

TRAFFORD COUNCIL

TOWN AND COUNTRY PLANNING ACT 1990

Appeal by: Accrue (Forum) 1 LLP

Site Address: Former B&Q Site, Great Stone Road, Stretford, M32 0YP

LPA reference: 100400/OUT/20

PINS reference: APP/Q4245/W/20/3258552

STATEMENT OF CASE
OF THE LOCAL PLANNING AUTHORITY

CONTENTS

	Page
1. Introduction and background	1
2. Planning Policy	5
3. Case for Council	14
4. Putative Reasons for Refusal	16
Reason for refusal 1 – Impact on Lancashire Cricket Club	16
Reason for refusal 2 – Impact on cultural value and identity	20
Reason for Refusal 3 – Design	23
Reason for refusal 4 – Planning Obligations	45
Reason for refusal 5 – Amenity of future occupiers	53
Reason for refusal 6 – amenity of existing properties	59
Reason for refusal 7 – Impact on Longford Park Conservation Area	63
5. Five Year Housing Land Supply	65
6. Nuisance Update	77
7. Scheme Benefits and Adverse Impacts	79
8. Recommended Conditions	84
9. Developer Contributions	98

APPENDICES

- 1 Original report
- 2 Additional information report
- 3 Draft Civic Quarter Area Action Plan (Regulation 19)
- 4 New Trafford Local Plan Extracts
- 5 Decision Notice 94974/OUT/18
- 6 Sport England Evidence
- 7 Photograph from within LCC towards Manchester City Centre
- 8 CGI's
- 9 Photograph from within LCC towards Appeal Site
- 10 Map
- 11 Wireframes
- 12 Former Kellogg's site Maximum Height Parameter Plan
- 13 CQ AAP Townscape Visual Impact Appraisal
- 13a CQ AAP Townscape Visual Impact Appraisal Figures 1 – 19
- 13b CQ AAP Townscape Visual Impact Appraisal Figures 20 – 44
- 14 Trafford Economic Viability Study May 2009
- 15 Continuum Viability Report September 2020
- 16 Continuum Viability Report August 2021
- 17 Local Education Authority Report – Educational Background Report
- 17a Local Education Authority Report – Response to Alfredson York Report
- 17b Local Education Authority Report – Developer Contribution Calculation
- 18 Counsel Advice
- 19 Update to Housing Land Supply (September 2021)

1 INTRODUCTION AND BACKGROUND

- 1.1. The appeal is made against the non-determination by the Local Planning Authority (Trafford Council) of application ref. 100400/OUT/20 which proposes:

The demolition of existing retail unit and associated structures; erection of buildings for a mix of use including: 333 apartments (use class C3) and communal spaces ancillary to the residential use; flexible space for use classes A1, A3, D1 and/or D2; undercroft car parking; new public realm; and associated engineering works and infrastructure.

- 1.2. The application sought permission for the access, layout, scale and appearance with landscaping being a reserved matter. It is essentially a full planning application in all but name.

- 1.3. The application was received by the Local Planning Authority (LPA) on 19 March 2020. The application was considered to be invalid upon receipt for the three reasons outlined in the letter included in Appendix 3.1 of the Appellant's Statement of Case. The Appellant has accurately set out the background to the validation of the planning application which is the subject of this appeal in paragraphs 3.4 to 3.14 of their Statement of Case.

- 1.4. On 15th October 2020 the appeal scheme was presented to Trafford's Planning and Development Management Committee to determine the Council's position to adopt at the appeal hearing had they been able to determine it. This officer report to Committee, referred to as 'the OR' throughout this Statement of Case is available at Appendix 1, along with the Additional Information Report (AIR) at Appendix 2. The Committee endorsed officers' recommended putative reasons for refusal, as follows:

Reason for Refusal 1 (RFR1):

The proposed development would prejudice the use of the fine turf and non-turf training facility at Lancashire Cricket Club. The proposed development therefore conflicts with Strategic Objective OTO11, Policies SL3 and R6 of the adopted Core Strategy.

Reason for Refusal 2 (RFR2):

The proposed development would have a dominating and adverse impact on Lancashire Cricket Club (LCC) as well as its setting and cultural character and identity. LCC is an internationally significant visitor attraction, cultural and tourism venue. The

impact on the visitor experience is considered to be sufficient to weigh strongly against the proposal. The development is therefore contrary to Policies SL3 and R6 of the adopted Core Strategy and the National Planning Policy Framework.

Reason for Refusal 3 (RFR3):

The proposed development would represent poor design as its form, layout, height, scale, massing, density and monolithic appearance are inappropriate in its context and would result in a building which would be significantly out of character with its surroundings. This would have a highly detrimental impact on the street scene and the character and quality of the area. This would be contrary to Policies SL3 and L7 of the adopted Trafford Core Strategy and the National Planning Policy Framework.

Reason for Refusal 4 (RFR4):

The proposed development would not provide a development plan policy compliant level of planning obligations in relation to affordable housing and education 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 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.

Reason for Refusal 5 (RFR5):

The proposed development by virtue of its height, massing, scale and layout would result in a poor level of amenity and unacceptable living standards for future occupiers of the development, by virtue of inadequate daylight and outlook in both apartments and amenity areas. The proposed development is therefore contrary to Policies SL3 and L7 of the adopted Core Strategy and the National Planning Policy Framework.

Reason for Refusal 6 (RFR6):

The proposed development by virtue of its height, massing, scale and layout would result in harm to the amenity of existing residential properties on Great Stone Road and Trent Bridge Walk by virtue of noticeable reductions in the amount of daylight and sunlight that they receive, and would also have an overbearing impact on these properties and other residential properties in the wider 'Gorses' area. The proposed

development is therefore contrary to Policies SL3, L3 and L7 and the National Planning Policy Framework.

Reason for Refusal 7 (RFR7):

The proposed development by virtue of its layout, scale and massing would have a harmful impact on the setting of Longford Park Conservation Area equating to 'less than substantial' harm in National Planning Policy Framework terms. The benefits of the scheme are not considered to outweigh the identified harm to a designated heritage asset. The proposed development is therefore contrary to Policies SL3 and R1 of the adopted Core Strategy and the National Planning Policy Framework.

Summary of the Council's case

- 1.5. The Council's concerns with the appeal scheme are essentially two-fold:
- (i) The quantum of development sought is fundamentally far more than the site can accommodate, leading to a number of significant harms. It represents overdevelopment as opposed to the efficient use of a brownfield site.
 - (ii) The appellant has failed to provide a policy compliant level of developer contributions towards affordable housing and education provision.
- 1.6. The Council accepts that it does not have a five year supply of housing land but considers there is important context to the supply which means that a lack of a five year housing land supply should be given less weight in the tilted balance.

Overdevelopment of the site

- 1.7. The size of the proposed scheme would result in a number of harmful impacts:
- The proposed development would sit as a dominant mass in the street scene, in stark contrast to the prevailing character and urban grain of the area.
 - Overshadowing of the fine turf training facility at Old Trafford Cricket Ground, an international sporting venue, prejudicing the club's ability to host international and other first class cricket matches.

- Adversely impact upon the setting of LCC and its cultural character and identity, impacting the visitor experience from both inside and outside the ground.
- The development sits too close to existing constraints outside its site boundaries to allow adequate daylight and sunlight levels to be achieved within a considerable number of the proposed apartments, and additionally this relationship adversely affect the sunlight and daylight currently enjoyed by existing residents.
- Harm to the setting of heritage assets equating to less than substantial in NPPF terms.

Failure to provide a policy compliant level of developer contributions

- 1.8. The policy context for requiring the developer contributions to affordable housing and education is up to date and the need is clear. The development plan requires provision of up to 40% subject to a FVA. The Council has demonstrated that the appellant's viability case is not robust and that the scheme could deliver 40% affordable housing and a full suite of other contributions, including education provision.

Housing Land Supply

- 1.9. The land value expectation on this site has driven an excessively large and intense development and a lack of appropriate s.106 obligations. Granting permission here would undermine rather than support delivery because it would entrench the wrong historic narrative that inappropriate development can come forward to maximise land value whilst failing to deliver the infrastructure and affordable housing necessary to meet the needs of the new population. The Council's current five year HLS is an artificially deflated figure which represents a snapshot in time and not the true picture of a steadily improving situation as developers adopt more realistic land value and development potential expectations leading to a virtuous circle of more appropriate permissions being delivered with the infrastructure and affordable housing they require.

2 PLANNING POLICY

Revised National Planning Policy Framework (2021)

- 2.1 The NPPF was revised in July 2021. The main changes of relevance to this appeal relate to:
1. Measures to improve design quality requiring developments to deliver “well-designed, beautiful and safe places” (paragraph 8b);
 2. A requirement for councils to produce local design codes or guides stating that “development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes” (paragraph 133);
 3. The importance of including trees in new developments (paragraph 131);
 4. The requirement to achieve sustainable development in terms of social progress, economic well-being and environmental protection, with a particular reference to the 17 Global Goals for Sustainable Development in the period to 2030 (paragraph 7).

National Design Guide

- 2.2 The National Design Guide (NDG) was published in 2019 and outlines the Government’s priorities for well-designed places and sets out ten characteristics. The NDG will be referred to where relevant throughout this Statement.

National Model Design Code

- 2.3 The National Model Design Code (NMDC) expands on the ten characteristics of good design set out in the National Design Guide, published in October 2019. The National Model Design Code forms part of the government’s planning practice guidance and should be read as part of the NDG. The NMDC will be referred to where relevant through this Statement.
- 2.4 In the absence of local design guidance, local planning authorities are expected to defer to the National Design Guide, National Model Design Code and Manual for Streets which can be used as material considerations in planning decisions.

Adopted Local Planning Policy

- 2.5 As outlined in the OR, 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) (Adopted June 2006);
- 2.6 All relevant adopted policies are referred to within the OR along with the weight attributed to them. The detail is not repeated here.
- 2.7 Since the Trafford Local Plan: Land Allocations Plan is no longer being progressed it is not considered to be relevant to the Core Strategy SL3 allocation. The New Trafford Local Plan is at Regulation 18 stage but the area including and around the appeal site is covered by the Regulation 19 Draft CQ AAP to which moderate weight should be attached. The CQ AAP contains the Council's latest and most up to date statement on land allocations for the site which is the subject of this appeal

Emerging Local Planning Policy

Draft Civic Quarter Area Action Plan

- 2.8 Since the adoption of the Trafford Core Strategy, the Council's approach to development in the CQ area has fundamentally changed. Due to strong developer interest in the CQ area, the Council has taken a proactive approach in developing the CQ AAP to establish a comprehensive vision, masterplan and strategy for how the area could be revitalised in the next 15+ years to create Trafford's newest, greenest and most vibrant neighbourhood for local residents, businesses and visitors alike.
- 2.9 The AAP seeks to deliver 4,000 high quality homes and 50,000 m² of new office and commercial floor space, which is a significantly greater quantum of development than that set out in the Core Strategy. The AAP sets out a strategy to achieve this whilst ensuring developments are ambitious, appropriate, sustainable and well designed.
- 2.10 The Council, through the work on the CQ AAP, is encouraging a step change in the approach to the delivery of housing within the CQ area and does encourage the delivery of higher density developments. However, this proposed development

- represents too significant a change and does not reflect nor adhere to the strategy or planning logic which sit behind the CQ AAP.
- 2.11 The Draft Civic Quarter Area Action Plan (CQ AAP) (Appendix 3), was consulted on under Regulation 19 of The Town and Country Planning (Local Planning) (England) Regulations 2012 from 20 January 2021 to 5 March 2021.
- 2.12 The OR presented to Planning Committee in October 2020 identified that the CQ AAP at that time was of limited weight, due to the document being at Regulation 18 stage. That consultation is now complete and the Regulation 19 submission to the SoS is anticipated in autumn 2021 such that “moderate weight” should be attached to it in this appeal. No fundamental objection has been lodged to the overall vision and strategy for the CQ AAP. There are however competing and unresolved objections (from LCC and the appellants) in relation to the appeal site.
- 2.13 The Council is expecting to adopt the CQ AAP in 2022 following, and dependent on, the Examination process which the Council anticipates will take place in autumn 2021.
- 2.14 The content of the CQ AAP has been updated since October 2020, with the neighbourhood vision for the area the site is located within having altered in the Regulation 19 version of the document. The OR, citing the Regulation 18 version of the document, identified the site in the Southern Neighbourhood, and *“an optimal location for consolidated car parking and complementary leisure-based activities, combined to serve as a centre of excellence for health and well-being, recreational and sporting offer for the area, working collaboratively with Stretford High School, UA92 and other schools and communities.”*
- 2.15 The Regulation 19 version of CQ AAP outlines an altered vision for the Southern Neighbourhood, with the B&Q site now identified as presenting a *“significant opportunity for residential development”*. It is noted in the CQ AAP that the *“B&Q site is situated close to suburban housing - development is to be a maximum of 6 storeys.”* The sporting facilities originally proposed for this area will be focussed elsewhere – see below. This is subject to an objection from LCC.
- 2.16 This revised masterplan sets out eleven area wide policies. Of particular relevance to this appeal are:

CQ1 Civic Quarter Regeneration – this policy sets out the vision of the CQ and identifies the appeal site as being predominantly residential and up to six storeys in height.

CQ2 Housing – this policy sets out that the AAP will deliver up to 4,000 homes over the plan period 2020-2037 and sets out principles that new housing will be expected to comply with.

CQ3 Mixed Use Communities - this policy now identifies that the existing Stretford Leisure Centre will be refurbished. The change in approach to leisure provision in the CQ AAP is reflective of a wider change in the Council's leisure centre strategy and a replacement leisure facility in the CQ AAP area is no longer proposed.

CQ4 Sustainability and Climate Change - this policy sets out the sustainability and climate change criteria that development proposals in the AAP area should achieve.

CQ5 – Conservation and Heritage – this policy sets out how the Council will seek to strengthen the historic and local character of the Civic Quarter by conserving and enhancing heritage assets, their setting, and the wider historic environment.

CQ6 – High Quality Urban Design – the Council requires all proposals to achieve high quality design which is accessible and useable by all sections of the community. Of particular relevance to this appeal are the following requirements for proposals to:

- Deliver architecturally innovative design which will raise design standards within the area whilst preserving existing residential amenity standards and ensuring that high amenity standards are achieved in new residential development;
- Provide taller buildings, in line with the massing principles and specific Neighbourhood Area Policies set out in the AAP, ensuring that such proposals are sensitively designed;
- Provide new areas of public realm and green space, incorporating quality hard and soft landscape treatments;
- Remove physical barriers and encourage permeability and passive surveillance, subject to compliance with Crime Impact requirements.

CQ11 Infrastructure and Obligations – this policy outlines the developer contributions which will be sought from major developments towards the delivery of essential

infrastructure in the CQ area. CQ11 outlines that a financial sum will be required from all major residential schemes to address the following items:

- Public realm and environmental upgrades (including hostile vehicle mitigation to provide enhanced security within public and pedestrianised spaces);
- Green space and leisure;
- Education;
- Health; and
- Utility upgrades.

2.17 The key design objectives identified in paragraph 21 of the OR and are outlined in Appendix 2 of the Draft CQ AAP (Appendix 3).

The emerging Greater Manchester Strategy, Core Strategy and Revised UDP – continued relevance

2.18 The Core Strategy and Revised UDP are gradually being replaced by the new Trafford Local Plan and the emerging Greater Manchester Strategy – Places for Everyone “PFE” providing the overarching framework. Until the adoption of the Local Plan however, the policies of the Core Strategy and Revised UDP policies will be the starting point for the determination of this application under s.38 (6).

2.19 Since the submission of the appeal, there has been a change in circumstance to the emerging GMSF, which was a joint Development Plan Document being produced by the ten Greater Manchester districts. In December 2020 Stockport Council took the decision not to approve the GMSF for Regulation 19 consultation and the nine remaining Greater Manchester Councils are now collectively working on a new strategic cross boundary plan to be known as ‘Places for Everyone’ (PFE). Once adopted, this will be the overarching development plan for these districts, setting the framework for individual district Local Plans. The Regulation 19 consultation for PFE commenced on the 9th August 2021 and will run until 3rd October 2021. The Regulation 19 PFE is a material consideration in the determination of this appeal.

2.20 PFE outlines ten strategic objectives (SO):

1. Meet our housing need.
2. Create neighbourhoods of choice.

3. Playing our part in ensuring a thriving and productive economy in all parts of Greater Manchester.
 4. Maximise the potential arising from our national and international assets.
 5. Reduce inequalities and improve prosperity.
 6. Promote the sustainable movement of people, goods and information.
 7. Playing our part in ensuring that Greater Manchester is a more resilient and carbon neutral city-region.
 8. Improve the quality of our natural environment and access to green spaces.
 9. Ensure access to physical and social infrastructure.
 10. Promote the health and wellbeing of communities.
- 2.21 Figure 3.1 of the PFE is the 'Key Diagram' for the Strategy. The appeal site is located in an area identified for 'Inner Area Regeneration'. PFE policy JP-Strat 5 addresses 'Inner Areas' and states that *'High levels of well-designed new development will be accommodated in this highly accessible and sustainable location, prioritising the use of previously developed land.'* JP-Strat 5 goes on to state that new development will be high quality and supported by necessary infrastructure.
- 2.22 PFE Policy JP-H 4 is also of relevance in that it addresses the density of new housing. This policy sets a minimum density that developments should meet and states that where sites are within 400 metres of these transport locations, the minimum net residential density should be 70 dwellings per hectare.

Draft New Trafford Local Plan

- 2.23 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 January 2021 to 18 March 2021.
- 2.24 The Trafford Local Plan sets out a vision and framework of policies for the future development of Trafford, addressing needs and opportunities in Trafford and providing a framework to deliver inclusive places, new housing, economic growth, community facilities and infrastructure – as well as a basis for conserving and enhancing the natural and historic environment, mitigating and adapting to climate change, and achieving well designed places.

- 2.25 The Local Plan will play an important part in the future growth of Trafford. It sets planning policies and allocates sites for development, protection or for other purposes e.g. town centre boundaries or green networks.
- 2.26 Although this document is considered to be of limited weight, the following policies, included at Appendix 4 are considered to be particular relevance to this appeal.
- TP1 - Trafford's Places
 - TP5 - Old Trafford
 - AF6 – The Civic Quarter – refers people to AAP
 - IP1 – Inclusive Economy
 - IP2 – Presumption in favour of sustainable development
 - IP3 – Health and well-being
 - IP4 – Education and skills
 - 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
 - CT1 – Culture and Tourism
 - PO1 – Planning Obligations

Summary Planning History for LCC

- 2.27 There is an update to the planning history of LCC set out in paragraph 4.22 of the appellants Statement of Case.
- 2.28 Planning application 99105/FUL/19 was withdrawn on 21 April 2021 and a revised planning application submitted.
- 2.29 The Planning and Development Management Committee were 'Minded to grant' planning permission subject to a legal agreement at their meeting on 10 June for planning application reference: 2021103921/FUL/21 - Demolition of Red Rose Suite and seating; replacement with new hotel extension building and grandstand with associated facilities including museum, retail and ticket sales space, spectator seating

and facilities; extensions to the existing hotel including a link structure; realignment of Brian Statham Way and associated public realm and landscaping works.

Pre- application discussions

- 2.30 Pre-application discussions for the development of this site commenced began in 2017 when the appellant proposed the development of three tower blocks ranging in height from 12 to 26 storeys and containing 684 residential units. Following feedback from the Council on this proposal, the scheme was reduced in height to between 5 to 13 storeys to accommodate 433 residential units and became effectively a single block of development. This scheme was the subject of refusal 94974/OUT/18 (Appendix 5).
- 2.31 Following the refusal of 94974/OUT/18, further pre-application discussions were held. The LPA reviewed a number of schemes which presented lower, smaller scale and broken up residential blocks of development which sought to address the previous reasons for refusal. The Council considered that pre-application discussions were progressing well and the Council was hopeful that an agreement on an acceptable scheme could be reached, however the appellant chose to abandon this process and instead presented a different scheme to the design panel Places Matter. The scheme varied in that it comprised a single block of development, in essence the scheme was a scaled down version of the previously refused scheme. This was considered to be a retrograde step by the Council for the reasons outlined later in this statement.
- 2.32 The engagement throughout the pre-application and application process indicates that the appellant has approached the development of this site from a perspective of what quantum can be delivered on this site as opposed to a design and context led solution which is based on an analysis of the site and its context as advocated by the National Design Guide (NDG).
- 2.33 Ultimately the pre-application process held between the Council and the appellant was not considered to be a meaningful collaborative approach.
- 2.34 The National Design Guide (NDG) sets out ten characteristics which contribute towards creating good design. The NDG sets out that new development should assess and understand the context, history and the cultural characteristics of a site and neighbourhood and the identity of surrounding development. It is not considered

that the appellants Design and Access Statement effectively or adequately assesses the context of the site, nor the identity of the surrounding area. The Design and Access Statement also fails to demonstrate that alternative forms of development have been considered by the appellant.

3 CASE FOR THE COUNCIL

- 3.1 The appellant has submitted a full Statement of Case (SoC). This statement does not seek to summarise this lengthy document but will explore the reasons for refusal and respond to any pertinent points contained within the appellants SoC in the following chapters.
- 3.2 As agreed in the Statement of Common Ground the principle of the redevelopment of the site to deliver residential development is not disputed. The Council acknowledged in the OR that it does not have a 5 year housing land supply and it is not disputed that the housing requirement of the Council is much higher than was set out in the Core Strategy. Recently published data confirms that Trafford Council now has a 3.13 year supply of housing land. The circumstances behind the shortfall in the housing land supply and the Council's route to achieving a five year supply are explored later in this Statement at Section 5. It is accepted that NPPF paragraph 11 d) and the tilted balance is engaged.
- 3.3 The concern of the Council essentially arises from the density, scale and massing of the development proposed and the harm that this would cause to the character of the area, the impact it would have on the LCC training ground, the LCC ground as a cultural attraction, amenity impacts, and impact on the setting of the Longford Park Conservation Area, together with the proposed level of developer contributions.
- 3.4 The benefits of the scheme area fully acknowledged in the OR (paragraph 362) before being weighed against the adverse impacts (paragraphs 363) in the OR conclusion (paragraph 363). It should be noted that there is a typographical error in the numbering of these two paragraphs in the OR.
- 3.5 The Council is committed to approving new development within the Borough and as detailed later within this Statement is taking action to secure permissions and facilitate the delivery of housing.
- 3.6 It is considered that the majority of the putative reasons for refusal occur as a result of the scale of the development proposed. It is considered that an appropriately scaled development could overcome nearly all of the putative reasons for refusal and still

provide substantial benefits to the local area in terms of additional housing numbers and wider economic benefits.

4 PUTATIVE REASONS FOR REFUSAL

Reason for refusal 1 – Impact on Lancashire Cricket Club

4.1 The first putative reason for refusal states:

“The proposed development would prejudice the use of the fine turf and non-turf training facility at Lancashire Cricket Club. The proposed development therefore conflicts with Strategic Objective OTO11, Policies SL3 and R6 of the adopted Core Strategy.”

4.2 **Emirates Old Trafford is an internationally renowned cricket ground, and plays host to England international test matches and the Cricket World Cup. It is also the home ground of Lancashire Cricket Club, one of eighteen first class county teams in England, the Manchester Original’s men’s and women’s The Hundred teams and the women’s Thunder team. Trafford’s Planning Committee were recently minded to grant planning permission for a new stand, part of a decade long £60m redevelopment of the ground which was undertaken so that the club could continue to host international matches. The new stand will make it England’s third largest cricket venue. It is the high quality fine turf practice facility (FTPF) (practice nets) to this international sporting venue that is adversely impacted by the proposed development. The nets are located immediately to the north of the application site and the height and proximity of the proposed development is such that it will overshadow the facility and result in a decrease of light and temperature over the critical winter months which will in turn affect the grass growth and establishment during that period. The knock-on effect being that the FTPF will not be of sufficient quality at the beginning of the international and elite level cricket training period (March) to accommodate the level of use required. This key facility which services the elite professional squads was recently redeveloped by LCC at significant cost. Proposed mitigation has not been demonstrated to be effective and is not in any event appropriately secured.**

4.3 Old Trafford Place Objective OTO11 seeks to maximise potential of Lancashire Cricket Club (LCC) as a visitor attraction and its potential to lead major regeneration in the

area. Place Objective OTO11 supports Policy SL3 which seeks to provide an improved stadium at LCC with ancillary sports and leisure facilities.

- 4.4 CS Policy R5 seeks to ensure that where necessary the Council will secure the provision and maintenance of a range of sizes of good quality, accessible, play, sport, leisure, informal recreation and open space facilities to ensure that appropriate facilities are available to meet the needs of its residents across the whole of Trafford.
- 4.5 Policy R5.4 in particular states that development which does not preserve the quality of open space, sport or recreation facilities, will not be permitted.
- 4.6 Since the OR was published, PFE is now considered to carry weight in the determination of planning applications. PFE Policy JP-P 7 is considered to be of relevance to this appeal. JP-P 7 seeks to enable the continued development of major sports facilities and events, which can further enhance Greater Manchester's international sporting reputation.
- 4.7 Sport England (SE) objected to application 100400/OUT20 on three grounds, with the support of the English Cricket Board (ECB) as technical advisors:
- i. The proposed development will prejudice the use of the adjacent fine turf and non-turf training facility, due to the massing of the proposed development and the impact of the development on the sun path. It is noted that this facility was recently redeveloped at a cost of over £500k and services the elite professional squads (men's/women's and international) alongside the wider cricketing community.
 - ii. The impact of the proposed development on the access to the ground from Great Stone Road.
 - iii. The proposed use conflicts with the aims of the Draft CQ AAP and LCC's Master Plan, which seeks "to create outstanding sporting facilities with enhanced community engagement and superior transport links through opening out the site access Old Trafford tram stop and constructing a new leisure centre including wet and dry sport offers and an elite cricket training facility with community access."
- 4.8 Further information was received from the appellant in relation to point (i) of SE's comments in the form of a snapshot sunlight analysis which provided an analysis of

the impact of the proposed development upon these facilities at 06:00, 09:00, 12:00, 15:00 and 18:00 on the 22nd of March, June, September and December.

- 4.9 Sport England advised that this analysis showed that there will be some overshadowing of varying degrees throughout the year. During periods of time when the facility is not played the shadowing will affect the maintenance of the fine turf. Fine turf cricket surfaces use grasses unsuited to shading. Without external support (for example from Stadium Grow Lighting which is expensive to purchase and run) the facility may suffer qualitative issues that also affect capacity and usage.
- 4.10 Following this review a 365 day animation was requested to show the impact and help inform any mitigation required. Further information in the form of CGI videos, demonstrating the impact of the development on the surrounding area between the hours of 09:00 and 20:00 from March to October were subsequently submitted.
- 4.11 An analysis of this information did not allay the concerns raised and the ECB via Sport England advised that “there will be a serious negative effect on the facility during winter. Fine turf grasses can be highly susceptible to disease if shaded during low growth periods and this could set the whole facility at risk. Mitigation for these issues can be achieved through stadium growth lights but they are expensive to both purchase and run, and further contribute to the carbon footprint of any turf area.”
- 4.12 As part of the appeal submission additional information has been submitted by the appellant in Exhibit 1 prepared by STRI. This information has been reviewed by Sport England (SE) and the English and Wales Cricket Board (ECB) and their response is included at Appendix 6.
- 4.13 In summary the ECB conclude within their report (Appended to the SE response at Appendix 6) that the proposed development will detrimentally impact on the grass growth of the FTPF as a result of shading and temperature effects. This will affect the grass growth and establishment of the turf during critical winter months, which are essential to establishing and developing the perennial ryegrass used at the FTPF in time for intensive wear in early spring. The knock-on effect being that the FTPF will not be of sufficient quality at the beginning of the international and elite level cricket training period (March) to accommodate the level of use required.

- 4.14 In relation to this overshadowing concern, the response from SE supported by the ECB to the appellant's Exhibit 1 concludes that this impact could potentially be mitigated through the use of Growth Lights. This method of mitigation is however considered to be unacceptable. Although the initial cost of equipment could be covered by way of a developer contribution secured via S106 Agreement and the cost of running the equipment could perhaps be secured in the short to medium term via a commuted sum, the long term costs of running, maintaining and replacing this equipment would ultimately be borne by LCC. It is not considered that there is an effective planning solution to the potential mitigation which is required for the lifetime of the development. The Council could end up in a position where the only option to enforce the mitigation would be against future occupiers of the development which is considered to be unreasonable.
- 4.15 Moreover, it has to be asked why the long term future of an international sporting venue should have to accept a mitigation solution that impacts on them in such a significant and inconvenient way, when a more appropriate residential development scheme could be developed for the appeal site without any such impact on the cricket ground. It is considered to be wholly inappropriate for the appeal scheme to compromise a world class training facility in this regard.
- 4.16 Given the global need to reduce carbon emissions, it is considered unacceptable to expect LCC to have to accept an increase in their own carbon emissions to mitigate a development which could be imposed upon them beyond when they have been working hard throughout the redevelopment of the ground to reduce their own carbon impacts.
- 4.17 Without mitigation, the impact of the proposed development would ultimately prejudice the continued use of Old Trafford as a world class cricket facility. The appeal scheme is therefore considered to be contrary to the aims of CS Place Objective OTO11, Policies SL3 and R5 which seek to protect these facilities and PFE JP-P 7 which seeks to enable the continued development of major sports facilities (such as LCC) and events, which can further enhance Greater Manchester's international sporting reputation.
- 4.18 Whilst the LPA understands SE's concerns in relation to their second objection, the authorised use of the appeal site is retail, albeit restricted to a DIY centre type use and

this fall back position needs to be considered in the assessment of this issues. The LHA advised that it is likely that the authorised use of the site would generate more traffic than the proposed use. On this basis the LPA does not have any further points to make on this issue. It is considered that the fall-back position of the retail unit has substantial weight with regard to this issue.

- 4.19 With regard to point iii) of SE's comments, as noted at paragraph 2.14 of this report, the CQAAP has been updated since the time of these comments and now identifies the B&Q site as being appropriate for residential development. Therefore, in part, point iii) of SE's response is no longer accurate. Furthermore, it is acknowledged that in itself the LCC Masterplan is a material planning consideration, although it is of limited weight in the determination of this planning application when considered against other development plan documents, albeit planning policies do seek to provide an improved stadium at LCC with ancillary sports and leisure facilities, and to maximise the potential of Lancashire Cricket Club (LCC) as a visitor attraction and its potential to lead major regeneration in the area.

Reason for refusal 2 – Impact on cultural value and identity

- 4.20 The second putative reason for refusal states:

“The proposed development would have a dominating and adverse impact on Lancashire Cricket Club (LCC) as well as its setting and cultural character and identity. LCC is an internationally significant visitor attraction, cultural and tourism venue. The impact on the visitor experience is considered to be sufficient to weigh strongly against the proposal. The development is therefore contrary to Policies SL3 and R6 of the adopted Core Strategy and the National Planning Policy Framework.”

- 4.21 **LCC is an internationally important sports venue which makes an important contribution to the character and identity of Trafford and the cultural heritage of the area. The stadium itself dominates and sets the identity of the Southern Neighbourhood within the Civic Quarter. It is considered that it should remain the dominant feature in the area. Should the appeal be approved and the proposed scheme built, this would no longer be the case. It is considered that the proposed development will introduce an overly dominant form of development which will adversely impact upon the setting of LCC and its cultural**

character and identity, impacting the visitor experience from both inside and outside the ground.

- 4.22 As well as LCC's importance in terms of its sporting history, cultural importance and contribution to the character and identity of Trafford, the site is also a tourist destination which attracts a large number of visitors from within and outside the Borough, and internationally. Place Objective OTO 11 seeks to maximise the potential of LCC as a visitor attraction whilst Policy R6 recognises the importance of tourist destinations such as LCC and seeks to protect and enhance the culture and tourism offer in the Borough. Policy SL3.1 sets out the vision for the wider Lancashire Cricket Club Quarter Strategic Location and states that "a major mixed-use development will be delivered in this Location to provide a high quality experience for visitors balanced with a new, high quality residential neighbourhood centred around an improved stadium at Lancashire County Cricket Club".
- 4.23 The identity and setting of a sporting venue is important to the fans of any sports club and residents local to the area, and attracts tourists who contribute to the local economy and culture of an area. In 2009 LCC lost their test match status and the future of the club at Old Trafford was in question. As a response LCC developed their Masterplan vision for the redevelopment of the ground. This vision is reflected in the form of the improved ground, which comprises a series of low level open stands interspersed with taller forms of new development, i.e. The Point, the Pavilion, Hilton Garden Inn, Red Rose Suite and the Players and Media Centre. The cricket ground currently forms the boundary between the more urban character of this part of Old Trafford to the north east and the suburban area to the south and west. The ground sits comfortably in this setting, as does the existing development surrounding the ground. None of these other developments dominate the ground or its setting. Buildings immediately adjacent to the site are either lower than or no taller than the cricket ground stands in height. Likewise the massing of these existing buildings does not compete with the massing of the cricket ground stands. The cricket ground remains the focus of attention for the visitor when approaching the ground or walking around it.
- 4.24 The proposed development, by reason of its height, scale, massing and close proximity to the stadium will be highly visible from within and outside the cricket ground not only to spectators visiting the ground but also to viewers around the world watching cricket matches on TV. The proposed development would create a monolithic and overly

dominant structure that would be at odds with the urban grain, even including that established by existing large footprint buildings such as the cricket stands themselves and the Lancastrian office block complex. The development would therefore detract from the visitor experience.

- 4.25 For the spectator within the stadium, the view currently experienced is that of an enclosed stadium where the view is dominated by the pitch and the stands within the ground, and not by other developments beyond the stadium. This sense of enclosure adds to the ambience of the ground and visitor experience for the spectator. The appellants statement at paragraph 10.28 refers to views from within the ground and focuses on views of the historic pavilion and the surrounding development and views from the western side of the ground, referencing that views of the former Kellogg's Building, British Gas headquarters and Manchester city centre skyline are visible from within the stadium. Whilst glimpses of some of these taller buildings and skylines may be possible from high up within the stands, these buildings are of a scale, form, massing and set at a distance away from the ground such that they do not dominate the skyline or views from within the LCC ground as demonstrated in Appendix 7.
- 4.26 The application submission was accompanied by CGI's showing the ground with the proposed development in situ (Appendix 8). These images only demonstrate the impact the proposed development would have on the LCC ground from a limited number of ground level perspectives. In reality the majority of views would be from positions higher up within the stands which result in the proposed development having a far more dominant impact on the spectators' outlook. The photo at Appendix 9 shows the open nature of this view at present, even with the full height temporary stand in place. The temporary stand, as it suggests, is either not always in place or is at half height, when views of the proposed development would be more dominant.
- 4.27 It is therefore considered that the proposed development will adversely impact on views from within and outside the ground, an international tourist attraction, to the detriment of visitors' experience of the ground and the wider Strategic Location. It is therefore considered that the proposed development fails to comply with Place Objective OTO 11 and Core Strategy Policies SL3 and R6.
- 4.28 Appendix 10 demonstrates that the existing tall buildings in the wider area are focussed on the area of Talbot Road to the north east of the cricket ground. It is acknowledged

that some of these buildings are visible from higher up in some of the stands at Old Trafford, but they are set at a distance from the ground such that they do not compete with the cricket ground as the focus of the Southern Neighbourhood of the CQ AAP.

- 4.29 In response to paragraph 10.28 of the Appellants SoC the Kellogg's and British Gas sites are incomparable with the appeal site in terms of height, scale or massing and proximity to the cricket ground. Additionally these sites sit in large plots of c. 4 ha and 1.5 ha in size and within an area of a more urban context.
- 4.30 The former Kellogg's site is subject to a resolution to grant planning permission with the approved parameters plan in accordance with the relevant CQ AAP policy. The height of the development rises to 8 storeys at a distance of 52m from the eastern edge of the LCC stadium. The development there will thus be far less dominant than that proposed here.
- 4.31 The Appellants evidence at paragraphs 10.11 to 10.17 makes reference to a number of other cricket grounds around the country. This comparison to other cricket grounds around the country is not considered to be helpful as it is the particular circumstances of this individual site which are of importance in the determination of this scheme. That some buildings sitting outside other cricket grounds are visible from within the grounds does not mean that they contribute to the setting of these grounds in a positive way.
- 4.32 Whilst views to the ground will change drastically along the northern part of Talbot Road, with the tall development which is proposed there, from Brian Statham Way the cricket ground should remain the focal point of the area.
- 4.33 The LCC ground is part of Greater Manchester's international sporting significance and needs to be protected as such with the ground maintained as the centrepiece of the local area and views to and from it protected from overly dominant development such as that proposed in this appeal.

Reason for Refusal 3 – Design

- 4.34 The third putative reason for refusal 3 states:
"The proposed development would represent poor design as its form, layout, height, scale, massing, density and monolithic appearance are inappropriate in its context and

would result in a building which would be significantly out of character with its surroundings. This would have a highly detrimental impact on the street scene and the character and quality of the area. This would be contrary to Policies SL3 and L7 of the adopted Trafford Core Strategy and the National Planning Policy Framework.”

- 4.35 **The proposed development is considered to be at complete odds with the character and urban grain of the local area. The proposal at between five and nine storeys in height and spanning the width of the site would sit as a dominant mass in the street scene. The design of the development is such that views through the site are impossible in the northern courtyard and limited through the southern courtyard, this adds to the sense that the proposed form of development is inappropriate in this location.**
- 4.36 **The contrast between the scale of the proposed development at five to nine storeys and the adjacent two storey low density residential development is considered to be stark, unnecessary and inappropriate. It is considered that the inappropriateness of the proposed development is clearly demonstrated in the wireframe images contained at Appendix 11. Sound planning judgement would dictate that building heights from the area around Oakland House on Talbot Road should gradually drop towards the cricket ground at six storeys and then step down further on the application site to the two storey houses beyond. Similarly, the massing of developments in the area should be reduced to transition down to the two storey grain in the residential areas beyond Great Stone Road. Conversely, the appeal scheme steps up in height beyond the cricket ground and the building mass increases.**
- 4.37 The description of the appeal scheme is set out at paragraphs 55 to 70 of the OR with a full assessment of the submission and impacts from paragraphs 71 to 138 of the OR.
- 4.38 The promotion of high standards of design is a central narrative within the NPPF. Paragraph 8 of the NPPF outlines three objectives which are key to achieving sustainable development, one of which is a social objective. The delivery of a well-designed, beautiful and safe built environment is part of achieving that strong social objective. The NPPF continues, at paragraph 126, that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Paragraph 134 urges local planning authorities

to refuse development which is not well designed, especially where it fails to reflect local design policies and government guidance on design. Paragraph 134 goes on to state that significant weight should be given to outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.

- 4.39 The Core Strategy also attaches importance to the design and quality of the Borough's built environment. The text supporting Policy L7 advises that high quality design is a key factor in improving the quality of places and in delivering environmentally sustainable developments. Design solutions must: be appropriate to their context; and enhance the street scene by appropriately addressing scale, density, height, massing, layout, elevational treatment, materials, hard and soft landscaping, and boundary treatments, the policy is clear. Policy L7 is considered to be compliant with the NPPF as it comprises the local expression of the NPPF's emphasis on good design and, together with associated SPDs, the Borough's design code. It can therefore be given full weight in the decision making process.
- 4.40 Both the supporting text to L7 and paragraph 133 of the NPPF also stress the importance of using tools such as Building for a Healthy Life in the design of development.
- 4.41 As noted at paragraphs of 2.9 to 2.17 of this report, the CQ AAP now holds moderate weight with Policy CQ6 focussing on high quality urban design and the Design Code contained at Appendix 2 of the CQ AAP (Appendix 3). Of relevance to this scheme from the Design Code are the following points:

Form and massing – developments should incorporate variation to scale and massing to create townscape interest, high quality outlook and maximise light penetration. Taller developments should incorporate large internal courtyards which are informed by an assessment of daylight and sunlight availability. These daylight and sunlight studies should also demonstrate that developments will minimise impacts to amenities and neighbouring areas and provide positive daylight conditions within dwellings. All homes should provide for direct sunlight to enter at least one habitable room for part of the day, with living areas and kitchen dining spaces receiving direct sunlight.

Frontages – the AAP advises that active frontages must be maximised with no more than 20% of the total frontage of each side of a perimeter block or development to be inactive. Lobbies to developments should be clearly articulated within the elevation to provide a clear and visible entrance and retail frontages should be fully integrated with the architecture of the building.

Amenity – there is an emphasis on providing private amenity space, with defensible space at ground floor level. Communal gardens must include playable spaces with incidental play sculptures, playable hard landscape features, grassed areas and planting.

Residential quality - all units must meet or exceed the minimum National Space Standards. The design of development must maximise dual aspect units (with a target of achieving more than 50% across the site), limit the number of single aspect units and seek to avoid north facing single aspect units which will be permitted for non-family dwellings and in exceptional circumstances only.

National Planning Policy

- 4.42 As noted in the 'Policy' section of this report, the Government has updated its position in relation to the design of new development with an emphasis on quality and beauty. This is reinforced in the publication of the NDG and NMDC and updated July 2021 publication of the NPPF.
- 4.43 In the absence of an adopted local design code, it is appropriate to utilise the NDG in the assessment of this appeal scheme. Of particular relevance are the sections on context, identity, built form and homes and buildings.
- 4.44 In terms of context, the NDG requires developments to understand and relate well to the site, through an understanding of the context, history and the cultural characteristics of a site. Particular reference is made to the need for well-designed places to be:
- based on a sound understanding of the features of the site and the surrounding context, using baseline studies as a starting point for design;
 - integrated into their surroundings so they relate well to them;
 - influenced by and influence their context positively; and,

- responsive to local history, culture and heritage.

4.45 In terms of identity, the NDG requires developments to:

- have a positive and coherent identity that everyone can identify with, including residents and local communities, so contributing towards health and well-being, inclusion and cohesion;
- have a character that suits the context, its history, how we live today and how we are likely to live in the future; and
- are visually attractive, to delight their occupants and other users.

4.46 With regard to built form, the NDG encourages compact forms of development which are sustainable in transport terms, make efficient use of land and positively respond to their context in terms of layout, form and scale. The built form of well-designed places relates well to:

- the site, its context and the opportunities they present;
- the proposed identity and character for the development in the wider place;
- the lifestyles of occupants and other users; and
- resource efficiency, climate change mitigation and adaptation.

4.47 The NDG advises that homes and buildings are functional, accessible and sustainable and provide internal environments and associated external spaces that support the health and well-being of their users and all who experience them. The key considerations raised are the need to provide healthy, comfortable and safe internal and external environments, homes which are well related to external amenity and public spaces.

Site Context

4.48 The Appellants SoC places great emphasis on the 'immediate' setting of the site being formed by the larger scale buildings on Talbot Road and the Old Trafford cricket ground.

4.49 It is agreed that the cricket ground does form part of the immediate setting of the appeal site, however it should be noted that the stands of the ground rise to a maximum of the equivalent of 6 storeys in height. Furthermore the cricket ground development is

broken up into blocks of development with views afforded through the site at a number of viewpoints around the stadium.

4.50 The Council do not consider that the 'residential tower blocks rising up to 14 storeys in height referred to in paragraph 11.9 of the appellants SoC form part of the immediate context of the appeal site. The Lancastrian Office Centre which is sited on the corner of Great Stone Road and Talbot Road is, aside from the cricket club, the closest building of scale with alternating two and six storey blocks of development. It is over 500 metres (straight line measurement)) before a building of any notable scale is found, with the 11 storey Alexander House, which is identified on the plan at Appendix 10. It is assumed that the 14 storey building referred to by the Appellant is Oakland House, which although stands at 15 storeys tall, is located over 650 metres to the north east of the site. This cannot be considered to form an 'immediate context' to the site.

4.51 It is considered that the immediate context of the site is formed by the low to mid-rise buildings on the cricket club site, the two storey residential development to the south east, south west and north west of the site and the aforementioned Lancastrian Office Centre.

4.52 Although the decision notice for the redevelopment of the Former Kellogg's site has not yet been issued due to ongoing S106 negotiations, it should be noted that the permission for this site would require the development to be brought forward in accordance with drawing no. 1971/P/0003 F 'Maximum Building Heights Parameter Plan' (Appendix 12), which restricts the height of development closest to the LCC cricket ground to six storeys before the height parameter plan increases to 8 storeys in height c. 52 m from the eastern edge of the existing stadium. This development generally adheres to the height parameters set out in the Draft AAP and will ensure an appropriate setting to the cricket ground is maintained.

Townscape Visual Impact Assessment

4.53 The appellant submitted an amended Landscape/Townscape Visual Impact Appraisal (TVIA) during the course of the application, following the request for additional viewpoints.

- 4.54 Additional viewpoints (VP) including a portrait representation of VP1 and VP5, a VP from Longford Park and from within the cricket ground were requested during the course of this application. A viewpoint from Longford Park Conservation Area was submitted and a CGI was submitted indicating a view within the cricket ground. The request for portrait versions of VP1 or VP5 to show the full visual impact of the building was not addressed by the appellant prior to the submission of their Statement of Case. However, revised VP's 1 and 5 have now been provided as part of the appellant's evidence Exhibit 4 at Appendices 1.2 and 1.3.
- 4.55 The appellants TVIA concluded that the proposed development will only be visible from locations close to the proposal site with townscape and visual changes resulting from the development contained to a relatively small area with, recorded visual effects over 'moderate substantial' only occurring within 0.6 km of the site, and then only where views of the building are possible. The appellant considers that the nature of change which will result from the scale and appearance of the proposed development will be noticeable and prominent but not always adverse. The appellant's TVIA considers that some change from a number of vantage points would be neutral and potentially beneficial in nature. The appellant's TVIA also states that "no notable townscape effects are recorded and no notable effects are assessed for the local conservation and historic assets. For those visual effects that are notable at moderate-substantial or above, the mitigation proposals reduce some of these over time through screening and integration. Those that remain are expected to become over time an accepted part of the established urban scene with the nature of change altering from adverse to neutral."
- 4.56 The LPA consider that the TVIA didn't appropriately address the context of the proposed development, as set out in the OR. It attached too much weight to the taller buildings to the north of the cricket ground and did not attach enough weight to the immediate context of the site which has a prevailing height of two storeys. It was also considered that the assessment of the effect of the proposed development on character has generally under-stated the likely scale of the development in comparison with the existing buildings surrounding the cricket club, Metrolink stop and office developments off Talbot Road. The assessment described the existing buildings (which are a maximum of six storeys in height and visually permeable with glimpses between the blocks of Lancastrian House and LCC possible) as being 'broadly similar and coherent in scale' to the proposed development which extends to the equivalent

of nine storeys. It was considered that this was an inaccurate judgement on the relative heights and bulk of the proposed development and surrounding existing buildings. The proposed development offers very limited views through the site and the side blocks (NW and SE elevations) are generally unbroken except for single a step in height. The six storey elements of the Lancastrian Office Block measure circa. 18 metres in height and the LCC stadium has a general height of 20 metres compared to the proposed development measuring between 16 and 27 metres in height.

- 4.57 The LPA also considered that the predicted magnitude of change for some of the views has been understated and that the use of landscape (rather than portrait photography) in visualisations resulted in the upper part of the proposed development being omitted from some images, particularly VP 1 and VP5. It was considered that this resulted in an incomplete and inaccurate representation of the likely visual impact of the proposals. The inclusion of the updated wireframes at Appendices 1.2 and 1.3 of Exhibit 4 (Appendix 11 of this SoC), and the visual representations 1, 2, 3, 5, 8, 9, 14 and 15 included in Appendix 1.0 of the amended TVIA are welcomed as part of the appellant's evidence. These more accurately demonstrate the impact that the dominating bulk, scale and massing of the proposed development would have on the streetscene, and show that there are no developments of a comparable scale and massing which sit within the same viewpoint. This indicates that the scale of the proposed development is out of keeping with the general character of the area.
- 4.58 It was considered that the conclusion of the TVIA that there would be 'no notable townscape effects' arising from the proposed development is an inaccurate summary of the likely impact of the development and the proposals are likely to result in some significant negative impacts on the local townscape character and key views, particularly when travelling along Great Stone Road and when viewed from Longford Park Conservation Area. Whilst it was acknowledged that some effects will be beneficial such as the principle of the introduction of a new active frontage along Great Stone Road and the removal of the existing building on site, it was considered that the scheme would also likely result in negative townscape and visual effects. These concerns primarily relate to the scale and massing of the proposed scheme which it is considered to be out of scale with the character of both the immediate context and wider Southern Neighbourhood area.

Scale, height and massing of proposed development

- 4.59 This appeal scheme includes scale as a matter to be determined as part of this outline planning application. The proposed development is nine storeys in height at its highest, stepping down to seven and four storeys in height along the Great Stone Road site frontage.
- 4.60 The Great Stone Road frontage is split into three blocks development. The northern block of development measures 16 metres in width, whilst the central and southern blocks measure 34 and 36 metres in width respectively.
- 4.61 The rear element of the proposed development is broken up into two blocks of development, which step from five to seven, eight and nine storeys in height. As noted in paragraph 67 of the OR, due to the podium style development on the northern part of the site the height of these nine storey blocks varies between 27.4 and 25.9 metres.
- 4.62 There is only one complete break in the building block forming the rear elevation of the site, between the central and southern blocks, measuring 12 metres. The rear elevation of the southern block measures 16 metres in width. The rear elevation of the northern and central blocks measures 75 metres in width with a break of only 14.5 metres around the central point of the rear block, above the fifth storey level. The northern and southern blocks of development are between 66 and 68 metres in depth.
- 4.63 The Design and Access Statement does not include an explanation as to how the approach to layout or height of the proposed development has been derived, or how alternative forms of development may have been considered at the outset of the design process, such as a larger number of smaller building blocks. As noted at paragraphs 2.30 to 2.34 of this report, pre-application discussions began with a review of a preposterous scheme of 12 to 26 storeys, which clearly set out the appellant's intent to design a scheme based on maximising the quantum of units on site and with little thought of leading with a design led solution for the site's context or the residents living around it. This was not pursued, but instead application reference 94974/OUT/18 was submitted (a single building covering the whole site and varying in height from five to 13 storeys). The current scheme represents a trimmed down version of this.

- 4.64 A brief scale analysis is included at page 7 of the DAS which assesses development surrounding the application site into 'Large scale mass' and 'Small scale mass'. The DAS explains that the 'large scale stadium' at LCC has 'been a main influence of the scheme's varied massing' and makes reference to tall buildings on Talbot Road being 'up to 10 storeys high'. The DAS goes on to state the "proposal steps down towards Great Stone Rd in response to the low-rise housing to the west. This forms a screen to the higher massing along the eastern edge of the site".
- 4.65 Page 8 of the DAS examines the immediate context of the site, although some of the images are taken from 0.7km from the site with three of the six buildings taken as context (Lancastrian House, UA92 and Oakland House) addressing a primary route into the city (Talbot Road). It is not considered that the assessment of the 'immediate context' in the DAS accurately represents the true site context.
- 4.66 The Appellants supporting Design Review (Exhibit 3) also does little to set out the design principles and concepts that have been applied to the proposed development.
- 4.67 The LPA consider the context of the site to be largely characterised by domestic scale buildings on Great Stone Road and Trent Bridge Walk. The cricket club forms the setting for the site, and although the structures on site are large, they are of a massing and layout which provide glimpses through the site and do not dominate the local landscape. The Lancastrian House office development (at two and six storeys in height) is also acknowledged to represent a larger scale development in the context of this site than the adjacent domestic dwellings, however, the form and massing of this development with four narrow six storey blocks (12 metres wide by 40 metres long) being separated by four, 33 metre long two storey blocks, provides views through the development and the six storey blocks, which results in a development which does not dominate the local townscape. Moreover these blocks are well screened by mature trees when viewed from Talbot Road.
- 4.68 As seen in the visual representations included within the TVIA the proposed development does not sit within the context of other large scale development and is predominantly viewed against a setting of two storey residential dwellings, the cricket spectator stands which are approximately six storeys in height and the adjacent Lancastrian House office development, which is two and six storeys in height. Whilst

the floodlighting columns are seen in views these do not dominate the views or local skyline.

- 4.69 Overall it is considered that the proposed scheme results in the development of a large scale residential building which has no comparator in the local area whilst the imposing scale and mass of the building fails to respond sensitively to the adjacent two storey dwellings or the stands that sit within the cricket ground. It is not clear whether there would be a requirement for roof top plant on the building. In the absence of such information, it is assumed that plant will be sited on top of the roof, which will only add to the building's height and mass. Furthermore, it is not considered that the area set aside for planting along the rear boundary of the site would provide adequate space for a landscaping scheme to establish and soften the appearance of the proposed development. Similarly there is no room for planting to the northern boundary of the site with the cricket ground which might to a limited extent, and in time, help to break the mass of the building when viewed from the northern end of Great Stone Road.

Access

- 4.70 This appeal includes layout as a matter to be determined as part of this outline planning application. Layout is defined as the way in which buildings, routes and open spaces within the development are provided, situated and orientated in relation to each other and to buildings and spaces outside the development. The submitted plans are not fully detailed, for example, annotated room layouts are not included on the floor plans. The submitted details are however considered to be sufficient to determine the acceptability of the site layout.
- 4.71 The site layout retains the existing vehicular access point from Great Stone Road and upgrades this to create an access road along the northern side elevation which would serve the basement car park. No objection is raised to gaining vehicular access from this point.
- 4.72 The site layout addresses the change in levels of Great Stone Road through the use of a podium across the northern section of the site which allows the proposed development to address Great Stone Road at a level which is accessible by pedestrians at various points along its frontage.

- 4.73 The developer has indicated the intention to provide a connection to the Old Trafford Metrolink in the future. At this time however, this is not possible as the proposed connection would require the use of land which is currently in the ownership of LCC.

Layout

- 4.74 The site coverage of the built form is considered to be excessive, resulting in a cramped layout.
- 4.75 The proposed building is only four metres from the boundary with the Metrolink line, and 10 metres from the north eastern boundary. The Metrolink land is heavily landscaped with a significant number of mature trees, whilst the cricket club indoor training facility sits on the north eastern boundary. The proximity of the building to these boundaries will create a development which looks cramped on its site, and which will create an oppressive outlook and limit potential daylight and sunlight to occupiers of units on these elevations. This is not considered to represent good design and is also likely to result in requests to TFGM to fell the trees. The proposed building also sits close to the north western site boundary, only allowing for sufficient room to introduce the access road without appropriate landscaping to the cricket ground. Aside from amenity concerns which are explored later in this report, it is considered that a wider buffer should be provided along all these boundaries in the interests of good design in terms of preventing the development from looking cramped on its site, creating an inviting and desirable space and the opportunity for a decent landscaping scheme to be provided as well as to enable future maintenance of the proposed development.
- 4.76 The proposed development seeks to create an active frontage to Great Stone Road with pedestrian access points and commercial units at the ground floor. It is considered that this is achieved with a degree of success notwithstanding the Council's wider concerns about the design of the scheme. However, the remaining three elevations, as a result of the layout and form of the development, have little animation at ground floor level and fail to make the best of opportunities to improve the character and quality of the area. The proposed development incorporates a gap through the southern courtyard, which creates a sense of permeability, however the northern courtyard has a limited level of permeability with a two storey undercroft providing access through the courtyard.

- 4.77 In design terms, communal entrances should provide an opportunity to bring variation and interest to the building, should be visible from the street and be clearly identified. However, the communal entrances on the appeal scheme are generally proposed within the courtyards. Courtyard elevations were limited in detail and it was not possible to discern where on the elevations the building entrances were located, without cross-referencing the floorplans. Due to the level of information provided it is not possible to discern whether these are appropriately designed – they are clearly not identifiable and do not bring interest and variety to the built form.
- 4.78 The layout of the site, combined with the height of the proposed development results in an overshadowing impact of the building on the internal landscaped courtyards. This is addressed later under paragraphs 4.192 to 4.198.

Appearance

- 4.79 The application included appearance as a matter to be determined as part of the outline planning application.
- 4.80 The character of the local area is varied but the submitted documentation does not provide a rationale on design cues or influences for the proposed development as one would expect, however the submitted Design and Access Statement explains that the elevational treatment has been designed to provide texture and depth to the elevation.
- 4.81 As noted previously there are concerns regarding the scale and massing of the proposed development. It is also considered that the form of the development, i.e. two large buildings, one 'L' shaped and one 'U' shaped on a site of this size is inappropriate in this context. The design approach is considered to be out of character with both the immediate context and that of the wider area (notwithstanding the presence of buildings of considerable scale within the wider area). Whilst a limited number of viewpoints were included in the TVIA, those that have been taken in close proximity to the site, together with the cricket pitch views, demonstrate how incongruous this form of the development will be and how big it will look in close proximity to and in stark contrast with the two storey dwellings on both Great Stone Road and Trent Bridge Walk. The combined length, height and width of the buildings will appear larger than many of the stands at the cricket ground.

- 4.82 The front façade includes a number of set-backs at various points along the frontage, recessed windows details and chamfered brick panels and integral balconies which create a depth to the façade and introduce some balance.
- 4.83 Additional information submitted illustrated the more detailed elements of the scheme such as the proposed balcony design, textured brick work detailing and terracotta baguette screen details. In terms of materials, the development proposes the use of a buff brick throughout the scheme, (although the prevailing character of the area is one typified by red brick buildings), including the detailed panels, with curtain walled glazing to the ground floor commercial units, warm grey aluminium framed windows and concrete string course, horizontal terracotta baguettes.
- 4.84 The same elevational treatment is carried through the remainder of the external facing elevations of the development, however fewer balconies are proposed on the rear and side elevations. The use of the same architectural approach to all the external facing facades adds to the monotonous appearance of the building. There is no objection to the contemporary approach to the design in itself, and it is accepted that the proposed detailing will help, in a limited way to add interest to the external facing facades, but this doesn't go nearly far enough to overcome the Council's concerns because it does not fundamentally reduce the height, scale and massing of the building and the overly dominant impact it would have on the character of the area.
- 4.85 The detailing shown on the courtyard elevations indicates that in comparison to the external elevations, which are more 'public facing' the level of detail proposed is minimal, with no indication of any relief or texture within the courtyard areas, unlike the external facades, which indicate shading, texture and depth. On the basis of the information submitted, it is not possible to fully discern the details of the elevation treatment of the internal courtyards and there is concern that they would be inferior to that of the 'public facing' elevations. This approach would not be acceptable to the Council and it is considered that a high level of detailing should be used throughout the development.
- 4.86 Although the approach to the detail on some of the proposed external elevation treatments adds interest, it is the combination of the scale and appearance of the two buildings, particularly when viewed from the side and rear, and when both the length and width of the buildings can be seen together, that will dominate views around the

area. In summary, it is considered that the proposed development will appear as a dominant and incongruous feature within the local and wider streetscene, which is detrimental to the overall character and townscape of both the immediate and wider area.

Density

- 4.87 The Local Plan does not seek to impose either minimum or maximum densities on proposed development however, the issue of density is referred to in Strategic Objective 1 of the Core Strategy which states that the Council will promote sufficient high quality housing in sustainable locations, of a size, density and tenure needed to meet the Borough's needs and to contribute towards those of the city region. Policy L1.4 states that the Council will seek to ensure the efficient use of land, concentrating higher density housing development in appropriate and sustainable locations where it can be demonstrated that it is consistent with the provisions of L2 (Meeting Housing Needs). These policies can be seen to encourage higher density development in appropriate locations and Policy L7.1 goes further to act as a 'sense check' and states that development should enhance the street scene or character of the area by appropriately addressing density, amongst other criteria.
- 4.88 The NPPF addresses the issue of density in paragraphs 124 and 125. Paragraph 125 states that "Where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities, and ensure that developments make optimal use of the potential of each site" and at bullet point c) states "local planning authorities should refuse applications which they consider fail to make efficient use of land, taking into account the policies in this Framework".
- 4.89 Although the NPPF encourages the efficient use of land, paragraph 124 emphasises that development should also take into account the desirability of maintaining an area's prevailing character and the importance of securing well designed, attractive and healthy places.
- 4.90 Throughout the NPPF there is an emphasis on good design, therefore it is clear that although higher density developments are encouraged within the NPPF, they should

not be at such a high density as to be detrimental to the design of the development or at a density that is inappropriate to its location.

4.91 PFE Policy JP-H 4 is of relevance in terms of density. Increasing the average density of new housing developments in the most accessible locations is an important part of the overall strategy in PFE, it will help to ensure the most efficient use of the land, assist in the protection of greenfield land and maximise the number of people living in the most accessible locations. In Policy JP-H 4 this location is within the 'Other rail stations with a frequent service and all other Metrolink stops' category. This states that where sites are within 400 metres of these transport locations, the minimum net residential density should be 70 dwellings per hectare.

4.92 The density of the proposed development at 333 dwellings per hectare is nearly five times that minimum density and is much denser than the existing residential dwellings surrounding the site. It is considered that the density is excessive and inappropriate for the suburban edge location of this application site. The stark contrast with the prevailing density is also of relevance – the prevailing density is in the region of circa 30-40 dwellings per hectare and there is no relevant precedent in the immediate surrounding area.

Access and pedestrian permeability

4.93 Paragraphs 3.3 and 3.4 of Exhibit 3 places emphasis on providing physical and pedestrian permeability through the site.

4.94 As noted at paragraph 4.108 it is considered that the approach to site access is contrived and driven by the inappropriate form of development proposed.

Landscaping

4.95 This outline scheme does not include landscaping as a consideration, which is sought to be dealt with via reserved matters.

4.96 A Landscape Design Statement was submitted in support of the application, however as noted throughout the OR, particularly paragraph 317, there are concerns that insufficient space has been set aside to accommodate a robust landscaping scheme,

which can appropriately soften and screen the proposed development. In particular, it is not considered that the area set aside for planting along the rear boundary of the site would provide adequate space for a landscaping scheme to flourish and soften the appearance of the proposed development. Similarly there is no room for planting to the northern boundary of the site with the cricket ground which might to a limited extent, and in time, help to break the mass of the building when viewed from the northern end of Great Stone Road.

Response to the Appellants evidence

- 4.97 As outlined in paragraph 4.51 of this Statement, the Council consider the character and context of the area to be formed by the surrounding low to mid-rise buildings.
- 4.98 The proposed development ranges from five storeys in height along Great Stone Road to nine storeys in height. The appellant has outlined in Exhibit 3 that they consider this to be an appropriate transition from the adjacent two storey dwelling houses, which sit notably below Great Stone Road.
- 4.99 The height of the proposed development is focussed towards the south eastern corner of the site adjacent to the Metrolink line. The principle of focussing the main height of the proposed development towards the south eastern corner of the site is accepted. However, how the scale and massing of this particular development is arranged on site is not considered to be appropriate to its context of suburban edge low rise, low density residential dwellings. It is not considered that the transition in heights from two to five and seven storeys along this frontage is an appropriate design response to the site context.
- 4.100 Paragraph 3.3 of Exhibit 3 notes that one of the design objectives for the site is to “Create spaces around and between buildings which interrupt the buildings mass, provide amenity for occupants and local residents, make a positive contribution to the area and improve physical and visual permeability” (emphasis added).
- 4.101 The northern courtyard is largely enclosed from the rear pathway with the exception of a two storey walkway in the rear block of development. Views through the site are extremely limited with the rear blocks of development generally blocking any view through the site. Glimpses through the southern courtyard may be possible although

it is considered that these will be limited and in reality, although the southern block of development is detached, it is likely to be read as one building.

- 4.102 At 68 and 65 metres in length respectively, the S-E elevation (seven and nine storeys) and N-W elevation (five and seven storeys) offer largely unbroken forms of development, with the exception of a two storey drop in height to both blocks. This is considered to be inappropriate in this location given the existing urban grain even including that established by existing large footprint buildings such as the cricket stands themselves and the Lancastrian office block complex.
- 4.103 Although the southern block of development is wholly detached from the remainder of the development proposed, the overall effect of this proposal is that it reads as a single large block of development.
- 4.104 This proposal is considered to be at odds with the predominantly suburban character of the immediate surrounding area in terms of site layout, scale and massing and furthermore represents an inappropriate transition of heights. Sound planning judgement would dictate that the height of any development on this site should transition down from the cricket stands (the equivalent of 6 storey buildings) down to the two storey heights found on Great Stone Road and Trent Bridge Walk.
- 4.105 Exhibit 3 at 5.1 states that “Council planning officers sought to direct a six storey limit on the development height based on the precedent set by the existing office blocks at the end of Great Stone Road”.
- 4.106 Six storeys was identified as an appropriate height for development as a result of knowledge and experience of the local area and the identification of the site as an area of transition to buildings of greater height to the north east as a result of background work, namely a Townscape and Visual Impact Assessment (Appendix 13, 13a and 13b) completed as part of the Draft CQAAP which identified the site and the surrounding area (Southern Neighbourhood) as having sensitivities to height due to the proximity to neighbouring suburban homes.
- 4.107 Exhibit 3 at 5.3 refers to streetscape and references wide openings into landscaped courtyards, layered views deep into the heart of the scheme enriching the streetscene and the connections between the street and building.

- 4.108 With regard to connections, the site is unusual in that the highway and footpath rise in height against the site. It is acknowledged that this arrangement requires an inventive approach to allow site access, however the proposed access arrangements towards the southern end of the site appear contrived with a mix of level and stepped pedestrian access points to the two courtyards and development blocks outlined at paragraphs 106 to 109 of the OR. It is considered that this contrived approach is driven by the inappropriate form of development proposed.
- 4.109 Exhibit 3 at 5.4 references the separation of the blocks and variation in height along the NE boundary and buildings around the northern courtyard and states that “Following design panel advice, the development was further divided to create a stand-alone block along the SW boundary, more variation in height was introduced along the NE boundary and the buildings around the northern courtyard were modified so that they read as two separate buildings”.
- 4.110 It is not considered that the northern courtyard is read as two separate buildings as from the second floor upwards, there is no break in the rear elevation of development with three sides of the northern courtyard joined together as demonstrated on drawing no. 1664_PL_104 Rev B.
- 4.111 Section 5.4 goes on to explain that by “Separating the blocks, incorporating wide openings into the courtyards, variations in height, steps in the plan, and vertical breaks in the elevations all contribute to the design’s quality and appropriateness.” Although some attempt has been made to separate the blocks along the Great Stone Road frontage and the southern block is detached, it is not considered that these steps are successful in breaking up the scale and massing of the proposed development which is at odds with the massing of the cricket ground, Lancastrian office blocks and the two storey dwellings in the surrounding area.
- 4.112 Exhibit 3 at 5.5 states that the treatment of the northern elevation is appropriate and later refers to the adjacent surface car park being built upon. It should be noted that there are no current proposals to build on this adjacent car park and the current views to the B&Q site when approached from Talbot Road are unlikely to change.

- 4.113 Although the architectural detailing adds interest to the elevational treatment of the scheme, it is considered that the principle of unbroken 'slab' blocks of development to the north eastern, north western and south eastern site boundaries is inappropriate.
- 4.114 The level of architectural detailing proposed for the external facades is considered to be acceptable in principle although it is considered that some variation is required. The submitted elevations for the internal facing elevations to the courtyard are basic and limited in detail, to the point that it is difficult to discern doors from windows. No further detail has been submitted as part of the appeal relating to elevations and it is considered that these provide insufficient information upon which to form a view in relation to design and access.

Places Matter Review

- 4.115 Exhibit 3 makes reference to the Places Matter Design review which the Council attended in an observational capacity. It is acknowledged that the proposed development has taken on board some of the design panel's suggestions, however, in the Council's view one of the key comments was the need to consider whether this scheme was "one building or a series of three, or more" (point b.) with point c. going on to advise that the development should be broken up into a series of separate buildings (point c.). It is considered that this point has not been given enough credence in the design of the proposals. It is noted in Exhibit 3, that the reason for this approach is "We understood the point about having three physically separate buildings but there is a possibility that the adjacent site will not be redeveloped which is why we retained the low-level link - we preferred to locate accommodation in this link rather than increase height elsewhere." This clearly demonstrates that the proposal is not a design-led solution but an exercise in maximising the quantum of development that can be achieved on the site.
- 4.116 Point e. of the Places Matter response advised that some elements of the NE facing elevation (the elevation facing the LCC indoor training facility) should be cut out to improve the amenity of these units and to get sunlight penetration to the street. Whilst a 2 storey gap was incorporated into the NE elevation in the northern courtyard this point has not been incorporated into the appeal scheme.
- 4.117 Point g. of the review panel note commented that the space to the NE should be designed as if "the indoor nets have been replaced by something much more amenable

and you must avoid any sense that the rear space is just a service yard". His advice, as noted above, has been disregarded in the submitted design.

- 4.118 Point o. of the note advised that as a single continuous entity, the NE elevation was felt to be too long and must be broken up. Whilst this point has been partially addressed in the submitted design, there is only a single break in the entire north eastern elevation of the site, which is not considered to be acceptable.
- 4.119 Point q states *"The Council is clear that it is seeking a placemaking approach to this development and the others in the area. The Panel supports this principle, which would suggest separate blocks, lower levels of car parking and higher levels of liveability"*. This is a fundamental point in relation to the design of the scheme which the Council concurs with but which the appellant has ignored. The Council's approach to placemaking is set out in the Regulation 19 version of the CQ AAP. The Regulation 19 CQ AAP masterplan (pages 106-109 of Appendix 3) demonstrates how the site could be developed with a number of smaller building blocks in a more appropriate manner to the urban grain and character of the area whilst still achieving a high density. The masterplan layouts show that up to nine separate buildings could be accommodated on the site in a mix of apartment blocks and townhouses – the emphasis being on the need for separate blocks to enable the development to sit more comfortably with the urban grain – the layout shows how taller apartment blocks could be accommodated adjacent to the cricket ground, the stepping down to townhouses / stacked townhouses closer to and addressing Great Stone Road. This would also allow for better provision of family housing and play streets. Refer to the precedence images on page 65 of the CQ AAP (Appendix 3).
- 4.120 It is considered that point r. of the Places Matter review which is referenced within the appellants TVIA is of particular note. Point r. states *"Greater height, than currently proposed, adjacent to the tramline is not considered an issue, especially if this maintains a viable development quantum, allows for breaking up the blocks and secures greater liveability"*. The Council does not agree with this point in that it considers building height should step down from the cricket ground to the two storey residential area beyond. The issue is more than one of height because the massing of the development is considered to be equally inappropriate, the urban grain should thin out beyond the cricket ground to help any development assimilate into the two storey residential area beyond. The Places Matter presentation by WSP included reference

to the questionable viability of the proposed development and the Council's housing land supply – the implication being that the density of development proposed was a necessary solution for the site and that no lower quantum of development could be considered – which the Council strongly contests.

- 4.121 Point u. states that *“A non-uniform building line might help you to respond to the bridge and the gradient and add to the sense of a more dramatic approach. There is no need for you to be apologetic at the bridge end – seek to make more of a feature here”*. It is considered that the iteration of the proposed development here with the bridge has not been fully considered, which is demonstrated through the proposed high level access pathways and contrived links to the courtyards for wheelchair users and people with mobility problems.
- 4.122 It is apparent that the ‘easy wins’ suggested by the review panel were taken on board by the appellant, such as the reduction in car parking provision (supported by the LPA), the introduction of breaks in the massing at higher levels to create a separate southern block and variation in the massing of the northern elevation, the introduction of private gardens and attempting to increase the pedestrian accessibility of the site. However it considered that some of the more critical points, particularly those which would notably impact on the quantum of development, i.e. breaking the development up to create a series of buildings were not taken on board.
- 4.123 Whilst the LPA may not agree with some of the points made by the panel with regard to the height of the proposed development, the remainder of the advisory points are fully supported by the LPA. It is also noted that no follow up with Places Matter was sought to assess the submitted scheme.

Conclusion

- 4.124 The Council remain of the opinion that the design of the proposed development is not appropriate in this location with the scale, massing, layout and density of the proposals resulting in a scheme which is at odds with the prevailing character of the area and fails to take the opportunities available for improving the character and quality of the area and the way it functions.

- 4.125 Without prejudice to the Council's case and notwithstanding the Council's concerns about the design of the proposed development including the details of the internal elevations, should the appeal succeed, it is considered necessary for a design certifier clause to be included in any S106 Agreement. This clause has been used recently on large and prominent developments within and on the outskirts of the Civic Quarter to ensure that the design quality of a scheme is maintained during the discharge of condition process. Point k. of the Places Matter review panel's note is pertinent in this regard, as it advised that the details of the scheme must be retained and not lost to "any future efficiency savings".
- 4.126 Typically this clause would seek to ensure that the project architects, O'Connell East Architects, are retained in the role of design certifier throughout the construction period, or alternatively to secure a commuted sum to cover the professional fees required to enable the local planning authority and developer to work together to secure the involvement of an architectural practice of their choice in the role of design certifier.

Reason for refusal 4 – Planning Obligations

- 4.127 The fourth putative reason for refusal states:

"The proposed development would not provide a development plan policy compliant level of planning obligations in relation to affordable housing and education 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 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."

- 4.128 **Contributions towards affordable housing, education facilities, sports facilities, spatial green infrastructure and highways are required to comply with the Development Plan. The contributions towards sports facilities, spatial green infrastructure and highways were agreed, leaving contributions towards education and affordable housing as an area of dispute. The policy context for requiring the developer contributions to affordable housing and education is up**

to date and the need is clear. On this basis the proposed development is not considered to be policy compliant and contrary to the Development Plan.

- 4.129 Following the validation of the planning application, the appellant voluntarily submitted a Financial Viability Appraisal (FVA) to the Council. Following receipt of this document the Council sought an independent assessment of the submitted FVA which informed RFR4.

Affordable Housing

- 4.130 The requirement to secure an affordable contribution is covered by Core Strategy Policy L2.
- 4.131 Core Strategy Policy L2 does not capture the broader range of affordable housing categories advanced by the NPPF and is thus out of date on this point. Nevertheless, L2 seeks to ensure that a range of housing tenures are provided across the Borough which helps to secure the achievement of balanced and sustainable communities in line with the general tenor of advice on this point set out within Paragraph 61 of the NPPF. Policy L2 is clear that in respect of all qualifying development, appropriate affordable provision should be made.
- 4.132 In recognising that the Borough does not perform as a single uniform property market, the policy explains that Trafford is split into three broad market locations which have different percentage requirements for the provision of affordable housing. As corroborated by the accompanying Supplementary Planning Document (Revised SPD1: Planning Obligations, July 2014), which draws upon the recommendations of the Trafford Economic Viability Study (2009 and a 2011 update), the appeal site is located within a 'cold market location.' Policy L2 and SPD1 also recognise that different market conditions can apply throughout a development plan period which also impact upon the level of affordable provision that a new residential development can successfully sustain. In November 2018 a recommendation of officers to accept a shift to 'good market conditions' for the purposes of negotiating affordable housing and applying Policy L2 and SPD1 was accepted by the Planning and Development Management Committee and has been in place thereafter. The effect therefore, is, that within this 'cold market location' and under present 'good market conditions' a 10% affordable housing target will normally be applied.

- 4.133 However, in addition to the application of the affordable housing policy on the basis of geographical and market conditions, Policy L2 and SPD1 go on to explain that “In areas where the nature of the development is such that, in viability terms, it will perform differently to generic developments within a specified market location, the affordable housing contribution will be determined via a site specific viability study, and will not normally exceed 40%”. SPD1 also states that this approach to the application of Policy L2 and SPD1 will apply in the case of most of the strategic locations.
- 4.134 The appellants Statement of Case at paragraphs 12.37 to 12.58 outlines their interpretation of the 4th bullet point of CS Policy L2.12. This has been a point of disagreement throughout the course of this application and since the submission of this application and subsequent appeal against non-determination, the LPA has sought advice from leading Counsel (Appendix 18) on what is the correct interpretation of Core Strategy Policy L2.12. Policy L2.12 states:
- “Under normal market conditions a geographically variable target, based on “cold”, “moderate” and “hot” market locations, will be applied to all qualifying developments, (except residential care homes) to assess the appropriate level of affordable housing contribution as follows:*
- *Within “cold” market locations, a 5% contribution will be sought;*
 - *Within “moderate” market locations, a 20% contribution will be sought;*
 - *Within “hot” market locations, a 40% contribution will be sought; and,*
 - *In those parts of Trafford Park identified for residential development, or in areas 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 be determined via a site specific viability study, and will not normally exceed 40%.”*
- 4.135 In essence the advice confirms how the Council should determine if any particular development will perform “differently to generic developments within a specified market location”, and what a “generic development” means in this context.
- 4.136 For the purpose of affordable housing requirements and viability testing, CS Policy 2.9 splits Trafford into 3 market locations - hot, moderate and cold.
- 4.137 The viability testing underpinning policy L2 (The Trafford Economic Viability Study 2009 (GVA Grimley) (TEVS) (Appendix 14) is incorporated into L2 by reference (L2.13)

and is to be used “in the determination of individual applications”. It considers each Market Location separately, considering a set of scenarios and “representative sample sites” for each and assumed density according to densities shown in the SHLAA for that Market Location. Three forms of housing scheme were considered – apartments only at a density of 140 units/ha; mixed at a density of 52 units/ha and houses only at a density of 40 units/ha. Case studies expressly assumed a “generic” form of development on 0.5ha in each Market Location. Whilst not in itself central to the analysis, in hot market locations, an apartment scheme was modelled (70 units), in moderate market locations a mixed apartment and housing unit scheme (26 units) and in cold market locations a housing only scheme (20 units). Around 80% of the sample sites were less than 0.8 ha with only about 18% (of whatever size) being judged capable of delivering more than 50 units (p26).

- 4.138 In respect of the cold market locations, at the time of the TEVS , the Lancashire County Cricket Club (“LCCC”) Quarter strategic location did not include any housing and so it was not tested for affordable housing viability.
- 4.139 Across all the typologies, the viability testing then assessed what level of affordable housing was viable in that Market Location. Importantly it did not adopt a different approach to viability testing for the sites which may be able to accommodate dense, tall developments nor those in particularly desirable locations. The 140 unit/ha density was the top end of the range assessed and would equate to a relatively low (4 – 5 storey) apartment scheme with amenity space, car parking, a wide range of unit sizes to meet the required mix and relatively generous space standards – it did not consider the tall, dense, small units only, limited amenity space and/or limited car parking that would generate higher densities and thus potentially higher values.
- 4.140 It was thus judging viability at a Market Location wide level for a range of generic developments of relatively low density. At that high level, in cold Market Locations, and good market conditions, only 10% affordable housing was judged to be viable against the borough wide ambition of 40%. Or to put it another way, all development typologies in that Market Location could sustain 10% affordable housing (subject of course to site specifics/abnormals).
- 4.141 However, it was clear that it was not appropriate to apply that high level approach to all sites. Para 11.18 of the supporting text to Policy L2 states follows:

“The Viability Study considered a number of specific sites that, in economic viability terms, appeared to out-perform their generic market location expectation and therefore would be able to deliver significant proportions of affordable housing, even at future CfSH levels. However, given that the study was based upon broad development assumptions, such sites should be reappraised by the Council based upon further detailed site specific information, prior to negotiating affordable housing (and other) contributions.”

- 4.142 It can thus be seen that *even within* the representative sample sites used in the Study, there was a recognition that some sites may, by virtue of their specific circumstances or the nature of the development proposed out – perform thus justifying a different and “site specific” approach. The fourth bullet of L2.12 embodies that approach.
- 4.143 In terms of application of the fourth bullet of L2.12, “Generic” means “characteristic of or relating to a class or group of things; not specific”. A characteristic of all sites in the Cold Market Location was that they could sustain 10% affordable housing and that was thus required by policy.
- 4.144 However, that feature of all sites was judged by policy to be inadequate to capture the features of some sites hence the fourth bullet. A “generic development” is thus a development which it is judged will perform as for all sites in the Market Location in valuation terms. For the fourth bullet to apply there has to be some identifiable feature of the site itself or of the development proposed on it which takes it out of the norm for developments in that area in viability terms.
- 4.145 In this instance it is considered that due to the density, scale and proposed single phase delivery of the proposed development it would perform differently to generic developments in the Old Trafford Market Location
- 4.146 It is therefore appropriate to consider whether the proposed development can viably deliver more than 10% affordable housing, up to a maximum of 40%. In circumstances where there is a characteristic which means the proposed development would perform differently to generic developments, the fourth bullet point is the starting point for the application of Policy L2.12.

- 4.147 As the appellant voluntarily provided a FVA once the application was validated, it was considered both appropriate and necessary for the FVA to be independently assessed. Although the appellant did not agree to cover the LPA's cost in seeking an independent assessment of the submitted FVA, the assessment was carried out by Continuum. This report contained at Appendix 15 informed RFR4.
- 4.148 In summary it was considered that the proposed development will, in viability terms, perform differently to generic developments within the Old Trafford Market Area for reasons set out there – the type, scale and detail of the development all suggest that it will perform differently in viability terms to generic development as do the low EUV, the development all being done in one phase, the low claimed build costs and the unique location next to the stadium and close to the tram.
- 4.149 Given the reasons identified above, the fourth bullet point of adopted Core Strategy (2012) Policy L2.12 is engaged. The factors identified demonstrate that the proposed development will perform differently in viability terms to generic development in the Old Trafford Market Area and so it is appropriate to review the appellant's Financial Viability Appraisal (FVA) to determine whether the proposed development is capable of supporting up to 40% affordable housing provision.
- 4.150 The appellant's FVA was reviewed by the Council's independent viability advisor who does not consider that the appraisal meets the required tests set out in the NPPF and PPG to demonstrate that if Planning Policy requirements for affordable housing is greater than is being proposed (10% affordable housing), the Former B&Q Site, Old Trafford scheme would be undeliverable on viability grounds. The proposed development is therefore considered to be contrary Core Strategy Policy L2 in this regard.
- 4.151 The appellant has, as part of this appeal submitted further evidence to support their stance that provision of 10% affordable housing and their proffered package of developer contributions is policy compliant (Appellants Exhibit 6). This evidence has been independently assessed on behalf of the Council by Continuum and the report in response is contained at Appendix 16.
- 4.152 As noted in Appendix 16 there remain a number of areas of disagreement in relation to viability - notably sales values, benchmark land value, the intention to deliver the

development in one phase and the gross to net ratio of the scheme at 69.1%. As part of the review of Exhibit 6 and the Appellant's original FVA, Continuum have produced an appraisal for the proposed development. This adopts what is considered to be a more realistic sales value of £360 sq ft, a profit margin of 17.5% of GDV for the market units, and 6% of GDV for the affordable units. The remaining assumptions mirror the previous appraisals, except for the total S106 contributions which comprise:

Contribution type	Financial contribution
Primary Education	£739,639
Secondary Education	£721,776
Local Open Space	£252,837
Sports Provision	£121,110
Highways	£30,000
TOTAL	£1,865,362

4.153 This appraisal, summarised at page 19 of Appendix 16 and in the table below demonstrates, with market appropriate assumptions, the site is capable of delivering 40% affordable housing and a policy compliant level of developer contributions.

Continuum August 2021 Appraisal	
Gross Development Value	£68,834,501
Profit	£9,905,285
Abnormal Costs	£0
Residual Land Value	£3,092,917
Benchmark Land Value	£1,585,965
Viability Surplus/Deficit	£1,506,952
CIL Liability	£4,437
S106 Contribution	£1,865,362
Affordable Housing	40% (134 units)

Education

4.154 The Local Education Authority (LEA) have reviewed the appellant's Exhibit 5 and have set out the Council's response to this report at Appendix 17, 17a and 17b.

4.155 As noted in paragraph 12.3 of the appellants Statement of Case, Policy SL3.4 references the requirement for school facilities in order to make development within the Strategic Location acceptable. The table which accompanies Policy SL3 outlines that education provision will be via Private Developer or S106. In this instance as the provision has to be off-site, S106 is considered to be an appropriate method.

- 4.156 As noted in the SoCG, revisions to the CIL Regulations in 2019 removed Regulation 123. The removal of Regulation 123 now allows the Council to secure contributions, where required, through S106 Agreements for types of infrastructure included on the Council's Revised Regulation 123 List such as education.
- 4.157 PPG advises that government funding of education is reduced to take account of developer contributions and that Government funding and delivery programmes do not replace the requirement for developer contributions in principle.
- 4.158 It is also important to note the Department for Education (DfE) 'Securing developer contributions for education' (November 2019) publication, which provides non-statutory guidance to help local authorities secure developer contributions for education so that housing developers contribute to the cost of providing the new school places required due to housing growth. The guidance is explicit in that the DfE "*expects local authorities to seek developer contributions towards school places that are created to meet the need arising from housing development*".
- 4.159 In Appendix 17 the LEA set out their approach to place planning and pupil yield and Appendix 17a sets out the LEA's comments in response to the appellant's evidence at Exhibit 5.
- 4.160 Appendix 17a concludes that there is a deficit in school in places and furthermore in a change to the deficit identified during the course of the application, now firmly identifies that there is a requirement for development in the area to contribute towards primary and secondary school provision. Using the latest figures available, the LEA have demonstrated in Appendix 17b that the following developer contribution is required to mitigate the impact of the proposed development upon local education services:

School Phase	2019 DfE Rate per place	Pupil Yield	Developer Contribution
Primary	£15,737	47	£739,639
Secondary	£21,872	33	£721,776
TOTAL			£1,461,415

- 4.161 The developer contribution request required to mitigate the impacts of the appeal scheme upon the local education facilities is now **£1,461,415**.

Conclusion

- 4.162 It has been confirmed by leading Counsel that the Council is correct in their expectation that where a site would perform differently from generic developments in the area, i.e. high density schemes such as this proposal, an FVA should be requested and assessed to determine whether the delivery of up to 40% affordable housing is viable.
- 4.163 The request for primary and secondary school education contributions is considered to be necessary to mitigate the impact of the proposed development upon the local education services.
- 4.164 It has been demonstrated that the proposed development can deliver 40% affordable housing and a policy compliant set of developer contributions and that the provision of 10% affordable housing would be not comply with CS Policy L2.
- 4.165 The policy context for requiring the developer contributions to affordable housing and education is up to date and the need is clear. On this basis the proposed development is not considered to be policy compliant and contrary to the Development Plan.

Reason for refusal 5 – Amenity of future occupiers

- 4.166 The fifth putative reason for refusal states:
“The proposed development by virtue of its height, massing, scale and layout would result in a poor level of amenity and unacceptable living standards for future occupiers of the development, by virtue of inadequate daylight and outlook in both apartments and amenity areas. The proposed development is therefore contrary to Policies SL3 and L7 of the adopted Core Strategy and the National Planning Policy Framework.
- 4.167 **The Council’s concerns arise as a direct result of what it considers to be an inappropriate form of development on the site, a building that is excessive in height, and which spans the width and depth of the site with insufficient room around its edges to allow for an appropriate outlook for its residents, and one that sits too close to existing constraints outside its site boundaries to**

allow adequate daylight and sunlight levels to be achieved within a considerable number of the proposed apartments. With renewed emphasis on the importance of adequate daylight, sunlight and outlook for wellbeing, the level of amenity and living conditions proposed for many prospective residents is considered to be unacceptable, and adds to the list of harms the Council has identified that flow from the excessive scale of the proposed development.

- 4.168 In addition to ensuring that developments are designed to be visually attractive paragraph 130 of the NPPF advises that planning decisions should create places that provide a high standard of amenity for existing and future users.
- 4.169 The NDG requires developments to provide a good standard and quality of internal space. This includes room sizes, floor-to-ceiling heights, internal and external storage, sunlight, daylight and ventilation. In higher density development, the NDG states that the quality of internal space needs careful consideration particularly for family accommodation, where access, privacy, daylight and external amenity space are also important. The NMDC says that specific elements relating to the impact of the design of homes and buildings that affect wellbeing including daylight and aspect that impact on health and wellbeing.
- 4.170 Policy L7 of the Core Strategy contains similar requirements and requires development to be compatible with the surrounding area and not prejudice the amenity of future occupiers of the development and/or occupants of adjacent properties by reason of, amongst others, overbearing, overshadowing, overlooking, visual intrusion, noise and/or disturbance. It has already been concluded earlier in this report that L7 is considered to be up to date for decision making purposes and that full weight can be attached to it.
- 4.171 The LPA note the appellant's submission at Exhibit 7, however it is still considered that the overall amenity for future residents of the proposed development is substandard for the reasons set out in the OR.

Outlook

- 4.172 The issue of outlook is a consideration in the determination of impact on amenity. A satisfactory outlook should be maintained for existing properties and ensured for future occupiers of the proposed development.
- 4.173 Occupiers of the flats located at ground and first floor level in the rear elevation of the proposed development would directly overlook a building which provides an indoor training facility to LCC and is located within the LCC ground. The building is industrial in design, being clad in corrugated metal cladding. This building has an eaves height of approximately seven metres and is located approximately 12.5 metres away from the rear elevation of the proposed development where habitable room windows would be located.
- 4.174 A review of the Level 0, Level 1 floorplans and courtyard sections AA and BB indicates that fourteen flats with single north easterly aspects would directly face this unit and a further four units would also look onto this elevation.
- 4.175 It is acknowledged that the ground floor units would benefit from some landscaping to soften this outlook with garden areas being provided to these units. The Level 0 site layout plan indicates that trees would be planted along this rear boundary, however the Landscape Design Statement contained conflicting information with the Level 0 plan at page 14 omitting any reference to trees on this boundary. The indicative masterplan shows an instant low yew hedge 35-40cm tall and an instant high yew hedge 120cm tall in a 1m trough. Either way this will do little to soften, let alone screen the harsh outlook. Planting in a trough will not allow plants to grow and flourish in the medium to long term.
- 4.176 Clarification on this matter was sought, including a request for further information demonstrating the likely level of planting anticipated on this boundary. Although landscaping is a reserved matter the ability to appropriately landscape the rear boundary is important as this impacts on the outlook of the lower floor units as well as the general amenity of the site. There is concern that the amount of space potentially set aside for tree planting (0.5 metres) would provide very little room for tree planting which would provide any meaningful softening, nor would it allow room for trees to grow, flourish and mature within the bounds of the application site. The development is considered to be too close to this boundary.

- 4.177 Given the close proximity of the LCC building on the rear site boundary to the proposed development and the lack of room for site landscaping, this raises concerns that occupiers of these ground floor units are likely to have a poor outlook. It is also noted that these units are single aspect north-east facing and generally in the shade throughout much of the day, naturally suffering from poor levels of daylight.
- 4.178 The proposed layout provides a separation distance of between 3.5 to 4 metres from the south eastern site boundary (Metrolink). TfGM have commented that Metrolink frequently receive complaints from residents where their property adjoins Metrolink land that has trees on it due to the shading from the trees. It is considered that the proximity of the side elevation to the south eastern boundary which is heavily landscaped with substantial trees within the TfGM Metrolink line ownership will result in a dark, shaded and poor outlook for occupiers of units in the lower floors of the southern block adjacent to the Metrolink line.

Daylight and Sunlight Assessment

- 4.179 The appellant submitted a Daylight / Sunlight Assessment as part of the application. In relation to RFR5 paragraphs 205 to 217 of the OR are of relevance and in summary conclude that the units on the lower floors of the proposed development, in particular the first to fifth floors would be subject to daylight and sunlight levels which are below the BRE guidance minimum recommended values set out for Vertical Sky Component (VSC) and Average Daylight Factor (ADF).
- 4.180 In relation to VSC, of the windows which were assessed, (523 out of a total of 790), 193 passed the BRE guideline of 27%. The degree by which the remainder of the windows fail to achieve the guideline of 27% VSC is set out below:

Floor	No. of windows meeting VSC guidance	No. of windows with VSC 17% - 27%	No. of windows VSC 5% - 16%
0	0/65	37/65	28/65
1	3/72	53/65	16/72
2	19/92	64/92	9/92
3	31/92	56/92	5/92
4	53/86	32/86	1/86
5	45/59	14/59	
6	32/36	4/36	
7	10/11	1/11	

- 4.181 Whilst the figure of 27% is based upon a low density suburban model and some flexibility should be applied, BRE guidance states that where VSC figures are between 5% and 15% it is very difficult to provide adequate daylight unless very large windows are used and where less than 5% it is often impossible to achieve reasonable daylight levels. It is not considered that the development incorporates very large windows.
- 4.182 In relation to ADF, 109 rooms out of 428 were assessed. Of these, 57 rooms were negligibly below the target value, 10 rooms were shown to suffer from a minor adverse impact, 8 rooms would suffer from a moderate adverse impact and 10 rooms would suffer from a major adverse impact. The ADF of 24 bedrooms not included in these figures were not fully analysed in the conclusion of the report, on the basis that they are 'less important than other habitable rooms'.
- 4.183 The ADF recommendations are minimum values which should be achieved to provide an adequately daylit room. This proposed development would not achieve the minimum recommended ADF values for 109 rooms (14%), where electric lighting would have to be more heavily relied on to light rooms. An analysis shows that dwellings on most floors (ground to fifth floor) will be affected by poor ADF levels, however the vast majority affected are located on the ground, first and second floors of development.
- 4.184 Whilst each impact on its own may not be considered to be an issue, when taken collectively, it is considered by the Local Planning Authority that a considerable number of the residents of the proposed development, would not benefit from an adequate outlook or level of daylight or sunlight and this would be detrimental to their residential amenity.
- 4.185 It is considered that these impacts are a result of the inappropriate form, layout, height and scale of the proposed development.

Amenity Space

- 4.186 The quantum of space provided to serve future occupiers of the proposed development is considered to be acceptable.

- 4.187 A sunlight study was provided within the submitted Landscape Design Statement. During the course of the application an additional Sunlight Study and set of CGI videos looking at March to October from 9am to 8pm were provided in response to the Sport England comments. The sunlight studies show the impact of the proposed development at 08:00, 09:00, 12:00, 15:00 and 18:00 hours on 22 March, 22 June and 22 September and 22 December.
- 4.188 Clarification was raised in relation to the two sunlight studies as they both indicate slightly different impacts, although taken at face value they do indicate that the courtyards will be shaded for much of the year throughout most times of day, with perhaps the exception of June.
- 4.189 The submitted videos provide additional information and demonstrated in further detail the impact of the proposed development on the amenity of future residents and the surrounding area in terms of daylight and sunlight.
- 4.190 The BRE guidelines advise that for external amenity areas to appear adequately sunlit throughout the year, at least half of an amenity area should receive at least two hours of sunlight on 21 March.
- 4.191 A review of this information indicates that with the exception of May, June and July, the development will be shaded for considerable parts of the day, particularly the courtyards and northern elevations of the central and southern blocks of development, although the areas of shade do of course move throughout the day.
- 4.192 The Council is therefore concerned that the quality of the space provided within the internal courtyards will be poor due to a lack of sunlight.

Appellants Evidence

- 4.193 It is noted at 4.2 of the appellants Exhibit 7 that the tests for ADF in the proposed development were re-run using a target figure of 1.5% for the mixed use living / kitchen / dining rooms within the development, although no breakdown of these results have been included within the report. It is also noted that Exhibit 7 refers to 781 rooms within

the development, whereas the original Daylight Sunlight Report refers to 790 rooms within the development. It is unclear how the conclusion of bullet point 1 paragraph 4.2 of Exhibit 7 was arrived at. Furthermore the adherence of 718 out of either 781 or 790 rooms represents 92% or 91% compliance respectively against recommended minimum values.

4.194 The appellant has not addressed the Council's concerns in relation to the VSC of future occupiers as set out at paragraphs 4.196 – 4.197 of the OR and the Council's concerns remain as identified.

4.195 Exhibit 7 of the appellant's evidence also assesses the daylight/sunlight impact of historic schemes in the administrative area of TMBC. None of these schemes are considered to be directly comparable to the appeal scheme and were granted planning permission with, as required, a scheme and site specific analysis of various harms and benefits in the planning balance.

Conclusion

4.196 When taken collectively, it is considered by the Council that a considerable number of the residents of the proposed development would not benefit from an adequate level of daylight or sunlight with 64% of the windows assessed failing to achieve the guideline of 27% VSC and circa 9% of rooms failing to achieve the recommended ADF (based on the appellants revised assessment) in the development. Moreover, units would have a poor outlook because of their single aspect design and their close proximity towards the LCC indoor training facility or towards the mature trees along the Metrolink line. This would be detrimental to their residential amenity and wellbeing. It is considered that these impacts are a result of the inappropriate form, layout, and scale of the proposed development and could be addressed by the development of an appropriately scaled scheme which paid more credence to the principles of good residential design advocated in the NDG and NMDC.

Reason for refusal 6 – amenity of existing properties

4.197 The sixth putative reason for refusal states:

“The proposed development by virtue of its height, massing, scale and layout would result in harm to the amenity of existing residential properties on Great Stone Road

and Trent Bridge Walk by virtue of noticeable reductions in the amount of daylight and sunlight that they receive, and would also have an overbearing impact on these properties and other residential properties in the wider 'Gorses' area. The proposed development is therefore contrary to Policies SL3, L3 and L7 and the National Planning Policy Framework.”

4.198 The Council’s concerns arise as a direct result of what it considers to be an inappropriate form of development on the site, a building that does not respond sensitively to its context or local character in terms of its form, layout, height and massing, and one that sits too close to existing neighbours. Consequently the development will have an overbearing impact on these properties and result in noticeable reductions in the amount of daylight and sunlight that some existing residents will receive. With renewed emphasis on the importance of adequate daylight, sunlight and outlook for wellbeing, the impact on the level of amenity and living conditions of several existing residents is considered to be unacceptable, and adds to the list of harms the Council has identified that flow from the excessive scale of the proposed development.

4.199 The LPA note the submitted Exhibit 7 however it is still considered that the overall amenity for existing residents of the proposed development is substandard for the reasons set out in the OR.

Overbearing Impact

4.200 In assessing whether the development would result in an overbearing impact to existing occupiers, the existing situation of the dwellings located on Great Stone Road and Trent Bridge Walk must be considered.

4.201 The proposal would introduce a building of significant height, scale and mass to the application site, which is not comparable to the scale of any development within the vicinity, which in itself is generally dominated by two storey residential dwellings.

4.202 Whilst SPD4 is not directly of relevance to a development of this nature as it focuses on residential alterations and extensions, it does advise on appropriate separation distances between developments to prevent an unacceptable overbearing impact. Acknowledging the chief purpose of the SPD in informing householder planning applications, it recommends a distance of 15 metres between the principal elevation of

one dwelling and a blank (i.e. no windows) elevation of another (assuming two-storey properties). For each additional storey, an additional three metres may be required.

- 4.203 In assessing the proposed development against the criteria of SPD4 the proposed development would be expected to achieve separation distances between 21 and 36 metres as the development rises in height. The development achieves these distances.
- 4.204 However, whilst the proposed development meets the standards set out in SPD4, it must be acknowledged that SPD 4 was written for house extensions and is not readily applicable in this scenario. Furthermore, it is considered that the proposed development by reason of its sheer scale and mass will form a significant block of development which would be readily visible from the windows, gardens and streets of the surrounding area.
- 4.205 The outlook from some of these properties to the front, particularly at ground floor is already enclosed by the road as it rises over the Metrolink line. The best outlook is therefore currently achieved from the first floor windows. The front façade of the development has been broken up in to three blocks of development which allows some views through the two courtyard access points when stood directly in front of them, however the scale and massing of these blocks of development at 16, 33 and 33 metres in width will remain visible to occupiers of Great Stone Walk resulting in a dominating and overbearing effect.
- 4.206 The south eastern side elevation of the proposed development measures 68 metres in length and is substantial in scale and massing at seven and nine storeys (20 and 26 metres) in height. It is considered that this elevation, with one step in height would result in an overbearing impact to the residents of Trent Bridge Walk, particularly in the winter months, notwithstanding the presence of the trees adjacent to the Metrolink line.
- 4.207 Overall it is considered that the proposed development would introduce a dominant and intrusive feature which would appear overbearing to the surrounding residents and would significantly affect existing views and appear completely at odds with the scale, form and character of the area.

Daylight and Sunlight

4.208 The appellant submitted a Daylight / Sunlight Assessment as part of the application. In relation to RFR5 paragraphs 198 to 204 of the OR are of particular relevance. In summary, the OR concludes that the proposed development would detrimentally impact on the No Sky Line (NSL) of a number of bedrooms within properties on Trent Bridge Walk and Great Stone Road, as summarised in the table below.

DWELLING	NSL		
	LIT AREA EXISTING	LIT AREA PROPOSED	REDUCTION
14 Trent Bridge Walk (B8)	98%	70%	72%
13 Trent Bridge Walk (B9)	100%	77%	78%
58 Great Stone Road (B22)	97%	49%	50%
	98%	77%	78%
56 Great Stone Road (B23)	98%	59%	60%
	97%	46%	47%
55 Great Stone Road (B25)	99%	62%	62%
	97%	38%	39%
54 Great Stone Road (B24)	98%	55%	56%
	96%	66%	69%

4.209 Whilst some flexibility should be applied in the consideration of daylight and sunlight as set out in paragraph 125 of the NPPF in order to facilitate the delivery of higher density developments, the site is located within, and will impact upon, a low density suburban area, upon which the BRE guidance is based, and not within an 'urban' environment. On this basis it is considered that the proposed development should generally comply with the figures set out in BRE guidance.

4.210 The impact of the proposed development is such that it fails to comply with the relevant BRE daylight criteria standards in relation to four existing properties on Great Stone Road and two existing properties on Trent Bridge Walk.

4.211 Although the affected windows solely serve bedrooms, which are afforded less importance in the BRE guidance, the degree of non-compliance is nonetheless concerning and a number of properties will have to rely more on electric lighting to achieve adequate internal lighting levels. This is considered to be an unacceptable

impact on residential amenity, caused by the height, scale, massing and layout of the proposed development, particularly when the outlook from the ground floor level of these units is already compromised by the retaining structure of Great Stone Road as it forms the bridge over the Metrolink line.

Conclusion

- 4.212 It is considered by the Council that a several of the existing residents living in close proximity to the development would suffer from noticeable reductions in the amount of daylight and sunlight they currently receive in their homes whilst their outlook would be adversely impacted by the development which would appear overbearing. The amenity of residents of Trent Bridge Walk and Great Stone Road is already compromised by the presence of the Metrolink line and the bridge on Great Stone Road. This would be detrimental to their residential amenity and wellbeing. It is considered that these impacts are a result of the inappropriate form, layout, and scale of the proposed development and could be addressed by the development of an appropriately scaled scheme which paid more credence to the principles of good residential design advocated in the NDG and NMDC.

Reason for refusal 7 – Impact on Longford Park Conservation Area

- 4.213 The seventh putative reason for refusal states:
- “The proposed development by virtue of its layout, scale and massing would have a harmful impact on the setting of Longford Park Conservation Area equating to 'less than substantial' harm in National Planning Policy Framework terms. The benefits of the scheme are not considered to outweigh the identified harm to a designated heritage asset. The proposed development is therefore contrary to Policies SL3 and R1 of the adopted Core Strategy and the National Planning Policy Framework.”*
- 4.214 **Harm to heritage assets has been identified, albeit less than substantial. In accordance with NPPF paragraph 202, the LPA are duty bound to weight that harm against the public benefits of the proposal. The heritage harm adds to the list of harms the Council has identified that flow from the excessive scale of the proposed development.**

4.215 The OR assessed the impact of the proposed development upon Trafford Town Hall which is Grade II listed, Longford Park Conservation Area and Old Trafford Cricket Ground, which is considered to be a non-designated heritage asset.

4.216 The OR concluded:

- The proposed development will result in negligible harm to Trafford Town Hall with the loss of glimpses of the clock tower across the application site;
- The proposed development would result in a minor harm to the setting of Longford Park and the appreciation of the Conservation Area in views looking northwards across the open space. It is also considered that the proposed development may impact on the experience of the Park at night time which is a relatively dark space; and,
- The proposed development will result in negligible harm to the cricket ground with the loss of glimpses of the pavilion and cricket ground.

4.217 The LPA object to the point raised in paragraph 2.5 of the appellant's statement of case that the issues of harm to the Conservation Area has been included "simply with a view to engaging Footnote 6". It is assumed here that the appellant is referring to Footnote 7, not Footnote 6 which relates to NPPF paragraph 27 and statements of common ground.

4.218 To be clear, a harm has been identified, albeit less than substantial and in accordance with NPPF paragraph 202, the LPA are duty bound to weight that harm against the public benefits of the proposal. To not do this would be remiss and contrary to the NPPF.

4.219 In this instance it was considered that on balance the adverse impacts of the proposed development listed at paragraphs 363 of the OR outweighed the benefits of the proposed development listed at paragraph 362 of the OR and logically, reason for refusal 7 was established.

4.220 It is acknowledged that the level of harm to the Longford Park Conservation Area and Trafford Town Hall would not stand on its own should the scheme be acceptable in all other regards.

5. THE QUALITY OF TRAFFORD'S HOUSING LAND SUPPLY

Introduction

- 5.1 The Council's most recently published 5 year housing land supply figure (March 2021) is 2.58 years. However, at September 2021, this stands at 3.13 years, following a review of large sites (including new permissions) making up the supply. A list of additional sites included in the September 2021 supply, together with an explanation for their inclusion, can be found at Appendix 19. This part of the Statement of Case explains the context to that figure.
- 5.2 The figure arises not from any failure of the Council to allocate sufficient land or to grant permission when applications are made but from a failure of major landowners to bring forward development or to apply for reserved matters and instead to engage in land speculation. There is no shortage of land in Trafford, no actual shortage of land supply for housing and no impediment to delivery. The problem is unrealistic expectations of land values and thus landowners holding back until the Council agrees to give way on matters such as infrastructure and affordable housing contributions. In the last 12 – 18 months, the Council has focused on the real cause of the problem and has actively engaged with landowners to ensure that their sites are brought forward (on pain of CPO if necessary) and challenged the prevailing narrative on land values. The Council has pushed back on unrealistic assumptions of land value holding back s.106 negotiations and approval of reserved matters. This is starting to have effect.
- 5.3 The land value expectation on this site has driven an excessively large and intense development and a lack of appropriate s.106 obligations. Granting permission here would undermine rather than support delivery because it would entrench the wrong historic narrative that inappropriate development can come forward to maximise land value whilst failing to deliver the infrastructure and affordable housing necessary to meet the needs of the new population. The recent robust stance of the Council has been reflected in much improved delivery, assisted, it is acknowledged, by favourable market conditions, and an improved quality of scheme coming forward as planning applications.
- 5.4 However, the Council now finds itself in a position whereby improved delivery has not yet been replaced by new schemes coming forward, thus leading to the current deficit in housing land supply. There is a natural delay, worsened in the last 18 months by the impact of restrictions associated with the pandemic, in a developer deciding to bring a

scheme forward and a planning application being submitted. The Council's current 5yr HLS is therefore an artificially deflated figure which represents a snapshot in time and not the true picture of a steadily improving situation as developers adopt more realistic land value and development potential expectations leading to a virtuous circle of more appropriate permissions being delivered with the infrastructure and affordable housing they require. The 5 year HLS shortfall should therefore be given less weight in the planning (tilted) balance than would be the case if the problem arose from lack of land or refusal of the Council to grant appropriate permissions.

Allocations, permissions and supply

- 5.5 A significant proportion of the Council's housing requirement has always been intended to be delivered in the Strategic Locations identified in the adopted Core Strategy. The target housing figure across the Strategic Locations was uplifted from the adopted Core Strategy target of 4,710 to a new 'residential allowance' of 13,359 in March 2020. Further work on development phasing, delivery rates and restricting the figure to within the plan period (to 2037) reduced this figure to 9,699 in March 2021. This uplift secures the LHN for Trafford and should provide both the incentive and viability to bring these allocations forward quickly.
- 5.6 The Council has made ample allocations of suitable sites in sustainable locations where it will grant planning permission consistent with its development management policies. When the Council has allocated sites, developers and landowners have made the case themselves that they are deliverable.
- 5.7 The Council grants planning permission for a significant amount of residential development. It welcomes well designed schemes of appropriate scale which contribute positively to the area in which they are located and appropriately mitigate their impacts. In the years 2018 – 2021, 81% of major residential planning applications were granted permission.
- 5.8 The gross figure for residential permissions granted (including those on appeal) between 1 April 2018 and 31 March 2021 is 8,960. The net figure is 8,737. If three 'minded to grants' are added it would be 9,912 gross and 9,680 net. Therefore over the last three years the Council has granted permission for between c. 3200 and 3300 units per annum. This figure is increasing significantly, with the average over the same period between 2017 and 2020 being between c. 1800 and 2100 units.

- 5.9 The current, upward adjusted LHN per annum is 1,377, and with a 20% buffer for under delivery is 1,652. The Council is therefore granting more than enough permissions to meet supply, even if one applies a substantial non-implementation allowance.
- 5.10 However, the Council's housing land supply (3.13 years) and completions (3,100 gross between April 2018 and March 2021) do not reflect the number of permissions being granted. Delivery is nevertheless recently much improved with the three year average increasing from 768 dwellings per annum (2017-2020) to 1033 dwellings per annum (2018-2021). The HDT measurement for Trafford has increased accordingly; from 58% (2019) to 61% (2020). The latest HDT does not include the most recent delivery figures, however, and 93% of the LHN was delivered in 2020 – 21.

Land speculation in Trafford

- 5.11 Much land in Trafford is under the control of a few major landowners, particularly in the Strategic Locations, and is therefore vulnerable to their investment decisions. Landowners with a variety of landholdings across the UK will make commercial decisions about which sites to bring forward and absentee landowners often expect inflated land values more akin to those in London and the South East.
- 5.12 Planning applications, particularly outline permissions are used as a speculative land valuation exercise and to increase book values of an asset, against which a developer or landowner can borrow to invest elsewhere. They are not used, as they should be, to deliver housing, and thus do not translate into a five year housing land supply or delivery on the ground.
- 5.13 Developers also attempt to remove any constraints or obligations required by planning policy, particularly in relation to affordable housing. This was successful prior to 2017, but subsequently there has been more robust interrogation of viability assessments.
- 5.14 Developers and landowners have historically not carried out a PPG compliant analysis of BLV, using hope value or Red Book value rather than EUV+. As a result there is said to be no room for planning obligations given the land value and if these are negotiated these come from developer profit. If sites are 'flipped' the new owner tries to further reduce obligations or sits on sites until the market rises.

- 5.15 Developers are willing to take a risk on profit levels and will develop at as little as 13% profit. Invariably a developer bidding on a site on a planning policy compliant basis will be outbid by one which is not.
- 5.16 The result is that land speculation makes it extremely challenging for Trafford to deliver a five year housing land supply no matter how proactive it is in granting permissions and allocating land. It also affects infrastructure provision as developers expect the public purse or others to deliver that infrastructure, and then eventually stalls development.
- 5.17 A relaxation of the Council's policies would not solve the problem as development needs infrastructure, to respect its surroundings, and to mitigate its impacts to proceed in a sustainable way. It may kick start delivery but not enable delivery at pace given the amount of land tied up in single ownerships. In any event, the evidence shows that delivery of housing numbers accelerated after 2017 and a more robust approach from the Council in seeking a policy compliant level of developer contributions and subsequent delivery.

The Council's Strategy: Resetting Expectations

- 5.18 Having identified the issues endemic in delivery, the Council had a choice; to grant planning permission contrary to development plan policy for development which is not sustainable (and which has not in any case, guaranteed delivery historically), or to force sustainable development on suitable sites in accordance with development plan policy. It chose the latter as the solution as the former approach had not seen delivery improve. Prior to 2017 the Council acceded to developers' demands. However, this was ineffective as expectations of density, infrastructure and (lack of) obligations simply escalated, whilst real world evidence quickly undermined assertions in viability appraisals, particularly in relation to sales values, and a lack of infrastructure was stalling development. At Alderbank, Altrincham, for example, the FVA suggested projected sales values would be between £195,000 and £579,000. It was claimed that no affordable housing could be viably offered. The properties are currently being marketed at between £450,000 and £800,000, and one of the apartments sold in August 2020 for £776,000. At Pleasant Drive, Davyhulme, the FVA suggested sales values would be between £387,000 and £431,600 although actual sales prices were between £690,000 and £735,000. A contribution of just £22,500 towards affordable housing was claimed to be viable.

- 5.19 Ironically, the Council's greatest power in forcing delivery is to refuse – or threaten to refuse – planning applications. Only then will developers and landowners realise that the Council is absolutely serious about the need for them to meet their obligations and to adjust their expectations accordingly. A permissive approach, allocating sites and granting planning permission – even where (or perhaps because) those permissions have a great deal of flexibility – has not been effective. The Council cannot allocate more land outside of the development plan process – it has tightly drawn Green Belt boundaries and its available land is brownfield and already allocated.
- 5.20 The Council has, since 2017, taken a more robust approach to the scrutiny of viability assessments. Although it has taken some time for the message to trickle through, and often applications are still being submitted with zero or low offers of developer contributions, they are increasingly being presented to Committee with officers having secured a policy compliant or close to policy compliant approach to contributions.
- 5.21 The recent Warburton Lane appeal decision (ref. APP/Q4245/W/19/3243720) demonstrated the robustness of the Council's approach to seeking a policy compliant level of affordable housing. The appellant, Redrow Homes, offered zero affordable housing against a policy requirement of 45%. The Inspector did not find it necessary to consider every one of the disputed inputs, but on those she did, she agreed with the Council's evidence in these matters. She considered that costs had been inflated and values were too low, and preferred the Council's evidence on EUV, land value premium, sales values and costs. This led to the conclusion (Paragraph 141 of the IR) that *'effectively the risk to the developer is reduced at the expense of the public purse... on the available evidence, there would appear to be a sufficient residual value to fund 45% affordable housing or at the very least a significant proportion'*. Having applied the tilted balance, the appeal was dismissed with the failure to provide affordable housing given very significant weight, which along with the conflict with the spatial strategy in the development plan and the harm to landscape, significantly and demonstrably outweighed the benefits of the scheme.
- 5.22 The Council is leading the way itself and demonstrating to the market that planning policy compliant, exemplar schemes are capable of being and are being delivered. Through its property and development portfolio the Council is delivering its own schemes through JVs or with development partners. The Planning Service is involved from the outset with the schemes, advising on planning policy requirements and

assisting with the design process to ensure that the schemes brought forward reflect the Council's aspirations.

5.23 The following schemes are currently being brought forward by the Council in its role as developer:-

- Brown Street, Hale – 22 dwellings, including 55% affordable housing, under construction and nearing completion.
- Former Magistrates Court, Sale – 81 dwellings, with 25% affordable housing. Permission granted March 2021, construction expected to commence October 2021.
- Lumina Village, Old Trafford – up to 750 units, including 15% affordable via S106 but further affordable units likely to be secured by grant funding, alongside office space and a new primary school, reserved matters applications expected autumn 2021, construction expected to commence mid-2022.
- Stretford Town Centre – up to 800 units, including 30% affordable via a mixture of S106 and grant funding, outline application together with full application for enabling works expected in September 2021. £17m of Future High Streets Fund secured.
- Several smaller schemes totalling c. 40 units coming forward to full planning applications later in 2021 and into 2022.

5.24 Additionally, the Council has acted quickly to take advantage of the developer interest in the Civic Quarter, drawing up an Area Action Plan which proposes up to 4000 new homes (2690 in plan period) with the infrastructure and facilities to support it (including a new primary school). The AAP does not specifically allocate sites, but is a capacity led, bottom up plan to deliver medium – high density residential development in an area of disparate landownerships, with that significant step change in the scale and nature of residential development managed through sound planning and development management principles. It is well placed to do this as the Lumina Village scheme sits at the heart of the Civic Quarter.

5.25 Equally, the Stretford Area Action Plan, which is at options stage, is centred on the Council's landholdings in the town centre, where a planning application is imminent. This AAP will be otherwise focused on smaller sites, with a regenerative focus, and

enable the Council to use CPO and land assembly powers with stakeholders and partners to bring those sites forward for high quality development quickly.

- 5.26 The Council is also using its CPO powers more robustly. Presently, Council officers have agreement from the Executive to bring forward CPO proceedings at the appeal site and another site in the Civic Quarter, Charlton House. There is also in principle agreement from Executive for CPO powers to be utilised across the whole of the Civic Quarter AAP area, but with further authority required for CPO action to proceed on individual sites.
- 5.27 The Council will also not hesitate to use its CPO powers elsewhere to force delivery on other sites where development is not proceeding, and to unlock development sites. Indeed, although at an early stage, the Council is discussing the use of its CPO powers in land assembly to assist another public sector organisation to bring forward a scheme which would deliver greater benefits than one limited to its own landholdings alone.

The Impact on the Strategic Locations

- 5.28 Up until 2020 delivery in the Strategic Locations was previously slow to non-existent but is now beginning to catch up. At March 2021, 25% of the Core Strategy target has now been delivered (as compared to 3% in March 2020) and 12% of the 2021 'residential allowance' (as compared to 1.8% in March 2020). In absolute terms, 178 units had been delivered in the Strategic Locations in March 2020 which rose to 1,180 in March 2021.
- 5.29 The Council now finds itself with housing land supply and HDT in a particular snap shot in time where its strategy to improve delivery has led to greater numbers of completions but the developers' schemes which are now coming forward are not yet finding their way into HDT and supply. Since March 2020 significant progress has been made in bringing forward development at each of the Strategic Locations:-

SL1 – **Pomona** – a site in a single landownership (Peel) which has taken very many years to come forward – the first planning application on the site being in 2007. However, the most recent (and with an increased quantum) iteration of that 2007 scheme – for 742 units, is now being built out and the first phase is occupied. The

permission for the second phase of this development required as an obligation in the S106 agreement a masterplan to be prepared, which was approved in March 2020. This masterplan includes an indicative number of up to 2,714 units but excludes those which have already been granted permission or have been built – giving an overall total across the site of 3,620 units.

A full planning application for 162 units for the next development plot to come forward is expected in September 2021 (pre-application discussions having progressed positively and commercial terms understood to be agreed) with an outline application for the remainder of the site (c. 2500 units) expected to follow shortly after the determination of that full application.

SL2 – Wharfside – one site of 174 units has come forward and is recently completed and occupied (and thus has fallen out of the five year HLS). This site – No. 1 Old Trafford – is a very successful, exemplar scheme of significant design quality, which the Council worked extremely hard during the discharge of planning conditions to ensure was delivered with the design intent intact. Formal pre-application discussions have also commenced on two other major sites totalling c. 1200 units with planning applications expected in 2022. There is known interest in progressing another site of c. 800 units.

Progress on the Trafford Wharfside masterplan was suspended due to the pandemic but work has restarted, private sector match funding has been secured and it will go out to tender in September 2021. The brief includes production of a design code to ensure the successful delivery of high quality medium – high density residential development. It is expected that, like the Civic Quarter, this masterplan will trigger further developer interest in this area.

SL3 – LCC (now Civic) Quarter – in disparate ownerships and has now delivered beyond the Core Strategy target of 400 (albeit the Core Strategy allocation was over a smaller area than the Civic Quarter). Much development interest is currently focused here. Design quality is key and the Council has worked hard with developers and architects to bring forward appropriately designed schemes and resist poor quality development. The Council is also pump priming development by delivering its own scheme here at Lumina Village.

Sites which have come forward here include:-

- Kinetic and Insignia – 152 units: - part office to residential conversion, part new build, recently completed and occupied (and thus fallen out of 5 year HLS).

- Botanical House – 149 units, including 22% affordable housing, construction expected to begin imminently.
- Lumina Village – resolution to grant up to 750 units, including 15% affordable housing, office and a new primary school. Education use already consented and operational. Reserved matters for c. 600 residential units expected autumn 2021 and construction to start mid-2022.
- MKM House – extant consent for 88 units – revised scheme for increased density resisted on the basis of significant harms.
- Chester Road – owned by Greater Manchester Police and Crime Commissioner – scheme for c. 750 units coming forward to application in 2022.
- Pre-application discussions or known developer interest in bringing forward other available sites – totalling c. 1100 units.

SL4 – **Trafford Centre Rectangle** – another site in Peel’s single ownership. An outline planning application for 3000 units (against a Core Strategy allocation of 1050) has been granted but delivery was impossible until recently due to infrastructure constraints. This has now been unlocked by an agreement between the parties on the maintenance liability for major transport infrastructure (WGIS) and the ability for adoption of the WGIS Bridge to take place.

HIF funding has been secured and work on the design framework and other pre-commencement conditions is proceeding at pace via a PPA arrangement. Reserved matters applications for supporting road infrastructure and the first 350 units are expected in autumn 2021 and early 2022 respectively with a condition of the HIF being completion of the infrastructure by March 2023 and the housing by December 2025.

SL5 – **Carrington** – substantively owned by Himor and with the entire 2021 residential allowance of 1203 units having been granted planning permission but only 7 units delivered. To bring forward any further development this Strategic Location needs significant road infrastructure – the Carrington Relief Road (CRR) – which currently has a funding gap of c. £12m. Prior to October 2020, all the developers bar one had their own schemes to make development acceptable and several planning permissions had been issued with Grampian / phasing conditions.

In October 2020 the Council adopted a new strategy to meet the funding gap for the CRR through a combination of S106 and CIL monies, in order to enable development to come forward more quickly and to pave the way for the PFE New Carrington allocation of a further 4000+ homes. Rather than restricting development until the CRR or alternative highway mitigation is in place, the Council has taken a proportionate

payment towards the CRR and granted the planning applications without restriction. A total of £4,151,630 of CRR contributions has been secured via S106 agreement since October 2020. The following schemes are now able to come forward as a result:-

- Heath Farm Lane – hybrid permission for up to 600 units, with the 148 units subject to the full part of the outline application under construction and approaching occupation.
- Carrington Village – the first 274 units will begin construction on completion of a separate highways improvement which is currently being undertaken by contractors on behalf of the Council (and funded via S106).

And served by the same infrastructure but outside the SL5 allocation – in Partington – a Priority Regeneration Area:-

- Lock Lane and Hall Lane – full / reserved matters permissions for 449 units, with preparatory works currently taking place on site and construction imminent.
- Oak Road – full permission for 75 units, construction expected to start in 2022.

The Appeal Scheme: Reversing Progress

5.30 Why then, in the face of an improving delivery situation and a deficit in housing land supply would this scheme not be welcomed? On first glance, it would appear that granting planning permission for the appeal scheme would improve the Council's housing land supply position and further improve housing delivery. It is of course in one of the Strategic Locations, and one where higher density residential development is being encouraged.

5.31 It has been explained elsewhere in this Statement of Case why development should not proceed at any cost and the various serious and significant harms have been compellingly made out. These harms would exist for the lifetime of the development, unless in the case of developer contributions, they are funded by the public sector. They boil down to two primary issues: the development is fundamentally too big for the site and the site could and should viably provide a greater level of affordable housing and a contribution to education. There is a simple way of addressing these harms – by reducing the scale and quantum of the development proposed and by providing a planning policy compliant level of developer contributions. The Council does not object

to the principle of residential redevelopment of the site but it has to be of an appropriate scale and form, and it must mitigate its own impact on infrastructure.

- 5.32 The application has been made in outline, albeit with only the matter of landscaping reserved. It will therefore do nothing in the short to medium term to contribute to the Council's five year housing land supply – with the standard reserved matters conditions allowing three years for reserved matters to be submitted and then a further two years for development to take place. Although they state they intend to build out this scheme, the appellant does not have a track record of carrying out new build construction – with only refurbishment to be found in its portfolio. The company appears to operate mainly in acquisition, equity release, restructuring and resale of property assets. The Council therefore considers that this application is a speculative / land flipping opportunity rather than a genuine desire to bring forward development.
- 5.33 The Council has sought to apply the same principles of sound planning judgement in this case and in establishing the height parameters for the Civic Quarter AAP. It has also sought, over the last 12 – 18 months, to fundamentally reset developer expectations in respect of land value, developer contributions, and the quality expected of new development. Applications are now coming forward, in the Civic Quarter and elsewhere, which meet the Council's aspirations. The Council sees the future as sustainable and inclusive growth for the benefit of everyone and is entirely committed to putting its own investment into this – as at Lumina Village and elsewhere – to make sure it comes forward and to give a clear message to the development industry that they must play their part. Alongside this it is progressing a new Local Plan which enshrines these values; albeit they exist in the Council's (up to date) existing planning policy.
- 5.34 A grant of planning permission for the appeal scheme would undermine this approach. Development in the Civic Quarter and elsewhere would become a race to the bottom – a reversal of the direction of travel where schemes are more sensitively designed and provide a high quality living environment for occupiers, and a fair and proportionate amount of affordable housing.
- 5.35 It would become very difficult to resist other schemes with the same adverse impacts as the appeal scheme – harm to street scene, character of the area, living conditions of both nearby properties and future occupiers of the site, which arise as a function of the fact the scheme is far too large for the site and its context. This would not deliver

the quality of development and the high quality living environment the Council aspires to across the Civic Quarter and the eventual outcomes would be poorer for all. Higher density schemes can and will be delivered in the Civic Quarter, but they need to be delivered sensitively and sustainably.

- 5.36 Not only that, but the Council has not one, but two international sporting venues within its boundaries. Manchester United's Old Trafford stadium is nearby, and their training facility is based at Carrington. It is difficult to imagine that a similar impact on Manchester United's elite facilities as the appeal scheme would impose on LCC would be deemed acceptable and appropriate.

6 NUISANCE UPDATE

- 6.1 Paragraph 187 of the NPPF requires applicants (the 'agent of change') to demonstrate that where the operation of an existing business, such as the cricket ground, could have a significant adverse effect on new development, existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. The agent of change will also need to define clearly the mitigation being proposed to address any potential significant adverse effects that are identified.
- 6.2 It has recently come to the attention of the Council that LCC have commissioned Vanguardia to carry out a review of the noise impacts from the cricket ground upon the proposed residential development.
- 6.3 The review advises that the noise assessment submitted as part of the planning application has not adequately assessed the impact of all sources of sound emitted from LCC having only assessed noise levels at a one day cricket match and has not taken into account 4 day county and 5 day test cricket, one day games, floodlit T20 and 100 ball games in the evening, or occasions when the ground is used for concerts.
- 6.4 The review also advises that the proposed mitigation scheme is inadequate to meet the policy aims of avoiding significant adverse effects, mitigating and minimising adverse effects and ensuring that new noise sensitive uses, i.e. the appeal scheme, can integrate effectively with the ground without prejudicing its on-going operation and future development.
- 6.5 A review of this assessment has been carried out by the Council's Environmental Protection team, who have advised that the Vanguardia report has raised uncertainty as to whether the noise assessment that has been provided in support of the appeal scheme application has sufficiently captured the range of events and associated noise levels that are produced from LCCC.
- 6.6 It is important for the appellant and the Council to be confident as to the likely impacts of noise on future site users to decide and ensure that a good standard of amenity can be achieved for residents.

- 6.7 It is considered that the information provided by Vanguardia should be considered by the appellant and their noise assessment updated with impact levels on residents re-examined and assessed. This further review may necessitate a in the change of design and construction of the residential premises to reflect enhanced noise mitigation methods (should they indeed be required). It is considered that it would be best practice for this re-assessment to be completed prior to determination of this appeal, due to the potential impacts of the necessary mitigation scheme on the design of the proposed development.
- 6.8 As the cricket season will shortly be coming to an end it is acknowledged that further assessments of noise impacts may not be possible, therefore to ensure that future site residents are sufficiently protected from noise generated by LCCC, a series of conditions are recommended to be attached to any permission should it be forthcoming.
- 6.9 It is considered that these conditions should require the appellant to submit a methodology outlining their proposed approach to a revised noise assessment to ensure that the assessment is fit for purpose, the assessment itself, details of a noise mitigation scheme and a verification report demonstrating that an approved mitigation has been installed in accordance with an approved scheme.
- 6.10 The submitted assessment forms part of LCC's representations to PINS.
- 6.11 The Council's list of recommended condition are listed in section **8** of this report.

7 SCHEME BENEFITS AND ADVERSE IMPACTS

- 7.1 It is considered that the proposed development would be contrary to the development plan, namely Core Strategy policies including L2, L7, L8, SL3, R1, R6 and OTO 11.

Benefits

- 7.2 The appellant indicates that the scheme would be delivered by 2024, and the delivery of 333 dwellings within this timeframe would make a significant contribution to reducing the deficit in the Council's 5YHLS.
- 7.3 The development would deliver a mix of units two x studio units (1%), 108 x 1 bed (32%), 190 x 2 bed (57%) and 33 x 3 bed (10%). Whilst the proposed housing mix fails to comply with the requirements of Policy L2, the Council's Housing Strategy officer advised that the mix of proposed units is acceptable. The proposed mix of units would provide a range of new homes for families and smaller households and so in terms of housing mix, the scheme is considered appropriate for this Strategic Location. It is considered that substantial weight should be attributed to this benefit.
- 7.4 10 per cent (34) of the total number of dwellings will be delivered as affordable units on site, although it is considered that this is not a policy compliant level of affordable housing provision and the scheme can support considerably more. On this basis it is considered that the benefit of affordable housing provision can only be attributed limited weight as a non-policy compliant quantum is proposed. Weighed against this is the failure to deliver a fully policy compliant level of affordable housing for no good reason and not based on any assessment of viability. It is considered that the failure to provide policy compliant affordable housing should be attributed substantial weight. There is no contradiction between limited weight to the affordable housing provided and the substantial weight attributed to the failure to meet policy requirements. In any event, even if substantial weight was attached to the affordable housing provision and there was no breach of the affordable housing policy, the development still fails the tilted balance for the simple reason that the development is by virtue of its mass, height and scale significantly harmful - maximising housing and affordable housing cannot come at the expense of sacrificing basic principles of good planning.

- 7.5 The appellant's Planning Statement (paragraph 9.4) outlines that the construction phase of development is estimated by the appellant to generate 186.6 person years of temporary construction employment, and create a Gross Value Added to the local economy of approximately £11.4 million. It is considered that moderate weight should be attributed to this benefit.
- 7.6 The gross additional household expenditure generated by the new residential population at the proposed development site will be around £8.5 million per annum. It is considered that moderate weight should be attributed to this benefit.
- 7.7 The appellant has set out a number of benefits which they consider would arise from the proposed development at Section 17 of their SoC. The Council do not agree that all of the benefits set out should be considered as such.
- 7.8 The appellant outlines that the proposed development would deliver economic benefits in the form of New Homes Bonus, Council Tax receipts. The New Homes Bonus does not serve to mitigate the impacts of the scheme on its locality and is not ring fences for such measures. Council Tax is necessary to fund the local services required by future occupiers and can only be attributed negligible weight as a benefit of the proposed development.
- 7.9 In terms of social benefits, the appellant sets out that the scheme would also deliver on site green space and amenity areas. The appellant also sets out a number of environmental benefits as a result of the proposed development, namely the re-use of a brownfield site, sustainable transport, active frontages, greening, developer contributions towards spatial green infrastructure, outdoor sports facilities, and highways contributions.
- 7.10 These benefits are generally required to make the proposed development policy compliant in order to mitigate the impact of the development and deliver the necessary services and infrastructure to support the new development. The same benefits would be delivered as part of any appropriately scaled residential scheme and it is considered that these should be afforded negligible weight.

- 7.11 The proposal would result in significant harm to the character and appearance of the area by reason of a poor and contextually inappropriate design response in terms of the layout, form, height, density, scale and massing of the proposed development. It is considered that substantial weight should be attributed to this harm.

Harms

- 7.12 In terms of amenity impacts, which essentially flow from the inappropriate layout, form, height, density, scale and massing of the proposed development, it is considered that the proposal would:
- Result in an overbearing and dominating effect on surrounding residential properties and the area in general. It is considered that substantial weight should be attributed to this harm.
 - Provide a poor outlook for a number of future residents who would directly overlook a building which provides ancillary facilities to LCC at a separation distance of 12.5 metres and those residents whose outlook would be adversely impacted by being in such close proximity to the trees on adjacent Metrolink land. It is considered that substantial weight should be attributed to this harm.
 - Result in unacceptable living standards for future occupiers of the development, by reason of inadequate daylight and outlook in apartments and sunlight to the internal courtyard amenity areas. It is considered that substantial weight should be attributed to this harm.
 - Harm to the amenity of existing residential properties on Great Stone Road and Trent Bridge Walk by reason of noticeable reductions in the amount of daylight that they receive. It is considered that substantial weight should be attributed to this harm.
- 7.13 The proposed development would be prejudicial to the use of the fine turf and non-turf training facility at Lancashire Cricket Club and result in substantial harm. It is considered that the harm to the interest and importance of Lancashire Cricket Club as a cultural and tourist attraction would be moderate.
- 7.14 The proposed development has failed to demonstrate that a development plan policy compliant level of planning obligations could not be delivered in relation to affordable housing and also fails to provide a development plan policy compliant level of planning obligations in relation to education provision. It is considered that substantial weight should be attributed to this harm.

- 7.15 The Council acknowledges that it cannot demonstrate a 5 year deliverable supply of land, however rigorous efforts are being made to boost the supply of homes within the Borough. Allowing this appeal would undermine that strategy.
- 7.16 Paragraph 11 of the Framework indicates that when a Council cannot demonstrate a five year housing land supply the presumption in favour of sustainable development is engaged. In this instance it is considered that there is applicable policy in the NPPF (paragraphs 202) that protects assets of particular importance and provides a clear reason for refusing development. The asset in question here is the Longford Park Conservation Area.

The Heritage Balance

- 7.17 The harm to the significance of designated assets, Longford Park Conservation Area, would be less than substantial in nature and the Council acknowledge that the identified benefits would outweigh the harm identified.
- 7.18 In carrying out this balancing exercise, great weight and importance has been applied to the conservation of the setting of Longford Park Conservation Area.

Tilted Balance

- 7.19 Given the conclusions on the heritage balance, it is considered appropriate to consider the balance against paragraph 11d) ii of the NPPF, which requires an assessment of the adverse impacts of the development against the benefits, when assessed against the policies in the NPPF as a whole.
- 7.20 The prejudicial impact to the FTPF at LCC conflicts with the policies of the local development plan, Places for Everyone and the New Trafford Local Plan, to which substantial weight is attached.
- 7.21 The failure to deliver a well-designed development which is compatible with the character of the site and its surroundings is an adverse impact to which it is considered substantial weight should be attributed.

- 7.22 The harm to the significance of designated heritage assets must be given substantial weight.
- 7.23 It is considered that the proposed development will detrimentally impact on the amenity of existing and future occupiers in terms of daylight and sunlight impacts. It is considered that substantial weight should be attributed to this adverse impact.
- 7.24 The failure to provide a policy compliant level of affordable housing and education contributions is considered to be a unacceptable and one to which substantial weight should be attributed.
- 7.25 The dominating and adverse impact on the setting of LCC and its cultural character and identity is considered to be of moderate weight.
- 7.26 The scheme is contrary to the development plan in a number of ways, where it is, those policies remain up to date. It is considered that the proposals are contrary to the development plan when read as a whole.
- 7.27 Whilst the appeal scheme would offer a substantial benefit in the form of delivery of housing numbers and some other benefits as outlined above, it is considered that there would also be very substantial harm. It is the Council's view that that the adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against Framework policy as a whole and on this basis the Council consider that this appeal should be dismissed.

8. RECOMMENDED CONDITIONS

8.1 Without prejudice to the Council's case, should the appeal be allowed, the Council requests that the following conditions are attached:

1. Application(s) for approval of reserved matters must be made not later than the expiration of six months beginning with the date of this permission and the development must be begun not later than whichever is the later of the following dates: (a) The expiration of one year from the date of this permission; or (b) The expiration of six months from the final approval of the reserved matters, or in the case of approval on different dates, the final approval of the last such matter to be approved.

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 approval of the Local Planning Authority shall be sought in respect of landscaping before the development first takes place.

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

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

1664_PL_002_B – Site Location Plan

1664_PL_101_C – Level -1 Plan

1664_PL_102_D – Level 0 Plan

1664_PL_103_B – Level 1 Plan

1664_PL_104_B – Level 2 Plan
1664_PL_105_B – Level 3 Plan
1664_PL_106_B – Level 4 Plan
1664_PL_107_B – Level 5 Plan
1664_PL_108_B – Level 6 Plan
1664_PL_109_B – Level 7 Plan
1664_PL_110_B – Level 8 Plan
1664_PL_111_B – Level 9 Plan
1664_PL_200 – S-W Elevation
1664_PL_201 – N-W Elevation
1664_PL_202 – N-E Elevation
1664_PL_203 – S-E Elevation
1664_PL_205 – Courtyard elevations
1664_PL_115 – Feature Brick Panel and Terracotta Baguette details
1664_PL_116 – Brick feature panel details
1664_PL_117 – Raked panel details
1664_PL_118 – Balcony Elevation detail

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

4. Any reserved matters application relating to 'landscaping' shall be accompanied by:
 - a) Full details of both hard and soft landscaping works including green / brown roofs. The details shall include a full specification of all boundary treatments across the site, details of street furniture and play equipment, the formation of any banks, terraces or other earthworks, hard surfaced areas and materials, planting plans, specifications and

schedules (including planting size, species and numbers/densities), existing plants / trees to be retained and a scheme for the timing / phasing of implementation works. Any trees to be planted must have adequate rooting volume available to so that they can grow for the whole of their lifespan. Where this is not possible, raft systems shall be used, details of which shall be provided, including technical drawings of the type of system to be used, the area that the system will cover and the type and volume of soil to be used (structural soils will not be acceptable).

- b) The landscaping works 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 shall be replaced within the next planting season by trees or shrubs of similar size and species to those originally required to be planted.
- d) A scheme for biodiversity enhancements in accordance with the recommendations set out in paragraphs 5.8 – 5.12 of the submitted Ecological Appraisal (ref no. 6370.02.001 V2, dated March 2020)

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.

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

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

6. Notwithstanding any description of materials in the application, no above-ground construction works shall take place until samples and full specifications of all materials to be used externally on all parts of the buildings, including windows, doors and rainwater goods, have been submitted to and approved in writing by the Local Planning Authority. The specifications shall include the type, colour and texture of the materials. The samples shall include constructed panels of all proposed brickwork illustrating the type of joint, the type of bonding and the colour of the mortar to be used, with these panels available on site for inspection, and retained for the duration of the build. 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.

7. Notwithstanding the submitted details, no above ground construction works shall take place unless and until a detailed façade schedule for all elevations of the building has first been submitted to and approved in writing by the Local Planning Authority. The schedule shall be provided in tabulated form with cross referencing to submitted drawings, include the provision of further additional drawings and the building of sample panels on site as necessary and shall include:
 - All brickwork detailing
 - All fenestration details and recesses
 - All entrances into the buildings
 - The siting of any equipment on the roofs of the development
 - All balcony and terrace details

- The means of dealing with rainwater and any necessary rainwater goods that may be visible on the external façade of the building
- The siting of any external façade structures such as meter boxes
- Development shall proceed in accordance with the approved detailed façade schedule.

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

8. Other than the demolition of buildings and structures down to ground level, and site clearance works, including tree felling, no development shall take place until an investigation and risk assessment in relation to contamination on site (in addition to any assessment provided with the planning application) has been submitted to and approved in writing by the Local Planning Authority. The assessment shall investigate the nature and extent of any contamination on the site (whether or not it originates on the site). The assessment shall be undertaken by competent persons and a written report of the findings submitted to and approved in writing by the Local Planning Authority before any development takes place other than the excluded works listed above. The submitted report shall include:
 - i. a survey of the extent, scale and nature of contamination;
 - ii. an assessment of the potential risks to human health, property (existing or proposed) including buildings, crops, livestock, pets, woodland, and service lines and pipes, adjoining land, ground waters and surface waters, ecological systems, archaeological sites and ancient monuments;
 - iii. where unacceptable risks are identified, an appraisal of remedial options and proposal of the preferred option(s) to form a remediation strategy for the site;
 - iv. a remediation strategy giving full details of the remediation measures required and how they are to be undertaken;
 - v. a verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy are

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

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

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

9. No development shall take place, including preliminary works, until a scheme identifying how the trees (and their root system) within the ownership of TfGM on adjacent Metrolink land will be protected from the development has been submitted to and approved in writing by the Local Planning Authority. Temporary protective fencing shall be installed in accordance with BS:5837:2012 'Trees in relation to design, demolition and construction. Recommendations'. Thereafter the tree protection scheme shall be implemented prior to works taking place on site and retained until the construction works have been completed.

Reason: To secure, the protection of the root system to the trees located adjacent to the site, which are of amenity value to the area generally having regard to Policies L7, R2 and R3 of the Trafford Core Strategy and the National Planning Policy Framework. The scheme is required prior to development taking place on site as any works undertaken beforehand, including preliminary works, can damage the root system of the trees.

10. No development shall take place unless until an updated noise assessment, associated methodology and necessary mitigation measures has first been submitted to and approved in writing by the Local Planning Authority. The assessment shall:

- (i) Establish the external noise climate and vibration likely to impact the proposed apartments from noise associated with live music and sporting events hosted at Old Trafford Cricket Ground, road traffic noise and rail transport noise and vibration from the Metrolink line.
- (ii) Include a mitigation scheme for acoustically insulating the proposed residential accommodation against external noise and vibration

The proposed development shall be implemented in accordance with the approved scheme.

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

11. The development hereby approved shall not be occupied until the noise mitigation insulation scheme required by Condition 10 has been fully installed and implemented and a verification report demonstrating this work has been completed in accordance with the approved scheme has been submitted to and approved in writing by the Local Planning Authority.

Reason: To safeguard the amenity of future occupiers of the development, having regard to Policies L5 and L7 of the Trafford Core Strategy and to secure a reduction in noise in order to protect future residents from noise disturbance.

12. No development shall take place until full design details of any necessary rooftop plant has been submitted to and approved in writing by the Local Planning Authority. Plant shall be installed in accordance with the approved details.

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

13. Servicing, deliveries and waste and recycling collections for any commercial uses within the development shall only take place between the hours of 07:00

to 22:00 hrs on Mondays to Saturdays. Deliveries only shall take place between the hours of 07:30 to 19:00 hrs on Sundays.

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

14. The A1 retail premises shall only be open for trade or business between the hours of: 07:00 to 23:00 hrs on Mondays to Saturdays and 07:30 to 22:00 hrs on Sundays.

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

15. Premises within the Use Classes A3, D1 and D2 shall only be open for trade or business between the hours of 08:00 to 22:00 hrs Sunday to Thursday and 08:00 to 23:00 hrs Friday and Saturday.

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

16. No food and drink uses falling under Use Class A3 shall commence until full details of the proposed commercial kitchen exhaust system and odour mitigation measures have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be retained in good order in accordance with the approved details thereafter.

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

17. No above ground construction works shall take place until a full external lighting scheme and an Exterior Lighting Impact Assessment have been submitted to and approved in writing by the Local Planning Authority. The assessment should demonstrate that the impact of new exterior lighting into habitable windows, either within or off-site, would be within acceptable margins, in compliance with the Institution of Lighting Professionals' Guidance Note 01/20 'Guidance notes for the reduction of obtrusive light'. The assessment should

also demonstrate that the exterior lighting will not detrimentally impact on bats and complies with section 5.3 of the Ecological Assessment (ref no. 6370.02.001 V2, dated March 2020). The approved details, including any necessary mitigation measures, shall be implemented in full before the development is first occupied and shall be retained thereafter in working order for the lifetime of the development.

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

18. No above ground works shall take place until details of a scheme for the provision electric vehicle (EV) charging points has 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 the interests of environmental protection having regard to Policy L5 of the Trafford Core Strategy and the National Planning Policy Framework.

19. No development shall take place until a Construction and Pre-Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include details of the proposed measures to manage and mitigate the main environmental effects and shall address, but not be limited to the following matters:
- a) Days and hours of demolition and construction activity (in accordance with Trafford Council's recommended hours of operation for construction works);
 - 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 ((incorporating the mitigation measures contained within the REC Air Quality Assessment));

- 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 and plant such as generators;
- j) Information on how asbestos material is to be identified and treated or disposed of in a manner that would not cause undue risk to adjacent receptors; and,
- k) Information to be made available for members of the public

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

Reason: To ensure that appropriate details are agreed before works start on site and to minimise disturbance and nuisance to occupiers of nearby properties and users of the highway and in the interests of air quality 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 and highway impacts.

20. The development hereby approved shall not be occupied until a full Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall include:
- Realistic and quantifiable targets to reduce car travel and increase use of non-car modes;
 - Targets to be continuously reviewed and monitored against the baseline which will be established within 3 (three)-months of the first date of occupation;
 - Effective measures and incentives to promote sustainable transport options for residents and visitors;

- Residents travel surveys to be completed every 12 months from the date of first occupation;
- Appointment of a travel plan co-ordinator;
- The production and provision of welcome packs.

The approved Full Travel Plan shall thereafter be implemented for a period of not less than 10 (ten) years from the first date of operation.

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

21. No development shall take place until a drawing detailing the precise location and number of disabled car parking spaces has been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.

Reason: To ensure that satisfactory disabled parking provision is made in the interests of promoting accessible 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.

22. No development shall take place until a scheme for secure cycle and motorcycle parking for the apartment building has been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall include details of the location, store design and materials to be used in the construction of the stores, which should meet the requirements of SPD3 Parking Standards and Design for Trafford. The approved scheme shall be implemented before the development is brought into use and maintained at all times thereafter for its intended use.

Reason: In the interest of highway safety and the free flow of traffic and in accordance with Trafford Core Strategy Policies L4 and L7 and the National Planning Policy Framework.

23. The development hereby approved shall not be occupied until a car park management plan has been submitted to and approved by the Local Planning Authority.

Reason: To ensure that satisfactory parking arrangements are provided and in the interest of highway safety, having regard to Core Strategy Policies L4 and L7 and the National Planning Policy Framework.

24. The development hereby permitted shall not commence until a scheme to improve the existing surface water drainage system based on the details within the Flood Risk Assessment and Drainage Strategy (February 2020) has been submitted to, and approved in writing by, the Local Planning Authority.

The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason: To prevent flooding by ensuring the satisfactory storage of and disposal of surface water from the site.

25. The development hereby approved shall not be occupied until a sustainable drainage management and maintenance plan for the lifetime of the development has been first been submitted to and approved in writing by the Local Planning Authority. The 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 be managed and maintained in accordance with the approved details for the lifetime of the development.

Reason: To prevent the increased risk of flooding; to improve and protect water quality; to improve habitat and amenity; and to ensure the future maintenance of the sustainable drainage structures.

26. The development hereby approved shall be carried out in accordance with the recommendations set out in Sections 5.4 (Badger) to 5.7 (Birds) of the submitted Ecological Assessment (ref no. 6370.02.001 V2, dated March 2020).

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

27. The development hereby approved shall be designed and constructed in accordance with the recommendations contained within the submitted Crime impact Statement (reference 2018/0076/CIS/01, Version A dated February 2020) and retained thereafter.

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

28. The development hereby approved shall not be occupied until a waste management strategy has been submitted to and approved in writing by the Local Planning Authority. The submitted plan shall include details of on-site waste management, hours for collection or disposal and waste collection details. The details / measures set out in the approved scheme shall be implemented and adhered to thereafter.

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

29. 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 of at least 5 per cent below the Building Regulations Target Emissions Rate shall be achieved. 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 approved 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.

Informatives:

1. In accordance with the Council's policy L5.18, we note the Flood Risk and Drainage Strategy has included a variety of sustainable drainage options including rainwater harvesting, green roofs and permeable paving. When the reserved matters application is submitted, we will expect these to be included as part of the detailed design

9. DEVELOPER CONTRIBUTIONS

9.1 The Council consider that the following developer contributions are required to mitigate the impact of the proposed development:

- The provision of 40 per cent affordable housing on site;
- A financial contribution of £739,885 towards off-site primary education facilities;
- A financial contribution of £721,776 towards off-site secondary education facilities;
- A financial contribution of £252,837 towards spatial green infrastructure improvements at Longford Park;
- A financial contribution of £121,110 towards outdoor sports facilities;
- A financial contribution of £30,000 towards highways improvements;
- TRO review of surroundings streets to identify and mitigate, if necessary, the requirement for additional TRO's in the area as a result of additional parking demand from the appeal scheme; and,
- The retention of O'Connell East in the role of design certifier throughout the construction period, or alternatively to secure a commuted sum to cover the professional fees required to enable the local planning authority and developer to work together to secure the involvement of an architectural practice of their choice in the role of design certifier.