



TOWN AND COUNTRY PLANNING ACT 1990

APPEAL BY: McCarthy and Stone Retirement Lifestyles Ltd

SITE: 35 Oakfield M33 6NB

LPA REFERENCE: 109745/FUL/22

PINS REFERENCE: APP/Q4245/W/23/3325034

**STATEMENT OF CASE
OF THE LOCAL PLANNING AUTHORITY**

DATE: September 2023

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Note:

This document and other relevant information relating to the Councils case as well as the Appellants submitted appeal documentation can be currently viewed on the Council web-site (public access portal) via the following link and inputting planning reference 109745/FUL/22 when prompted.

www.trafford.gov.uk/planning/planning-applications/planning-applications.aspx

Information regarding the Councils Development Plan, Planning Guidance and other planning documents listed in Appendix 1 of this statement of case are available to view on the Council web-site at the following website link.

www.trafford.gov.uk/planning/planning.aspx

Other documents referenced are available to view online.

1. INTRODUCTION

- 1.1 This appeal is made by McCarthy and Stone Retirement Lifestyles Ltd against the refusal of planning permission by the local planning authority (Trafford Council) under reference: 109745/FUL/22 which proposes:

Demolition of existing buildings and erection of a part 3 storey part 4 storey building comprising 25no. retirement flats, closure of both existing vehicular accesses and formation of new vehicular access onto Oakfield with associated landscaping and carparking.

- 1.2 The application was received on the 29th November 2022 and made valid on the 6th February 2023. During the course of the application the development description was amended to better reflect the development proposals. Neighbours were reconsulted of the change in description, revised site notices posted and also readvertised in the local press. The 13 week expiry date was the 8th May 2023, the application was refused on the 5th May 2023 under delegated powers to officers, for the following reasons:

- 1.3 Reason for refusal 1:

The proposed development would lead to the total loss of a non-designated heritage asset and its setting (35 Oakfield) which would have an adverse and irreversible impact on its significance and as such its demolition would result in unacceptable harm to the character and appearance to the surrounding area. On balance, the benefits of the scheme would not outweigh the severe harm that would be caused to this non-designated heritage asset, contrary to Policy R1 of the Trafford Core Strategy and paragraph 203 of the National Planning Policy Framework. The application also fails to avoid or minimise the conflict between the asset's conservation and the proposal, contrary to paragraph 195 of the National Planning Policy Framework.

- 1.4 Reason for refusal 2:

The proposal, by reason of its incoherent appearance, form, siting, height and layout, would introduce an uncharacteristic and visually inappropriate development which would cause significant and permanent harm to the character of the application site and to the wider street scene. It is wholly inconsistent with the policy objective of delivering well-designed places and fails to respond to the local context and historic character of the site and surrounding area. It is thus considered contrary to Policy L7 of the Trafford Core Strategy, SPG1: New Residential Development, the National Planning Policy Framework, and the National Design Guide.

- 1.5 Reason for refusal 3:

The proposed new vehicular access, car-parking area and the boundary fence to be sited on the north-east boundary of the site will result in the removal of established trees and soft landscaping which significantly contribute to visual

amenity and the character of the site in lieu of hardsurfacing and inappropriate boundary treatment. In addition, due to the extent of the proposed development there are limited areas throughout the site for replacement tree planting and soft landscaping. As such the proposed works would be seriously detrimental to the visual amenity of the streetscene and the character of the area contrary to Policy L7 and R3 of the Trafford Core Strategy, the NPPF, and the National Design Guide.

1.6 Reason for refusal 4:

The proposed development fails to provide appropriate quantity and quality of external amenity space, to the detriment of the living conditions and the health and wellbeing of future residents, resulting in a poor quality of residential accommodation. As such the proposal is contrary to Policy L7 of the Trafford Core Strategy, the NPPF and the National Design Guide.

1.7 Reason for refusal 5:

The proposed building by reason of its scale height and massing in close proximity to the common boundary with the adjoining property 41 Ashlands would give rise to undue overlooking from balconies and would have a visually intrusive and unduly overbearing impact to the detriment of the residential amenity that the adjoining occupants could reasonably expect to enjoy. As such the proposal is contrary to Policy L7 of the Trafford Core Strategy, the Council's adopted Supplementary Planning Guidance PG1: New Residential Development and the NPPF.

1.8 Reason for refusal 6:

The proposal would fail to provide the required affordable housing, and the submitted financial viability appraisal has not adequately demonstrated that the affordable housing contributions sought would make the scheme undeliverable on viability grounds. The development would not, therefore, contribute to affordable housing needs and would not support the creation of mixed and balanced communities. The proposal would therefore be significantly contrary to policies L2 and L8 of the Trafford Core Strategy (2012), the National Planning Policy Framework (2021), National Planning Practice Guidance and SPD1: Planning Obligations (2014).

1.9 Reason for refusal 7:

The applicant has failed to demonstrate that the proposed development can take place without any harm to the status of a protected species, namely Bats, having regard to the advice contained within Circular 06/2005 (Biodiversity and Geological Conservation). Bats are protected under the terms of the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019. In the absence of information to the contrary, the proposed development would conflict with the provisions of Policy R2 of the Trafford Core Strategy and advice contained within the NPPF and Circular 06/2005.

2. SITE DESCRIPTION

- 2.1 The Council will look to agree the site description with the Appellant within the Statement of Common Ground (SoCG). The appeal site is located within a predominantly residential area approximately 0.2km to the south-west from the boundary of Sale town centre and sited on the south-west side of Oakfield. The site has an irregular configuration measuring approximately 0.23 hectares in area. The site is occupied by the original Victorian Villa which is three storeys in height plus basement, the property has been extended to the rear at three storey level. There are also a number of ancillary buildings on site. To the rear of the site is a communal garden area.
- 2.2 The main building is currently used for residential purposes comprising 9 flats. A detached garage/store building is located along the north-west boundary, with a further detached store building located to the rear of the main house. To the south side of the main house is an attached single storey extension with a covered walkway linking this extension to a detached two storey building which is understood to comprise five self-contained flats. The appellants planning application submission detailed that the site accommodates 14 flats in total with six studio flats, seven 1xbedroom flats and one 2x bedroom flat.
- 2.3 Car parking provision for the site is located along the front of the building in a gravelled area with no demarcated parking spaces, parking space is also available along the side of the building to the north-west side. Vehicular access to the site is taken from two access points located at either end of the site frontage onto Oakfield. The front boundary of the site comprises a low level brick and stone coping wall with hedgerow above. There are a number of mature trees along the site frontage. The application site is located within blanket Tree Preservation Order No.70 Oakfield/Ashlands.
- 2.4 To the north-west side of the site is a McCarthy & Stone apartment scheme (The Michael Court Building) which extends between 2.5 and 4 stories in height. To the south side of the site is Forest Park Preparatory School, part of the site also shares a boundary with St Marys Church of England PS to the south-west corner of the site. On the opposite side of Oakfield (east side) is Hunters Mews, a small residential cul-de-sac development circa.1990s. To the rear of the site is 41 Ashlands a detached two storey dwelling.
- 2.5 The appeal site is not located within or adjacent to a Conservation Area nor are there any nearby Listed Buildings within the immediate context of the site, the building and site are however identified as a non-designated heritage asset.

3. PLANNING HISTORY

- 3.1 Planning history for the appeal site will be agreed in the SoCG, the most recent and historic planning application history associated with the appeal site is as follows:-
- 3.2 H/58317 - Demolition of existing outbuilding and erection of a two storey rear extension (including accommodation in a semi-basement) to form 10 service apartments. Erection of a detached building with first floor bridge link to form maintenance and stores on the ground floor with an office over. Provision of 10 additional car parking spaces – Approved 18.03.2004 (approved scheme not implemented)
- 3.3 H/11922 – Erection of extension to form 2 storey apartment suites (6 Units), ground floor lounge and covered way – Approved 10.04.1980
- 3.4 H/10811 – Erection of 2-storey extension to form 5no. service suites, 2no. guest bedrooms and lounge- Refused 14.02.1980
- 3.5 H/00212 – Change of use from residential to hotel and erection of 3 storey hotel extension linked to existing building at ground floor level (total of 20 bed spaces, applicants living accommodation) – Approved 08.08.1974

4. PLANNING POLICIES

4.1 The Council will refer to the NPPF, NPPG, National Design Guide, National Model Design Code, Trafford Core Strategy, the saved policies of the UDP, supplementary planning documents/guidance (listed under Part G Appendix 1 of this statement of case) and the PfE August 2021 publication draft and its evidence base.

Adopted Local Planning Policy

4.2 As outlined in the officers report, the adopted Development Plan Documents of relevance to the determination of this appeal are the:

- Trafford Local Plan: Core Strategy (Adopted January 2012);
- Revised Unitary Development Plan (UDP)

All relevant adopted policies are referred to within the officers report along with the weight attributed to them, as well as detailed within the Review of Local Development Plan Policies document (2019) provided with the Councils appeal questionnaire.

4.3 ***Saved Policies of the Revised Trafford Unitary Development Plan (RUDP) 2006***

H3 – Land Release for New housing Development

H4 – Release of Other Land for Development

4.4 ***Trafford Local Plan: Core Strategy 2012***

L1 – Land for New Homes

L2 – Meeting Housing Needs

L4 – Sustainable Transport & Accessibility

L5 – Climate Change

L7 – Design

L8 – Planning Obligations

R1 – Historic Environment

R2 – Natural Environment

R3 – Green Infrastructure

Relevant Strategic Objectives

SO1 – Meet Housing Needs

SO5 – Provide a Green Environment

SO6 – Reduce the Need to Travel

SO7 – Secure Sustainable Development

SO8 – Protect the Historic Built Environment

Place Objectives

Sale

Emerging Local Planning Policy

4.5 Places for Everyone (PfE) is a joint Development Plan Document being produced by nine Greater Manchester districts (Bolton, Bury, Manchester, Oldham, Rochdale, Salford, Tameside, Trafford and Wigan). Once adopted, PfE will be the overarching development plan, setting the policy framework for individual district Local Plans. The PfE Regulation 19 consultation concluded in Autumn 2021 and the Plan was submitted to the Secretary of State for Levelling Up, Housing and Communities on 14 February 2022. Independent Inspectors have been appointed to undertake the Examination in Public of the PfE Submission Plan and the timetabled hearings have now been completed. Given the advanced stage of PfE it now has substantial weight in the planning balance. Of relevance but not exhaustive to this appeal are the following policies:-

4.6 *Places for Everyone (PfE) Joint Development Plan Document August 2021 (Publication Stage)*

Policy JP-H 1 – Scale, Distribution and Phasing of New Development

Policy JP-H 2 - Affordability of New Housing

Policy JP-S 1 – Sustainable Development

Policy JP-H 3 – Type, Size and Design of New Housing

Policy JP-H 4 – Density of New Housing

Policy JP-P 2 - Heritage

Policy JP-D2 – Developer Contributions

4.7 The draft new Trafford Local Plan was consulted on under Regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations 2012 from 4 February 2021 to 18 March 2021. A second Draft Local Plan Consultation is scheduled for Spring 2024. It is anticipated that the publication version of the Trafford Local Plan will be published for consultation in Autumn 2024. However, this is dependent on the progress of the PfE plan because the publication version of the Trafford Local Plan will not be consulted on until the PfE Examination has made significant progress. Although this document is considered to be of limited weight, the following policies are considered to be of relevance (but not exhaustive) to this appeal:-

4.8 *Trafford Local Plan February 2021 – Regulation Consultation Draft*

IP5 - Design

HO1 – Scale, phasing and distribution of new housing development

HO2 – Land release for new residential development

HO3 – Release of other land for residential development

HN1 – Dwelling Size, type and tenure

HN2 – Affordable housing

HN3 – Older person's accommodation

HE4 – The historic environment and new development

5. Summary of the Councils Case

5.1 The main points of the Councils case are summarised as follows:

- (i) The total and irreversible loss of the non-designated heritage asset;
- (ii) The scale and design of the proposal;
- (iii) The character of the area and streetscene following the removal of established landscaping and formation of new vehicular access and associated inappropriate landscaping works;
- (iv) The inadequate level of external amenity space provided for future residents;
- (v) The impact of the proposed development in relation to residential amenity;
- (vi) The lack of policy compliant provision of affordable housing on site;
- (vii) Status of protected species, namely bats.

6. The Case for the Council

- 6.1 The Council and the Appellant are currently in discussions with regards to agreeing a Statement of Common Ground (SoCG). The Council will engage with the Appellant to narrow the areas of dispute and highlight issues which will be central to the decision.
- 6.2 The planning application was refused for seven reasons with regards to impact upon non-designated heritage asset; design & appearance; visual amenity of streetscene; external amenity space; residential amenity; viability and status of bats. In reaching this decision, the Council had due regard to local and national planning policy and the Appellant's case advanced as part of the planning application submission. These matters are summarised as follows:-

Reason for refusal 1 - Non-Designated Heritage Asset

- 6.3 A detailed assessment of the heritage value of 35 Oakfield and the impact of the proposed development upon it is contained within paragraphs 24-65 of the officers delegated report. The Appellant within their statement of case disagrees with the Council's identification of the building on site as a non-designated heritage asset.
- 6.4 The planning application subject of this appeal is supported by a heritage statement after it was requested by the Local Planning Authority during the determination of the application and which includes a general description of the building including map regression. The assessment focuses on judging the significance of the building against statutory listing criteria. The Council do not agree with the conclusion of the heritage statement that *'the significance of this building (even if it is regarded as a non-designated heritage asset) is marginal at best'*.
- 6.5 35 Oakfield has been identified as a non-designated heritage asset (NDHA) in accordance with Annex 2 of the NPPF and is *"considered to be a building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. It includes... assets identified by the local planning authority (including local listing)"*. The 'Good Practice Advice Note 2: Managing Significance in Decision-Taking' published by Historic England (2015) clarifies non-designated assets as those *"...that have been identified in a Historic Environment Record, in a local plan, through local listing or during the process of considering the application."* The NPPG offers further guidance on this matter at Paragraph 039 *"There are a number of processes through which non-designated heritage assets may be identified, including the local and neighbourhood plan-making processes and conservation area appraisals and reviews. Irrespective of how they are identified, it is important that the decisions to identify them as non-designated"*

heritage assets are based on sound evidence”.

- 6.6 Additionally, in January 2021, Trafford Council was selected as a pilot area as part of the Greater Manchester Local Heritage List for The Local List Campaign funded by the Ministry of Housing, Communities & Local Government (MHCLG); the project is also supported by Historic England and managed by GMAAS & University of Salford. 35 Oakfield has been nominated for inclusion on Trafford’s Local Heritage List. A selection panel is currently assessing the nominations which along with a draft criteria will go out to a second round of consultation. Greater Manchester Archaeological Advisory Service (GMAAS) was consulted during the planning application and considered the building, the subject of this appeal, a non-designated heritage asset.
- 6.7 35 Oakfield, is a substantial mid-19th [1841 to 1872] century villa designed in a Domestic Revival style. The building comprises two storeys with attic accommodation and partial cellar. The original plan form is regular with the principal [north] elevation fronting Oakfield and dominated by two, three storey gables which run north to south. 35 Oakfield exhibits moderate significance for its architectural, and historic (illustrative) values. Despite some alteration, the historic plan form is still legible and the villa retains its integrity. There is a still good level of architectural integrity with a well-balanced composition, palette of traditional materials and distinctive architectural features. The villa, its spacious setting and historic boundary walls make an important contribution to the street scene and sense of place. The villa and its setting is one of the last surviving early villas on Oakfield. The building illustrates the historic development of Sale as an early suburban settlement. There is coherence with the adjoining Forest Prep School [formerly Ellesmere], St Marys C of E to the west of the appeal site and several other substantial dwellings of a similar period along Oakfield which amplify this significance and experience of one another.
- 6.8 The Council will argue that 35 Oakfield should be treated as a non-designated heritage for the purposes of assessing this appeal. Considering first the impact of the proposal paragraph 195 of the NPPF is specifically relevant. The Council has identified and assessed the particular significance of the heritage asset affected by the proposal. The significance of the asset is considered to result from its architectural and historic value. The proposed development would result in the total loss of the heritage asset and its significance, however the documentation submitted in support of the planning application subject of this appeal, fails to provide any alternatives or considered options of how the impact / loss of the heritage asset could be minimised or avoided. Furthermore, the new development makes no reference to or take no cues from the heritage asset, either through use, appearance, scale or siting of the proposals. The Council will argue that the demolition of the existing historic dwelling, the redevelopment of its setting and alteration of boundary walls will result in the total loss of this building and its architectural and historic significance. The harm caused to this heritage asset is unjustified and the applicant has failed to address paragraph

195 of the NPPF.

- 6.9 With regards to paragraph 197 of the NPPF the Appellant has not demonstrated that the retention of the building is not viable or structurally unsound; the continued use and retention of the building which is currently in residential use contributes to the sustainability of the community located close to Sale town centre; and finally the proposed development's undistinguished and nondescript appearance would not contribute to the distinctive character of this area when compared to the architectural and historic significance of 35 Oakfield.
- 6.10 The NPPF states at paragraph 203 that in weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset. The proposal would result in the total loss of the identified non-designated heritage asset through its demolition, which would have an adverse and irreversible impact on its high level of significance. This weighs strongly against the proposed development and is captured in the first reason for refusal.

Reason for refusal 2 – Design & Appearance

- 6.11 The Appellant's statement of case details that the proposal comprises high quality design which accords with national and local planning policy. As an experienced provider of specialised accommodation for older people, the Appellant advises that they design schemes with the functional requirements of its end users in mind having regard to site constraints and opportunities. The Appellant states that the proposed scheme subject of this appeal is a bespoke high-quality design.
- 6.12 The Council will argue that the proposed development will result in overdevelopment of the site, replacing the existing building on site with a larger building in terms of footprint, scale and massing. The design of the building is undistinguished, nondescript and fails to take account of the positive attributes of the site and wider context. The architectural treatment and materiality of the building is dated and of poor quality and lacks any clear identity or detailing which reflects the historic character of the area, contrary to advice contained within the National Design Guide and the Councils emerging Design Code.
- 6.13 The predominant form of development to the north and west of the site is residential properties. These include a mixture of detached and semi-detached properties in generous well landscaped plots and include Victorian villas and mid to late 20th century housing stock. There are a number of apartment developments including care/elderly homes located near to the appeal site, these are mainly mid to late 20th century and range in height mainly between 3 and 4 stories in height. As indicated the majority of residential plots contain mature

landscaping throughout including established tree planting along street frontages which creates a verdant character in this location and beyond particularly to the north and east of the site. The appeal site is considered to make an important contribution to this character given the historic nature of the existing property along with the established landscaping, mature tree coverage particularly to the front of the site and a large garden area to the rear of the site. To the east and south side of the site the character of the area begins to change to reflect the commercial edge of Sale town centre, there are however still a number of historic and residential properties between the site and the edge of centre.

- 6.14 The proposed development will have a detrimental impact upon the character of the area. It will remove one of the few remaining Victorian villas in this part of Sale. The replacement building will incorporate a significant increase in footprint and height in comparison to the existing building, extending into the existing garden area to the rear, coming closer to site boundaries (particularly to the north and west sides) and reducing space and landscaping around the building. Mature landscaping and trees to the most prominent part of the site are to be removed with the use of less sympathetic hard landscaping and building materials. There are no breaks in the form of development proposed, which result in an incongruous solid block of development, poor architectural treatment and materiality which is at odds with the local historic urban grain and character of the area.
- 6.15 Given the quality of the building proposed to be replaced and the issues with the incoherent design approach, form, siting and height with the proposed building the Council is clear that this would not represent an improvement to this part of Sale. The proposal fails to comply with the advice contained with the Councils Core Strategy Policy L7 and the NPPF, particularly in relation to paragraph 126 which details the creation of high quality and beautiful buildings as fundamental to what the planning and development process should achieve.

Reason for refusal 3 – Visual amenity of streetscene

- 6.16 The Appellant's statement of case details that the proposed hard and soft landscaping and boundary treatments will be appropriate and in-keeping with both the streetscene and character of the area. The appeal site currently benefits from two vehicular accesses, it is proposed to close these and create a new vehicular access.
- 6.17 The Council will argue that due to the removal of trees and soft landscaping to the front of the site combined with the inappropriate boundary treatment and formation of a new wider vehicular access along with the enlarged car-parking area with tarmac finish would have a detrimental impact on the streetscene which is characterised by mature tree and soft landscaping and low level boundary treatments.

- 6.18 The front of the site is characterised by large mature trees (A blanket Tree Preservation Order covers the site) and soft landscaping. The parking area to the front is surfaced in loose gravel in keeping with the historic character of the site.
- 6.19 The Council will argue that the character of the streetscene will be impacted adversely by the formation of a larger more centrally sited vehicular access which requires the removal of historic brick wall and trees and soft landscaping including hedgerow along the front boundary. Limited space is available within the site for replacement tree planting and soft landscaping due to the extent of the footprint of the building across the site. Tarmac will be used as the car-parking surface across the front of the site, a particularly harsh inappropriate surfacing. A 1.8m high closed board fence will be positioned along the northern boundary of the site extending up to the front boundary of the site which would screen the historic boundary wall along the northern boundary.
- 6.20 The proposed works the Council will argue are contrary to the Council's Core Strategy Policies L7 and R3 with regards enhancing the streetscene and character by appropriately addressing hard and soft landscaping works and developing high quality green infrastructure including private gardens and incidental landscaping. The NPPF at paragraph 131 reinforces the importance that trees make in the urban environment and that planning decisions should ensure that existing trees are retained wherever possible. The proposed formation of the vehicular access requires mature trees to be removed. The National Design Guide identifies the importance of natural features integrated into well designed development which includes trees.

Reason for refusal 4 – External amenity space

- 6.21 The Appellant details within their statement of case that the proposed quantity and quality of external amenity space will result in no harm to the living conditions and the health and wellbeing of future residents. Reference is made to the experience of the Appellant in providing specialised accommodation for older people and design schemes with the functional requirements of its end users in mind.
- 6.22 The Council will argue that the proposed development offers limited external space for residents amenity. Balconies are restrictive in size with doors opening out and limited space for garden furniture. The extensive scale of the development limits available amenity space around the site particularly along the north, west and south-west sides of the site. An area of communal garden and patio is provided to the south-east side of the site and would be considered insufficient in area for a building that will accommodate circa. 50 plus residents. The appeal site is not located in close proximity to any public parks or public

areas of open amenity space that residents of the development can easily access and therefore the reliance of on-site provision is an important consideration.

6.23 The Council will argue that the apartment scheme would fail to adequately provide a good standard of private amenity space for future residents, to the detriment of their health and wellbeing and would not meet the requirements of Core Strategy Policy L7, paragraph 130(f) of the NPPF (which seeks to ensure a high standard of amenity for future users) and guidance contained in the National Design Guide in relation to private amenity space.

Reason for refusal 5 – Residential amenity

6.24 The Appellant within their statement of case considers that the proposed development will not result in any undue overlooking from balconies and would not result in a visually intrusive and unduly overbearing impact on the occupants of nearby properties.

6.25 The Council will argue that the proposed development will have an adverse impact on the occupants at 41 Ashlands located to the rear of the site (south-west direction) by way of appearing visually intrusive and overbearing, resulting in a detrimental impact on outlook. The proposed building would be located approximately 6.5m at the nearest point to the shared boundary with 41 Ashlands and will extend along parallel to the majority of the boundary.

6.26 The proposal would be at a greater height than the neighbouring property 41 Ashlands at its closest point and steps up in height as it extends away from the neighbouring building. The proposed elevation facing 41 Ashlands would have two pitched gable elevations, with pitched gables to each section of building as it extends upwards. This design of the building is effectively a solid block of development which has been designed to accommodate the Appellant's operational requirements with no consideration to adjacent residential occupants amenity. The design of the building stepping up in height as it extends away from the boundary further exacerbates the sense of its overbearing and visually intrusive nature to the adjacent occupants.

6.27 A balcony area is proposed to the second floor south elevation. A small privacy screen is shown on its flank elevation (south-west elevation) which would allow views across to the rear garden area of 41 Ashlands. It is accepted that this screen could be designed to a higher level to prevent direct views across. It would not however prevent someone simply leaning on the guard rail and looking around the screen. The close proximity to the neighbours garden (approximately 6.5m) and the greater height of the balcony level exacerbates this sense of being overlooked. A further balcony at the third floor level faces towards the application site and although meets the privacy distances its elevated position facing directly towards the neighbours rear garden adds to a sense and perception of being

overlooked.

6.28 The Council will argue that the proposed scheme due to its siting, scale, height and massing in close proximity to 41 Ashlands would result in undue overlooking and would have a visually intrusive and unduly overbearing impact to the detriment of neighbouring residential occupants, contrary to advice contained within Core Strategy Policy L7, SPG1 New Residential Development and paragraph 130(f) of the NPPF.

Reason for refusal 6 - Viability

6.29 The Appellant within their statement of case indicates that through the submission of a detailed viability appraisal that there is no scope for the scheme to be able to make any commuted payment towards affordable housing and remain viable.

6.30 Core Strategy Policy L2, L8 and Revised SPD1 state that in respect of all qualifying development proposals, appropriate provision should be made to meeting the identified need for affordable housing. In order to take into account current issues relating to viability the Borough is split into 3 broad market locations with the application site falling into the “moderate” market location whereby in good market conditions there is a requirement for 25% requirement.

6.31 However Policy L2.12 advises that in those part of the Borough where the nature of the development is such that, in viability terms it will perform differently to generic developments within a specified market location the affordable housing contribution will not normally exceed 40%. The Council will argue that for the purposes of the application subject of this appeal the site is considered to be a site that is non-generic in viability terms. This reflects the case advanced by the Appellant’s viability consultant in that the proposed development has a different risk profile, different costs associated and a different approach to values (substantially higher than a normal apartment).

6.32 As part of the planning application, the Appellant provided a detailed viability assessment Financial Viability Assessment dated December 2022 and includes a valuation report dated July 2022 undertaken by Matthews & Goodman. The report concludes that the development could not afford to viably contribute towards any affordable housing. The Appellant’s viability assessment argues the policy compliant affordable housing level is 25% of the 25 units (moderate market) which equates to six units. The Appellant’s assessment has calculated a 25% affordable housing commuted sum figure of £1,009,500 which equates to £168,250 per affordable unit. No reference is made to on-site provision.

6.33 The Council’s viability consultants have independently assessed the viability case made by the Appellant and have highlighted a number of areas that they

are not in agreement with in relation to the Appellant's case and it is considered viability can be improved. These are the build costs; profit margin; benchmark land value (BLV); development period/finance costs; sales and marketing fees; empty property costs (EPCs) and guest suite value.

- 6.34 Further to this, the Council's viability consultants have undertaken a sensitivity analysis assessment of the proposed development based on their assessment on certain inputs and have tested whether the scheme can support 40% affordable housing as per Policy L2.12, which equates to ten units. The Council will argue that the scheme can viably support its 40% affordable housing contribution. Policy L2.14(a) indicates the expected method of delivery will be on site and the Council will argue that position regarding this site.
- 6.35 The appellant has not provided a robust Financial Viability Appraisal to demonstrate that the scheme cannot support a policy compliant level of affordable housing. The failure to provide a policy compliant level of affordable housing is contrary to policies L2 and L8 of the Core Strategy, SPD1, NPPG and the NPPF (Paragraph 63) with regards the objective of creating mixed and balanced communities.

Reason for refusal 7 – Bats

- 6.36 During the determination of the planning application, the Appellant submitted a Preliminary Ecological Appraisal and Preliminary Roost Assessment Report. The buildings on site were assessed externally only for the presence of bats and each tree on site was inspected from ground level only for any features suitable for bat roosting or signs of bats.
- 6.37 The conclusion reached was that buildings 1 (35 Oakfield); 2 (two storey outbuilding south side of site); 4 (detached garage north side of site) and 5 (rear single storey store room) have moderate bat roosting habitat. Building 3 (single storey side extension south side) and the associated walkway was found to have negligible bat roosting habitat. Buildings 1, 2, 4 and 5 will each need to be subject to two further presence/absence (emergence) surveys. One mature tree was found to have two potential roosting features, the tree is located along the front boundary. The results of the survey highlighted the requirement for further assessments in the form of dusk/dawn surveys to be undertaken. Greater Manchester Ecology Unit were consulted in relation to the proposed development and concurred with the conclusion of the Appellant's ecologist that further surveys were required. The Appellant was advised of the requirement for the additional surveys in March 2023, however at the time of the application determination in May 2023 no further information had been provided to the Council.
- 6.38 Subsequent to the submission of the appeal the Appellant has provided a Bat

Emergence Survey Report (RSK Biocensus July 2023) received on the 28th August 2023. The surveys detailed within the report found that one of the buildings supported a low status bat roost of a relatively common bat species. Mitigation and Compensation measures for disturbance to bats have been proposed in the survey report (section 4.3.3). Greater Manchester Ecology Unit (GMEU) have considered the findings of the report on behalf of the Council and have raised no objections to the findings of the report including mitigation and compensation measures. GMEU have advised that due to the presence of bats within Building 1, the development will need to be registered under Natural England's Earned Recognition (ER) or Bat Mitigation Class License (BMCL) system prior to any demolition works taking place. This process is separate from any grant of planning permission, but Natural England may not agree to register the scheme until planning permission has been granted. GMEU have recommended that in the event the appeal is upheld that a condition is attached to ensure no demolition of the relevant building until the Council are in receipt of a License issued by Natural England authorising the demolition to proceed.

6.39 On this basis of this new updated bat survey findings and the acceptance of the report findings by GMEU, the Council would accept that the seventh reason for refusal should now no longer be defended at appeal.

Planning Balance

6.40 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires applications to be determined in accordance with the development plan unless material considerations indicate otherwise. That remains the starting point for decision making. The NPPF is an important consideration.

6.41 This Council cannot demonstrate a five year housing land supply. NPPF paragraph 11d(ii) applies and the tilted balance is engaged. Paragraph 11d(i) is not relevant in this case since there is no clear reason for refusing the development proposed when having regard to the application of NPPF policies which seek to protect areas or assets of particular importance. An assessment of the proposal under paragraph 11d(ii) is therefore required, the benefits of the proposal therefore need to be weighed against the adverse impacts.

6.42 The Council will demonstrate that the adverse impacts of the development identified during the determination of the planning application (and which form the reasons for refusal) significantly and demonstrably outweigh the benefits advanced by the Appellant.

6.43 The adverse impacts of granting approval for the proposed development are identified as follows:

- Irreversible harm to the significance of a non-designated heritage asset caused by its total loss (Substantial weight is attached to this harm);
- No affordable housing provision, the appellant has not provided a robust Financial Viability Appraisal to demonstrate that the scheme cannot support

- a policy compliant level of affordable housing; (Substantial weight is attached to this harm);
- Adverse impact on residential amenity with regards the overbearing and intrusive nature of the building and undue overlooking (Substantial weight is attached to this harm);
 - Overdevelopment of the site and poorly designed development which would be out of character with the surrounding area and visually intrusive in the street scene due to its layout, scale, height, design and massing (Substantial weight is attached to this harm);
 - Removal of established trees and landscaping to form new vehicular access as well as inappropriate boundary treatment harmful to the character of the streetscene (Substantial weight is attached to this harm);
 - A poor and inadequate level of private amenity for future residents with consequential impacts on health and wellbeing (Substantial weight is attached to this harm); and
 - Inadequate space within the site to provide an appropriate level of soft landscaping (Substantial weight is attached to this harm).

6.44 The main benefits that would be delivered by the proposed development and advanced by the Appellant.

- The provision of 25no residential dwellings (net increase of 11 units) on a partly brownfield site within the urban area (significant part of the site is greenfield), contributing towards the Council's housing supply (Substantial weight is afforded this benefit);
- Provision of accommodation aimed at older persons (Substantial weight is afforded to this benefit);
- The release of local housing from people moving to the proposed development, this can only be given limited weight given that whilst there may be reasonable restrictions on age of occupants there is no existing geographical restriction on those purchasing the proposed units (Limited weight is afforded to this benefit);
- Wider social benefits of older people living together on a complex and the social interactions this brings (Moderate weight is afforded to this benefit);and
- Some economic benefits associated with job creation and increased expenditure (Limited weight is afforded to this benefit)

7. Conclusion:

- 7.1 It will be shown that the reasons for refusal are justified and will be substantiated in evidence.
- 7.2 The harms that arise from the scheme generate a conflict with various development plan policies, as described in the officer report, and conflict with the development plan when taken as a whole. Other than in respect of housing, development plan policies are generally up to date, and where they are not the NPPF provides a robust framework for decision making alongside them. This would indicate that the application should be refused.
- 7.3 The exercise under the tilted balance has also been carried out, and the totality of the harms arising from the proposal significantly and demonstrably outweigh the benefits of the scheme, when tested against NPPF Paragraph 11(d)(ii), the tilted balance. This is even when giving weight to the contribution the scheme would make to the Borough's housing land supply and the provision of homes for older people and giving appropriate weight to the other benefits.
- 7.4 The development proposals are contrary to the development plan and the NPPF and the adverse impacts would significantly and demonstrably outweigh the benefits, so planning permission should not be granted.

APPENDIX 1 – LIST OF DOCUMENTS TO BE REFERRED TO IN EVIDENCE

Please note that this is intended as a provisional list at this stage

A: Appellants’s planning application (the application subject of this appeal):

- Application Reference: 109745/FUL/22 (including all supporting material)

B: Consultation Responses:

- Application Reference 109745/FUL/22

C: Delegated Reports:

- Officers delegated report 109745/FUL/22

D: The Statutory Development Plan:

- The Trafford Core Strategy (2012)
- The Revised Trafford Unitary Development Plan (2006)
- The Composite Plan

E: The Emerging Development Plan:

- Trafford Local Plan (February 2021) Regulation 18 Consultation Draft
- Places for Everyone Joint Development Plan Document – August 2021 Publication Stage

F: Development Plan Documents not progressed:

- The Draft Trafford Land Allocations Development Plan Document (2014)

G: Adopted Supplementary Planning Documents:

- Revised SPD1: Planning Obligations
- SPD3: Parking Standards and Design
- PG1: New Residential Development
- PG4: Residential Care Homes and Nursing Homes for the Elderly (1991)

H: National Planning Policy/Guidance:

- National Planning Policy Framework (2021)
- National Planning Policy Guidance
- The National Design Guide (2019)
- National Model Design Code (2021)

I: Other Documents to be referred to:

- Trafford CIL Charging Schedule (2014)
- Trafford Housing Needs Assessment (2019)
- Draft Trafford Design Code
- Circular 06/2005 – Biodiversity and Geological Conservation
- Wildlife and Countryside Act 1981 (as amended)

- Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019
- Retirement Homes & Sheltered Housing in Trafford Greater Manchester: Housing Care (Web-site link provided in consultation comments from All Age Commissioning 06.04.2023)
- Draft Greater Manchester Local Heritage List Historic England Advice Note 7 (2nd edition) Published 27 January 2021
- Historic England Advice Note 12, Published 21 October 2019
- Historic Environment Good Practice Advice in Planning: 2 Published 27 March 2015
- Conservation Principles, Policies and Guidance Published 23 April 2008 Greater Manchester Urban Historic Landscape Characterisation Trafford District Report Published July 2008
- RICS Professional Statement – Financial Viability in Planning: Conduct and Reporting (2019)
- RICS Guidance Note – Assessing Viability in Planning under the NPPF 2019 (for England) (2021)
- Appeal Decision (May 2022) – Former B&Q, Great Stone Road, Old Trafford M32 OYP – Appeal Ref: APP/Q4245/W/20/3258552
- Appeal Decision (October 2022) – Pelican Inn and Motel, 350 Manchester Road, Altrincham, WA14 5NH

APPENDIX 2 – LIST OF SUGGESTED CONDITIONS IN THE EVENT THAT THE APPEAL WERE TO BE ALLOWED

Please note that this is intended as a provisional list at this stage and discussions with the appellant are continuing in the context of the Statement of Common Ground.

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

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

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

- Drwg No: NO-2860-3-AC-1001 – Site Location Plan
- Drwg No: NO-2860-3-AC-1002 Rev.A – Site Plan
- Drwg No: NO-2860-3-AC-1003 – Site Plan with Roof
- Drwg No: NO-2860-3-AC-1004 – Floor Plans
- Drwg No: NO-2860-3-AC-1007 – Site Boundary Treatment
- Drwg No: NO-2860-3-AC-1005 Rev.A – Elevations Sheet 1 of 2
- Drwg No: NO-2860-3-AC-1006 Rev A – Elevations Sheet 2 of 2

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

3. Notwithstanding any description of materials in the application no above ground construction works shall take place until samples and a full specification of materials to be used externally on the buildings have been submitted to and approved in writing by the Local Planning Authority. Such details shall include the type, colour and texture of the materials and the building of sample panels on site. Development shall be carried out in accordance with the approved details.

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

4. No above-ground construction works shall take place unless and until a detailed façade schedule for all elevations of the buildings (including sections and details at 1:20) has first been submitted to and approved in writing by the Local Planning Authority. The schedule shall be provided in tabulated form with cross referencing to submitted drawings, include the provision of further additional drawings and the building of sample panels on site as necessary and shall include:

- (i) Location of materials and brick detailing
- (ii) All fenestration details including recesses/window reveals
- (iii) All entrances into the buildings including doors and canopies
- (iv) The means of dealing with rainwater and any necessary rainwater goods that may be visible on the external façade of the buildings

- (v) The position and type/design of any necessary soil and vent pipes that may be visible on the external façade of the buildings
- (vi) External balconies
- (vii) The siting of any external façade structures such as meter boxes
- (viii) Elevation details of lift overruns and plant enclosure
- (ix) Plans detailing the siting and design of the photovoltaic panels on the buildings
- (x) The siting and design of any fixed plant
- (xi) The siting, design and material/finish of any vents for mechanical ventilation

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

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

5. No development or works of site preparation shall take place until all trees that are to be retained within or adjacent to the site have been protected in accordance with the tree protection measures set out in the KEEN Consultants Drawing Ref:2000-KC-XX-YTREE-TPP01 Rev.0 'Tree Protection Plan'. The protection measures shall be retained throughout the period of construction and no activity prohibited by the method statement shall take place within the exclusion zones / root protection areas identified on the 'Tree Protection Plan'.

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

6. a) Notwithstanding the details shown on the approved plans, the development hereby permitted shall not be occupied until full details of both hard and soft landscaping works have been submitted to and approved in writing by the Local Planning Authority. The details shall include the formation of any banks, terraces or other earthworks, hard surfaced areas and materials, planting plans, specifications and schedules (including planting size, species and numbers/densities), existing plants / trees to be retained, a scheme for the timing / phasing of implementation works, and details of the proposed pavilion and seating indicated on the approved drawings and any other structures proposed within the communal and private areas .
 - (b) The landscaping works shall be carried out in accordance with the approved scheme for timing / phasing of implementation or within the next planting season following final occupation of the development hereby permitted, whichever is the sooner.
 - (c) Any trees or shrubs planted or retained in accordance with this condition which are removed, uprooted, destroyed, die or become severely damaged or become seriously diseased within 5 years of planting shall be replaced within the next

planting season by trees or shrubs of similar size and species to those originally required to be planted.

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

7. The development hereby approved shall not be occupied until a schedule of landscape maintenance for the lifetime of the development has been submitted to and approved in writing by the Local Planning Authority. The schedule shall include details of the arrangements for its implementation. Development shall be carried out in accordance with the approved schedule.

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

8. Notwithstanding the details on the approved plans, no part of the development shall be occupied until details of the type, siting, design and materials to be used in the construction of boundaries have been submitted to and approved in writing by the Local Planning Authority and the approved structures have been erected in accordance with the approved details. The structures shall thereafter be retained.

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

9. No demolition shall occur at any time or vegetation clearance occur between the 1st March and 31st August in any year, unless a detailed bird nest survey by a suitably experienced ecologist has been carried out immediately prior to demolition and/or vegetation clearance and written confirmation provided that no active bird nests are present which has been agreed in writing by the Local Planning Authority, unless the species present is feral pigeon in which case a general license issued by Natural England authorising destruction of feral nests should be provided to the Local Planning Authority. Should the survey reveal the presence of any nesting species, then no development shall take place during the period specified above unless a mitigation strategy has first been submitted to and approved in writing by the Local Planning Authority which provides for the protection of nesting birds during the period of works on site. The mitigation strategy shall be implemented as approved.

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

10. No development shall take place, including any works of demolition, until a Construction and Pre-Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The approved CEMP shall be adhered to throughout the demolition/construction period. The CEMP shall address, but not be limited to, the following matters:

- a. Suitable hours of construction and pre-construction (including demolition) activity (see below)
- b. the parking of vehicles of site operatives and visitors (all within the site),
- c. loading and unloading of plant and materials (all within the site), including times of access/egress
- d. storage of plant and materials used in constructing the development
- e. the erection and maintenance of security hoardings
- f. wheel washing facilities
- g. measures to control the emission of dust and dirt during demolition and construction and procedures to be adopted in response to complaints of fugitive dust emissions
- h. a scheme for recycling/disposing of waste resulting from demolition and construction works (prohibiting fires on site)
- i. measures to prevent disturbance to adjacent dwellings from noise and vibration, including any piling activity (refer to BS5228)
- j. information on how asbestos material is to be identified and treated or disposed of in a manner that would not cause undue risk to adjacent receptors
- k. information to be made available for members of the public
- l. nuisance complaints procedure

The development shall be implemented in accordance with the approved CEMP.

Acceptable site working hours are as follows:

- Monday - Friday: Start 7:30am (with a restriction on the hours of operation heavy plant and machinery and major demolition and construction works until 8:00am) and finish at 6pm.
- Saturday: Start 9am and Finish at 1pm.
- Sundays and Bank Holidays: No work permitted.

Reason: To ensure that appropriate details are agreed before works start on site and to minimise disturbance and nuisance to occupiers of nearby properties, users of the adjacent allotments and users of the highway, having regard to Policies L4, L5 and L7 of the Trafford Core Strategy and the National Planning Policy Framework. The details are required prior to development taking place on site as any works undertaken beforehand, including preliminary works, could result in adverse residential amenity, allotments and highway impacts.

11. The drainage for the development hereby permitted shall only be carried out in accordance with the following plans and supporting information:-

- Drainage Strategy General Arrangement (Drwg No:4400 Rev.P2)
- Drainage Calculations (Clancy Consulting Ltd 27/01/2023)
- Phase II Site Investigation Report (Clancy Consulting December 2022 – Ref:10/2155/001 Rev.00)

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

12. No above ground construction works shall take place until a Drainage Management and Maintenance Plan for the lifetime of the development has been submitted to and approved in writing by the Local Planning Authority. The Drainage Management and Maintenance Plan shall include the arrangements for adoption by an appropriate public body or statutory undertaker, management and maintenance by a Residents' Management Company or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime. The development shall subsequently be completed, maintained and managed in accordance with the approved details.

Reason: To ensure that suitable management arrangements are in place for the drainage system in order to manage the risk of flooding and pollution during the lifetime of the development, having regard to Policies L5 and L7 of the Trafford Core Strategy and the National Planning Policy Framework.

13. Before the development hereby approved is first brought into use the two existing redundant vehicular crossovers to Oakfield shall be removed and the footway fully reinstated in accordance with a scheme which shall have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the provision of standard height footway kerbs and pedestrian dropped kerb tactile paving crossing on both sides of each of the proposed accesses. The new footway shall tie-in to the footway/crossover provision for the neighbouring properties, and any existing tactile crossings also reinstated. Development shall be carried out in accordance with the approved details and thereafter retained.

Reason: In the interests of highway safety and visual amenity having regard to Policies L4 and L7 of the Trafford Core Strategy, the Council's adopted Supplementary Planning Document 3: Parking Standards and Design and the National Planning Policy Framework.

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

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

15. No occupation or use of any building hereby permitted shall take place until such time as full details of the cycle parking and storage arrangements for that building, including the specification of stands/racks, have been submitted to and approved

in writing by the Local Planning Authority. The approved cycle parking for each building shall be made fully available prior to that building being first brought into use and shall be retained thereafter for their intended purpose.

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

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

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

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

Reason: To prevent pollution of the water environment and to ensure the safe development of the site in the interests of the amenity of future occupiers in accordance with Policies L5 and L7 of the Trafford Core Strategy and the National Planning Policy Framework. It is necessary for this information to be submitted and agreed prior to commencement given the need to undertake appropriate mitigation prior to the start of the construction works.

17. The development hereby approved 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 strategy 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.

18. The 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) at the nearest noise sensitive location. Noise measurements and assessments shall be carried out in accordance with the latest published edition of BS 4142 'Rating industrial noise affecting mixed residential and industrial areas'.

Reason: In the interests of the amenity of the occupiers of nearby premises, having regard to Policies L5.13 and L7 of the Trafford Core Strategy.

19. No development shall take place until a scheme detailing a ventilation strategy/mitigation schedule for the approved units of accommodation is submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details and thereafter retained.

Reason: To achieve internal sound levels within the development and to protect the amenities of future occupants in accordance with Policies L5 and L7 of the Trafford Core Strategy and the National Planning Policy Framework. Details are required prior to development taking place on site in order to incorporate such details into the design of the development.

20. Notwithstanding the details shown on the approved drawings, no external plant or machinery, lift overruns, extraction flues (including those for filtration of cooking odours), central heating vents, air conditioning units, other vents or other mechanical or engineering equipment shall be erected / installed on the building or within the site, unless a scheme has first been submitted to and approved in writing by the Local Planning Authority. The schemes shall include full details of the appearance of any equipment, manufacturer's operating instructions and a programme of equipment servicing and maintenance. Thereafter development shall proceed in accordance with the approved scheme and shall remain operational thereafter.

Reason: In the interests of residential amenity and to ensure to ensure that any plant, equipment, ventilation flues/ducting and other mechanical or engineering equipment can be accommodated without detriment to character and appearance

of the host buildings and the surrounding area having regard to Policies L7 and R1 of the Trafford Core Strategy and the National Planning Policy Framework.

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

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

22. The development hereby approved shall be designed and constructed in accordance with the recommendations and specification set out in sections 3 and 4 of the submitted Crime Impact Statement dated 07 December 2022, ref. 2022/0527/CIS/01, other than where this would conflict with any details shown on the approved drawings listed at Condition 2 of this permission, and the measures retained and maintained thereafter.

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

23. No above ground works shall take place until a Waste Management Strategy has first been submitted to and approved in writing by the Local Planning Authority. The Strategy shall include full details of the bin storage areas, including the number, size and type of bins to be provided, and shall include accommodation for separate recycling receptacles for paper, glass, and cans in addition to other household waste, and shall detail how the refuse and recycling bins will be made available for collection on bin day and returned to their approved storage area thereafter. The approved bin stores shall be completed and made available for use prior to the first occupation of the development and shall be retained thereafter. The approved strategy shall be implemented and adhered to for the lifetime of the development.

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

24. The development hereby approved shall not be occupied or brought into use until full details of the provision of (EV) charging points and other passive infrastructure for future use, have been submitted to and approved in writing by the Local Planning Authority. The EV charging facilities shall thereafter be installed in accordance with the approved details before the development is first occupied or brought into use and retained thereafter in working order.

Reason: In accordance with the Policy L5 of the Trafford Core Strategy and the National Planning Policy Framework.

25. No above ground construction works shall take place unless a scheme of biodiversity enhancement measures as detailed at section 5.4 of the Preliminary Ecological Appraisal and Preliminary Roost Assessment Report (RSK biocensus Project Ref:2484263 Rev 00 October 2022) have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to first occupation of the development (or in accordance with a phasing plan which shall first be agreed in writing with the Local Planning Authority) and shall be retained thereafter.

Reason: In order to protect and enhance the ecology of the site and to mitigate any potential loss of habitat having regard to Policy R2 of the Trafford Core Strategy and the National Planning Policy Framework.

26. No above ground construction works shall take place until a strategy for energy efficiency and low/zero carbon technologies for the development has been submitted to and approved in writing by the Local Planning Authority. This strategy shall demonstrate how carbon emissions shall be reduced having regard to the requirements of the Building Regulations Approved Document Part L. The approved strategy shall be implemented in full prior to first occupation of the development hereby permitted or in accordance with a phased approach that has first been submitted to and agreed in writing by the Local Planning Authority and shall be retained thereafter.

Reason: 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.

27. Prior to the first occupation of the development hereby approved details of a balcony screen (no higher than 1.8m) on the return flank section (south-west side) to the second floor apartment RL21SB 16 as detailed on Drawing ref: NO-2860-3-AC-1004 Floor Plans shall be submitted to and agreed in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details and thereafter retained.

Reason: To protect the privacy and amenity of the occupants of the adjacent dwellinghouse, having regard to Policy L7 of the Trafford Core Strategy, the Council's adopted Supplementary Planning Document 4: A Guide for Designing House Extensions and Alterations and the National Planning Policy Framework.

28. No development or works of site preparation, including demolition, shall take place until a detailed survey and photographic record in accordance with Level 4 of Historic England's Understanding Historic Buildings: A Guide to Good Recording Practice (2016) of the site's historic features, has been submitted to and agreed in writing by the Local Planning Authority, unless those works are required to give access to those features. A copy of the report shall also be deposited with the Greater Manchester Historic Environment Record and Trafford Local Studies Library.

Reason: In accordance with para 205 of the NPPF to record and advance understanding of heritage assets impacted on by the development and to make

information about the heritage interest publically accessible, prior to any works taking place on site, having regard to Policy R1 of the Trafford Core Strategy and the requirements of the National Planning Policy Framework. The details are required prior to development, including demolition, taking place on site as any works undertaken beforehand, including preliminary works, could result in an adverse impact on the site's historic features.

29. Prior to demolition of building 1 as identified in the Bat Emergence Survey (July 2023) details of a Licence issued by Natural England authorising the demolition of building 1, shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: In order to protect any bats present on site having regard to Policy R2 of the Trafford Core Strategy and the NPPF.

