

LHA – The Local Highway Authority has commented on the amended plans which show additional cycle parking to serve the commercial floorspace. They confirm that the level of cycle parking proposed complies with the SPD in respect of the residential uses (440 spaces for 433 units) and that the 20 Sheffield hoops are more than adequate to serve the commercial units, even if some of these spaces would need to be accessed by steps. No staff cycle parking is specifically proposed, but the LHA consider that this could be a shared facility with the residential spaces.

Trafford CCG has confirmed that the cost associated with providing a 0.5 Working Time Equivalent GP would be £520,000. This figure allows for the cost of creating a consulting room and associated Practice nursing and administration time to support the GP.

Trafford Council, Heritage Development Officer – The summary of the Heritage and Development Officer’s comments included in the Consultations main report contradicts the analysis within the Observations section of the report and does not fully reflect the Heritage and Development Officer’s consideration of the proposal. The summary within the Consultations section of the main report should be replaced with the following text:

‘Based on the current proposals, it is considered that the development would be conspicuous by virtue of its height, massing, scale, siting and appearance and will harm the significance of Trafford Town Hall, Grade II listed and Old Trafford Cricket Ground. The applicant has not provided “a clear and convincing justification” in accordance with paragraph 194 of the NPPF regarding the harm to the significance of Trafford Town Hall. It is considered that this harm would be less than substantial under paragraph 196. The harm to the significance of the Old Trafford Cricket Ground as a non-designated heritage asset should also be taken into account in determining the application. In weighing the application, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the Old Trafford Cricket Ground, in accordance with paragraph 197.

An assessment of views demonstrating the impact of the development on the significance of Longford Park has not been provided within the LVIA. It is therefore not possible to quantify the level of harm to this designated heritage asset.

Further comments are included in the Observations section of the officer report.’

LETTER SENT FROM APPLICANT TO MEMBERS

Officers have had sight of a letter sent from the applicant directly to Members as lobbying which sets out a response to each of the reasons for refusal and the benefits that the applicant believes the proposed scheme could deliver in the context of the Council’s housing land supply and delivery shortfall. This letter was not sent to officers as additional supporting information but nonetheless it is addressed below.

Most of the points raised have already been considered in the officer report, and elsewhere within the Additional Information Report. Where they have not, they are addressed below.

The applicant claims that they have designed the scheme in the context of Trafford's vision for the (Draft) Civic Quarter Masterplan. Whilst the officer report indicates that limited weight can be attached to this document in the decision making process, the proposed development is actually very much at odds with the vision for this part of the masterplan area. From initial TVIA work undertaken for the Masterplan, and given the context of the site which sits adjacent to an area of largely two storey residential properties, it is considered that the site is only capable of accommodating a development of up to six storeys in height, as opposed to the thirteen storey development proposed.

Officer concerns relating to the scheme not covering a Development Plan policy compliant level of planning obligations remain. The offer on the part of the applicant to include healthcare facilities (a D1 use) within the scheme already forms part of the development proposal as part of the flexible mix of commercial uses includes D1 floorspace. As detailed within the officer report and elsewhere in this Additional Information Report, the applicant has not considered the car parking requirements of such a proposal as part of their Transport Assessment, and moreover does not provide any car parking for such a use. The commercial uses proposed as part of the scheme are intended to be flexible and speculative. The increased affordable housing offer is discussed under Observations.

The adverse impacts of the proposed development on the amenity of existing residents living close to the site and the level of amenity that will be delivered for the future occupiers of some of the proposed apartments is already covered in the officer report. Officer concerns relating to impacts from poor levels of daylight and sunlight for both existing and future residents in addition to the overbearing impact remain.

The concern expressed by officers relating to adverse wind impacts is not one that can be left to reserved matters stage or alternatively conditioned as suggested by the applicant. The mitigation would require tree planting, and because the building and access road cover almost the entirety of the site, officers' concerns relate to whether there is actually enough room on the site to plant the necessary trees.

References are made in the applicant's letter to the recent decision by Committee to be 'Minded to Grant' planning permission for the partial redevelopment of Sale town centre. Comparison between these two schemes which sit in different contexts, with different relationships to existing properties, including existing homes and heritage assets, and a different range of harms and benefits, is misleading and unhelpful in the consideration of this application. Each scheme should be considered on its merits. Whilst some concerns were expressed by officers about the impacts caused by the Sale proposal, these were addressed through a reasoned analysis and considered in the planning balance in officers' decision to recommend approval.

The applicant also provides a rebuttal to the heritage analysis and concludes that there is no harm to any heritage asset, designated or non-designated. The main officer report sets out in detail why it is considered that harm would arise and nothing

in the applicant's rebuttal alters that view. It is noted that this statement seeks to downplay the architectural and historic qualities of LCC, but fails to make any reference to the experience of the ground from within the venue. This is a material omission.

OBSERVATIONS

PRINCIPLE OF THE DEVELOPMENT

The analysis within the report at paragraph 5 omitted Core Strategy Policy SL3 as a policy that is 'most important' for determining this application when considering the application against NPPF Paragraph 11, as together with policies relating to housing, design and heritage, it controls the principle of the development and is relevant to the impact of this large building on the streetscene and the existing residents living close to the site.

Paragraph 5 should be deleted and replaced with the following:

'Policies controlling the supply of housing and those relating to the Lancashire County Cricket Club Quarter (SL3), design and heritage are considered to be 'most important' for determining this application when considering the application against NPPF Paragraph 11 as they control the principle of the development and are relevant to the impact of this large building on the streetscene and the existing residents living close to the site. The Council does not, at present, have a five year supply of immediately available housing land and thus Policies L1 and L2 of the Core Strategy are 'out of date' in NPPF terms. Policy SL3 of the Core Strategy is generally considered to be compliant with the NPPF, and therefore up to date in that it seeks to improve the visitor experience for LCC and create a new residential neighbourhood, albeit the reference to the Quarter providing 400 residential units would be considered out of date because of its reference to housing numbers. Policy L7 of the Core Strategy is considered to be compliant with the NPPF and therefore up to date as it comprises the local expression of the NPPF's emphasis on good design and, together with associated SPDs, the Borough's design code. Policy R1 of the Core Strategy, relating to the historic environment, does not reflect case law or the tests of 'substantial' and 'less than substantial harm' in the NPPF. Thus, in respect of the determination of planning applications, Core Strategy Policy R1 is out of date.'

DESIGN AND APPEARANCE

The analysis within the officer report at paragraphs 98,101 and 343 indicates that insufficient information has been submitted to determine whether the appearance of the proposed development is acceptable, particularly when the application is seeking planning permission for the 'appearance' of the proposed development. As officers consider the scheme to be inappropriate for this location, in part because of its height, scale, layout, density, massing and monolithic appearance, it was not considered necessary to seek further detailed drawings from the applicant. Had a scheme been submitted which officers felt able to support in principle, then the submission of further detailed drawings would have been necessary to ensure that in

granting permission for 'appearance' that the appearance of the building was of sufficient design quality.

HIGHWAY MATTERS

Paragraph **271** should be replaced by the following:

The development proposes 1,181m² of commercial floorspace and seeks permission to use this space flexibly for uses falling within A1, A3, B1, D1 and/or D2 use classes. This level of floorspace is considered to be too great to be used solely for purposes ancillary to the residential development proposed. If planning permission were to be granted it is considered that attaching conditions restricting this amount of floorspace solely for use by residents of the development would be both unreasonable and unenforceable. It is considered that these units would rely on a wider customer base to be commercially successful and are therefore likely to require additional car parking provision to support them and it would be impossible to effectively police, particularly in respect of retail uses, whether a customer was a resident of the development or not.

The applicant has submitted amended plans which show an additional 80 cycle parking spaces, 40 for residents or staff of the commercial units within the internal cycle store and 20 Sheffield hoops, which can accommodate two cycles each, within the public realm. The LHA is satisfied that although some of the parking would need to be accessed by steps, this level of cycle provision is more than adequate to serve the commercial units.

Nevertheless, although the applicant has addressed the need for cycle parking to serve the commercial units, together with the amendments to provide additional cycle parking an area for shopping trolley storage is now shown on the plans which would indicate that the applicant is making provision for a convenience retail unit to come forward. The total amount of floorspace, if dedicated entirely to A1 uses, would equate to the size of a small supermarket. Therefore it is still considered necessary for car parking spaces to be provided to support these uses to ensure that customers are not tempted to park outside the commercial units on street and equally to ensure that parking does not overspill into residential areas. Additionally, no provision has been made for staff car parking.

It is acknowledged that this issue may be relatively easy to address by the applicant through a reallocation of car parking spaces and with the supporting highways information updated to take account of this. Nevertheless, in the absence of any such proposal put forward, the ninth reason for refusal stands, although it has been amended to delete the reference to a lack of cycle parking.

DEVELOPER CONTRIBUTIONS

Affordable Housing

The applicant's increased affordable housing offer now proposes that 10% of the units for which planning permission is sought (44 homes) would be provided as

affordable build to rent units. No indication has been provided as to whether the affordable units offered would be one, two or three bed units.

Whilst the increased offer is clearly welcomed, it is noted that were the scheme to be refused at committee and appealed, the applicant has '*reserved the right to revisit the offer*'.

The main report, at paragraph 31, makes it clear that Policy L2 and SPD1 indicate that the expected affordable housing provision on the site should be '*determined via a site specific viability study, and will not normally exceed 40%*'. The Council's viability consultant does not consider the applicant's viability appraisal to be robust, having raised queries relating to land value, the ratio of the Net Internal Area (NIA) to Gross Internal Area (GIA), fees, finance rates and fittings, furnishings and equipment costs, which have not been adequately addressed by the applicant. The fact that the affordable offer has been doubled since the officer report was published, without any reference by way of an updated viability appraisal as to how the proposed scheme can suddenly support twice the quantum of affordable housing previously deemed viable, casts further doubt as to the robustness of the appraisal.

Officers are still therefore of the view that the submitted viability appraisal does not demonstrate unequivocally that were the applicant to offer a level of affordable housing provision greater than the 10% now proposed that the development would be undeliverable on viability grounds. The proposed development is therefore still considered to be contrary Core Strategy Policy L2 in this regard.

Semi-Natural Greenspace

Nevertheless, since the publication of the main report, the Council's Strategic Planning Service has confirmed that no contribution is required for semi-natural greenspace and the second reason for refusal has been updated accordingly. It has also been updated to reflect that the local open space contribution is specifically to be directed to spatial green infrastructure.

Healthcare Facilities

Trafford CCG has confirmed that a contribution of **£520,000** would be required to mitigate the impacts of the development on healthcare facilities by providing a 0.5 Working Time Equivalent GP. This figure allows for the cost of creating a consulting room and associated practice nursing and administration time to support the GP. Paragraph 3.83 of the Council's adopted SPD1 references the potential requirement for developments to make contributions to healthcare and specifically the 'provision of facilities within the vicinity of strategic locations'. This contribution is considered to be necessary to make the development acceptable in planning terms and would otherwise be CIL122 compliant.

Conclusion

It is noted that the applicant has not sought to address any of the other planning obligations attributable to the scheme which would go some way towards addressing the second reason for refusal and making the scheme policy compliant in this

respect. The implication is therefore, that the scheme cannot support these other obligations for 'viability reasons', but they are necessary to make the development acceptable in planning terms. It is not therefore considered that the offer of 10% affordable housing provision addresses the second reason for refusal.

PLANNING BALANCE AND CONCLUSION

Delete Paragraphs **336** and **354** of the main report and replace with the following:-

It has already been concluded in the analysis of the impact of this development on designated heritage assets that '*less than substantial harm*' would arise to Trafford Town Hall, and that this level of harm would not be outweighed by the public benefits of the scheme. As well as this specific planning balance, the alternative planning balance in Paragraph 11(d)(ii) of the NPPF must be undertaken, by determining whether all the identified harm (including to designated heritage assets) significantly and demonstrably outweighs all the benefits. Each of these identified harms has been described previously in this report and then summarised in the analysis of the planning balance in paragraphs 334 to 353.

Substantial weight is given to the harm arising from the overall scale of the development – to the character and quality of the area and to the amenity of both existing residents in neighbouring properties and future residents of the development; given this leads to conflict with up to date development plan policies and would be a permanent and irreversible change. This includes the failure of the applicant to demonstrate that the development could effectively mitigate adverse wind impacts.

Substantial weight is also given to the '*less than substantial harm*' that would arise to Trafford Town Hall as a designated heritage asset, and that officers have, on the basis of the information submitted, been unable to properly assess the impact on Longford Park Conservation Area. The impact on these designated heritage assets would or could be permanent and irreversible and would provide a 'clear reason for refusal' in NPPF Paragraph 11(d)(i) terms. In coming to this conclusion the required special consideration has been given to heritage assets under the relevant statutory duties.

Significant weight has been given to the failure of the scheme to offer a planning policy compliant level of planning obligations which are required to make the development acceptable in planning terms. Greater weight has been given to this harm as the applicant has not adequately demonstrated through a robust viability assessment that a policy compliant level of contributions could not be provided. Further doubt has been cast on the applicant's viability case by the late increase in the affordable housing offer from 5% to 10%, which was submitted without an updated viability appraisal.

Significant weight has been given to the harmful impact on Lancashire Cricket Club as a non-designated heritage asset, and as a cultural and tourism destination, which is considered weigh strongly against the proposals given the importance of LCC as a visitor destination to the Borough and as it is contrary to development plan policies which are up to date in this respect.

Moderate weight has also been given to the potential harm to highway and pedestrian safety arising from the proposals, as it is acknowledged that this could relatively easily be addressed should the applicant choose to do so.

Negligible weight has been given to other minor conflicts with planning policy or guidance identified in the report (e.g. in respect of housing mix) but where it has been concluded that these conflicts, in themselves, do not point to the development being unacceptable.

In respect of the benefits of the proposed scheme, very substantial weight has been given to the contribution the development would make to the Borough's housing land supply and to housing delivery. Officers are fully cognisant of the fact that the Borough has a housing land supply of only 2.6 years, and that the Housing Delivery Test figure for Trafford is only 47%. This represents a significant shortfall in both housing supply and delivery and all necessary steps should be taken to address this shortfall. Significant weight has also been given to the fact that this development would make efficient use of a vacant brownfield site; albeit the NPPF is clear that this should not be at the expense of the character of the area.

Moderate weight has been given to the fact this would be a Build to Rent scheme, which would increase choice in the housing market. Limited weight has been given to the fact that 44 affordable homes (10%) would be provided; more weight would have been given to this benefit had it been comprehensively demonstrated by the applicant that the scheme could not viably deliver a greater amount, but doubts remain about the robustness of their viability appraisal, particularly given the last minute change in the affordable housing offer from 5% to 10%.

Limited weight has been given to economic benefits during the construction period as these arise to a greater or lesser extent from any development. Limited weight has also been given to the benefit to the local economy from residents of the development using local shops and services, as the scheme provides a large amount of on-site commercial floorspace, which is intended to serve residents of the development and could take up much of this demand.

The presumption in favour of sustainable development as set out in Paragraph 11 of the NPPF together with the acknowledged need to substantially boost housing supply and delivery in the Borough does not however equate to development at any cost. A number of harms arise from this development; which have been carried forward into **nine reasons** for refusal in the recommendation to Members. In drawing all of this together and applying the planning balance it is considered that it has been clearly demonstrated through a thorough analysis of all relevant matters that the adverse impacts of the development significantly and demonstrably outweigh the benefits. The application is therefore recommended for refusal.

RECOMMENDATION

Replace reason for refusal **2** with the following:-

The proposed development would not provide a development plan policy compliant level of planning obligations in relation to affordable housing; spatial green infrastructure and outdoor sports provision; healthcare facilities; and site specific highways improvements to suitably and appropriately mitigate the impacts of the development. The applicant has failed to demonstrate that there is a robust viability case to demonstrate that the scheme could not offer a policy compliant level of obligations. The proposed development is therefore contrary to Policies SL3, L2, L4, L5, L7 and L8 of the adopted Core Strategy and the Council's adopted Revised Supplementary Planning Document 1 (SPD1) – Planning Obligations and the National Planning Policy Framework.

Replace reason for refusal **9** with the following:-

No dedicated car parking is provided for the 1,181sq metres of retail and / or commercial floorspace proposed and the applicant has not demonstrated that reasonable and enforceable planning conditions could be used to limit the use of this floorspace to occupants of the proposed development. Failure to provide adequate car parking provision for these uses would result in ad-hoc on street parking to the detriment of highway and pedestrian safety, contrary to Policy L4 of the adopted Core Strategy, SPD3: Parking Standards and Design and the National Planning Policy Framework.