



TOWN AND COUNTRY PLANNING ACT 1990

**Appeal by: Lidl UK/Orchard Street
Investment Management LLP
Site Address: Homebase Ltd, Unit 1
George Richards Way
Broadheath, Altrincham
WA14 5GR**

**LPA reference: 98127/FUL/19
PINS reference: APP/Q4245/W/21/3267048**

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

1.0 INTRODUCTION

- 1.1 The appeal is made by the joint appellants against the refusal by the Local Planning Authority (LPA) of application reference 98127/FUL/19 which proposed the: *Extension, refurbishment and subdivision of the existing Homebase store to provide a downsized unit for Homebase and a new Class A1 retail unit; and the relocation of the Homebase garden centre, the reconfiguration of the existing car park and associated landscaping, and the creation of a new egress from the site.*
- 1.2 The application, which was made in full, was received by Trafford Council (as LPA) on 26 June 2019 and made valid on 5 August 2019.
- 1.3 The application was presented to Trafford's Planning and Development Management Committee on 16 July 2020 and it carried a recommendation of refusal. The Committee endorsed the officers' recommendation and the application was refused on two grounds without modification.
- 1.4 The two refusal reasons were:
- 1. There is a sequentially preferable site which is available within a reasonable period and also potentially suitable to accommodate the proposed foodstore development. When demonstrating flexibility on issues such as format and scale, it has not been adequately demonstrated by the applicant that this alternative site is not suitable. As such, it is considered that the application proposal fails to satisfy the sequential test at paragraph 86 of the NPPF and thus a reason to refuse the application at paragraph 90 of the NPPF applies. The proposal is also contrary to saved Policy S11 of the Revised Trafford Unitary Development Plan and Policy W2 of the Trafford Core Strategy.*
 - 2. The proposed development involves the introduction of a new point of egress for customer traffic onto George Richards Way which has the*

potential to introduce significant vehicular conflict. It has not been adequately demonstrated by the applicant that this would not have an unacceptable impact on highway safety and thus a reason to refuse the application at paragraph 109 of the NPPF applies. The proposal is also contrary to Policy L4 of the Trafford Core Strategy.

- 1.5 The decision notice was issued on 17 July 2020.
- 1.6 On 8 February 2021 a revised full planning application for a similar form and description of development was submitted by the joint appellants (ref. 103414/FUL/21), and validated with the same date. However, this application proposed a materially different vehicular egress from the site, and with additional supporting evidence supplied. The application was approved, in accordance with the officers' recommendation, by Trafford's Planning and Development Management Committee on 8 April 2021. On 19 May 2021 Tesco Stores Ltd submitted an application to the Administrative Court (Planning Court) for judicial review of this decision. The Court refused permission on the papers for the judicial review to proceed on 15 July 2021. However, on 21 July 2021 Tesco Stores Ltd applied for a renewal hearing. A response from the Courts on this application is awaited.
- 1.7 On 18 February 2021 the Council received formal notification from the Planning Inspectorate of the lodging of the appeal against the refused application.

2.0 FACTUAL BACKGROUND

2.1 As part of the Statement of Common Ground (SOCG), the Council will attempt to agree (and avoid duplication of evidence on) factual matters relating to the appeal site and its surrounding area, the site's planning history, and the development proposed. A brief overview is provided below.

The Site and its Surroundings

2.2 The application site comprises part of the existing Altrincham Retail Park located in the Broadheath area of Altrincham. Specifically, the site relates to an existing Homebase unit (known as Unit 1) and its adjacent garden centre, which is located at the eastern end of the retail park towards the A56 Manchester Road. The site also includes the surface-level car park which serves the unit (as well as serving other retailers). The existing building is of typical construction and appearance incorporating a large floorplate with a flat roof. The garden centre includes both covered and open elements, all enclosed by walling. The unit's service yard is positioned to the north.

2.3 The Altrincham Retail Park is accessed from George Richards Way, situated to the south, which leads from the route of the A56.

2.4 Adjoining the site to the north are terraced residential properties. There are further residential uses to the site's east on the opposite side of the A56, interspersed with commercial units. There is a Grade II listed public house (The Railway Inn) which is located at the junction of the A56 and George Richards Way and which is included within the site boundary. There are additional retail warehouse units located to the south of the site on both sides of Atlantic Street, known as Atlantic Street Retail Park.

Relevant Planning History

2.5 The development of the Altrincham Retail Park occurred in the mid-1990s on vacant former industrial land, including a disused railway line. Relevant, key planning permissions comprise:

- H/OUT/38342 – Outline planning permission for the demolition of existing buildings and structures and redevelopment of site as a retail warehouse park including non-food retail units, garden centre, 2 restaurants, and associated parking, employment development and new access road. Approved, 07.10.94
- H/OUT/39995 – Demolition of existing buildings and structures and erection of extension to retail warehouse park approved in outline under ref. H38342 comprising non-food retail unit (39,400 sq ft). Approved, 15.02.95

The Proposed Development

2.6 The appeal proposals involves the extension, refurbishment and subdivision of the Homebase unit such that two Class A1 retail units would be created (known as Unit 1A and Unit 1). The discount food retailer, Lidl, would be introduced into Unit 1A whilst Homebase would move to Unit 1. A replacement garden centre for Homebase, with both covered and open areas, is proposed adjacent to Unit 1 towards the site's eastern edge.

2.7 The reconfigured Unit 1A (for Lidl) would provide a gross internal area (GIA) of 1,858 square metres and a net sales area of 1,272 square metres. The Homebase unit (Unit 1) would reduce in size from 5,016 square metres GIA to 3,612 square metres GIA. The floorspace of the relocated Homebase garden centre would reduce from 1,295 square metres GIA to 1,231 square metres GIA.

- 2.8 Vehicular access to the retail units (for customers) would continue to be taken from George Richards Way and then via a mini-roundabout which forms part of the internal road layout of the retail park. A new vehicular (left-out) egress is proposed directly onto George Richards Way at a mid-point between the retail park entrance and the junction of George Richards Way with the A56. The design includes a new central reserve on George Richards Way. Access for service traffic would continue from Craven Road to the west.
- 2.9 The proposal also involves some reconfiguration of the car park to the front of the units, and the provision of a replacement pedestrian access from George Richards Way.

3.0 PLANNING POLICY AND DECISION-TAKING FRAMEWORK

3.1 Again, as part of SOCG discussions, the Council will attempt to agree with the appellant on matters pertaining to planning policy and the structure of decision-taking. An overview of the Council's position is set out below.

Planning Policy

3.2 The development plan in Trafford comprises the Trafford Core Strategy, which was adopted on 25 January 2012. This document provides the overall vision, strategic objectives, spatial strategy and strategic planning policies for the Borough to 2026. This is supplemented by the 'saved' policies of the Revised Trafford Unitary Development Plan (RTUDP), which was adopted on 19 June 2006 and with the saving of policies taking place in September 2007 and December 2008. The Altrincham Town Centre Neighbourhood Business Plan (ATCNBP), made on 29 November 2017, also forms part of the development plan.

3.3 The intention was for a Land Allocations Plan to deliver the vision and objectives of the adopted Core Strategy. However, on 25 March 2015 it was formally agreed that the production of the Land Allocations Plan would be delayed until such time as the Greater Manchester Spatial Framework (GMSF) was further advanced.

3.4 A different development plan approach for Trafford has since been agreed, with a new Trafford Local Plan being progressed. Once adopted this will replace the Core Strategy and the RTUDP. Further to the publication of a Trafford Local Plan Issues Paper in July 2018, on 4 February 2021 a Regulation 18 version of the Trafford Local Plan was published, and with the consultation period ending on 18 March 2021.

3.5 The GMSF was intended to be a strategic plan for Greater Manchester prepared by a partnership of the ten Greater Manchester local authorities and

the Greater Manchester Combined Authority. The GMSF is now being progressed by nine GM districts as 'Places for Everyone' (PFE) and, once adopted, will be the overarching development plan for these districts, setting the framework for individual district local plans. A Regulation 19 version of PFE is anticipated in August 2021.

- 3.6 The Council will refer in its evidence chiefly to the Core Strategy, the RTUDP and to the ATCNBP. Some reference may be made to PFE. It is not anticipated that the Trafford Local Plan will have progressed to Regulation 19 stage by the time that the appeal is heard. However, the Council will draw on aspects of its evidence base, including the Trafford Retail and Leisure Study 2019.
- 3.7 The key policies that will be referred to by the Council in its evidence comprise Policy W2 (Town Centres and Retail) and Policy L4 (Sustainable Transport and Accessibility) of the Core Strategy, and saved Policy S11 (Development outside Established Centres) of the RTUDP. Other policies of the Core Strategy will also be drawn upon, including Policy L5 (Climate Change), Policy L7 (Design), Policy L8 (Planning Obligations), Policy R1 (Historic Environment) and Policy R3 (Green Infrastructure).
- 3.8 In addition, some supplementary planning documents may be referred to, comprising Revised SPD1: Planning Obligations (2014) and SPD3: Parking Standards and Design (2012).

Decision-taking Structure

- 3.9 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material consideration in planning decisions, and as the Government's expression of planning policy and how this should be applied, it should be given significant weight in the decision-taking process.

3.10 The NPPF, at paragraph 11, introduces the presumption in favour of sustainable development. For decision-taking purposes, paragraph 11c explains that ‘the presumption in favour’ means approving development proposals that accord with an up-to-date development plan without delay. Where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, paragraph 11d advises that planning permission should be granted unless:

- i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

3.11 Where a planning application conflicts with an up-to-date development plan, planning permission should not normally be granted, paragraph 12 explains.

3.12 The Core Strategy was adopted in January 2012, two months prior to the publication of the original 2012 NPPF. Some of its policies have been formally recognised as not being consistent with the NPPF, including some which are material to the appeal proposal’s assessment, namely Policy L4 and Policy R1.

3.13 On Policy L4, it has been concluded that the ‘severe’ reference in the NPPF (paragraph 109) is a more stringent test for residual cumulative impacts on the road network than is ‘significance adverse impact’ as referred to by Policy L4. In assessing impacts to heritage assets, Policy R1 does not reflect the categories of ‘substantial’ and ‘less than substantial’ harm and their corresponding policy tests as set out in the NPPF (paragraphs 195 and 196). These tests provide an opportunity for an applicant to demonstrate that there would be public benefits arising from a proposal which may outweigh heritage harm.

- 3.14 On both issues it is the tests of the NPPF that will chiefly be referred to in the Council's evidence in acknowledging that the policies' inconsistency with the NPPF reduces the weight to be afforded (in accordance with paragraph 213 of the NPPF). In any event, in respect of Policy L4 it is in fact the issue of highway safety (rather than traffic impact) which has been, and continues to be, the focus of the Council's concerns.
- 3.15 For the avoidance of doubt, Policy W2 is considered to be consistent with the NPPF in explicitly deferring to the tests of government guidance when assessing proposals for main town centre uses outside established centres. As a saved policy of the RTUDP and predating the NPPF more significantly, Policy S11 is not consistent and indeed it still includes a requirement to demonstrate a 'need' for new retail development when proposed in non-central locations. Its reference to the sequential test does still align with the NPPF, although this is covered by Policy W2 in any event.
- 3.16 Whilst acknowledging these inconsistencies between the NPPF and policies of the development plan, it is not the Council's case that policies of 'most importance' for determining the appeal proposal are 'out-of-date' in the manner envisaged by paragraph 11d of the NPPF. As such, and as will be explained in evidence, it is the Council's case that paragraph 11c and paragraph 12 provide the relevant decision-taking framework.

4.0 THE CASE FOR THE LOCAL PLANNING AUTHORITY

- 4.1 The case for the Council will focus on the two reasons for refusal; on the sequential test and on highway safety. It will also include a 'heritage balance' when having regard to the test at paragraph 196 of the NPPF, and then a wider assessment (the 'planning balance') which will weigh up all relevant factors arising from the appeal proposal. The Council will draw on the expertise of its retained retail consultant in respect of the sequential test for the purposes of the appeal (who advised at application stage) and will also appoint an external highways witness.
- 4.2 Again, for the avoidance of doubt, the Council is committed to working with the appellant on the SOCG to minimise the issues within these broad areas that will need to be covered at the inquiry.
- 4.3 It is accepted that the two refusal reasons are negatively worded in reflecting the fact that the appellant had not adequately demonstrated, through the provision of information requested by the Council at application stage, that the relevant policy tests were capable of being met. On highway safety this stance will be maintained for the purposes of the appeal, albeit the Council intends to obtain its own independent survey evidence to seek to corroborate its concerns. However, on the sequential test, and when having regard to the content of the appellant's Statement of Case, the Council has moved to a position where it is considered that the case against the appellant is proven. The effect is an adjustment to the Council's reasoning to refer to the sequential test as being emphatically failed.

The Sequential Test

- 4.4 In evidence it will be emphasised that the NPPF encourages local authorities to adopt a 'town centre first' approach when assessing proposals for 'main town centre uses.' This is in order that town centres remain the focus of retail, commercial and leisure activity and to ensure their continued vitality and

viability. Proposals for such uses which are not in an existing centre and not in accordance with an up-to-date development plan should be subject to two key tests: 1. the sequential test; and – where the amount of floorspace proposed is over 2,500 square metres gross or a locally set floorspace threshold – 2. the impact test.

- 4.5 The appeal site is in an out-of-centre location. With reference to the Proposals Map accompanying the development plan, the site forms part of a 'Retail Warehouse Park' allocation. Policy W2 states that further development within Trafford's out-of-centre retail parks should be limited to the sale of bulky comparison goods (non-food) only.
- 4.6 The 'out-of-centre' location of Altrincham Retail Park contrasts with the identification, by Policy W2, of Altrincham as the Borough's 'Principal Town Centre', and of Sale, Stretford and Urmston as 'Other Town Centres.' District Centres and Local Centres are also referred to. Outside of these identified centres, Policy W2 explains that: 'there will be a presumption against the development of retail...and other town centre-type uses except where it can be demonstrated that they satisfy the tests outlined in current Government Guidance.' These are the tests of 'sequential' and 'impact' as referred to in paragraph 4.4 above.
- 4.7 It is the matter of the sequential test to which the Council's reason for refusal relates. There is one site, known as the Altair site (land bounded by Oakfield Road, Thomas Street and Altrincham Interchange), which is the focus of the Council's case. Policy W2 refers to it as the main development opportunity within Altrincham town centre, and it is also identified and promoted in the ATCNBP. It has benefitted from an outline planning permission for major mixed-use development since August 2008 (LPA ref. H/OUT/68603). The most recent outline planning permission was granted in August 2014 (LPA ref. 81115/O/2013), and the site is also the subject of two Reserved Matters permissions for Phases 1 and 2 (LPA refs 86755/RES/15 and 90432/RES/17).

- 4.8 Current government policy in relation to the sequential test is set out in paragraphs 86 and 87 of the NPPF. Paragraph 86 requires that: 'Main town centres uses should be located in town centres, then in edge of centre locations, and only if *suitable* sites are not *available (or expected to become available within a reasonable period)* should out of centre sites be considered' (emphasis added). In considering edge and out-of-centre proposals, paragraph 87 continues that '...preference should be given to accessible sites that are well-connected to the town centre'. Paragraph 87 continues that: 'Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale, so that opportunities to utilise suitable town centre or edge of centre sites are fully explored.'
- 4.9 It will be explained in evidence that the Council has addressed the issue of 'disaggregation' in forming conclusions regarding the sequential test (i.e. whether the constituent parts of a proposal should be subdivided for the purpose of considering alternative sequentially preferable sites). In this situation, this would involve separating the proposed Lidl from the reconfigured DIY use. The Council will accept that this matter is not specifically dealt with in the NPPF and it is recognised that there is no default planning policy requirement to disaggregate proposals on every occasion. However, with reference to important case-law and notable planning decisions, whether disaggregation is appropriate is ultimately a matter of planning judgement that can be exercised depending on the circumstances as they apply in each case, the Council will maintain. Accordingly, it will be concluded that it is appropriate in this instance to consider the appeal proposal on the basis of whether the proposed Lidl foodstore in isolation could be accommodated on a sequentially superior site. Indeed, it is considered that the appellant has still not provided any persuasive evidence to support its position that the downsized Homebase and the new Lidl are commercially and/or functionally dependent, and that the only means of achieving the downsizing of the DIY store would be through the occupation of an additional adjacent unit by a discount foodstore operator.

- 4.10 The extant planning permission for Altair does not include provision for a foodstore. However, the appellant has confirmed that Lidl has entered into a contract (as of February 2020) with Nikal Developments to take a lease on a Lidl store as part of an amended future proposal. The Council is of the view that this agreement of terms between Lidl and Nikal gives an indication that the site is able, in principle, to accommodate a discount foodstore. It will be made clear in evidence that this was not the case prior to Lidl's partnering with Nikal.
- 4.11 Paragraph 86 of the NPPF requires sequential alternative sites to be available or expected to become available within a reasonable period. It will be confirmed in evidence that the Council does not accept the appellant's position that the Altair site is not available now and will not become available in a reasonable timeframe. The appellant states that the Altair site is complex and that any revised development would take at least three to four years before it was ready for occupation.
- 4.12 It will be acknowledged that the Altair site cannot immediately accommodate the proposed use and that the Altair development has been beset by delays. It will also be accepted that the last national planning policy guidance which defined what a 'reasonable period' may be for the purposes of the sequential test has been superseded. Nonetheless, when applying reasonable judgement and when drawing on noteworthy and relevant national planning decisions, the Council will maintain that the three to four year period suggested by the appellant for the operation of a foodstore at Altair is reflective of a reasonable period in this case. The appellant's proposed programme for the delivery of Altair accounts for basic requirement necessary to bring forward development, it is considered. To rule out sites simply on the basis that they need to go through the planning process runs the risk of available sequential alternative being limited to those that are already under construction or currently available, it will be maintained.

- 4.13 Accordingly, it will be confirmed in evidence that the Council's position is that the Altair site is *available* within a reasonable period, as envisaged by the NPPF, to accommodate the foodstore proposed.

Suitability

- 4.14 The appellant has confirmed that planning permission will be sought for an amended Altair scheme which will incorporate a 'metropolitan format' discount foodstore as an integral element of the overall development. Metropolitan model foodstores are typically progressed where there is insufficient land to provide a traditional store with surface car parking.
- 4.15 The appellant's position is that the Altair site cannot be deemed suitable for the type of development proposed at the appeal site, even when applying flexibility on issues such as format and scale, as required by the NPPF. Its stance is that the two Lidl foodstores, at Altair and at Altrincham Retail Park, would be fundamentally different. However, the Council will maintain that the evidence does not support this position.
- 4.16 Indeed, in evidence it will be acknowledged that some new information has recently been supplied (as part of the appeal submission) as a means of supposedly demonstrating a material difference between the two proposals. Included within this is a reference to the sales area at the Altair foodstore being 15% smaller (although the exact floorspace is still not disclosed), to Altair accommodating 40 metres less vertical shelving, and to Altair relying on 70% self-served checkouts. However, it will be demonstrated that this extra information, despite its continued lack of precision, only serves to confirm Council concerns that the two stores would be of a broadly comparable size and scale, and would function in a broadly similar manner. The Council's viewpoint is further corroborated, it will be demonstrated, by the characteristics of the two Altrincham locations and of the population that would be served in each case. The provision of a car park as part of the Lidl Altair (even if shared with other uses and not surface-level)

suggests that it would still cater for some car-borne custom, akin to the appeal scheme, and this will be referenced.

- 4.17 It remains the case, however, that detailed specifications of the Altair foodstore, of its size and design, have not been provided, despite a contract having been signed and despite the expected three to four year timetable. The contract itself has still not been disclosed, and nor any important detail within it.
- 4.18 In any event, it will be confirmed in evidence that investigations on the matter of the suitability of the Altair site have been taken as far as they need to – the Council now considers - in order to form a sound and reasonable view (and with it recognised that this is an adjusted position relative to the reason for refusal due to the provision of further information). The Council does not accept that the Altair site cannot accommodate a foodstore of a comparable scale and nature to the appeal proposal and with a similar range and type of goods. The pursuit of a metropolitan model at Altair is in fact indicative of operators being able to be flexible in order to secure representation on more challenging sites, it will be put forward. On the contrary, it will be concluded that the Lidl proposals for Altair are consistent with the NPPF requirement at paragraph 87 for operators to demonstrate flexibility on issues such as format and scale. On this basis, the Council will conclude that Altair is also a *suitable* site.
- 4.19 In concluding on the sequential test, the Council will advance its position that there is a more centrally located site and that is *available* and also now *suitable* to accommodate the foodstore element of the appeal proposal. Whilst the appellant may assert that Lidl is contractually obliged and committed to bringing forward both the Altair and retail park schemes, the sequential test requires that the sequentially preferable site comes forward in advance of the less central site, it will be stated.
- 4.20 The NPPF, at paragraph 90, advises that where a proposal fails to satisfy the sequential test then it should be refused. This is a scenario that applies here,

it will be explained, and the development is also contrary to Policy W2 and Policy S11 on that basis.

Highway Safety

- 4.21 The highway implications of the proposed development were carefully considered at application stage by the local highway authority and with Transport for Greater Manchester providing an important advisory role. Following the appeal submission, the Council has appointed an external witness on highways matters who has undertaken an independent review of the case to date and has endorsed the Council's position.
- 4.22 The NPPF states that transport policies have an important role to play in facilitating sustainable development and in contributing to wider sustainability objectives. Accordingly, it advises that planning decisions should ensure that developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised. Development proposals that generate significant amounts of movement should be supported by a Transport Statement/Transport Assessment, it continues. The NPPF, at paragraph 109, continues that development should only be prevented or refused on transport grounds if there would be an 'unacceptable impact on highway safety', or 'the residual cumulative impacts on the road network would be severe'. Within this, it is the issue of highway safety which is central to the Council's case when having regard to the development's vehicular egress proposals.
- 4.23 In summary, a single access signalled controlled junction currently serves the whole of the retail park, situated off George Richards Way. It leads to a mini-roundabout with arms to the left and right leading to two areas of car parking. Whilst the proposal involves the utilisation of this existing access for entering the retail park, a new point of egress is proposed in the appeal scheme off George Richards Way. It would be positioned between the existing retail park access and the George Richards Way/A56 junction, and would provide a

'left-turn only' option in leading vehicles eastbound towards the A56. The existing mini-roundabout could also continue to be used for egress purposes, however. The works would also involve a new central reserve and a change in kerb alignment.

4.24 From the outset objections have been raised regarding the safety of the egress. A key concern is the nearness of the egress to the A56 major junction; a distance of only some 80 metres. The proposed egress would be in proximity to the existing George Richards Way left turn lane to the A56 and in the weaving length of vehicles changing lanes to exit George Richards Way and travel onwards. This would give rise to the very real prospect of vehicle conflict occurring, with drivers attempting to exit the retail park via the proposed egress when it is unsafe to do so and at a time when other drivers would be preparing to change lanes on approach to the A56.

4.25 The Council will explain in evidence that the appellant did not provide sufficient information during the application process to answer concerns that had repeatedly been raised regarding the safety of the egress. The outstanding requested information - in order to have due cognisance on matters of highway safety - includes:

- Surveys to determine the level and position of lane changing in advance of the signals at the George Richards Way/A56 junction;
- Traffic modelling in order to determine the extent of gaps in traffic flows that drivers entering George Richards Way from the egress may be able to utilise;
- Swept path analyses, to include vehicle tracking speed, in order to understand the movements to be undertaken (including by different vehicles);
- A fully representative and up-to-date Road Safety Audit;
- An analysis of personal injury collision data in this locality;
- Evidence to back up the appellant's assertions that all drivers utilising the egress, and travelling along George Richards Way past the egress, would

be familiar with the highway layout and would drive with due care and attention when changing lanes;

- Examples of other similar highways arrangements, which could be considered comparable to the appeal scheme, with accompanying analysis of safety records;
- Detailed and consistent access and highway drawings in order to understand the impact of the proposed central reserve on lane width; and
- Some sensitivity testing to account for the fact that the use of the retail park, as a whole, could intensify at a future date given the existence of surplus parking (and with a resultant uplift in traffic volumes at the egress).

4.26 Together, this package of information would assist in identifying the likelihood of traffic incidents occurring - namely as a consequence of lane changing - and the degree of safety risk. In its absence, it was concluded that the appellant had not adequately demonstrated that there would not be an 'unacceptable' impact on highway safety.

4.27 In order to corroborate its position for the purposes of the appeal, the Council intends to obtain its own independent survey evidence. It is intended to undertake such surveys over the course of a Friday and Saturday, and thus peak traffic periods would be captured.

4.28 The first survey would cover the mini-roundabout at the entrance to the retail park, specifically the right arm leading to the eastern car park. This is to support observations that vehicles queue for long periods in giving way to the larger western car park and its exiting flows. The proposed egress could potentially relieve such a situation but in doing so could split the internal queues, cause internal conflict within the car park, and lead to further conflict for drivers utilising the new egress. Whilst initially impacting upon the internal workings of the appellant's car park, it is considered that there is a real prospect for this conflict to extend onto the adopted highway and to directly and adversely affect the highway network, particularly at peak periods. This would be exacerbated if the use of the car park were to intensify at a later date.

- 4.29 A second survey would cover the signalised junction to the retail park on George Richards Way and would account for all access/egress movements. Its results would also have a growth factor applied to allow for increased traffic volumes, and increased car park capacity, over time.
- 4.30 A third survey would cover the section of highway between the retail park/George Richards Way junction and the A56/George Richards Way junction; in close proximity to the proposed egress point. This survey would be aimed at verifying incidences and frequencies of traffic weaving and lane changing, and to establish traffic flows at peak periods and the prospect of queuing traffic leading from the signalised A56 junction and lanes being blocked, thus hindering the intended egress.
- 4.31 The above evidence, in totality, is intended to support the Council's position and to assist the decision-taker by presenting an independent picture with regard to how traffic from the proposed new egress would interact with existing traffic volumes and movements.
- 4.32 At present it is firmly maintained that the appellant has not adequately demonstrated that the proposed new egress arrangements would not have an unacceptable impact on highway safety, and it will be explained in evidence that this is a situation where the matter of highway safety must be robustly investigated in view of the acute concerns to date. Accordingly, it will be explained that the proposal is at odds with paragraph 109 of the NPPF and is also contrary to Policy L4.

The Heritage Balance

- 4.33 It will be demonstrated by the Council (by means of an addendum to main evidence) that the appeal proposal would cause harm to the significance of the listed Railway Inn by virtue of the impact on its setting. This is as a consequence of the proposal's scale, siting, form, appearance and materials,

leading to an unsympathetic development which would be observed within the setting of the Railway Inn and would reduce the visual connection between the public house and the adjacent 19th century buildings. The extent of harm will be described as 'moderate', translating to 'less than substantial harm' to significance as referred to by paragraph 196 of the NPPF.

- 4.34 However, it will be accepted by the Council that there would be some public benefits arising from the appeal proposal. This includes direct investment in the local economy, job creation and job retention, improved consumer choice and competition in the grocery market, and the retention of trade in the local area. From this position, it will be concluded that the 'less than substantial' harm would be sufficiently outweighed by the public benefits, and thus the paragraph 196 test would be passed. Nonetheless, the proposal is in conflict with Policy R1, which infers that no harm is warranted or would be justified (notwithstanding the inconsistency with the NPPF). Moreover, reference will be given to the statutory presumption embodied in the Planning (Listed Buildings and Conservation Areas) Act 1990 that significant weight and importance should be afforded to heritage harm.

The Planning Balance

- 4.35 The Council will include within its evidence a final planning balance exercise which will bring together the principal arguments and draw some overall conclusions regarding the proposal's acceptability in planning terms. This will have regard to the primacy of the development plan. Other material considerations that will be taken into account will include the NPPF and the statutory provisions of the Planning (Listed Buildings and Conservation Areas) Act 1990).
- 4.36 As part of this it will be made clear that the proposed development is contrary to Policy W2 of the Core Strategy (which is consistent with the NPPF). It is also in conflict with Core Strategy policies L4 and R1, and of saved Policy S11 of the RTUDP, albeit lesser weight can be afforded to them in view of their

inconsistency with the NPPF. There would also be *some* departure from Core Strategy Policy L7 when having regard to its design expectations concerning new development being appropriate to its surroundings. This reflects conclusions regarding harm to a designated heritage asset, although the Council's position will be that the extent of policy variance to Policy L7 as a whole is not substantial (in noting that it did not trigger a separate reason for refusal on design grounds).

- 4.37 In addition, it will be highlighted that the appeal proposal is at odds with national policy in the NPPF. The sequential test is failed (paragraph 90) and it has not been satisfactorily demonstrated that the development would not have an unacceptable impact on highway safety (paragraph 109). There is, as a result, genuine potential for harm on both issues (harm by not supporting the logical order of development for main town centre uses, and harm through an increased safety risk), which is added to the heritage harm.
- 4.38 The benefits of the proposal, as described above, will again be acknowledged. Further to this, there will be recognition that the proposal is consistent with NPPF principles supporting the utilisation of suitable brownfield land within existing settlements and in promoting a more efficient use of land, particularly in sustainable locations.
- 4.39 However, the overall judgement of the Council will be that the extent of policy conflict is significant, as is the harm arising as a consequence. The benefits in totality would not outweigh this harm and would not provide justification for taking a decision other than in accordance with the development plan and the NPPF.

5.0 CONCLUSIONS

- 5.1 It will therefore be the Council's case that planning permission should be refused on two grounds, resulting from a failure of the sequential test and the appellant's evidential failings in respect of highway safety. Additional evidence is intended to be obtained by the Council to support its position, specifically on the matter of highway safety (notwithstanding that it is incumbent on the appellant to demonstrate scheme acceptability). With reference to the appellant's Statement of Case, there is no indication that the full information requested by the Council will be forthcoming as part of its appeal submission. The provision of new information at a later stage could instigate a cost application on the Council's part.
- 5.2 The Council will maintain that there is conflict with the development plan, as well as with national policy. There is no justification for taking a view other than in accordance with the development plan. The Inspector will therefore be respectfully asked to dismiss this appeal.

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

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

A: Appellant's application submission (the appealed application):

- Application reference 98127/FUL/19 (including all supporting material)

B: Appellant's revised application submission:

- Application reference 103414/FUL/21 (including all supporting material)

C: Relevant consultation responses:

- To application reference 98127/FUL/19
- To application reference 103414/FUL/21

D: Committee Report

- Officers' report to the meeting of Trafford's Planning and Development Management Committee (16.07.20) regarding 98127/FUL/19
- Additional information report to the meeting of Trafford's Planning and Development Management Committee (16.07.20) regarding 98127/FUL/19
- Officers' report to the meeting of Trafford's Planning and Development Management Committee (08.04.20) regarding 103414/FUL/21
- Additional information report to the meeting of Trafford's Planning and Development Management Committee (08.04.20) regarding 103414/FUL/21

E: The Statutory Development Plan:

- The Trafford Core Strategy (2012)
- The Revised Trafford Unitary Development Plan (2006)
- The Composite Policies Map
- Altrincham Town Centre Neighbourhood Business Plan (2017)

F: The Emerging Development Plan:

- The Trafford Local Plan Issues Paper Consultation (2018)
- The Trafford Local Plan Regulation 18 Consultation Draft (2021)

- The Greater Manchester Spatial Framework Consultation Draft (2019)
- The Greater Manchester Spatial Framework Consultation Draft (2016)
- The Greater Manchester 'Places for Everyone' Regulation 19 [publication date to be confirmed]

G: Adopted Supplementary Planning Documents:

- SPD1 – Planning Obligations
- SPD3 – Parking Standards and Design

H: National Planning Policy/Guidance:

- National Planning Policy Framework (2019)
- National Planning Policy Guidance
- National Design Guide (2019)

I: Other documents to be referred to:

- Relevant planning history for the Altair development (including application references H/OUT/68603, 81115/O/2013, 86755/RES/15 and 90432/RES/17)
- Planning permission reference 96088/FUL/18 granted to Aldi Stores Ltd
- Trafford Retail and Leisure Study 2019
- Manual for Streets, Department for Transport and Ministry of Housing, Communities and Local Government (2007)
- Manual for Streets 2, Chartered Institute of Highways and Transportation (2010)
- Statements of Heritage Significance: Historic England Advice Note 12 (2019)
- Historic England: The Setting of Heritage Assets (2nd Edition) (2017)

APPENDIX 2 – LIST OF CONDITIONS IN THE EVENT THAT THE APPEAL IS ALLOWED

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

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

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

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

Site location plan (ref. 1436-99 C)

Proposed site layout plan (ref. 14366-105 F)

Proposed ground floor plan (ref. 14366-106 F)

Proposed first floor plan (ref. 14366-107 B)

Proposed roof plan (ref. 14366-108 B)

Proposed elevations (ref. 14366-109 E)

Proposed elevations large format (ref. 14366-112 A)

Existing and proposed elevations comparison (ref. 14366-113 A)

Proposed hard landscaping (ref. 14366-116 D)

Proposed boundary treatments (ref. 14366-115 F)

Proposed street scene (ref. 14366-114 A)

Proposed street scene 2 (ref. 14366-117 B)

Proposed CGI 1 (ref. 14366 Altrincham CGI 01A)

Proposed CGI 2 (ref. 14366 Altrincham CGI 02)

Proposed soft landscaping (ref. V14366 L01 J)

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

3. No above-ground construction works shall take place until samples and full specifications of materials to be used externally on the development hereby approved have been submitted to and approved in writing by the local planning authority. Such details shall include the type, colour and texture of the materials. Development shall be carried out in full accordance with the approved details.

Reason: In order to ensure a satisfactory appearance in the interests of visual amenity and of respecting surrounding heritage assets, having regard to Policy L7 and Policy R1 of the Trafford Core Strategy and the National Planning Policy Framework.

4. No works relating to new hard landscaping shall take place until full details of hard landscape works for the approved development have been submitted to and approved in writing by the local planning authority. The submitted details (which shall include the type, siting, design, dimensions and materials) shall cover: hard surfacing, boundary treatments/means of enclosure (including acoustic fencing), refuse or other storage units (including cycle storage), trolley bays/shelters, bollards, and seating furniture. Development shall be carried out in full accordance with the approved details.

Reason: In order to ensure a satisfactory appearance in the interests of visual amenity and of respecting surrounding heritage assets, having regard to Policy L7 and Policy R1 of the Trafford Core Strategy and the National Planning Policy Framework.

5. No above-ground construction works shall take place until full details of soft landscape works have been submitted to and approved in writing by the local planning authority. The submitted details (which shall be based upon the details shown on landscape plan ref. V14366 L01 J) shall include: planting plans; written specifications (including cultivation and other operations

associated with plant and grass establishment); schedules of plants (noting species, plant sizes and proposed numbers/densities (which shall be based on the provision of at least 17 new trees in addition to shrubs)); measures to protect those trees identified to be retained during the construction works; planting and soil conditions; a planting implementation programme; and details of landscape maintenance. The approved details shall be implemented in full and in accordance with the approved implementation programme and maintenance strategy.

Reason: In order to ensure that the development is satisfactorily landscaped, having regard to Policy L7 and Policy R3 of the Trafford Core Strategy and the National Planning Policy Framework.

6. If within a period a 5 years from the date of initial planting, any trees or shrubs planted or retained in accordance with the approved soft landscaping works are removed, die, become diseased or seriously damaged then replacement trees or shrubs of a similar size and species shall be planted in the next planting season, unless the local planning authority gives its written approval to any variation.

Reason: In order to ensure that the development is satisfactorily landscaped, having regard to Policy L7 and Policy R3 of the Trafford Core Strategy and the National Planning Policy Framework.

7. The unit identified as Unit 1A hereby approved shall be used as a discount convenience foodstore (Use Class A1) and for no other purpose (including any other purpose in Use Class A). The gross internal floor area of the discount foodstore shall be limited to 1,858 square metres, of which no more than 1,272 square metres shall be used for net retail sales. Thereafter there shall be:
 - i. No internal subdivision of the unit;
 - ii. No formation of mezzanine floors;
 - iii. No more than 20% of the net retail floorspace shall be used for Use Class A1 comparison goods retailing; and

- iv. No sale or provision of pharmaceutical products available by prescription only, post office, dry cleaning, financial services, fresh fish, hot food, cheese and meat counter(s), home delivery/click and collect, photographic shop, mobile phone shop, or café/restaurant.

Reason: To reflect the basis on which the application has been assessed and to protect the vitality and viability of nearby town centres, having regard to Policy W2 of the Trafford Core Strategy and the National Planning Policy Framework.

8. The unit identified as Unit 1 hereby approved shall be used as a non-food DIY store with associated garden centre (Use Class A1) and for no other purpose (including any other purpose in Class A). The gross internal floor area of the DIY store shall be limited to 4,843 square metres of which 1,231 square metres shall be used as an ancillary garden centre. The net retail sales floorspace of Unit 1, including the garden centre, shall be limited to XXXX square metres. Thereafter there shall be:

- i. No internal subdivision of the unit;
- ii. No formation of additional mezzanine floors (other than that shown on plan ref. 14366-107 B); and
- iii. No further enclosure of the garden centre through the provision of a roof structure (other than that shown on plan ref. 14366-106 F)

Unit 1 shall be used for the sale of the following product ranges only: DIY goods and builders' merchants products; paint and decorating equipment; plants, gardening equipment, and garden and outdoor products; kitchens and bathrooms; lighting and electrical products; floor coverings; and homewares and home furnishings.

Reason: To reflect the basis on which the application has been assessed and to protect the vitality and viability of nearby town centres, having regard to Policy W2 of the Trafford Core Strategy and the National Planning Policy Framework.

9. The development hereby approved shall not be brought into use (comprising Unit 1A or Unit 1, whichever is the sooner) until the left-turn only egress onto George Richards Way and associated traffic island have been constructed in accordance with the details submitted and approved under Section 278 of the Highways Act 1980.

Reason: In the interests of highway safety, having regard to Policy L4 of the Trafford Core Strategy and the National Planning Policy Framework.

10. The new egress onto George Richards Way shall not be brought into use unless and until details of a 2.15 metre vehicle height restriction barrier to be installed at the egress have been submitted to and approved in writing by the local planning authority. The submitted details shall include the design and specification of the barrier, and details of advance signage and/or markings within the car park and at the barrier. The approved details shall be implemented in full prior to the egress being brought into use and shall be retained at all times thereafter.

Reason: In the interests of highway safety, having regard to Policy L4 of the Trafford Core Strategy and the National Planning Policy Framework.

11. The new egress onto George Richards Way shall not be brought into use unless and until an unobstructed minimum visibility splay of 2.4 metres x 43 metres is provided at the egress, and that visibility splay shall be retained and maintained at all times thereafter.

Reason: In the interests of highway safety, having regard to Policy L4 of the Trafford Core Strategy and the National Planning Policy Framework.

12. The respective components of the development hereby approved (which means Unit 1A and Unit 1) shall not be brought into use unless and until the car parking spaces, cycle parking facilities and service routes shown on plan ref. 14366-105 F, intended to serve that unit, have been laid out and are available

for use. The approved parking spaces/facilities and service routes shall be retained at all times thereafter.

Reason: To ensure that an adequate level of car and cycle parking is provided and that the site can be satisfactorily serviced, having regard to Policy L4 of the Trafford Core Strategy and the National Planning Policy Framework.

13. The respective components of the development hereby approved (which means Unit 1A and Unit 1) shall not be brought into use unless and until a Travel Plan relating to that unit, which shall include measurable targets for reducing car travel, has been submitted to and approved in writing by the local planning authority. On or before the first occupation of the respective component, the Travel Plan shall be implemented and thereafter shall continue to be implemented throughout a period of 10 (ten) years commencing from the date of first occupation.

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.

14. The new foodstore use hereby approved (operating within Unit 1A) shall not be open to customers other than between the hours of 0800 and 2200 Monday to Saturday, and between the hours of 1000 and 1600 hours on Sundays. No deliveries to this unit shall be taken at or despatched from, and no collection of refuse or recycling materials shall take place, outside the hours of 0800 and 2000 Monday to Saturdays and outside the hours of 1000 and 1600 on Sundays.

Reason: To ensure that the residential amenities that surrounding occupiers can reasonably expect to enjoy are adequately protected, having regard to Policy L7 of the Trafford Core Strategy and the National Planning Policy Framework.

15. The DIY store and garden centre (Unit 1) shall not be open to customers other than between the hours of 0800 and 2000 Monday to Saturday, and between the hours of 1000 and 1600 on Sundays. No deliveries to this unit shall be taken at or despatched from, and no collection of refuse or recycling materials shall take place, outside the hours of 0730 and 2000 Monday to Saturday. There shall be no deliveries or refuse/recycling collections on Sundays.

Reason: To ensure that the residential amenities that surrounding occupiers can reasonably expect to enjoy are adequately protected, having regard to Policy L7 of the Trafford Core Strategy and the National Planning Policy Framework.

16. The development hereby approved shall be constructed in accordance with the mitigation measures contained within the submitted Noise Impact Assessment (prepared by REC Ltd, dated 29.05.20, ref. AC106976-1R4) including, but not limited to, the provision of an acoustic barrier at a height of 4.1m in the location shown on the approved boundary treatment plan (ref. 14366-115 F). Prior to the development being first brought into use (comprising Unit 1A or Unit 1, whichever is the sooner), a verification report shall be submitted to and approved in writing by the local planning authority which shall confirm that the recommendations of the Noise Impact Assessment have been implemented in full. Therefore, the development shall be maintained in full accordance with the approved details.

Reason: To ensure that the residential amenities that surrounding occupiers can reasonably be expected to enjoy are adequately protected, having regard to Policy L7 of the Trafford Core Strategy and the National Planning Policy Framework.

17. The respective components of the development hereby approved (which means Unit 1A and Unit 1) shall not be brought into use unless and until a Servicing and Delivery Management Plan relating to that unit, which shall demonstrate that the practices of servicing, deliveries and refuse collections

shall be satisfactorily and safely managed, has been submitted to and approved in writing by the local planning authority. Servicing, deliveries and refuse collections shall thereafter take place in accordance with the approved plans.

Reason: To ensure that the residential amenities that surrounding occupiers can reasonably be expected to enjoy are adequately protected, having regard to Policy L7 of the Trafford Core Strategy and the National Planning Policy Framework.

18. No development shall take place, including any works of demolition, until a Construction Management Plan (CMP) has been submitted to and approved in writing by the local planning authority. The approved CMP shall be adhered to throughout the demolition/construction period. The CMP shall address, but not be limited to, the following matters:

- i. Suitable hours of construction and demolition activity;
- ii. The parking of vehicles of site operatives (all within the site);
- iii. Loading and unloading of plant and materials including times of access/egress;
- iv. The location of the site compound;
- v. Temporary access/egress and car parking arrangements for customers and visitors to the retail park;
- vi. Storage of plant and materials used in constructing the development;
- vii. The erection and maintenance of security hoardings;
- viii. Wheel washing facilities and measures to keep the highway clean;
- ix. Measures to control the emission of dirt and dust during demolition/construction processes;
- x. A scheme for the recycling/disposing of waste resulting from demolition/construction activities (prohibiting fires on site);
- xi. Measures to prevent disturbance to adjacent property from any noise and vibration arising from demolition/construction activities, including from any piling works;

- xii. Details regarding how any asbestos materials shall be identified and treated or disposed of in a manner that would not cause any undue risk; and
- xiii. Measures for dealing with any complaints.

Reason: To ensure that appropriate details are agreed before works start on site and to minimise disturbance and nuisance to occupiers of nearby residential properties and users of the highway, having regard to Policy L4 and Policy 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.

19. The rating level (LAeq,T) from all fixed plant and machinery associated with the development, when operating simultaneously, shall not exceed the background noise level (LA90,T) at any time when measured at the nearest noise sensitive premises. Noise measurements and assessments shall be compliant with BS 4142:2014 'Rating industrial noise affecting mixed residential and industrial areas.'

Reason: To ensure that the residential amenities that surrounding occupiers can reasonably be expected to enjoy are adequately protected, having regard to Policy L7 of the Trafford Core Strategy and the National Planning Policy Framework.

20. No external lighting shall be installed at the site other than in accordance with the submitted External Lighting Proposal (prepared by Synergy Building Services, dated 09.07.19) and the proposed external lighting plan (ref. 5585, LTG-02 P1).

Reason: To ensure that the residential amenities that surrounding occupiers can reasonably be expected to enjoy are adequately protected, having regard

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

21. No above ground construction works shall take place unless and until a scheme for the provision of electric vehicle charging infrastructure (including charging points and dedicated parking bays, and a timetable for its provision) within the approved development has been submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details (including the timetable), and the infrastructure shall be retained thereafter.

Reason: In the interests of sustainability and reducing air pollution, having regard to Policy L5 of the Trafford Core Strategy and the National Planning Policy Framework.

22. No above ground construction works shall take place unless and until a site investigation and risk assessment has been submitted to and approved in writing by the local planning authority. The assessment, which shall develop the findings of the submitted Preliminary Environmental Risk Assessment (prepared by Groundtech Consulting, dated April 2019, ref. 19038/740), shall investigate the nature and extent of any contamination on the site (whether or not it originates on the site) and shall include:

- i. A survey of the extent, scale and nature of any contamination;
- ii. An assessment of the potential risks to human health, property (existing or proposed), crops, livestock, pets, woodland, service lines and pipes, adjoining land, ground waters, surface waters, ecological systems, archaeological sites, and ancient monuments;
- iii. Where unacceptable risks are identified, an appraisal of remedial options and a proposal for the preferred option(s) to form a remediation strategy for the site;
- iv. A remediation strategy (where required) giving full details of the remediation measures required and how they shall be implemented; and

- v. A subsequent verification plan (where required) providing details of the data that shall be collected in order to demonstrate that the works set out in the remediation strategy have been completed and identifying any requirements for longer term monitoring of any pollutant linkages, requirements for maintenance, and arrangements for contingency action.

The development shall thereafter be carried out in full accordance with the approved remediation strategy before the development hereby approved is first brought into use (comprising Unit 1A or Unit 1, whichever is the sooner).

Reason: To ensure the safe development of the site in the interest of future site uses and to prevent pollution of the environment, having regard to Policy L5 of the Trafford Core Strategy and the National Planning Policy Framework.

23. The development hereby approved shall not be brought into use (comprising Unit 1A or Unit 1, whichever is the sooner), unless and until a verification report demonstrating completion of the works set out in the approved remediation strategy, and the effectiveness of the remediation, has been submitted to and approved in writing by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that site remediation criteria have been met. It shall also include a plan, where required, for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The longer-term monitoring and maintenance plan shall be implemented as approved.

Reason: To ensure the safe development of the site in the interest of future site uses and to prevent pollution of the environment, having regard to Policy L5 of the Trafford Core Strategy and the National Planning Policy Framework.

24. The development hereby approved shall be drained via separate systems for the disposal of foul and surface water.

Reason: To secure a satisfactory and safe system of drainage and to prevent pollution of the water environment, having regard to Policy L5 and Policy L7 of the Trafford Core Strategy and the National Planning Policy Framework.

25. The development hereby permitted shall be designed, constructed and operated in accordance with the submitted Flood Risk Assessment and Outline Drainage Strategy (prepared by LK Consult on behalf of Bell Munro Consulting Ltd, dated January 2020, ref. FRA 19 1049 R1) and the submitted drainage plans (prepared by Bell Munro Consulting Ltd, refs. J6377/D01 D and J6377 D02) and it shall include the following mitigation measures as detailed within the submitted Flood Risk Assessment and Outline Drainage Strategy:

- i. Provision of 252m³ of soakaway or 62.2m³ attenuation flood storage (subject to onsite BRE365 tests) on the site to a 1 in 100 flood event plus climate change (standard); and
- ii. The limiting of surface water run-off generated by a 1 in 100 flood event plus climate change (critical storm) in order that surface water run-off shall not exceed 27.4 l/s and shall not increase the risk of flooding off site.

Reason: To secure a satisfactory and safe system of drainage and to prevent the risk of flooding, having regard to Policy L5 of the Trafford Core Strategy and the National Planning Policy Framework.

26. The development hereby approved shall be constructed in accordance with the recommendations contained within Section 4 of the submitted Crime Impact Statement (dated 09.10.19, referenced 2019/0651/CIS/01 version A). Thereafter the development shall be maintained in accordance with these recommendations.

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

27. No clearance of trees and shrubs, or removal of bird boxes, in preparation for (or during the course of) development shall take place during the bird nesting season (March-August inclusive) unless an ecological survey has first been submitted to and approved in writing by the local planning authority to establish whether the site is utilised for bird nesting. Should the survey reveal the presence of any nesting species, then no clearance or removal shall take place during the period specified above unless a mitigation strategy has first been submitted to and approved in writing by the local planning authority which provides for the protection of nesting birds during the period of works on site. The mitigation strategy shall be implemented as approved.

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

28. Prior to the development being brought into use (comprising Unit 1A or Unit 1, whichever is the sooner), a scheme for the provision of replacement bird boxes and invertebrate boxes installed within the development shall be submitted to and approved in writing by the local planning authority. The submitted details shall include the type, specifications and dimensions of the feature to be installed, the number of each feature, and the proposed location. The approved details shall be installed prior to the development being brought into use (comprising Unit 1A or Unit 1, whichever is the sooner) and shall be retained thereafter.

Reason: To safeguard and enhance the biodiversity value of the site, having regard to Policy R2 of the Trafford Core Strategy and the National Planning Policy Framework.

29. In the event that the works of extension and sub-division to the existing Unit 1 have not commenced by 1st April 2022, this building shall be re-assessed for its bat roosting potential. A report of this assessment shall be submitted to and

approved in writing by the local planning authority prior to the works of extension and sub-division taking place. This report shall include a detailed mitigation strategy in the event that bats or their roosts are found. The mitigation strategy shall be implemented as approved.

Reason: In order to protect any protected species that may be present on the site, having regard to Policy R2 of the Trafford Core Strategy and the National Planning Policy Framework.