

Draft conditions table
 APP/Q4245/W/20/3258552
 Former B&Q, Great Stone Road

Trafford Council
 26 November 2021

No.	Condition	LPA Position	Appellant position
1	<p>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.</p> <p>In the event that details pursuant to pre-commencement conditions have been submitted but not approved by the date by which the development must be begun, the development must commence within three months of the final approval of the details required by condition even if that date is later than the dates referred to in (a) and (b) above.</p> <p>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.</p>	<p>Parties disagree on timescales for submission of reserved matters applications and commencement of development.</p>	<p>Whilst the appellant intends to implement and build out the permission swiftly, they cannot agree to have this restricted as such at this moment. Appellant will seek to agree a compromise between this date and the three-year standard but cannot agree at this stage.</p>
2	<p>The approval of the Local Planning Authority shall be sought in respect of landscaping before the development first takes place.</p> <p>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.</p>	<p>Agreed</p>	<p>Agreed</p>

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3	<p>The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans:</p> <p>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</p> <p>Reason: To clarify the permission, having regard to Policy L7 of the Trafford Core Strategy and the National Planning Policy Framework.</p>	Agreed	Agreed
4	<p>Any reserved matters application relating to ‘landscaping’ shall be accompanied by:</p> <p>a) Full details of both hard and soft landscaping works including green / brown roofs. The details shall include a full specification of all</p>	Agreed	Agreed

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	<p>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).</p> <p>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.</p> <p>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.</p> <p>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)</p> <p>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.</p>		
Prior to commencement of development			

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5	<p>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:</p> <ul style="list-style-type: none"> 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. <p>The development shall thereafter be carried out in full accordance with the approved remediation strategy before the first occupation of the development hereby approved.</p>	Agreed	Agreed
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	<p>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.</p>		
6	<p>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.</p> <p>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.</p>	Agreed	Agreed
7	<p>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:</p>	This conditions reflects that proposed within the LPA's Statement of Case.	

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	<p>(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.</p> <p>(ii) Include a mitigation scheme for acoustically insulating the proposed residential accommodation against external noise and vibration</p> <p>The proposed development shall be implemented in accordance with the approved scheme.</p> <p>Reason: In the interest of amenity having regard to Policy L7 of the Trafford Core Strategy and the National Planning Policy Framework. The scheme is required prior to development taking place on site to ensure an appropriate mitigation system is designed into the development.</p>	<p>Since the submission of further noise information from LCC and the appellant, the LPA are seeking independent advice on noise, including advice on conditions.</p>	
	<p>Appellant preferred condition:</p> <p>Notwithstanding the details submitted with the application, a revised noise mitigation scheme in respect of glazing and ventilators shall be submitted to and approved in writing by the Local Planning Authority prior to the implementation of the scheme.</p> <p>The mitigation scheme shall demonstrate that the recommended internal noise levels from BS8233:2014 are met within the development whilst providing an adequate means of ventilation that accords with Building Regulations requirements. The assessment shall include for contributions from sporting events hosted at Old Trafford Cricket Ground, road traffic noise and rail transport noise and</p>		<p>Mitigation to BS8223:2014 can only be achieved in respect of cricket, traffic and trams. Mitigation to this level for music events that only happen a maximum of seven times per year is not reasonable.</p>

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	vibration from the Metrolink line. The development shall be carried out in accordance with the approved scheme.		
8	<p>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.</p> <p>Reason: In the interest of visual amenity having regard to Policy L7 of the Trafford Core Strategy and the National Planning Policy Framework. The details are required prior to development to ensure the inclusion of any plant is appropriate in terms of visual amenity.</p>	Agreed	Agreed
9	<p>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:</p> <ul style="list-style-type: none"> 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 unless otherwise agreed); c) Loading and unloading of plant and materials (all within the site unless otherwise agreed), 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; 	Agreed	Agreed

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	<p>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);</p> <p>h) A scheme for recycling/disposing of waste resulting from demolition and construction works (prohibiting fires on site);</p> <p>i) Measures to prevent disturbance to adjacent dwellings from noise and vibration, including any piling activity and plant such as generators;</p> <p>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,</p> <p>k) Information to be made available for members of the public.</p> <p>The development shall be implemented in accordance with the approved CEMP.</p> <p>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.</p>		
10	<p>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.</p>	Agreed	Agreed

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	<p>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. The scheme is required prior to commencement of development to ensure that sufficient space is provided within the scheme to accommodate all parking requirements.</p>		
11	<p>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.</p> <p>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. The scheme is required prior to commencement of development to ensure that sufficient space is provided within the scheme to accommodate all parking requirements.</p>	Agreed	Agreed
12	<p>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</p>	Agreed	Agreed

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	<p>Strategy (February 2020) has been submitted to, and approved in writing by, the Local Planning Authority.</p> <p>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.</p> <p>Reason: To prevent flooding by ensuring the satisfactory storage of and disposal of surface water from the site. The scheme is required prior to the commencement of development due to the below ground nature of the works.</p>		
Prior to above ground construction works			
13	<p>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.</p> <p>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.</p>	Agreed	Agreed

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<p>14</p>	<p>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:</p> <ul style="list-style-type: none"> - 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. <p>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</p>	<p>Agreed</p>	<p>Agreed</p>
<p>15</p>	<p>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</p>	<p>Agreed</p>	<p>Agreed</p>

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	<p>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.</p> <p>Reason: In the interests of amenity and having regard to Policy L7 of the Trafford Core Strategy and the National Planning Policy Framework.</p>		
16	<p>No above ground works shall take place until details of a scheme for the provision of 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.</p> <p>Reason: In the interests of environmental protection having regard to Policy L5 of the Trafford Core Strategy and the National Planning Policy Framework.</p>	Agreed	Agreed
17	<p>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</p>	Agreed	Agreed

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	<p>submitted to and approved in writing by the Local Planning Authority and shall be retained thereafter.</p> <p>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.</p>		
Pre-occupation			
18	<p>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.</p> <p>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.</p>	Agreed	Agreed
19	<p>The development hereby approved shall not be occupied until the noise mitigation insulation scheme required by Condition 7 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.</p> <p>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.</p>	Agreed	Agreed subject to wording in Condition 7

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<p>20</p>	<p>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:</p> <ul style="list-style-type: none"> - 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. <p>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.</p> <p>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.</p>	<p>Agreed</p>	<p>Agreed</p>
<p>21</p>	<p>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.</p> <p>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.</p>	<p>Agreed</p>	<p>Agreed</p>

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<p>22</p>	<p>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 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.</p> <p>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.</p>	<p>Agreed</p>	<p>Agreed</p>
<p>23</p>	<p>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.</p> <p>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.</p>	<p>Agreed</p>	<p>Agreed</p>

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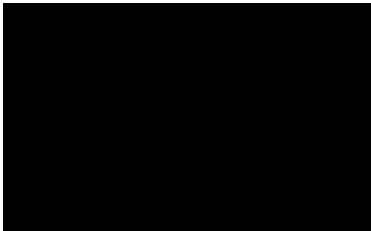
24	<p>No food and drink uses falling under Use Class A3 shall commence until full details of any proposed commercial kitchen exhaust system and odour mitigation measures have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be retained in good order in accordance with the approved details thereafter.</p> <p>Reason: In the interest of amenity having regard to Policy L7 of the Trafford Core Strategy and the National Planning Policy Framework.</p>	Agreed	
Post occupancy monitoring / management			
25	<p>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.</p> <p>Reason: In the interest of amenity having regard to Policy L7 of the Trafford Core Strategy and the National Planning Policy Framework.</p>	Agreed	Agreed
26	<p>Premises within Use Class A1 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.</p> <p>Reason: In the interest of amenity having regard to Policy L7 of the Trafford Core Strategy and the National Planning Policy Framework.</p>	Agreed	Agreed
27	<p>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.</p>	Agreed	Agreed

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	Reason: In the interest of amenity having regard to Policy L7 of the Trafford Core Strategy and the National Planning Policy Framework.		
28	<p>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).</p> <p>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.</p>	Agreed	Agreed
29	<p>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.</p> <p>Reason: In the interests of crime prevention and community safety, having regard to Core Strategy Policy L7 and the National Planning Policy Framework.</p>	Agreed	Agreed

Appellant's notice: on behalf of Accrue (Forum) 1 LLP, I agree to the above use of pre-commencement conditions.



Matthew Hard MRTPI, Associate Director, WSP – 26 November 2021