With regards to privacy, the Council's Guidelines 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. PG1 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 three storeys apply. Distances to rear garden boundaries from main windows should be at least 10.5 for two storey flats. Situations where overshadowing is likely with a main elevation facing a two storey blank gable, a minimum distance of 15m should normally be provided.

### Impact on Future Residents of the Development

58. All of the units would comply with the minimum gross internal floor area for a 1-bedroom/1-person unit, as set out in the nationally described space standards (NDSS). It is understood that all the units would be occupied as such. This would accord with emerging policy JP-H3 of PfE.
59. The units themselves benefit from dual outlook and would receive natural light and sunlight from both eastern and western outlooks. The windows are appropriately sized to facilitate both internal light and ventilation, whilst providing an acceptable outlook from most areas of the rooms served. The apartments proposed to the southern end have been designed in a manner which still facilitates reasonable outlook and light in lieu of the close relationship to the care home. One east-facing bedroom window would face directly towards the care home with a separation of approximately 11m. However, this has an unrestricted outlook to the north-east and the care home itself is relatively low in height given its single storey profile which reduces its prominence. The occupiers of this unit would also benefit from good outlook to the west, alongside a private garden. For these reasons, it is not considered that the care home would appear significantly overbearing to, or significantly prejudice light within, this particular unit.
60. Some overlooking from the Shawe View terrace would take place to communal areas within the site. This, however, is not considered to be significantly invasive and would provide benefits through natural surveillance of these external communal areas. In addition, some communal green space would extend along the western aspect of the site which would be overlooked by each unit of the development and bound on the western boundary by a proposed wall and tree planting. This would provide some enclosed, and screened communal space for residents.
61. The terraces to each unit would provide some defensible space for the occupiers of the ground floor units. These would be physically defined through a modest picket fence. Whilst not significantly screened, this does create some limited private external amenity space for those residents. Juliet balconies are proposed to the units at 1<sup>st</sup> floor allowing enhanced outlook to the west, and greater ventilation.
62. The amount of open space now proposed for future residents has increased significantly from the original plans presented to Members. In particular, the scheme now offers a generous mix of communal green space, alongside some private amenity space for the ground floor units. Approximately 438sqm of communal green space and private gardens, would be provided on-site, which excludes the pathways and the green verge to the front of the site. This significantly exceeds the

requirements of PG1 (18sqm per apartment) which would equate to a total of 216sqm for this development.

63. Limited details have also been provided regards the mechanical heat ventilation with heat recovery (MVHR) system. A condition can require details of the MVHR system to be submitted to and approved in writing by the Local Planning Authority. This would seek to ensure an acceptable noise impact upon the occupiers of the development. A condition can also ensure that any fixed plant and machinery, when operating simultaneously, shall be selected and / or acoustically treated to achieve a rating level of 5dB below the typical background level at the nearest noise sensitive location. This would be in the interests of preventing any undue noise disturbances to residential amenity.

#### Impact on Residents of Surrounding Properties

64. Outlook from the 1<sup>st</sup> floor windows of the development would afford slight sightlines towards Shawe View Terrace albeit this would be at a significantly oblique angle and with a separation of a minimum 24.5m. In addition, trees are proposed to be planted along the boundaries of the site which shall further reduce lines of sight towards Shawe View Terrace. It is also noted that the frontages of these properties, and associated front gardens, are clearly visible in the public realm owing to both the car park, and a private right of way which extends past the front of these properties linking Pennybridge Lane and Shawe Road. For these reasons, it is not considered that the privacy of Shawe View Terrace would be significantly prejudiced.
65. 24.5m would be retained between the blank two-storey gable end of the development and the front elevation of Shawe View Terrace, a significant increase from the 15.0m previously proposed. This would accord with guidance set out in PG1. Approximately 27.0m would be retained between the front elevation of the development and 1<sup>st</sup> floor habitable room windows directly opposite within the residential care home (identified as '1-3' on the Proposed Site Plan). The amended plans do place the proposed building significantly closer to the larger care home building. It is understood that there are no habitable room windows within the care home which would directly face on to the development. The windows within the northern aspect of the west elevation are inserted within the following rooms – interview room, kitchen, boiler room, laundry room and hobby room. The nearest bedroom window would be located in the largest west facing gable end at the southern end of the west elevation. This development would not appear unduly obtrusive within the outlook of this bedroom owing to the separation to the proposed building (approximately 20.0m) and the oblique line of sight to the development.
66. The impact upon surrounding residential amenity has been assessed on-site and it is not considered that the development would appear significantly overbearing, nor would it significantly prejudice light within neighbouring properties/gardens.

67. Limited details of external lighting have been provided in respect of the impact on neighbouring properties. The submitted lighting plans demonstrate that the site can be adequately illuminated including the pathways around the site, but does not demonstrate the impact on the nearest residential properties. A condition can therefore be attached to any consent requiring full details of external lighting to be provided prior to their installation on site. This could ensure that any external lighting has an acceptable relationship in respects of both residential amenity and the appearance of the site.

### Residential Amenity Conclusion

68. Subject to the aforementioned conditions regarding lighting, MVHR systems, and fixed plant and machinery, it is considered that the proposal would have an acceptable impact on residential amenity having regard to policy L7 of the Core Strategy and the NPPF.

### HIGHWAYS IMPACT AND SERVICING

69. Policy L4 of the Core Strategy states that “when considering proposals for new development that individually or cumulatively will have a material impact on the functioning of the Strategic Road Network and the Primary and Local Highway Authority Network, the Council will seek to ensure that the safety and free flow of traffic is not prejudiced or compromised by that development in a significant adverse way”.

70. Paragraph 109 of the NPPF states that “Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe”. Given the more stringent test for the residual cumulative impacts on the road network set by the NPPF, it is considered that Core Strategy policy L4 should be considered to be out of date for the purposes of decision making.

### Access

71. Pedestrian and cycle access only is proposed to this development. Two links would be created to Shawe View. Both would link to the pavement on Shawe View, in an area whereby vehicles could drop off/pick up residents in a safe manner with clear turning space available. Any residents that park within Pennybridge Car Park would be expected to walk along Shawe Road to the south and east to access the site.

### Impact on the Car Park at Pennybridge Lane

72. The car park located on Pennybridge Lane has been used for vehicle parking since at least May 2009, and this has been on an informal basis. Whilst the car-park has been demarcated with spaces, the land has not been formally designated as a public car park. This has been clarified by the Local Highway Authority. The LHA have

raised no objection to the impact on the informal Pennybridge Lane car park. Nevertheless, it is noted that a significant number of spaces would be retained within this car park.

73. For information, the Transport Statement outlines that the present demarcated layout within the car park provides for 154 parking spaces. The proposal would now result in the removal of approximately 49 of these spaces (compared to 35 under the previous plans presented to Committee). The applicant's Transport Consultant has suggested that the retained layout could still accommodate up to 153 designated spaces within a revised, and more efficient, configuration. However, for the avoidance of doubt, this is not a designated car park, despite being used for this purpose. The scheme would therefore result in the loss of some land which is presently available for parking cars, rather than any designated parking within this area.
74. The parking survey submitted with the application outlined that the peak demand for the Pennybridge Lane car park was 102 vehicles parked, which was during a Trafford FC match on 17<sup>th</sup> September 2022. This resulted in a 66% parking stress level. The Transport Consultant concludes that this would result in a minimum of 52 spare car parking spaces at any given time. Whilst this figure would inevitably fluctuate, particularly during more popular Trafford FC matches, it is considered that the retained car park of at least 105 spaces would be sufficient to meet this demand despite the land not being a formal car park.

#### Car Parking and Motorcycle Parking

75. The car parking standards as detailed within Supplementary Planning Document 3 'Parking Standards and Design' (SPD3) state that for this location residential dwellings requires a maximum standard of one space per one bedroom.
76. No parking spaces or motorcycle spaces are proposed on-site. The Transport Statement suggest that as this is specialist accommodation, car and motorcycle ownership levels are likely to be very low, with any traffic generated from the site being from support workers who may visit on a daily basis, and visits to maintain the communal spaces. The tenants would receive support to assist them in maintaining their tenancies but the nature of this support will depend on the tenant. Whilst motor vehicle ownership of the tenants is likely to be zero initially, this may change over time given that accommodation provides two year temporary accommodation. It is, however, considered that the site resides in a broadly sustainable location within short walking distance of Urmston Town Centre, good access to bus routes, rail links and the site itself would provide dedicated cycle storage. There are genuine alternatives to use of the private cars or motorcycles. The Pennybridge Lane car park would, nevertheless, offer some parking opportunities for residents and visitors. For these reasons, the proposed parking provision of no spaces is considered to be acceptable on this site in these circumstances.



77. It is noted that no accessible parking is proposed on site, nor is there any available in the immediate vicinity of the site. However, there is ample space directly outside the site (adjacent to the care home) available for drop-off / pick-up, including some temporary waiting.

#### Cycle parking

78. Twelve cycle spaces are proposed within two separate weatherproof cycle stores. Sheffield stands would be used to secure the frame within these stores, spaced at least 1m apart. The provision would accord with SPD3 guidance for one-bedroom dwellings. The implementation of the cycle parking can be conditioned.

#### Servicing

79. Secure bin stores are proposed to the northern and southern ends of the building of the site, providing easily accessible bin storage for residents leading directly out onto the existing access road. As the bin store is located away from the main apartment block, the residents will be required to take their household waste and recycling from the apartment to the bin store for collection. The bin store sizes have been assessed by the Council's Resources and Waste Manager who confirms that their size would meet the required bin allocations for a development of this size. On collection days, the building management company would bring the bins to two designated bin collection points within the site boundary, adjacent to the highway (Shawe View) for collection by a private waste management company. These would then be returned to the bin stores for residents to use. It is considered that this arrangement is practical and would not result in a significant occurrence of pests.

#### Conclusion

80. The Local Highway Authority (LHA) have been consulted on the latest proposals, and have raised no objection to the development. The proposal, when operational, is not considered to result in an unacceptable impact on highway safety, nor would the cumulative impacts on the road network be severe. Subject to the aforementioned conditions, the proposal is considered to accord with policy L4 of the Core Strategy, emerging policy JP-C7 of PfE, and the NPPF.

#### FLOOD RISK / DRAINAGE

81. The NPPF outlines strict tests in order to protect people and property from flooding, through both sequential and exception tests. In summary, these tests are designed to ensure that if there are better sites in terms of flood risk, or if a proposed development cannot be made safe from the risks of flooding, then it should not be permitted. A similar approach is embodied in Core Strategy Policy L5 and thus this aspect of Policy L5 is up-to-date for the purpose of decision-taking.

82. The application site is located within a Critical Drainage Area within Trafford Councils Strategic Flood Risk Assessment and is also located within Flood Zone 1 with regards Environment Agency Flood maps (lowest risk of flooding). A Flood Risk Assessment (FRA) and Drainage Strategy (DS) accompany this application.
83. Given that the site is located in Flood Zone 1, the sequential test as outlined in the NPPF is passed and the exception test is not required. The proposed use is classed as more vulnerable (as defined in Annex 3 of the NPPF) with the NPPG defining this use as appropriate in Flood Zone 1. Nevertheless, the scheme has been designed to remain functional during any flood event for the lifetime of the development, incorporating the use of surface SuDS and sub-surface SuDS. SuDS measures which can be incorporated on the site include Geocellular storage, and large diameter pipes, culverts or tanks. The applicant has confirmed that the above SuDS elements shall be used where appropriate and practical. The oversized pipe will be used to attenuate the water for storm up to an including the 1 in 100 year event, plus 45% climate change allowance. A HydroBrake flow control will be used to restrict the overall discharge to a maximum pass forward flow rate of 5l/s.
84. The submitted drainage documents state that the existing site is approximately 90% hardstanding, which all drains into the sewer system unrestricted. The proposed works would include approximately 45% hardstanding areas, which is a reduction of 50% compared to existing, with a controlled flow, providing a betterment to existing run off rates. The submitted SuDS suitability assessment and preliminary drainage plan can both be conditioned. A drainage management plan has also been submitted setting out how the systems shall be self-cleansing, and also how inspections and appropriate actions shall be carried out to ensure its longevity. The LLFA have raised no objection to the development.
85. This development has been considered acceptable by the LLFA. The SuDS suitability assessment, drainage plan and maintenance plan can be conditioned. Subject to these conditions, the proposal would accord with policy L5 of the Core Strategy and the NPPF.

## CONTAMINATION

86. Policy L5 states that 'Development that has potential to cause adverse pollution (of air, light, water, ground), noise or vibration will not be permitted unless it can be demonstrated that adequate mitigation measures can be put in place'. In respect of contamination, Policy L5 can be considered up to date, as it is consistent with NPPF paragraphs 120 and 185. Specifically the NPPF directs planning policies and decisions to ensure that new development is appropriate for its location and to decontaminate land in the interests of health, living conditions and the natural environment.
87. The phase I contaminated land assessment reports that it is likely that potential pollution linkages will be relevant to the site which require further investigation and

assessment. The assessment concludes that the site appears not to have been subject to large scale industrial usage previously, and very high to high levels of contamination are not presently anticipated. However, there is a risk of some contamination being present on site, which can be regarded as moderate, likely from car parking on site, and historic industrial activity nearby.

88. Environmental Health Officers recommended that conditions be attached which requires an investigation and risk assessment in relation to contamination on site, be undertaken prior to any development taking place (with the exception of tree felling and site clearance works). This could include a survey of the extent, scale and nature of any contamination, an assessment of risks, remediation strategy and verification plan. As recommended by Environmental Health, a verification report can be conditioned demonstrating completion of any works set out in an approved remediation strategy.
89. Subject to the above conditions, the proposal would accord with policy L5 of the Core Strategy and the National Planning Policy Framework.

## ECOLOGY

90. Policy R2 of the Trafford Core Strategy seeks to ensure that all developments protect and enhance the Borough's biodiversity. In addition, paragraph 175 of the NPPF states that "if significant harm to biodiversity resulting from a development cannot be avoided...adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused". This policy is considered to be up to date in terms of the NPPF and so full weight can be afforded to it.
91. The applicant has submitted a Preliminary Ecology Assessment (PEA), including bat report, and biodiversity net gain (BNG) measures. The bat survey identified that the trees adjacent to the site have low bat roosting potential, with the surveyor recommending that the trees are felled using soft felling techniques. Soft felling involves removing limbs separately and lowering them to the ground, leaving for 24 hours before clearing. Any splits of knot holes identified must be left facing upwards to allow roosting bats to escape. This can be conditioned, which is recommended by the Greater Manchester Ecology Unit (GMEU).
92. Trees and shrubs will be lost as a result of the development which have the potential to accommodate bird nesting habitat. All British birds nests and eggs (with certain limited exceptions) are protected by Section 1 of the Wildlife & Countryside Act 1981, as amended. A condition can state that no works to trees or shrubs shall occur during the bird nesting seasons (1<sup>st</sup> March to 31<sup>st</sup> August inclusive), unless a survey has been submitted to the Local Planning Authority confirming that no active bird nests are present within the vegetation to be removed.
93. The BNG assessment (section 4.3 of the submitted PEA) demonstrates that the proposal can create a minimum +10% uplift in habitat units across the site. This

could be achieved through native species planting (which can be secured through a detailed landscaping scheme), four bat boxes (or bricks/tubes), six bird boxes including a sparrow terrace, bee bricks, and hedgehog homes. A net gain in biodiversity of at least 10% would accord with the NPPF and the requirements of emerging policy JPG-9. GMEU are satisfied that at least 10% can be achieved on site. It is recommended that a condition requires the submission of scheme for BNG in accordance with the aforementioned assessment.

94. GMEU have been consulted on the application and have raised no objection. Subject to the aforementioned conditions, the proposal would comply with policies R2 and R3 of the Core Strategy, the NPPF, and PfE Policy JP-G9.

## CLIMATE CHANGE

95. The need to mitigate and adapt to climate change is key to the delivery of sustainable development. Policy L5 of the Core Strategy requires new development to mitigate and reduce its impact on climate change factors and maximise its sustainability through improved environmental performance of buildings, lower carbon emissions and renewable or decentralised energy generation. It is considered that policies L5.1 to L5.11, which addresses the issue of carbon emissions, are out of date as they do not reflect NPPF guidance on climate change. Whilst policy L5 is out of date, this policy does require that development outside of 'low carbon growth areas' (LCGA) should achieve a 5% reduction in emissions of Carbon Dioxide (CO<sub>2</sub>) below the 2013 Building Regulations. This site does not reside within an LCGA.

96. The Council has declared a Climate Emergency with a target to become a Carbon Neutral borough by 2038. As set out within policy JP-S 2 of PfE, there is an expectation that all new development will be net zero carbon from 2028.

97. The development seeks to reduce the total carbon emissions through a fabric first approach, and the inclusions of air source heat pumps. The Carbon Budget Statement submitted concludes that these measures would secure a 60.46% reduction in carbon emissions and a 22.44% primary energy reduction when compared to Part L building regulation 2021. The 2021 regulations are also themselves a 31% improvement over the 2013 regulations upon which Policy L5 is based. In line with the NPPF, the development does identify suitable areas for renewable / low carbon energy sources and takes an opportunity to minimise carbon emissions and energy consumption. The renewable energy measures proposed in this report can be conditioned.

98. The proposed development and would be in accordance with Policy L5 of the Core Strategy and the NPPF.

## AIR QUALITY

## Context

99. Paragraph 181 of the NPPF advises that planning decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas (AQMA) and Clean Air Zones (CAZ), and the cumulative impacts from individual sites in local areas. Planning decisions should ensure that any new development in AQMAs and CAZ is consistent with the local air quality action plan (AQAP).
100. The Greater Manchester Combined Authority (GMCA) has published a joint Air Quality Action Plan (AQAP) (2016-2021) which seeks to improve air quality across Greater Manchester and to embed low-emission behaviours into the culture of organisations and lifestyles by 2025, whilst supporting the UK Government in meeting thresholds for air pollutants at the earliest date to reduce ill-health in Greater Manchester. In managing new development the GMCA AQAP sets out a number of controls. Of relevance to this particular application are assessment of local air quality impacts from predominantly construction management. No parking is proposed for this development, and carbon saving measures such as biomass which can have an adverse air quality impact, have been discounted.
101. Policy L5 requires developers to adopt measures identified in the Greater Manchester Air Quality Action Plan, to ensure that their development would not have an adverse impact on the air quality. In this respect, L5 can be considered to be up to date for the purposes of decision making and full weight attributed to it.
102. The application site itself does not reside within an Air Quality Management Area. However, there are a number of AQMA in the wider area including to sections of Moorside Road (approximately 470m north) and within the designated Urmston Centre (approximately 880m east).

## Operational Phase

103. No parking is proposed on site, and the building itself would be designed to be energy efficient with carbon emissions below that set out in the 2021 Building Regulations. It is not considered that this residential development would have a significant adverse impact on air quality in the surrounding or wider area.

## Construction Phase

104. Without appropriate mitigation, dust emissions during construction works could have a significant adverse impact upon local air quality. A robust construction and environment management plan (CEMP) is considered to be necessary to manage this impact on the environment. This could include strict measures to control the emission of dust and dirt. No fires shall be ignited on-site, and a scheme for recycling/disposing of waste shall be required. Subject to these measures, it is

considered that the development would result in an acceptable residual impact upon local air quality.

### Conclusion on Air Quality Impact

105. The construction of this development, subject to the implementation of a robust CEMP, is not considered to have a significant residual impact upon air quality. It is therefore considered that the proposal would accord with the aims of the Greater Manchester AQAP in protecting air quality, and would comply with policy R5 and the NPPF.

### CRIME PREVENTION AND SECURITY MEASURES

106. The NPPF, at paragraphs 92 and 130 direct planning decisions to create safe and accessible places so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience. Policy L7 requires development to be designed in a way that reduces opportunities for crime. A Crime Impact Statement (CIS), undertaken by Greater Manchester Police, has been submitted with the application.

107. The submitted Crime Statement sets out a number of measures to reduce opportunities for crime including CCTV, alarms, external doors (compliant with security standards), security lighting, access controlled gates and a fenestration which facilitates good levels of natural surveillance. A condition can ensure that the development is constructed in accordance with this statement. Details regarding boundary treatments and soft landscaping shall be considered via separate conditions. It is, however, noted that the rear boundary is indicated as a 2.1m brick wall which in principle is acceptable, and would form a good crime prevention measure.

108. Subject to the aforementioned condition, the proposal would accord with both policy L7 of the Core Strategy and the NPPF.

### EQUALITIES

109. Policy L7.5 of the Core Strategy requires that development should be fully accessible and usable by all sections of the community and Paragraph 127 of the NPPF reinforces this requirement by requiring planning decisions to ensure that developments create places that are safe, inclusive and accessible.

110. Under the provisions of the Equality Act 2010, specifically Section 149 Public Sector Equality Duty (PSED), all public bodies are required in exercising their functions to eliminate discrimination, advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it, and to foster good relations. Having due regard for advancing equality involves: removing or minimising disadvantages suffered by people due to their protected

characteristics; taking steps to meet the needs of people from protected groups where these are different from the needs of other people; and encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low. The relevant protected characteristics of the PSED include age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex and sexual orientation. The PSED applies to Local Planning Authorities in exercising their decision making duties with regards planning applications.

111. Measures included within the development include level access into the ground floor units, and around the building including access to bin/cycle stores, areas of communal open space and to the wider community. Occupants will have suitable access to local amenities, and opportunities to interact with the wider community to avoid feelings of isolation. Details of lighting can be conditioned to ensure that external areas are adequately illuminated to assist those who may be partially sighted and pathways used to promote wayfinding around the site. Areas of open space around the site would benefit from varying degrees of sunlight/daylight at different times of the day, which can promote continual enjoyment of communal areas encouraging socialising between residents. It is considered that the units themselves could be used by a wide range of people. Whilst the type of accommodation is temporary (two years), the units are capable of being adapted internally to accommodate varying needs. It is noted that only six (50%) of the units are accessible via level access and that six of the units would level access. The staircases to access these units would, however, be suitable for ambulant disabled persons.
112. In addition to the above, the proposed buildings would be required to comply with the provisions of the Building Regulations Approved Document Part M4 (1) – Access to and use of buildings.
113. It is also acknowledged that vulnerable persons with one or more protected characteristics are disproportionately represented in the homeless and rough sleeping population. This development would have significant benefits for this group of people by providing them with dedicated accommodation to meet their needs.
114. The measures proposed to provide access to all, including those with a protected characteristic, are considered to be, on balance, an appropriate, practical and reasonable response to the equalities impacts of the scheme

## DEVELOPER CONTRIBUTIONS

115. This proposal is subject to the Community Infrastructure Levy (CIL) and comes under the category of ‘apartment’ development within a moderate charging zone, consequently the development will be liable to a CIL charge rate of £0 per square metre in line with Trafford’s CIL charging schedule and revised SPD1: Planning Obligations (2014).

116. No other planning obligations are required.

## OTHER CONSIDERATIONS

### *Construction*

117. A detailed construction and environmental management plan (CEMP) can be conditioned to ensure an acceptable impact on the local highway network, environment (including air quality) and surrounding residential amenity. Officers recommend that any CEMP should be approved by the Local Planning Authority prior to any on-site works commencing, and that any approved CEMP should be in place for the duration of the construction works on-site. This condition has been recommended by the Local Highway Authority.

118. Subject to the implementation of an acceptable CEMP, and the aforementioned conditions, the proposal would accord with policies L4 and L7 of the Core Strategy and the NPPF.

## SUMMARY AND PLANNING BALANCE

119. Section 38(6) of the Planning and Compulsory Purchase 2004 requires applications to be determined in accordance with the development plan unless material considerations indicate otherwise.

120. 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. 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.

### Adverse Impacts

- The development would not align with the historic urban grain and would require extensive landscaping along the site boundaries in order to prevent a visually contrived development with an awkward relationship with its surroundings. . Some conflict is identified with Policy L7 of the Core Strategy and Policy JP-P1 of Places for Everyone. Substantial weight is attached to this harm, although Officers note a high quality landscape buffer to the western site boundary would help to mitigate this harm once established.



- Loss of moderately sized trees established to the car park boundary, which are visible in the wider public realm. Replacement tree planting is proposed within the site and is secured by condition, which, if the trees are maintained and survive, will help to mitigate this harm. Moderate weight is attached to this harm.
- Loss of 49no. car parking spaces from Pennybridge Lane car park. Given the justification through the submitted Transport Statement, and that the land is used for parking in the absence of any other use, rather than being a dedicated car park, limited weight is attached to this harm.
- No accessible parking spaces are proposed within the site. Given the proposed occupants of the scheme, and the likelihood that vehicle ownership would be very low to none, limited weight is attached to this harm.

### Scheme Benefits

- The delivery of 12 affordable homes, which exceeds the number required by policy and will help to meet the identified need for affordable housing in Urmston and the Borough. The affordable housing proposed would provide specialist fixed term accommodation for rough sleepers who are Trafford residents. The Housing Strategy and Growth Manager advises that these 12 units would be a valuable resource to the Housing Options Service Trafford and would help to address a shortage of supported accommodation in Trafford to meet the needs of homeless households. Very substantial weight is afforded to this benefit.
- The delivery of 12 new homes which would contribute towards addressing the identified housing land supply shortfall generally. Substantial weight is given to this benefit.
- Biodiversity Net Gain of at least 10% which can be secured via condition. Moderate weight is afforded to this benefit.
- An energy efficient design, which would operate with 60% lower carbon emissions and 22% reduced energy usage than required by the latest building regulations. Moderate weight is afforded to this benefit.
- Significant communal green space provided on-site for residents which would be over double the requirements set out in Trafford planning guidance for new residential developments. 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.

121. The main adverse impacts relate to the poor siting of this development, and the loss of moderately sized trees along the boundary of the Pennybridge Lane car park

which would harm the character of the area. Substantial weight is attached to this harm. However the benefits arising from the scheme in the provision of 12 affordable housing units meeting a specialised need in supporting people out of homelessness and rough sleeping is given very substantial weight. Moderate or limited weight is also afforded to the other benefits listed above.

122. 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. It is also noted that since the application was first considered by Members in August 2023, positive changes have been made to the siting and design of the development which lessen the harm in design terms (albeit substantial weight is still given to this harm) and reduces the impact of the development on the residents of Shawe View terrace. This further tips the planning balance in favour of the application. Although some conflict is identified with Policy L7 of the adopted Core Strategy and Policy JP-P1 of Places for Everyone, the scheme is considered to comply with the development plan when taken as a whole. The application is therefore recommended for approval.

### **RECOMMENDATION:**

Approve subject to conditions:

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

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

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

100 (rev.H) - Location Plan;  
105 (rev.W) - Proposed Site Plan;  
106 (rev.J) - Boundary Treatment Plan;  
107 (rev.A) - Waste Management Plan  
130 (rev.H) - Proposed Ground Floor Plan;  
131 (rev.G) - Proposed First Floor Plan;  
132 (rev.B) - Proposed Roof Plan;  
133 (rev.L) - Proposed Elevations.

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 12 x 1-bed units for social rent and shall be occupied in accordance with the submitted eligibility statement titled 'Shawe Road - Statement of Eligibility Criteria', received by the Local Planning Authority on 19th July 2023. For clarity, the occupiers of this development shall be rough sleepers, those with a history of rough sleeping currently in emergency accommodation or, those at risk of rough sleeping or homelessness. Any affordable housing units provided for social rent shall only be occupied by individuals from within the boundaries of Trafford Borough in housing need and Trafford Borough Council shall be given 100% of the 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;

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 works involving the use of any external facing materials shall take place until samples and / or full specification of materials to be used externally on the building have been submitted to and approved in writing by the Local Planning Authority. Such details shall include the type, colour and texture of the materials. Development shall be carried out in accordance with the approved details.

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

5. No above-ground construction works shall take place unless and until a detailed façade schedule for all elevations of the building has first been submitted to and approved in writing by the local planning authority. The schedule shall be provided in tabulated form with cross referencing to submitted drawings, include the provision of further additional drawings and the building of sample panels on site as necessary and shall include:

- (i) All brickwork detailing and stone cills;
- (ii) all fenestration details and external reveals;

- (iii) all entrances into the buildings, and external reveals;
- (iv) the siting of any equipment on the roofs of the development;
- (v) the means of dealing with rainwater and any necessary rainwater goods that may be visible on the external façade of the building;
- (vi) the siting of any external façade structures such as meter boxes which shall have a suitable painted finish.

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 Core Strategy Policy L7 and the National Planning Policy Framework.

6. 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.

7. (a) The landscaping works shall be carried out in strict accordance with Drawing No. 6995.01 (rev.E) and shall be carried out within the next planting season following first occupation of the development hereby permitted.  
(b) 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. The development hereby approved shall not be occupied until a schedule of landscape maintenance for the lifetime of the development has been submitted to and approved in writing by the Local Planning Authority. The schedule shall include details of the arrangements for its implementation. Development shall be carried out in accordance with the approved schedule.

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

9. No part of the development shall be occupied or brought into use until details of the design and materials (including finish) to be used in the construction of boundaries, screens or retaining walls, as shown on Drawing No. 106 (rev.J), have been submitted to and approved in writing by the Local Planning Authority and the approved structures have been erected in accordance with the approved details. The structures shall thereafter be retained.

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

10. No development or works of site preparation shall take place until all trees that are to be retained within or adjacent to the site have been enclosed with temporary protective fencing in accordance with BS:5837:2012 'Trees in relation to design, demolition and construction. Recommendations'. The fencing shall be retained throughout the period of construction and no activity prohibited by BS:5837:2012 shall take place within such protective fencing during the construction period.

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.

11. No development shall take place until details of existing and finished site levels relative to previously agreed off-site datum point(s) have been submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved details.

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

12. No development shall take place, including any works of demolition, until such time as a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
- a) parking arrangements for site operative and visitor vehicles;
  - b) the management of deliveries to including details of any proposed delivery booking system;
  - c) loading and unloading of plant and materials to include vehicle access and egress arrangements;
  - 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 the works;
  - g) measures to control the emission of dust and dirt;

- h) measures to prevent disturbance to adjacent dwellings from noise and vibration, including any piling activity and plant such as generators;
- i) a scheme for recycling/disposing of waste resulting from the works;
- j) days and hours of construction activity on site (in accordance with Trafford Council's recommended hours of operation for construction works), and
- k) contact details for the site manager are to be advertised at the site in case of issues arising.

Reason: To ensure that appropriate details are agreed before works start on site and to minimise disturbance and nuisance to occupiers of nearby properties and users of the highway, having regard to Policies L4 and L7 of the Trafford Core Strategy and the National Planning Policy Framework.

13. The development hereby permitted shall not be brought into use until the means of access and the areas for the movement and secure storage of bicycles have been provided, constructed and surfaced in complete accordance with the plans hereby approved.

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

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 an investigation and risk assessment in relation to contamination on site (in addition to the phase I assessment provided) has been submitted to and approved in writing by the Local Planning Authority. The assessment shall investigate the nature and extent of any contamination on the site (whether or not it originates on the site). The assessment shall be undertaken by competent persons and a written report of the findings submitted to and approved in writing by the Local Planning Authority before any development takes place other than the excluded works listed above. The submitted report shall include:

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

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

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

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

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 approved shall be carried out in strict accordance with the submitted SuDS Suitability Assessment (dated July 2023), the Preliminary Drainage Plan ref. 23-B-13677-200 (rev.C) (received by the Local Planning Authority on 20<sup>th</sup> October 2023), and the submitted Drainage Management Plan (dated October 2023).

Reason: To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site having regard to Policy L5 of the Trafford Core Strategy and the National Planning Policy Framework.

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

Authority which provides for the protection of nesting birds during the period of works on site. The mitigation strategy shall be implemented as approved.

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

18. The development hereby approved shall be carried out in strict accordance with the tree 'soft felling' measures within Section 4.1, and the lighting mitigation measures set out in Section 4.2, of the submitted Preliminary Bat Roost Assessment Report ref. CW20-1025 RPT 001 (rev.2 dated September 2023).

Reason: In the interests of safeguarding protected species having regard to Policies R2 and R3 of the Trafford Core Strategy and the National Planning Policy Framework.

19. The Biodiversity Enhancement Measures, as set out in section 4.3 of the Preliminary Ecological Appraisal Survey by bEk Enviro Limited dated November 2022 (ref: BEK-22134-1) shall be implemented in full prior to the first occupation of the development, and retained thereafter.

Reason: In the interests of safeguarding protected species and to secure biodiversity enhancement on-site having regard to Policies R2 and R3 of the Trafford Core Strategy and the National Planning Policy Framework.

20. The development hereby approved shall be carried out in strict accordance with the physical security measures set out in Section 4 of the submitted Crime Impact Statement (ref: 2023/0113/CIS/01) with the exception of the boundary treatments, landscaping details, and external lighting, set out in sections 4.5, 4.6 and 4.7 of the submitted report which shall be submitted in accordance with the approved plans and the details required under conditions 9 and 22. The approved measures shall be implemented in full prior to the first occupation of the dwellings and retained thereafter.

Reason: In the interest of security and reducing opportunities for crime having regard to Policy L7 of the Trafford Core Strategy and the National Planning Policy Framework.

21. The development hereby approved shall be carried out in strict accordance with the submitted Carbon Budget Statement (ref. Z58179), dated 28th March 2023. The approved measures shall be implemented in full prior to the first occupation of the dwellings and retained thereafter.

Reason: In the interests of protecting air quality, and reducing the environmental impact of the development having regard to Policies L5 and L7 of the Trafford Core Strategy and the National Planning Policy Framework.



22. No external lighting shall be installed on the building or elsewhere on the site unless and until 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.

23. The noise rating level (LAeq,T) from all fixed plant and machinery associated with the development, when operating simultaneously, shall be selected and / or acoustically treated to achieve a rating level of 5dB (LAeq) below the typical background (LA90) level at the nearest noise sensitive location. Noise measurements and assessments shall be carried out in accordance with the latest published edition of BS 4142:2014+A1:2019 "Methods for rating and assessing industrial and commercial sound". Written validation shall be submitted to and approved in writing by the Local Planning Authority confirming that the criteria for fixed plant and machinery has been met prior to the first occupation of the development. Any mitigation measures required to achieve compliance with this requirement shall be retained thereafter in working order.

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

24. Prior to first occupation of the development, details of the Mechanical Ventilation with Heat Recovery (MVHR) system for the approved dwellings shall be submitted to and approved in writing by the Local Planning Authority. The MVHR system shall incorporate a summer bypass mode. The approved details shall be installed prior to the first occupation of the dwellings and maintained in good order for the lifetime of the development.

Reason: To secure an acceptable standard of amenity for occupiers of this development, having regard to Policy L7 of the Trafford Core Strategy and the National Planning Policy Framework.

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RCR



## **Demolition of store and erection of single storey rear extension**

28 Shrewsbury Court, Old Trafford, Manchester, M16 7NR

**APPLICANT:** Mr Osodipe

**AGENT:** AG Architectural Solutions Ltd.

**RECOMMENDATION: REFUSE**

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**This application is referred to the Planning and Development Management Committee at the discretion of the Head of Planning.**

### **SITE**

The application site comprises a two storey mid-terrace dwellinghouse within a residential estate in Old Trafford. The dwellings in the estate are designed so their front entrances face on to a pedestrianised courtyard and green space, with the rear of the properties facing towards the road.

The application property has a front porch and to the rear an original single storey storage room, which is connected to the main dwelling by a flat roof. A gate in the rear boundary fence provides access to Croston Street, with parking bays.

### **PROPOSAL**

The applicant is seeking planning permission for the erection of a single storey rear extension following the demolition of the existing storage room. The proposed extension would provide a ground floor accessible bedroom and wet room.

The proposed rear extension would project 5.4m from the dwelling's original rear elevation and have a total width of 4.5m. The roof would be pitched and hipped at the rear, with an apex height of 3.6m and an eaves height of 2.5m. The proposed brickwork, tiling and frames are to match that of the existing dwelling.

The increase in floor space from the proposed development would be 24.3m<sup>2</sup>. The proposed extension would be sited 0.2m off each of the side common boundaries shared with the attached dwellings at 27 and 29 Shrewsbury Court. While the proposed extension would retain 2m to the rear boundary, the remainder of the rear outdoor space would accommodate an accessibility ramp leading to the proposed new rear entrance. The ramp would have a maximum height of 0.2m and feature a 1.1m high handrail.

## **DEVELOPMENT PLAN**

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

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

## **PRINCIPAL RELEVANT CORE STRATEGY POLICIES**

- L7 – Design

In relation to paragraph 11 of the NPPF Policy L7 of the Core Strategy is considered up to date and full weight should be given to this policy.

## **PROPOSALS MAP NOTATION**

- Priority Regeneration Area: Old Trafford

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

Policy H10 – Priority Regeneration Area: Old Trafford

## **SUPPLEMENTARY PLANNING DOCUMENTS**

- SPD4 – A Guide for Designing House Extensions and Alterations

## **PLACES FOR EVERYONE (PfE)**

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). It identifies the quantum of new housing and employment development, supports the delivery of key infrastructure, and protects environmental assets. The Plan was submitted to the Secretary of State for Levelling Up, Housing and Communities in February, and its Examination in Public commenced on 02 November 2022. Hearings sessions concluded on 05 July 2023 and the Inspectors issued IN39 on 11 September 2023 advising that they are satisfied at this stage of the examination that all of the proposed main modifications are necessary to

make the Plan sound and/or legally compliant, and would be effective in that regard. Consultation on the Main Modifications started on 11 October 2023 and will close on 6 December 2023. Consequently the plan is at a very advanced stage in the plan making process and substantial weight can be attached to its policies.

Emerging policies relevant to this application are:

JP-P1 - Sustainable Places

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

DLUHC published the latest version of the National Planning Policy Framework (NPPF) on 5 September 2023. 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 in January 2023. The NPPG will be referred to as appropriate in the report.

### **RELEVANT PLANNING HISTORY**

110194/PAH/23: Erection of a single storey rear extension with a maximum projection of 5.4 metres beyond the original rear wall, a maximum height of 3.7 metres and eaves height of 2.4 metres. Application for prior approval under part 1 of schedule 2 class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). Refused 17/03/2023.

### **CONSULTATIONS**

No consultations.

### **REPRESENTATIONS**

The application was advertised through notification letters sent to immediate neighbours. No representations were received in response to this application.

### **OBSERVATIONS**

#### PRINCIPLE

1. The proposal is for an extension to the existing property, within a residential area. Therefore, the proposed development must be assessed against the requirements and limitations of Policy L7 of the Core Strategy and SPD4, along with the NPPF.
2. SPD4 states that, "The Council has a duty to safeguard the amenity of neighbouring properties and to protect the character and appearance of individual properties and residential areas." Therefore householder extensions

and alterations are acceptable in principle subject to there being no harm to the character and appearance of the property through unsympathetic design or harm to the amenity of neighbouring properties and residential areas.

## DESIGN AND VISUAL AMENITY

3. Paragraph 126 of NPPF states *'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. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process.'*
4. Policy L7 of the Core Strategy states that in considering applications for development within the Borough, the Council will determine whether or not the proposed development meets the standards set in national guidelines and the requirements of Policy L7. The relevant extracts of Policy L7 require that development is appropriate in its context; makes best use of opportunities to improve the character and quality of an area by appropriately addressing scale, density, height, layout, elevation treatment, materials, landscaping; and is compatible with the surrounding area.
5. Policy JP-P1 of the PfE states that developments should have a clear identity that, "respects and acknowledges the character and identity of the locality in terms of design, siting, size, scale and materials used".
6. SPD4 states that, "All rear extensions should avoid overshadowing, physically dominating or overlooking neighbouring dwellings."
7. While the proposal is set to the rear given the site context the proposed development would be highly visible from the public highway and footpath along Croston Street. Accordingly, due regard is to be given to the visual impact of the proposed extension on the streetscene.
8. The rear of the terrace is generally uniform in appearance, whilst there is variety in the height and materiality of the rear boundary treatment and colour of the first floor cladding, the massing of the properties is consistent with all but the end property (no. 33) having a rear projection. The projections do not extend across the full width of the properties and have a flat roof, maintaining a separation to the rear boundary.
9. The proposed extension would extend across almost the full width of the dwelling extending 5.4m towards the rear boundary, with a pitched roof, hipped at the rear. Whilst the eaves would be consistent with the existing height of the rear

projections, the proposed roof design would make the proposal clearly visible along the rear of the terrace, extending higher than the other projections in the row. Furthermore the width of the extension would remove nearly all external space to the rear of the dwelling. Therefore by reason of its scale and design it would appear overly dominant within the plot, failing to appear as a subservient or proportionate addition to the plot, contrary to the prevailing character of the terrace row.

10. The space that would remain to the rear of the proposed extension would be used to install an accessibility ramp, which would benefit the occupants by providing level access into the rear of the property. However the proposal would remove all useable amenity space to the rear of the property, along with space to store bins and bikes at the rear.
11. Internally it is also noted that there are no proposed changes to the layout, which means that the existing kitchen would only receive natural light from a doorway into the front living room. In seeking to adapt the property the proposal considers only the extension and fails to look at the living environment throughout the ground floor.
12. In considering the visual impact of the proposal's scale in the context of the street scene, Croston Street displays a consistent building line established by the same original storeroom outbuildings as exists on the host development site. Although these outbuildings have been modified to varying degrees, with some infill extensions or external alterations, the proposal would be a significant departure from any existing development. It would protrude significantly beyond the established building line and occupy the majority of the rear yard. As such, the proposal is considered to appear uncharacteristically large within the context of the street scene.
13. It is therefore concluded that the proposal would appear overly dominant, being excessive in scale and therefore failing to be a subservient addition. The proposed design is a departure from the existing character of the streetscene, which is considered to result in harm to appearance of the original dwelling and detract from the established character of the area, ultimately failing to comply with Policy L7 of the Core Strategy, SPD4 and guidance in the NPPF in this respect.

## RESIDENTIAL AMENITY

14. Impact on the amenity of neighbouring residents and the occupiers of the application property has been considered in line with Policy L7 and guidance contained in SPD4.
15. SPD4 sets out detailed guidance for protecting neighbouring amenity (paras 2.14 to 2.18) as well as under the relevant section for this type of development (3.4).

In terms of its impact on residential amenity, the development will be assessed on the extent to which it causes a loss of privacy, the extent to which it is overbearing on a boundary, and the degree to which it causes a loss of light to the neighbouring properties.

16. For terraced dwellings, SPD4 permits single storey rear extensions to project 3m to the rear plus the distance to the shared boundary. The proposal maintains 20cm to either side boundary and is therefore permitted to project 3.2m (3m plus 20cm). The context of the site is also a consideration within the assessment.

#### *Impact on adjoining 27 Shrewsbury Court*

17. The neighbour's storeroom would be sited between the proposed extension and the adjoining dwelling's habitable room window. The gap between the adjoining dwelling's rear elevation and its storeroom has been infilled and therefore the proposal would not impact upon the neighbour's habitable room window through this aperture. While the proposal would still project 1.3m beyond the neighbour's storeroom, any overbearing or overshadowing impact is limited by the existing storeroom. It is therefore not considered that the proposal would have an unacceptable overbearing or overshadowing impact on the amenity of 27 Shrewsbury Court.
18. The proposal would not feature any windows facing the neighbouring dwelling or its rear yard and as such it is not considered that there would be any significant overlooking impact on 29 Shrewsbury.

#### *Impact upon adjoining 29 Shrewsbury Court*

19. 29 Shrewsbury Court features a habitable room window sited on its rear elevation in close proximity to the shared boundary. With a proposed projection of 5.4m past the rear elevation and window of no. 29 with only a 0.2m separation the proposal significantly exceeds the SPD4 guidance. It is therefore acknowledged that the proposal would have an adverse overbearing impact on the amenity of 29 Shrewsbury Court.
20. It is also recognised that the existing storeroom at no. 28 Shrewsbury Court projects 3.9m beyond its rear elevation, exceeding SPD4 guidelines on acceptable rear projection. It is therefore acknowledged that by virtue of the existing storeroom feature there is an existing overbearing impact on the amenity of 29 Shrewsbury Court inherent to the original design of the estate.
21. However, it is also considered that an increase of 1.5m in depth and an increase in roof massing would be significant, exacerbating the existing overbearing impacts on the amenity of 29 Shrewsbury Court to an unacceptable degree, while increasing the sense of enclosure within the neighbour's limited rear yard space.



22. Given the site orientation it is not considered the proposal would result in harmful overshadowing above the existing. Furthermore the proposal would not feature any windows facing the neighbouring dwelling or its rear yard and as such it is not considered that there would be any significant overlooking impact on 29 Shrewsbury.
23. In conclusion, it is considered that the proposal would result in a harmful overbearing impact on 29 Shrewsbury's habitable room window and a sense of enclosure at the rear of the property that is materially more harmful than the existing. Therefore the proposal is considered to result in harm to the residential amenity that the occupiers of no. 29 Shrewsbury Court could reasonable expect to enjoy contrary to Policy L7 of the Core Strategy, SPD4 and guidance in the NPPF in this respect.

#### *Impact upon the rear*

24. While the proposal does not maintain the recommended 10.5m distance to the rear boundary, the proposal would not face any residential properties, but face the rear of the youth centre attached to the adjacent church. The church's rear boundary treatment consists of mature hedges which obscure view from the bedroom window to be sited at the proposed rear elevation. As such, it is not considered that there would be any significant overlooking impact to the rear of the host site.

#### HIGHWAYS

25. The proposal would add an additional bedroom to the property, for which there is no off street parking. However given the availability of on street parking bays to the rear and limited increase in bedroom numbers the proposal is not considered to result in an increase in parking pressure which would have a severe impact on the highway network. As such the proposal is considered acceptable in relation to parking and highways.
26. As noted above given the scale of the proposed extension there would be no space to accommodate bins within the rear yard. Therefore the occupants would need to store them to the front and bring them to the rear of the site on collection day.

#### EQUALITIES

27. 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.

28. 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. 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.

29. Case law has established that appropriate consideration of equality issues is a requirement for local authorities in the determination of planning applications.

30. The proposed development would provide an accessible ground floor bedroom and wet room, with step free access into the bedroom from the rear of the property. The proposal would therefore provide an enhanced living environment for a person with a protected characteristic, which is considered to weigh in favour of the proposal within the planning balance. It is however weighed against the visual harm and impact to residential amenity that would be caused by the proposal.

31. The proposal to adapt the property would not result in changes to the existing internal layout, with the changes to the property contained within the proposed extension. Whilst the principle of adapting homes for the changing needs of residents is supported, it is considered that this proposal would be of an excessive scale, given the context of the site and relationship to neighbouring properties, resulting in harm in regards to design and residential amenity.

## **DEVELOPER CONTRIBUTIONS**

32. This proposal is not subject to the Community Infrastructure Levy (CIL) as it would create less than 100m<sup>2</sup> and so it below the threshold for CIL.

33. No other planning obligations are required.

## **PLANNING BALANCE AND CONCLUSION**

34. The proposed development would provide an adaption to an existing residential property within a residential area of Old Trafford. The enhancements in regards to accessibility weigh in favour of the proposal within the balance.
35. There are no objections on highways grounds, which weighs neutrally within the balance.
36. In considering the design it is considered that the proposed single storey rear extension would be dominant in scale, both in regards to height and footprint given the constraints and context of the site. The proposal would be highly visible within the streetscene and due to the scale and design would appear at odds with the character and appearance of the streetscene, contrary to adopted policy and guidance.
37. Furthermore it is considered that given the siting and scale the extension would be unduly overbearing and provide a sense of enclosure to the rear window and amenity space of 29 Shrewsbury Court, resulting in harm to the amenity of the adjoining occupiers contrary to adopted policy and guidance.
38. To conclude, whilst there are benefits of the proposal for the occupiers and improvements to accessibility it is considered due to the siting, scale and design the extension would be harmful to the design and appearance of the existing property and streetscene and also to the residential amenity of adjoining occupiers and these harms are considered to outweigh the benefits. It is therefore considered that the proposed development would not be in accordance with policy L7 of the Trafford Core Strategy, Policy JP-P1 of the Places for Everyone Joint Development Plan, the Council's SPD4 guidelines and government guidance contained within the NPPF and should be refused.

## **RECOMMENDATION: REFUSE**

Refuse for the following reasons:

1. The single storey rear extension, by reason of its siting, scale and design would appear as an overly dominant addition to the existing dwelling and adversely affecting the character of the streetscene. Therefore the proposal is considered to result in harm to the character and appearance of the existing dwelling and the streetscene generally. The proposal is therefore contrary to policy L7 of the Trafford Core Strategy, Policy JP-P1 of the Places for Everyone Joint Development Plan, the Council's adopted Supplementary Planning Document 4: A Guide for Designing House Extensions and Alterations and the National Planning Policy Framework.

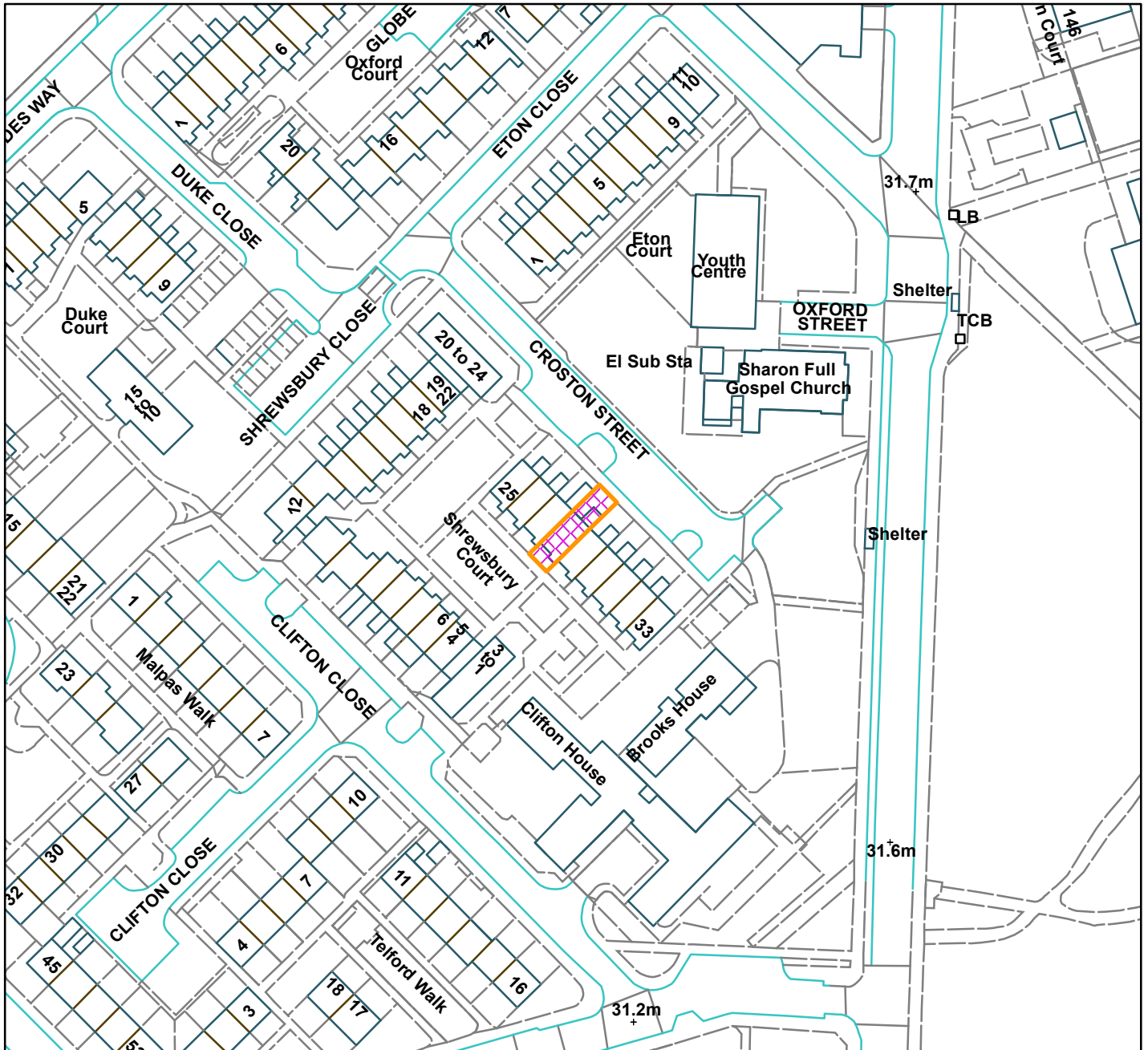
2. The single storey rear extension, by reason of its siting, scale, design and close proximity to the common boundary with 29 Shrewsbury Court would have an unduly overbearing impact providing a sense of enclosure to this property, to the detriment of the residential amenity the occupiers could reasonably expect to enjoy. As such the proposal is contrary to Policy L7 of the Trafford Core Strategy, Policy JP-P1 of the Places for Everyone Joint Development Plan, the Council's adopted Supplementary Planning Document SPD4: A Guide for Designing House Extensions and Alterations and the National Planning Policy Framework.

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SE



28 Shrewsbury Court, Old Trafford M16 7NR (site hatched on plan)



Scale: 1:1,250

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|              |                           |
|--------------|---------------------------|
| Organisation | Trafford Council          |
| Department   | Planning Service          |
| Comments     | Committee Date 07/11/2023 |
| Date         | 26/10/2023                |
| MSA Number   | AC0000809316 (2022)       |

**Application under Section 73 of the Town and Country Planning Act 1990 (as amended) for variation of conditions 1, 6, 7 and 11 on planning permission 111687/VAR/23 (Application for variation of condition 1 on planning permission 110068/VAR/23 (Application for variation of conditions 2 (approved plans) and 5 (use classes) of planning permission 106198/FUL/21 (Application for the refurbishment and remodelling of the former Rackhams and Bentleys buildings to create offices, retail/food and beverage/leisure floorspace. Works to include two storey upwards extension and creation of external terraces, selective demolition including bridge links to Sunningdale and Kingfisher buildings, associated plant and infrastructure, landscaping and works to public realm and access) To allow for use of lower ground floor unit as a bowling alley with ancillary uses comprising a bar, restaurant, amusement centre and any other leisure or entertainment uses within Use Class E(d) including but not limited to pool, arcade games and mini golf (sui generis use) and various internal layout and elevational alterations including facade reconstruction) to allow for an expansion to the use classes permitted at four units (with one unit having a lower ground floor) on the site). To allow for landscaping and public realm alterations.**

2 George Street, Altrincham, WA14 1SG

**APPLICANT:** Trafford Bruntwood (Stamford Quarter) LLP

**AGENT:** Avison Young

**RECOMMENDATION: GRANT**

**The application has been reported to the Planning and Development Management Committee as the Council has a financial interest in the site and is joint applicant, together with Bruntwood as joint venture partner.**

**EXECUTIVE SUMMARY**

|  |
|--|
| <p>The application relates to the site of the former Rackhams Department Store and Bentleys Fish and Chip Shop at the junction of George Street, Stamford New Road and Stamford Way, within the Stamford Quarter Shopping Centre in Altrincham.</p> <p>The site lies within the setting of three Conservation Areas - George Street, to the southwest, Stamford New Road, to the east and Old Market Place to the northwest. The site also lies within the setting of a number of Grade II listed buildings.</p> |
|--|

Work is well underway at the site further to extant permission 110068/VAR/23. The current application seeks to make minor changes to landscaping and public realm.

Consideration is given in this report to the impact of the changes on heritage, green infrastructure and ecology, residential amenity, highways and parking, and other relevant matters.

Overall the changes would not fundamentally alter the development as previously approved and would still result in an overall improvement to the public realm and levels of green infrastructure when compared to the current situation. The level of harm previously identified to heritage assets is unchanged. It is considered that the amended proposals would not result in any new adverse impacts subject to appropriate conditions and as a result the conclusion reached on the planning balance under previous applications, that the significant public benefits identified, outweigh any harm, is unchanged.

The proposal has been found to be acceptable with, where appropriate, specific mitigation secured by planning condition, and the proposal complies with the development plan and guidance in the NPPF in relation to these matters. When taking into account the overall basket of policies, it is considered that the scheme complies with the development plan as a whole. When a straightforward balancing exercise of the benefits and harms of the proposals is undertaken, 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 relates to a site in Altrincham Town Centre comprising a large 1970s commercial unit over three floors above ground level on Stamford New Road. The existing development on the site comprised two buildings. The larger building was formerly occupied by the Rackhams department store and was attached to the smaller of the two buildings, the former Bentleys Fish and Chip Shop at the eastern corner of the site. The site is approximately 0.6 ha in area and includes areas of adjacent public realm.

The lower ground floor is accessed from Stamford New Road to the southeast, the ground floor from George Street / Stamford Square to the southwest reflecting the changing levels across the site. Stamford Way runs along the north-eastern extent of the building and is currently used as a service road. At the north-western end the building is attached to existing commercial units fronting Stamford Square.

The site forms part of the Stamford Quarter Shopping Centre and is in a prominent location on one of the main transport routes through the town centre and opposite Altrincham Interchange.

While not within a Conservation Area itself, the site lies within the setting of three Conservation Areas - George Street, to the southwest, Stamford New Road, to the east and Old Market Place to the northwest. The site also lies within the setting of a number of Grade II listed buildings; 2-8 Kingsway, the Clock Tower on Station Forecourt, Station Hotel / 42 Stamford New Road and Stamford House.

Construction work is underway at the site pursuant to the most recent planning permission 111687/VAR/23.

## **PROPOSAL**

### **Background**

Planning permission 106198/FUL/21 was granted by the Planning and Development Management Committee in January 2022 for the refurbishment and remodelling of the former Rackhams and Bentleys buildings to create offices, retail/food and beverage/leisure floorspace. The works included a two storey upwards extension and creation of external terraces, selective demolition including bridge links to Sunningdale and Kingfisher buildings, associated plant and infrastructure, landscaping and works to public realm and access.

A subsequent section 73 'minor material amendment' application (110068/VAR/23) was submitted which applied to vary the approved plans to make some design changes and also changes to the use classes permitted within the development, to include use of a unit at lower ground floor level as a bowling alley with ancillary uses comprising a bar, restaurant, amusement centre and any other leisure or entertainment uses within Use Class E(d) including but not limited to pool, arcade games and mini golf (sui generis use) in. This was approved by the Planning and Development Management Committee in March 2023.

A further section 73 application (111687/VAR/23) was approved by the Planning and Development Management Committee in October 2023 to increase the flexibility of the uses permitted for four of the units but no new use classes were introduced into the development

### **Current Proposal**

The current section 73 'minor material amendment' application seeks to vary conditions 1, 6, 7 and 11 of planning permission 111687/VAR/23 to allow for changes to the landscaping and associated areas of public realm and to allow for the wording of the landscaping and cycle parking conditions (6, 7 and 11) to be amended to be compliance conditions as the relevant information has been submitted as part of this application. The proposed changes to the plans are set out briefly below and considered in more detail under the Observations section of the report.

### **George Street**



Changes to materials proposed for hard landscaping  
Changes to seating and planting involving the introduction of movable furniture  
Changes to size of trees and use of shrubtubs

### Stamford Square

Changes to extent and materials proposed for hard landscaping  
Retention of pergola and introduction of movable furniture  
Omission of one in ground tree and introduction of 6 no. small trees in planters.

### Stamford New Road

Reduction in extent of proposed paving works  
Introduction of 'plinth' to front of building forming seating edge and planter  
Relocation of 4 no. trees from the highway to private land within the site boundary

### Stamford Way

Omission of 'pocket square' on Station House car park  
Consequent changes to public realm at southern end of Stamford Way including tree re-location and size reduction  
Omission of trees / areas of planting at northern end of Stamford Way due to revised servicing strategy.

The supporting letter states that the landscaping amendments sought, follow detailed design and wider, ongoing discussions regarding the future comprehensive vision for the town centre of Altrincham.

The floorspace of the development is unaffected (8719 m<sup>2</sup>).

## **DEVELOPMENT PLAN**

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

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

- The **Altrincham Town Centre Neighbourhood Business Plan (ANBP)**, adopted 29 November 2017. The plan includes a number of policies, a town centre boundary, primary shopping frontages, mixed use areas and 6 allocations.

## **PRINCIPAL RELEVANT CORE STRATEGY POLICIES**

W1 – Economy  
 W2 – Town Centre and Retail  
 L4 – Sustainable Transport and Accessibility  
 L5 – Climate Change  
 L7 – Design  
 L8 – Planning Obligations  
 R1 – Historic Environment  
 R2 – Natural Environment  
 R3 – Green Infrastructure  
 R5 – Open Space, Sport and Recreation

## **PROPOSALS MAP NOTATION**

Town and District Shopping Centre  
 Main Office Development Areas

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

S6 – Development in Altrincham Town Centre

## **Supplementary Planning Documents**

Revised SPD1: Planning Obligations (2014)  
 SPD3 – Parking Standards and Design (2012)  
 SPD5.1 - George Street Conservation Area Appraisal (2014)  
 SPD5.1a - George Street Conservation Area Management Plan (2016)  
 SPD5.3 Old Market Place Conservation Area Appraisal (2014)  
 SPD5.3a Old Market Place Conservation Area Management Plan (2016)  
 SPD5.4 Stamford New Road Conservation Area Appraisal (2014)  
 SPD5.4a Stamford New Road Conservation Area Management Plan (2016)

## **Other Relevant Legislation**

Planning (Listed Buildings and Conservation Areas) Act 1990

## **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). It identifies the quantum of new housing and employment development, supports the delivery of key infrastructure, and protects environmental assets. The Plan was submitted to the Secretary of State for Levelling Up, Housing and Communities in February, and its Examination in Public commenced on 02 November 2022. Hearings sessions concluded on 05 July 2023 and the Inspectors issued IN39 on 11 September 2023 advising that they are satisfied at this stage of the examination that all of the proposed main modifications are necessary to

make the Plan sound and/or legally compliant, and would be effective in that regard. Consultation on the Main Modifications started on 11 October 2023 and will close on 6 December 2023. Consequently the plan is at a very advanced stage in the plan making process and substantial weight can be attached to its policies. However it is not considered that the PfE policies would affect the planning balance or have any significant implications for this application.

### **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**

112149/CND/23 - Application for approval of details reserved by conditions of grant of planning permission 111687/VAR/23. Condition number: 3 (Facade details), 13 (Crime Impact Statement), 20 (Extraction) – Currently under consideration

111687/VAR/23 - Application under Section 73 of the Town and Country Planning Act 1990 (as amended) for variation of condition 1 on planning permission 110068/VAR/23 (Application for variation of conditions 2 (approved plans) and 5 (use classes) of planning permission 106198/FUL/21 (Application for the refurbishment and remodelling of the former Rackhams and Bentleys buildings to create offices, retail/food and beverage/leisure floorspace. Works to include two storey upwards extension and creation of external terraces, selective demolition including bridge links to Sunningdale and Kingfisher buildings, associated plant and infrastructure, landscaping and works to public realm and access) To allow for use of lower ground floor unit as a bowling alley with ancillary uses comprising a bar, restaurant, amusement centre and any other leisure or entertainment uses within Use Class E(d) including but not limited to pool, arcade games and mini golf (sui generis use) and various internal layout and elevational alterations including facade reconstruction) to allow for an expansion to the use classes permitted at four units (with one unit having a lower ground floor) on the site – Approved October 2023

111253/ADV/23 - Advertisement consent sought for 6 no. internally illuminated projecting cuboid signs and 1 no. internally illuminated fascia sign - Currently under consideration

110905/CND/23 – Application for approval of details reserved by conditions of grant of planning permission 110068/VAR/23. Condition number: 25 (Acoustic Assessment) – Full Discharge of Conditions August 2023

110777/CND/23 - Application for approval of details reserved by conditions of grant of planning permission 110068/VAR/23. Condition number: 3 (Facade Schedule); Condition number: 21 (NMP) – Partial Discharge of Conditions August 2023

110068/VAR/23 - Application for variation of conditions 2 (approved plans) and 5 (use classes) of planning permission 106198/FUL/21 (Application for the refurbishment and remodelling of the former Rackhams and Bentleys buildings to create offices, retail/food and beverage/leisure floorspace. Works to include two storey upwards extension and creation of external terraces, selective demolition including bridge links to Sunningdale and Kingfisher buildings, associated plant and infrastructure, landscaping and works to public realm and access) To allow for use of lower ground floor unit as a bowling alley with ancillary uses comprising a bar, restaurant, amusement centre and any other leisure or entertainment uses within Use Class E(d) including but not limited to pool, arcade games and mini golf (sui generis use) and various internal layout and elevational alterations including facade reconstruction – Approved March 2023

110256/CND/23 – Application for approval of details reserved by conditions of grant of planning permission 106198/FUL/21. Condition numbers: 9 (Travel Plan), 16 (Waste Management) and 17 (Energy Efficiency) – Full Discharge of Conditions March 2023

109600/CND/22 - Application for approval of details reserved by conditions of grant of planning permission 106198/FUL/21. Condition number: 3 (Materials) – Full Discharge of Conditions July 2023

109448/CND/22 – Application for approval of details reserved by conditions of grant of planning permission 106198/FUL/21. Condition numbers: 10 (relocation of spaces), 12 (CEMP) and 14 (Biodiversity) – Full Discharge of Conditions February 2023

108310/NMA/22 - Application for a non-material amendment to planning permission 106198/FUL/21 to amend the wording of Condition 3 to allow for a staggered approach for the submission of materials and samples over the course of the construction programme in line with an agreed schedule submitted upfront – Approved July 2022

106198/FUL/21 - Application for the refurbishment and remodelling of the former Rackhams and Bentleys buildings to create offices, retail/food and beverage/leisure floorspace. Works to include two storey upwards extension and creation of external terraces, selective demolition including bridge links to Sunningdale and Kingfisher

buildings, associated plant and infrastructure, landscaping and works to public realm and access – Approved Jan 2022

## **APPLICANT'S SUBMISSION**

The application is supported by a letter from the planning consultant setting out the background, relevant policy and planning considerations and a Landscape Design document produced by the landscape architects setting out the proposed changes.

## **CONSULTATIONS**

**Altrincham BID** - No comments received at the time of writing. Any comments received will be included in the Additional Information Report.

**Altrincham and Bowdon Civic Society** - No comments received at the time of writing. Any comments received will be included in the Additional Information Report.

**Altrincham Neighbourhood Business Plan (Design Group)** – No comments received at the time of writing. Any comments received will be included in the Additional Information Report.

**GM Ecology Unit** – No objection. Comments are discussed in more detail in the Observations section of the report.

**GM Police (Design for Security)** - No comments received at the time of writing. Any comments received will be included in the Additional Information Report.

**Local Highway Authority (LHA)** – No objection. Comments are discussed in more detail in the Observations section of the report.

**Trafford Council, Arboriculturist** - No objection. Comments are discussed in more detail in the Observations section of the report.

**Trafford Council, Heritage and Urban Design Manager** - Considers that the level of harm is unchanged from the previous approvals in that the proposed works will cause minor harm to the significance of Stamford New Road Conservation Area and Stamford House (GII), Clock Tower on Station Forecourt (GII) & Station Hotel/42 Stamford New Road (GII). The proposal will also result in negligible harm to the setting of 2-8 Kingsway (GII) and Old Market Place Conservation Area. This harm will require a clear and convincing justification and should be weighed against the public benefits of the scheme as required by the NPPF. Comments are discussed in more detail in the Observations section of the report.

**Trafford Council, Inclusive Economy and Communities Officer** – No comments received at the time of writing. Any comments received will be included in the Additional Information Report.

## **REPRESENTATIONS**

**Neighbours:** The application was advertised in the press, site notices were posted and letters sent to neighbouring properties. One comment was received from a resident on Kingsway as follows:

'Happy as long as retail services close at a reasonable hour during week days (10/11pm) to not cause any noise disturbance to neighbours like myself'

## **OBSERVATIONS**

1. A subsequent section 73 'minor material amendment' application (110068/VAR/23) was submitted which applied to vary the approved plans to make some design changes and also changes to the use classes permitted within the development, to include use of a unit at lower ground floor level as a bowling alley with ancillary uses comprising a bar, restaurant, amusement centre and any other leisure or entertainment uses within Use Class E(d) including but not limited to pool, arcade games and mini golf (sui generis use) in. This application was approved by the Planning and Development Management Committee in March 2023.
2. A further section 73 'minor material amendment' application to vary the approved plans on 111687/VAR/23 to allow for an expansion to the use classes permitted at four units on the site was approved by the Planning and Development Management Committee in October 2023. This is therefore considered to be the current extant permission relating to the site.

### **Current Proposal**

3. The current section 73 'minor material amendment' application seeks to make various changes to the hard and soft landscaping, tree planting and areas of public realm associated with the development as outlined under the 'Proposal' section of this report. The supporting letter states that this is as a result of the evolution of the detailed design including a review of the likely frequency and size of deliveries, failure to agree necessary commercial arrangements to expand the public realm onto land at Station House and wider, ongoing discussions, regarding the future comprehensive vision for the town centre of Altrincham. They state that this has involved further collaboration at the post original approval stage, which has led to feedback from the community and tenants (both existing and prospective) on the overall landscaping design.
4. The detail and acceptability of the proposed changes is considered further under the subsequent sections of this report.

## **THE DECISION MAKING FRAMEWORK**

5. 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’.
6. In the period since the current extant permission 111687/VAR/23 was granted in October 2023, 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 any planning matter relevant to this development. In addition, there has been no significant change to the site or surrounding area other than construction work continuing at the site. It is recognised that PfE is now a material consideration in the determination of planning applications, however it is not considered that the PfE policies have any significant implications for this application and would not affect the planning balance.
7. This report will only assess the acceptability of the proposed amendments to the scheme. There is no requirement to revisit other issues through the determination of this application and this report will only assess the acceptability of the amendments as proposed.
8. When assessing section 73 applications the Local Planning Authority 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.
9. 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.
10. Policy W2.2 of the Core Strategy states that Altrincham will be the principal focus for high quality comparison retail supported by a range of retail, service, leisure, tourism, office and other town centre-type uses, including residential. Policy W2.11 states that within all town centres, sustainable design will be priority with emphasis on encouraging a mix of uses, active frontages and high quality in the design and finish of the public realm.
11. The site is within the boundary of the adopted Altrincham Town Centre Neighbourhood Business Plan (ANBP). The majority of the site is along a ‘Main

Shopping Frontage' on Stamford Square and Stamford New Road as defined by Policy S Main (Primary) Shopping and Mixed Use with Ground Floor Active Frontages of the ANBP. The exception to this is the frontage of the corner unit of the site at the junction of Stamford Way and Stamford New Road which is not part of the 'Main Shopping Frontage' allocation. Policy G1 'Green Infrastructure' states that *'Proposals for public realm should be of high quality design. Proposals should contribute to the attraction of the town centre from both its catchment population and visitors.'*

12. The original approval (106198/FUL/21) was for the refurbishment and remodelling of the former Rackhams and Bentleys buildings to create offices, retail/food and beverage/leisure floorspace. This included a two storey upwards extension and creation of external terraces, selective demolition including bridge links to Sunningdale and Kingfisher buildings, associated plant and infrastructure, landscaping and works to public realm and access. Since that time there have been applications under section 73 of the Town and Country Planning Act for minor changes to design details, and proposed uses within the building. The current application relates only to amendments to the proposed landscaping and public realm areas associated with the development and it is not considered that this impacts on the previously approved principle of the development.

## HERITAGE

13. In determining this application there is a statutory duty under section 66(1) of the Planning (Listed Buildings & Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess.
14. In addition to this is the statutory duty under section 72 (1) 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.
15. 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.
16. In relation to Heritage assets, Para 194 states that *"local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance"*



17. Also of relevance to the determination of this application is paragraph 195 of the NPPF: *“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”.*
18. Paragraph 197 of the NPPF states that *“In determining applications, local planning authorities should take account of..... c) the desirability of new development making a positive contribution to local character and distinctiveness”.*
19. Paragraph 199 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.’*
20. Paragraph 200 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’*
21. 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’.*
22. Policy R1 of the Core Strategy states that all new development must take account of surrounding building styles, landscapes and historic distinctiveness (R1.1) 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. Whilst R1 is inconsistent with the NPPF it is not considered to be out of date for the purposes of the determination of this planning application.

### Affected Heritage Assets

23. The application site lies adjacent to the Stamford New Road Conservation Area to the east, Old Market Place Conservation Area to the west and within the setting of the following Grade II listed buildings which are significant for their high architectural and historic values;
- 2-8 Kingsway
  - Clock Tower on Station Forecourt

- Stamford House
- Station Hotel / 42 Stamford New Road

### **George Street Conservation Area**

24. The application site also lies within the setting of George Street Conservation Area although it is some distance from the northern boundary. The enclosed nature of George Street is such that it is unlikely views out of the Conservation Area to the north will be impacted on by the development.

### **Impact on Heritage Assets**

25. At the time of the consideration of the original application the Heritage Development Officer concluded that *'the proposed works will cause minor harm to the significance of Stamford New Road Conservation Area and Stamford House GII, Clock Tower on Station Forecourt GII & Station Hotel/42 Stamford New Road GII. The proposal will also result in negligible harm to the setting of 2-8 Kingsway GII and Old Market Place Conservation Area. This harm will require a clear and convincing justification and should be weighed against the public benefits of the scheme as required by 199, 200 and 202 of the NPPF.'*

26. This level of harm equates to 'less than substantial harm' in NPPF terms, at the lower end. The report set out that the conclusion of less than substantial harm related to the form, appearance and materiality of the upwards extension to the building.

27. As harm was identified, a clear and convincing justification needed to be provided and a balancing exercise was undertaken of the harm against the public benefits of the scheme as required by the NPPF. It was concluded that the numerous public benefits of the scheme clearly and demonstrably outweighed the minor harm to the heritage assets.

28. The Council's Heritage and Urban Design Manager has been consulted on the current application and considers that although some of the changes to the public realm are considered disappointing, such as the reduction in landscaping along Stamford Way, overall the level of harm previously identified remains unchanged. The impacts of the changes to the landscaping and public realm is set out in more detail under the subsequent section of the report. However the conclusion of the Heritage and Urban Design Manager in Heritage terms is that overall the scale of the proposed amendments is such that it would not alter the heritage conclusion reached in relation to 106198/FUL/21 and subsequent section 73 applications, that the development, as a result of the roof extension, would result in minor harm to the significance of Stamford New Road Conservation Area and Stamford House GII, Clock Tower on Station Forecourt GII & Station Hotel/42 Stamford New Road GII and negligible harm to the setting of 2-8 Kingsway GII and Old Market Place Conservation Area.

## Heritage Conclusion

29. The level of harm identified in relation to heritage assets remains unchanged. For the reasons set out in the subsequent sections of this report it remains the case that the conclusions reached on the planning balance under previous applications, that the numerous, significant public benefits identified in the original application assessment outweigh any harm, is unchanged.

## **LANDSCAPING AND PUBLIC REALM DESIGN**

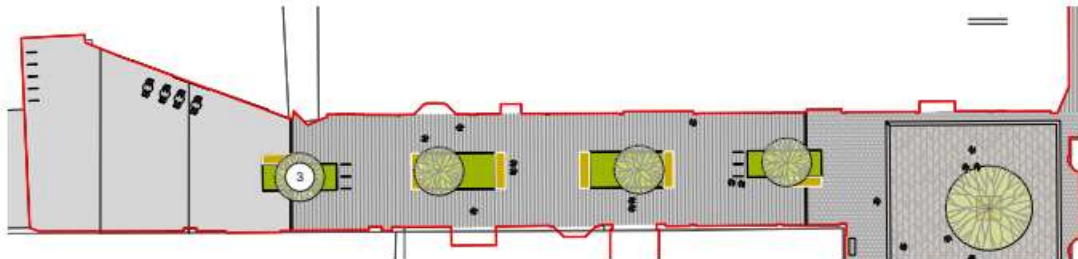
30. Policy R3 of the Core Strategy seeks to protect and enhance the Borough's green infrastructure network. Policy R5 states that all development will be required to contribute on an appropriate scale to the provision of the green infrastructure network either by way of on-site provision, off-site provision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

31. The application proposes a number of changes to the landscaping and public realm details shown on the previous approvals. The supporting letter states that *'the amendments have predominantly arisen based upon collaboration with users and tenants of the Stamford Quarter, alongside other amendments which are proposed with the best design intentions in mind from an operational, usability and sustainability mindset. The proposed alterations are therefore considered to represent an overall betterment to the extant scheme.'*

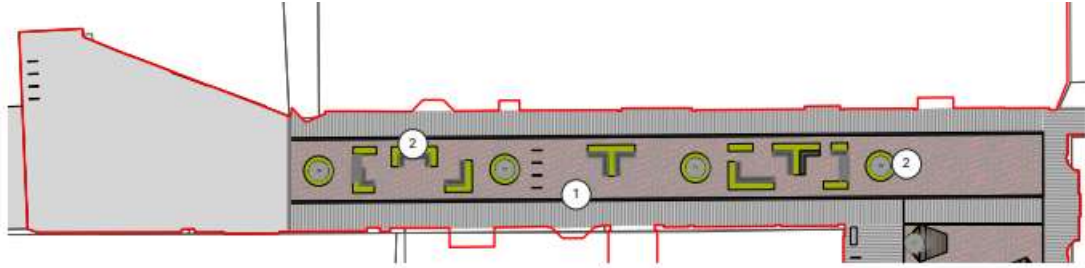
32. The changes to the areas of public realm are set out as follows:

### George Street

#### **Approved**



#### **Proposed**

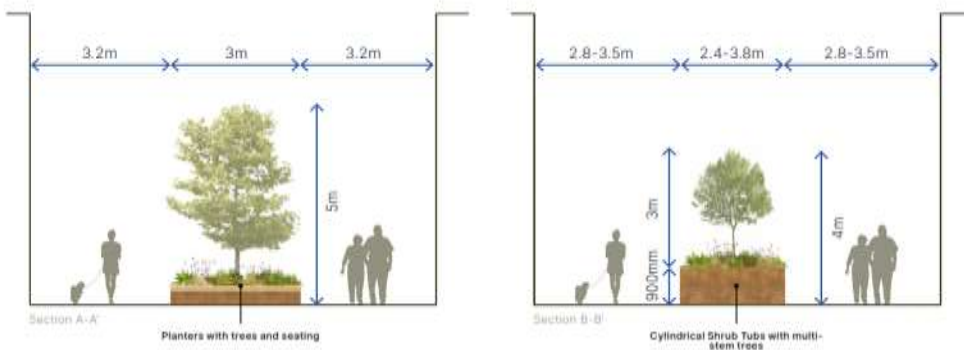


33. A zone of resin bound gravel paving is proposed down the centre of George Street with the perimeter areas retained as granite paving. The supporting landscape document states that this is consistent with the material palette elsewhere in Altrincham's public realm including south George Street and therefore it feels appropriate to provide visual continuity.

34. Fixed furniture and planters are replaced with movable versions following the development of an events strategy. The existing timber seating and planters will be reconfigured and book-ended with Corten steel planters containing multi-stem trees. This is stated to be consistent with the planters along the George Street link from Stamford New Road in order to create a sense of cohesion throughout. The four trees proposed on George Street have been reduced in size and planted in shrub tubs. The supporting document states this is due to feedback from retail customers about blocking shop frontages and also to allow flexibility of space for the events strategy. The effect of the change to shrubtubs is shown below.

**Approved**

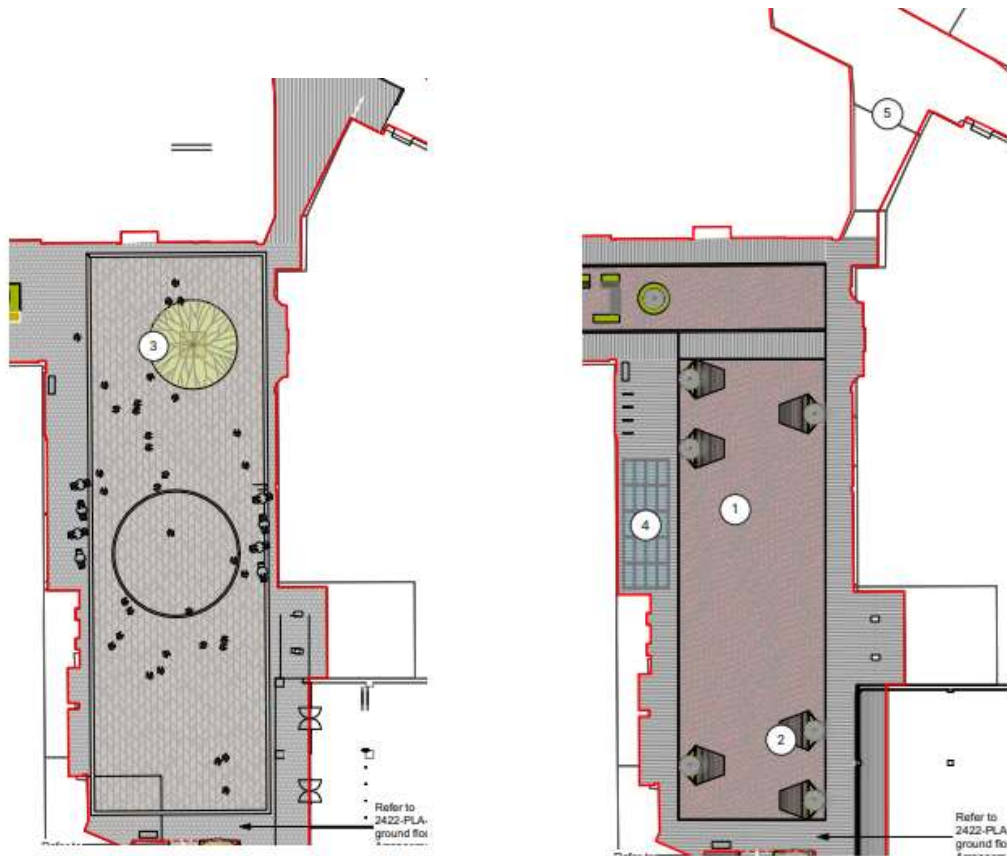
**Proposed**



**Stamford Square**

**Approved**

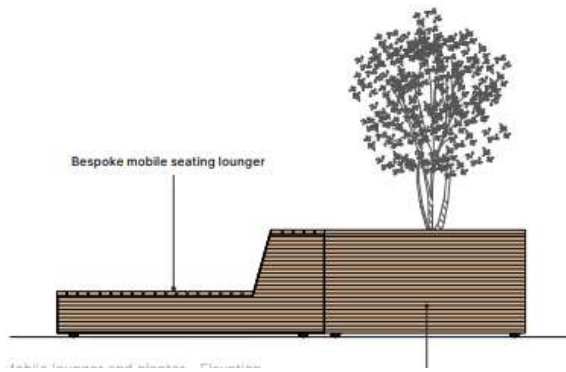
**Proposed**



35. Granite block paving to the central area is replaced with resin bound gravel surfacing. The landscape document states this has been chosen due to its blend of aesthetics, durability and versatility and is consistent with the other areas of Altrincham’s public realm. The square will be enclosed by granite block paving to accentuate the central space.

36. The existing pergola would be retained to aid the events strategy and 6 no. movable loungers with planters containing small trees would be introduced to provide additional greening while maintain flexibility although 1 no. *Liriodendron tulipifera* tree has been removed from the scheme. The landscape document states that this is as a result of feedback from customers and tenants of the Stamford Quarter about blocking retail frontages and to allow flexibility of the space for events.

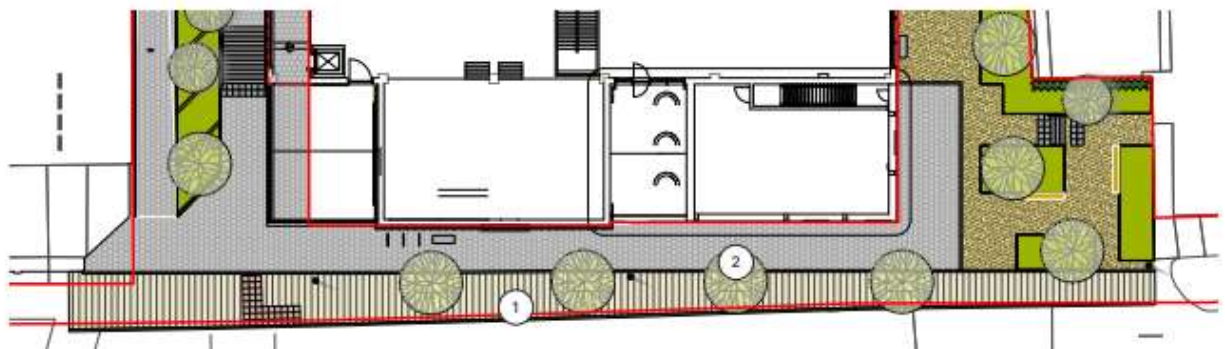
**Proposed Loungers with Planters**



37. The loungers with planters will provide opportunities for people to dwell and will be made from thin redwood slats, varnished for protection and longevity. The planters will sit on castors to allow them to be moved, and the timber slats will extend down to conceal the castors and prevent others from moving the planters. For the majority of the time the furniture would remain in the same position and would be locked; however, to enhance the visitor experience and operational delivery of larger events, the applicant states it will be necessary to move the planters and seating. An extra wooden plinth has been added onto the bottom of the furniture/planters, to conceal the wheels.

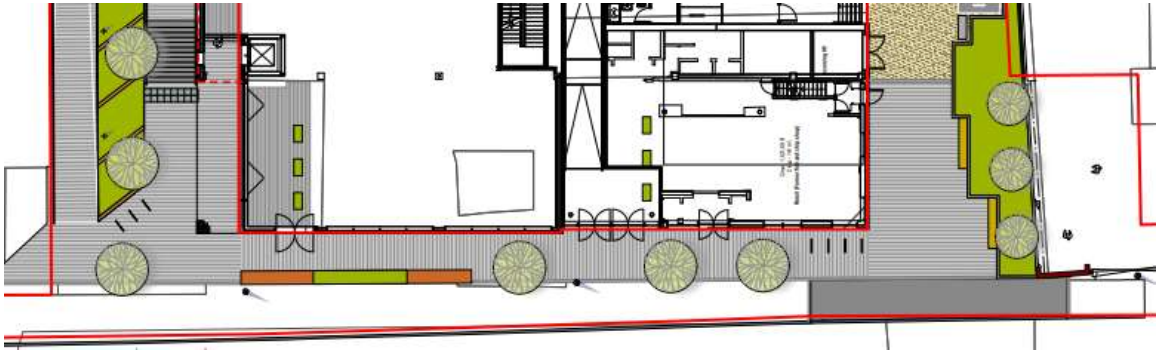
Stamford New Road

**Approved**

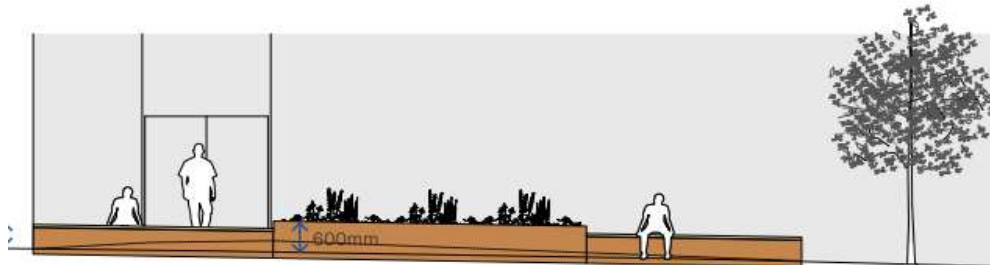
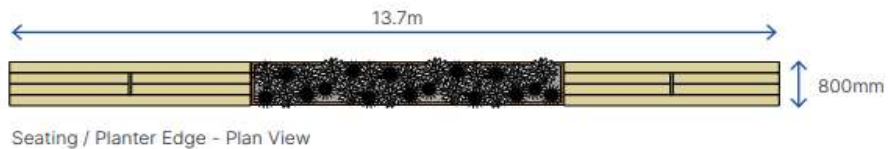




## Proposed

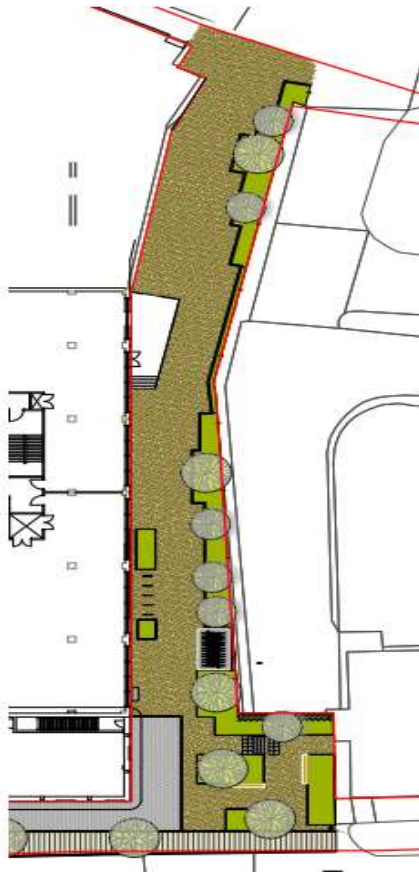


38. The paving previously proposed along the footway on Stamford New Road has been omitted apart from a short section in front of Stamford Way where an existing section of tarmac is being re-instated. This is as a result of the phasing of future plans for Sunningdale and Kingfisher House which will see this area resurfaced in the next few years, so as not to unsustainably amend this paving twice in a short period of time. The four trees on this frontage have been re-located from the footway onto the adjacent private land within the site. This is due to survey results which confirm that there are multiple services in the adopted footway which prevents tree pits from being installed. A Corten steel seating edge with timber top and planter have been introduced in front of the building to provide a solution to the steep gradient from the building level to the existing footway level, whilst also providing opportunities for seating and planting outside the building, as shown below.

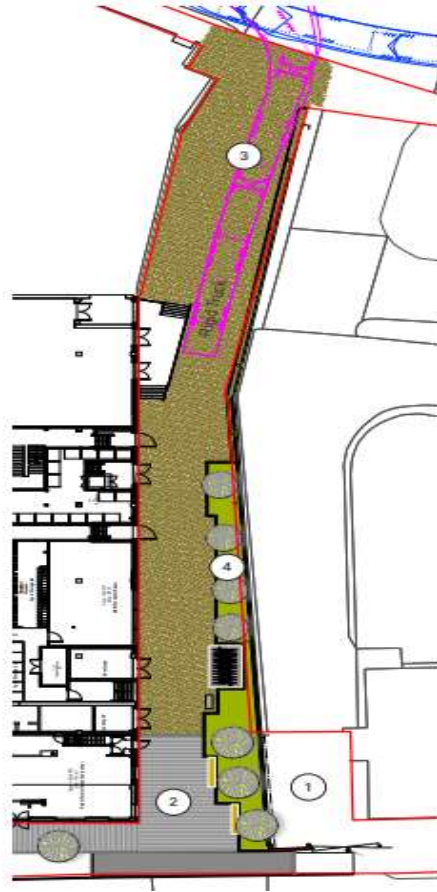


## Stamford Way

## Approved



## Proposed



39. At the southern end of Stamford Way, it was originally envisaged that 6 no. parking spaces would be removed from the curtilage of Station House to create a landscaped 'pocket square'. However this land is outside of the JVs ownership and the supporting documents state it has not been possible to agree the necessary commercial arrangements due to the spaces being leased / licensed to tenants within Station House. Therefore the public realm adjacent to this area has been redesigned to accommodate the reduced extent of works. The granite surfacing has been extended across this area to given a quality feel to the seating along this edge and better define the threshold.

40. A strip of landscaping, including three trees, was approved at the northern end of Stamford Way. However as a result of vehicular swept path analysis being carried out for large delivery vehicles entering the service yard from Stamford Street to the north, this has shown that the trees and planting would clash with vehicles. This servicing strategy has evolved as a result of the type of operator taking up the tenancies resulting in an increase in service vehicle movements and this is critical to the operation of the development.



41. In addition, 4 no. trees along Stamford Way have been reduced in size to allow sufficient space for the root-ball away from existing below ground services and for sufficient space for the canopy away from the existing wall.
42. Despite these changes the supporting documents conclude that there will still remain a significant uplift in planting and improved materiality on Stamford Way compared to that which currently exists.
43. The letter submitted in support of the application states that the amendments proposed follow detailed design stages and as a result from further collaboration at the post approval stage, which has led to feedback from the community and tenants (both existing and prospective) on the overall landscaping design. The applicant considers that:
- The introduction of new materials and graphics will enhance the sense of place in Altrincham town centre, creating visual interest and providing a cohesive and complementary design to the wider town centre materials/ colour palette.
  - Greater levels of seating and areas where events can be hosted (as a result of moveable furniture) will promote increased dwell times within the area and elevated levels of social interaction.
  - Reduced height but increased no. of trees/planters will improve wayfinding in the town centre, advertisement and footfall of units, safety, visual appearance and contribution towards climate change objectives
  - Revised landscaping to ensure the development can be serviced safely will improve the ability for the development to be fully occupied which will in turn provide economic and social benefits to the town centre of Altrincham.
44. They conclude that the landscaping scheme as whole will therefore continue to provide significant benefits to Altrincham Town Centre and will vastly improve the usability and image of the area.
45. The comments made by the agent are noted however it is still considered that some of the changes are regrettable in terms of the impact on green infrastructure, in particular the reduction in size of some of the proposed trees and the loss of the pocket park at the southern end of Stamford Way and the removal of the landscaping at the northern end of Stamford Way to facilitate servicing.
46. Overall the amendments would result in 28 trees in total across the public realm areas within the application site (one more than previously approved). However 18 of these trees would be planted in the ground as opposed to 23 originally approved and the rest would be in planters / shrubtubs.
47. The Council's Arboriculturist has noted that there are no trees on site currently and therefore no impact to assess on existing trees. Following the carrying out of trial pits, confirmation has been provided by the applicant that the four trees to be planted in the ground on the Stamford New Road frontage will be provided and

overall the landscaping and greening of the site as proposed represents an improvement on the current situation and therefore remains acceptable.

48. The application also seeks to vary conditions 6 and 7 of 111687/VAR/23. Condition 6 a) required that full details of both hard and soft landscaping works were to be submitted for the approval of the Local Planning Authority. The applicant considers that sufficient information has been submitted in relation to both the public realm areas and the green wall and podium planting on the building for this condition to be re-worded to only require compliance with the approved details. Condition 7 required submission of landscape maintenance details and the applicant also considers that sufficient information has been submitted to also have that condition re-written to only require implementation of the approved details. The Council's Arboriculturist has assessed the information submitted in relation to these conditions and concluded that the submitted planting details and management / maintenance information is acceptable and therefore raises no objection to the re-wording of the conditions.

### Accessibility

49. A query was raised with the applicant's design team as to whether the latest public realm proposals have been fully considered in terms of accessibility. They have responded by stating that they are conscious about ensuring the scheme remains accessible for all and that Planit / Bruntwood are particularly aware of this given their previous involvement with the 'Not So Secret Garden'. They do not consider that the revised scheme will cause accessibility issues as the moveable planters / seating follow on from the concept of the 'Not So Secret Garden', where accessibility has not been an issue. They go on to state that clear access routes have been maintained along George Street as in the previous design, and there is a clear width of 4m down the centre of Stamford Square and 2m to the northern side of the square. In addition, the area to the south of Stamford Way, fronting onto Stamford New Road, has been simplified in its design, which it is considered will increase accessibility in this location.

### ECOLOGY

50. Policy R2 of the Trafford Core Strategy seeks to ensure that all developments protect and enhance the Borough's biodiversity.
51. Paragraph 180 d) of the NPPF states: *"opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate."*
52. The GM Ecology Unit (GMEU) have been consulted on the current application and have stated that they commented on the original application that any soft landscaping would likely achieve net gain due to the negligible level of vegetation

present at application stage. They therefore raise no objection to the amended landscape proposals as they would still represent a net gain in biodiversity.

### Conclusion

53. As stated above some of the proposed amendments to the landscaping within the areas of public realm are considered negative when compared to the original approval. However the reasons provided for the changes are accepted and it is noted that the development would still result in a significant uplift in biodiversity and landscaping on the building and across the adjacent public realm as a whole when compared with the existing situation. This will have benefits to the town centre and the proposed development is still considered to be compliant with Policies R2 and R3 of the Trafford Core Strategy and the NPPF.

### **RESIDENTIAL AMENITY**

54. In addition to ensuring that developments are designed to be visually attractive Paragraph 130 of the NPPF advises that planning decisions should ensure that developments:-

*f) 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*

55. 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. L7 is considered to be up to date for decision making purposes and full weight can be attached to it.

56. It is noted that one comment has been received from a local resident stating that they have no objection as long as retail services close at a reasonable hour during week days to prevent disturbance to residents. This application does not seek to alter the previously approved hours of operation, deliveries or servicing or the approved management plans for the use of external areas.

57. It is therefore considered that subject to compliance with previously approved conditions relating to noise management and hours of operation, deliveries, servicing etc, the amenity impacts would be appropriately mitigated and that the proposal would be compliant with Policies L5 and L7 of the Trafford Core Strategy and the NPPF.

### **HIGHWAYS, PARKING AND SERVICING**

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”*. Given the more stringent test for the residual cumulative impacts on the road network set by the NPPF, it is considered that Core Strategy Policy L4 should be considered to be out of date for the purposes of decision making.
60. 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.
61. The LHA have been consulted and have commented that the proposals do not seek to amend the access, servicing, and parking arrangements. However the application still needs to demonstrate that HGVs can still access and egress Stamford Way, a private service road and this should reflect the currently proposed operational arrangements. As a result it was requested that HGV vehicle tracking be provided for all directions of travel and turning movements relevant to the road and in addition to vehicle size and type, that the tracking information should also state the vehicle speed(s) to be used.
62. As a result a transport note was produced by the applicant’s highways consultants and this confirmed that:
- a. taxis rarely use the spaces and the proposed traffic management measures are currently in use for construction traffic (albeit the presence of an obvious construction site and associated health and safety requirements create an environment different to that which will exist once the development is complete and in operation).
  - b. whilst the approved Use Classes of the new units may result in an increased demand for taxis subject to the operating hours of the end user and the associated type of business, it is not anticipated this would impact HGV deliveries to site/use the taxi rank, and
  - c. mitigation measures will be in place to control HGV deliveries in the event the taxi parking spaces are in use, and an event such as this can be managed with limited impact to the highway and other road users, including pedestrians and cyclists.
  - d. The proposals will reduce the number of vehicles using the private service road and limit access to emergency and authorised vehicles only (e.g., the general public will no longer see the road as a convenient short cut).
  - e. Prior to the current operator taking over the site in 2019, deliveries were disorganised and unmanaged with no control measures in place and the approved development will address these issues (in addition to item (d)).

63. On this basis, the LHA comment that whilst the proposed servicing arrangements are not ideal given the potential impact on the taxi rank, any impact will be of a short duration and not forecast to occur on a regular basis. In addition, the current proposals represent a betterment in comparison to the previous operation of the site and the LHA raises no objection on highway grounds.

64. It is also noted that the application seeks approval for the proposed cycle parking at the site, details of which were required by condition 11 of the previous approval 111687/VAR/23. The LHA have assessed the information submitted and consider that it is acceptable and therefore raise no objection to the wording of condition 11 being amended to a compliance condition.

### Conclusion on Highways Issues

65. The LHA have confirmed that they have no objections to the proposed amendments and it is considered that the development would not result in any unacceptable impact on highway safety or amenity and that the development is therefore compliant with the requirements of Core Strategy Policies L4 and L7 and the NPPF

### **EQUALITIES**

66. 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/gender, and sexual orientation.

67. 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.

68. 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.

69. The agent for the application has provided written confirmation that the proposed changes to the plans do not alter the principles of the originally approved scheme in relation to equalities issues. The measures in place to provide a facility accessible to all, including those with a protected characteristic, are therefore still considered to be, on balance, an appropriate, practical and reasonable response to the equalities impacts of the scheme.

## **DEVELOPER CONTRIBUTIONS**

70. This proposal is subject to the Community Infrastructure Levy (CIL) and comes under the categories of 'offices' and 'all other' development, consequently the development will be liable to a CIL charge rate of £0 per square metre in line with Trafford's CIL charging schedule and revised SPD1: Planning Obligations (2014).

71. 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. The proposed landscaping comprising green walls, trees and container planting and is secured via landscaping conditions.

## **PLANNING BALANCE AND CONCLUSION**

72. 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.

73. The application proposes various changes to the landscaping and areas of public realms surrounding the development on George Street, Stamford Square, Stamford New Road and Stamford Way. While it is considered that some of the proposed amendments to the previous approvals are somewhat negative, the reasons given for the changes are accepted and it is noted that compared to the current situation the scheme would still result in a significant betterment in landscaping and tree planting around the site. Therefore no new adverse impacts have been identified. As a result, the consideration of and conclusions reached on the planning balance under previous applications, that the numerous, significant public benefits identified in the original application outweigh any harm, is unchanged.

74. As the planning balance remains unchanged from previous approvals and the proposal complies with the development plan as a whole, it is concluded 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 and although PfE is now a significant material consideration in the determination of planning applications, it is not considered that the PfE policies would affect the planning balance or have any significant implications for this decision. The application is therefore recommended for approval.

75. Given that permission granted under section 73 takes effect as a new, independent permission, to carry out the same development as previously permitted subject to new or amended conditions, decision notices for the grant of such permissions are required to set out all the conditions required to be imposed on the new permission, and restate any conditions imposed on the original consent that continue to have effect. A section 73 application cannot be used to vary the time limit for implementation, however as work has commenced on site a new time limit condition is not considered necessary.
76. The approved plans condition (No. 1) will need to be updated to reflect the proposed changes to the plans and as a consequence of the level of information provided in relation to proposed landscaping, the application also seeks to amend conditions 6 and 7 (landscaping and landscape maintenance) and also 11 (cycle parking) so that they require compliance with the details submitted as part of this application for approval, rather than requiring the submission of further information.

**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 following submitted plans:

Location Plan - Ownership & Project Boundary ZZ-XX-DR-A-00-001 P03

Redline plan ZZ-XX-DR-A-00-002 P02

Site plan ZZ-XX-DR-A-00-003 P02

Proposed - Gross Internal Areas ZZ-XX-DR-A-05-102 P12

Extension Curtain Walling Study ZZ-XX-DR-A-20-400 P01

Proposed - Rackham's Lower Ground Floor ZZ-00-DR-A-20-101 P35

Proposed - Rackham's Ground Floor ZZ-01-DR-A-20-101 P38

Proposed - Rackham's First Floor ZZ-02-DR-A-20-101 P27

Proposed - Rackham's Second Floor ZZ-03-DR-A-20-101 P26

Proposed - Rackham's Third Floor ZZ-04-DR-A-20-101 P21

Proposed - Rackham's Plant Level ZZ-05-DR-A-20-101 P21

Proposed - Rackham's Roof Level ZZ-06-DR-A-20-101 P15

Proposed - Sections ZZ-XX-DR-A-20-201 P03

Proposed - North & South Elevations ZZ-XX-DR-A-20-302 P11

Proposed - East & West Elevations ZZ-XX-DR-A-20-303 P10

Facade Study - South ZZ-XX-DR-A-20-351 P06

Facade Study - North ZZ-XX-DR-A-20-352 P07

Facade Study - East ZZ-XX-DR-A-20-353 P06

Facade Study - West ZZ-XX-DR-A-20-354 P05

Clearance Plan 2422-PLA-GF-XX-DR-L-0001 P07

Landscape General Arrangement Ground Floor Plan 2422-PLA-GF-XX-DR-L-1000 P14

Hardworks Plan 2422-PLA-GF-XX-DR-L-1001 P11

Kerbs & Edges Plan 2422-PLA-GF-XX-DR-L-1002 P11  
 Levels Plan 2422-PLA-GF-XX-DR-L-1003 P10  
 Site Sections 2422-PLA-GF-XX-DR-L-2000 P03  
 Softworks Plan 2422-PLA-GF-XX-DR-L-3000 P04  
 Furniture Plan 2422-PLA-GF-XX-DR-L-4000 P10  
 Clearance Plan 2422-PLA-LGF-XX-DR-L-0001 P06  
 Landscape General Arrangement Lower Ground Plan 2422-PLA-LGF-XX-DR-L-1000 P11  
 Hardworks Plan 2422-PLA-LGF-XX-DR-L-1001 P08  
 Kerbs & Edges Plan 2422-PLA-LGF-XX-DR-L-1002 P08  
 Levels Plan 2422-PLA-LGF-XX-DR-L-1003 P07  
 Site Sections 2422-PLA-LGF-XX-DR-L-2000 P06  
 Softworks Plan 2422-PLA-LGF-XX-DR-L-3000 P10  
 Furniture Plan 2422-PLA-LGF-XX-DR-L-4000 P08  
 Landscape General Arrangement Combined Lower and Ground Floor Plan 2422-PLA-XX-XX-DR-L-1004 P11  
 Hardworks Details 2422-PLA-XX-XX-DR-L-5000 P09  
 Softworks Details 2422-PLA-XX-XX-DR-L-6000- P07  
 Landscape General Arrangement Third Floor Plan 2422-PLA-03-XX-DR-L-1000 P01

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

2. Development shall be carried out in accordance with the materials to be used externally on all parts of the building, approved under condition discharge reference 109600/CND/22

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. Development shall be carried out in accordance with the façade schedule details for all elevations of the building, as approved under condition discharge reference 110777/CND/23

Reason: In the interests of visual amenity and in protecting the original design intent and quality of the proposed development, having regard to Core Strategy Policies L7 and R1 and the National Planning Policy Framework

4. The units hereby approved shall be used as Class E(a) (shops), Class E(b) (restaurants and cafes) and Class E(c) (financial and professional) and Class E(g)(i) 'Offices to carry out any operational or administrative functions' as per the approved floorplans and floorspace schedules and for no other purpose, including any other purpose in Class E of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended), or in any provision equivalent to that



Class in any statutory instrument revoking and re-enacting that Order with or without modification.

Reason: In the interests of the vitality and viability of the town centre and to ensure that the local planning authority can apply an appropriate level of control over the future use of the units, having regard to Policies W2 and L7 of the Trafford Core Strategy and the National Planning Policy Framework.

5. The unit shaded in blue with a floor area of circa 1177m<sup>2</sup> on plan ref. RA-BDP-ZZ-00-DR-A-20-101 P35 'Proposed Rackhams Lower Ground Floor' is permitted for use as Class E(a) (shops), Class E(b) (restaurants and cafes) or a bowling alley with ancillary uses comprising a bar, restaurant, amusement centre and any other leisure or entertainment uses within Use Class E(d) of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended), or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification, including but not limited to pool, arcade games and mini golf (sui generis use).

Reason: In the interests of the vitality and viability of the town centre and to ensure that the local planning authority can apply an appropriate level of control over the future use of the units, having regard to Policies W2 and L7 of the Trafford Core Strategy and the National Planning Policy Framework.

6. a) The landscaping works shall be carried out in accordance with the hard and soft landscaping details hereby approved and 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.

(b) 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 landscape management and maintenance for the development shall be carried out in accordance with the timescales and specifications set out in the approved 'Landscape Management and Maintenance Plan' by Planit I.E. Limited dated 30/10/23.

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

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

9. On or before the first occupation of the development, the Travel Plan approved under condition discharge ref. 110256/CND/23 shall be implemented and thereafter shall continue to be implemented throughout a period of ten years commencing on the date of this first occupation.

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

10. The scheme for the relocation of accessible car parking spaces and parent and child parking spaces to be lost as a result of the development hereby approved shall be in accordance with the details on drawing ref. RA-BDP-ZZ-XX-SK-A-20-009 revision P07 as approved under condition discharge application ref. 109448/CND/22. The relocated accessible and parent and child parking spaces shall be implemented in accordance with the approved details before the existing accessible and parent and child spaces to be lost as a result of this development are removed from public use and shall be retained at all times thereafter.

Reason: To ensure that satisfactory accessible parking and parent and child parking provision is retained, 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 secure cycle parking and storage for the development has been provided in accordance with the details hereby approved 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.

12. All works of demolition or construction shall be carried out in full accordance with the details contained within the Environmental Management Plan (EMP) Issue 02 by Cubic Works submitted on 13th December 2022 as approved under condition discharge ref. 109448/CND/22 and shall be adhered to throughout the demolition / construction period.

Reason: To minimise disturbance and nuisance to occupiers of nearby properties and users of the highway having regard to Policies L4, L5 and L7 of the Trafford Core Strategy and the National Planning Policy Framework.

13. The development hereby approved shall be designed and constructed in accordance with the recommendations contained within sections 3.3 of the submitted Crime Impact Statement Version B: 17/09/21 Reference: 2019/0387/CIS/02 and the physical security specifications set out in section 4 of that document. Prior to the development being brought into use, a verification report shall be submitted to and approved in writing by the Local Planning Authority which shall confirm that the above recommendations of the Crime Impact Statement have been implemented in full. Thereafter, the development shall be maintained in accordance with the approved details for the lifetime of the development.

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

14. The scheme of Biodiversity Enhancement Measures set out in the Biodiversity Enhancement Measures document Ref. BOW17.1271 by Bowland Ecology, dated 3/10/22 as approved under condition discharge ref. 109448/CND/22 shall be implemented on site prior to first occupation and retained thereafter.

Reason: In order to enhance the biodiversity 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.

15. The waste management strategy for the site shall be carried out in accordance with the details approved under condition discharge reference 110256/CND/23 and shall be implemented for the lifetime of the development.

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

16. The development shall be constructed in full accordance with the energy efficiency measures and any low/zero carbon technologies approved under condition

discharge ref. 110256/CND/23. The approved measures shall be fully implemented prior to first occupation of the development and retained thereafter.

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.

17. The noise rating level (LAeq,T) from any fixed mechanical or electrical plant and equipment, when operating simultaneously, shall not at any time exceed the LA90, T background noise level without such plant operating, when measured at the nearest noise sensitive premises. Noise measurements and assessments shall be carried out in accordance with BS 4142:2014+A1:2019 (or the prevailing guidance of the time).

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

18. Servicing, deliveries or refuse collections to the development hereby approved shall not take place outside the hours of 07:00 and 21:00 hours on Mondays to Saturdays (including Bank Holidays). Deliveries only may take place on a Sunday between the hours of 08:00 and 16:00.

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

19. The lighting provided in the scheme should be erected and directed so as to avoid nuisance to sensitive premises in close proximity, in accordance with the guidance contained in the Institution of Lighting Professionals (ILP) Guidance Notes for the Reduction of Obtrusive Light GN01:2020.

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

20. Notwithstanding any details shown on the approved plans, at least 8 weeks prior to the first occupation of each unit, a scheme showing details of the means of extraction and filtration of cooking odours, including details of the finish of any external flue(s), manufacturer's operating instructions and a programme of equipment servicing/maintenance to mitigate odour and noise impacts for the relevant unit, shall be submitted to and approved in writing by the Local Planning Authority. The duly approved scheme shall be implemented in full before the use hereby permitted first takes place and shall remain operational thereafter.

Reason: In order to ensure the efficient dispersal of cooking odours from the premises in the interests of amenity of neighbouring occupiers and to ensure that any ventilation flues/ducting can be accommodated without detriment to character and appearance of the host building and the surrounding area having regard to

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

21. The development shall be carried out and thereafter operated for the lifetime of the development in full accordance with the Noise Management Plan approved under condition discharge reference 110777/CND/23

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

22. The premises hereby approved, which fall within the Use Classes E(a) (shops) and E(b) (restaurants and cafes), or the approved Use Class E(d) / sui generis use in the unit shaded in blue with a floor area of circa 1177m<sup>2</sup> on plan ref. RA-BDP-ZZ-00-DR-A-20-101 P35 'Proposed Rackhams Lower Ground Floor' shall not be open for trade or business outside the hours of 0700 - 0100 hours on any day.

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

23. The flexible events spaces in the Stamford Square/George Street area shall not operate as an events space outside the hours of: 08:00 - 18:00 (Monday - Wednesday); 08:00 - 19:00 (Thursday - Saturday); and 10:00 - 16:00 (Sundays).

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

24. No amplified music or other forms of amplified entertainment shall be permitted to any external part of the commercial premises which fall within the Use Classes E(a) (shops), Class E(b) (restaurants and cafes) or the approved Use Class E(d) / sui generis use in the unit shaded in blue with a floor area of circa 1177m<sup>2</sup> on plan ref. RA-BDP-ZZ-00-DR-A-20-101 P35 'Proposed Rackhams Lower Ground Floor'.

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

25. The development shall be carried out and thereafter operated for the lifetime of the development in full accordance with the recommendations and conclusions of the Noise Impact Assessment and Technical Note approved under condition discharge reference 110905/CND/23.

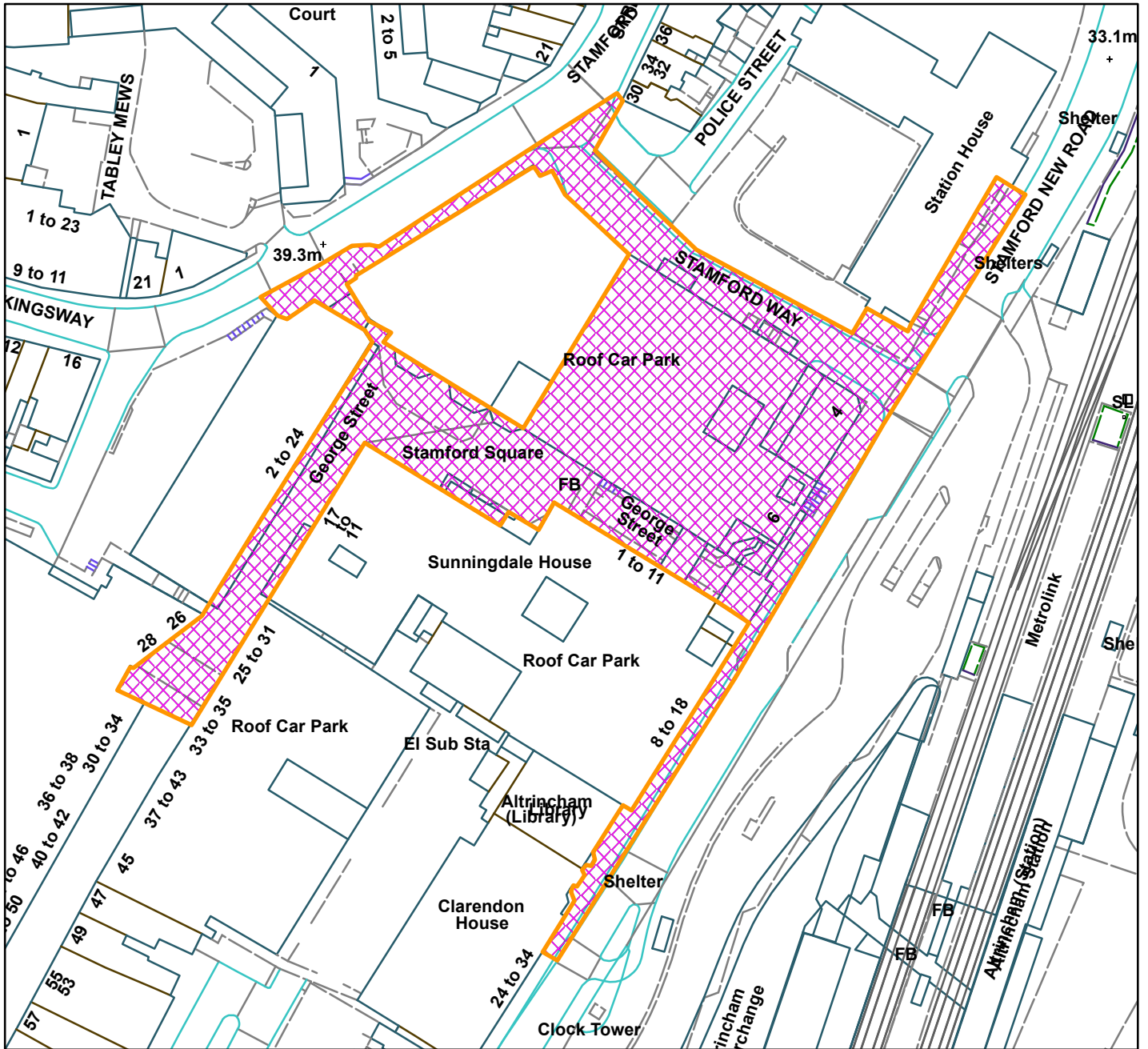
Reason: In the interest of residential amenity and in compliance with Policy L7 and of the Trafford Core Strategy and the National Planning Policy Framework.

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JJ



2 George Street, Altrincham WA14 1SG (site hatched on plan)



**Scale:** 1:1,173

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|--------------|---------------------------|
| Organisation | Trafford Council          |
| Department   | Planning Service          |
| Comments     | Committee Date 07/11/2023 |
| Date         | 26/10/2023                |
| MSA Number   | AC0000809316 (2022)       |