
DH Planning Appendices

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A. Appendix A

APPEAL REF. APP/Q4245/W/20/3258552

APPEAL BY ACCRUE (FORUM) 1 LLP AT FORMER B&Q SITE, GREAT STONE ROAD, STRETFORD, M32 0YP

UPDATED PUTATIVE REASONS FOR REFUSAL OF THE LOCAL PLANNING AUTHORITY

10 DECEMBER 2021

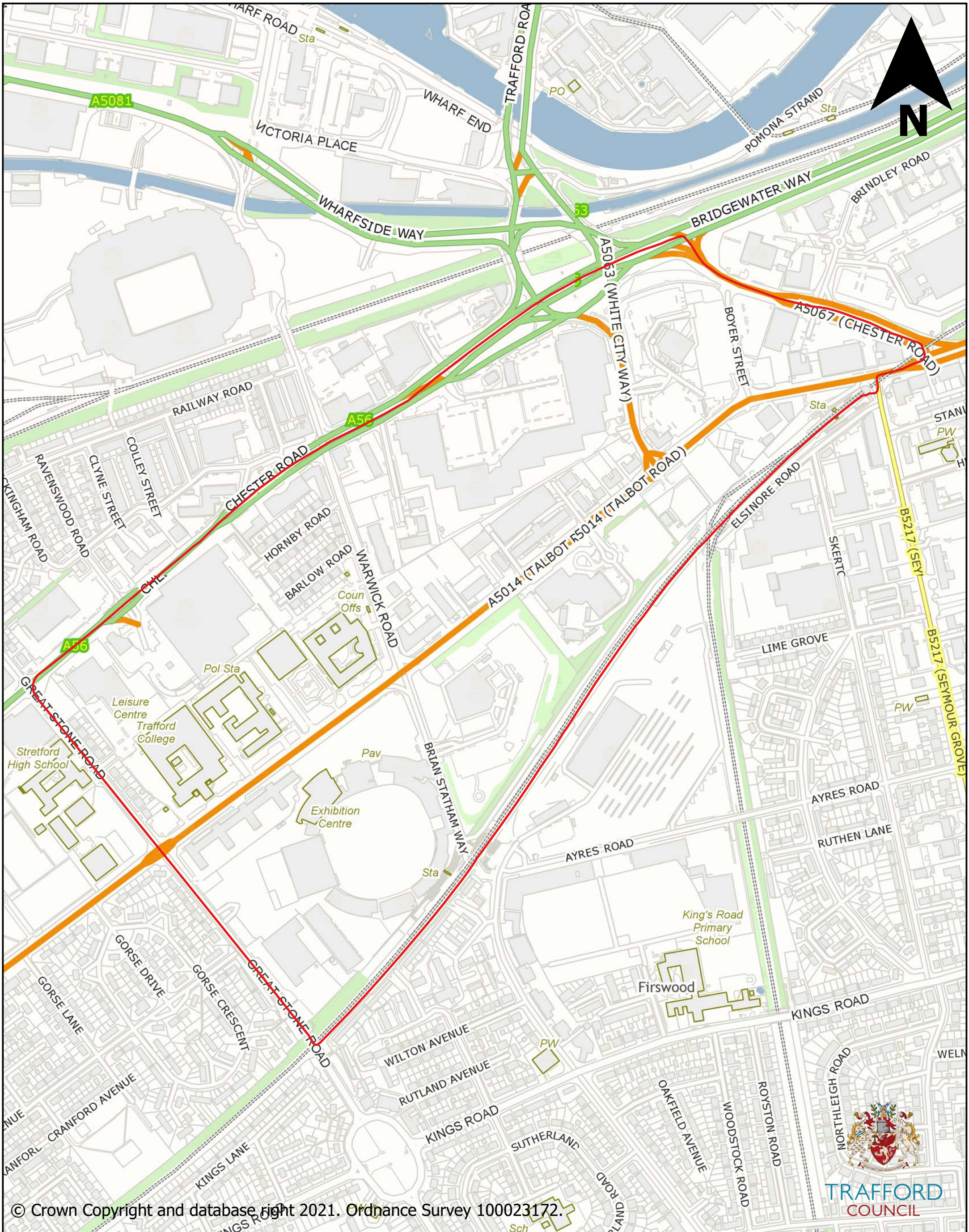
1. The proposed development would prejudice the use of the fine turf and non-turf training facility at Lancashire Cricket Club. The proposed development therefore conflicts with Strategic Objective OTO11, Policies SL3 and R6 of the adopted Core Strategy.
2. ~~The proposed development would have a dominating and adverse impact on Lancashire Cricket Club (LCC) as well as its setting and cultural character and identity. LCC is an internationally significant visitor attraction, cultural and tourism venue. The impact on the visitor experience is considered to be sufficient to weigh strongly against the proposal. The development is therefore contrary to Policies SL3 and R6 of the adopted Core Strategy and the National Planning Policy Framework.~~
3. The proposed development would represent poor design as its form, layout, height, scale, massing, density and monolithic appearance are inappropriate in its context and would result in a building which would be significantly out of character with its surroundings. This would have a highly detrimental impact on the street scene and the character and quality of the area. This would be contrary to Policies SL3 and L7 of the adopted Trafford Core Strategy and the National Planning Policy Framework
4. The proposed development would not provide a development plan policy compliant level of planning obligations in relation to affordable housing and education improvements to suitably and appropriately mitigate the impacts of the development. The applicant has failed to demonstrate that there is a robust viability case to demonstrate that the scheme could not offer a policy compliant level of obligations. The proposed development is therefore contrary to Policies SL3, L2 and L8 of the adopted Core Strategy and the Council's adopted Revised Supplementary Planning Document 1 (SPD1) - Planning Obligations and the National Planning Policy Framework.
5. The proposed development by virtue of its height, massing, scale and layout would result in a poor level of amenity ~~and unacceptable living standards~~ for future occupiers of the development, by virtue of inadequate ~~daylight and outlook~~ in both

apartments and amenity areas. The proposed development is therefore contrary to Policies SL3 and L7 of the adopted Core Strategy and the National Planning Policy Framework.

6. The proposed development by virtue of its height, massing, scale and layout would result in harm to the amenity of existing residential properties on Great Stone Road, and Trent Bridge Walk and other residential properties in the wider 'Gorses' area by virtue of noticeable reductions in the amount of daylight and sunlight that they receive, and would also have an overbearing impact on these properties. The proposed development is therefore contrary to Policies SL3, L3 and L7 and the National Planning Policy Framework
7. ~~The proposed development by virtue of its layout, scale and massing would have a harmful impact on the setting of Longford Park Conservation Area equating to 'less than substantial' harm in National Planning Policy Framework terms. The benefits of the scheme are not considered to outweigh the identified harm to a designated heritage asset. The proposed development is therefore contrary to Policies SL3 and R1 of the adopted Core Strategy and the National Planning Policy Framework.~~
8. Noise arising from concerts at Lancashire Cricket Club would have a harmful impact on the amenity of future occupants of the development and would likely lead to noise complaints, the consequence of which could be the curtailment of activities at Lancashire Cricket Club, contrary to the agent of change principle. An appropriate scheme of acoustic mitigation has not been properly investigated and would require significant and material changes to the design of the building. As such the development is contrary to Policies SL3, L5 and L7 of the adopted Core Strategy and the National Planning Policy Framework.

B. Appendix B

Civic Quarter AAP Boundary



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C. Appendix C

Former B&Q Site, Old Trafford

ADVICE

1. I am asked to advise Trafford Council on various matters arising from a dispute between the Council and Accrue, the applicant for planning permission to redevelop the former B&Q Site, Old Trafford with 333 apartments, as to whether a site specific viability study is required to be submitted by the Applicant in order for the Council to validate the application. The background facts and circumstances, which are set out in my Instructions dated 12th June 2020 and the documents referred to in them, are well-known to those who will read this and so there is no need for me to summarise them here.
2. I will address the fundamental issue that the Council and the Applicant disagree about first before then working my way through the specific questions asked of me in paragraph 10 of my Instructions.

What does the 4th bullet point of Policy L2.12 in the 2012 Trafford Local Plan Core Strategy mean?

3. Policy L2.12 concerns affordable housing and the relevant part of the 4th bullet point in the policy reads as follows, with emphasis added:
 - “...in areas where **the nature of the development** is such that, **in viability terms, it will perform differently to generic developments within a specified market location** the affordable housing contribution will be determined via a site specific viability study, and will not normally exceed 40%.”
4. An email from Debra Harrison, Major Planning Projects Officer at the Council to the Applicant’s planning consultant (Matt Hard) dated 20th April 2020 explains that the Council considers “generic development” (sic – the actual wording is “generic developments”) refers to “the housing stock which existed at the time of the adoption of the Core Strategy”.

5. An Opinion dated 28th May 2020 written by Alexander Booth QC on behalf of the Applicant disagrees and suggests instead that “generic developments” means “the typical, (i.e. “generic”) development currently coming forward in that location.”¹
6. Thus, the dispute is whether “generic developments” means (1.) existing housing stock in the area as at 2012, or (2) typical developments that have come forward / are coming forward in the area.
7. The meaning of the policy is to be found in the words it contains. The supporting text in the Plan might help. Other documents, such as an SPD, and how the Council has construed the words in other cases, and what the Council thought at the time of writing the words were meant by them, are all beside the point. What matters is the meaning of the words used.
8. In my opinion, **the Council’s interpretation** (as set out in paragraphs 4 and 6 (1) above) **is untenable**. The words used in the policy do not explicitly refer to existing housing stock in the area as at 2012 nor is there anything in the words used which convey this meaning by implication. The same can be said of paragraph 11.18 of the supporting text which refers to “sites that, in economic viability terms, appeared to out-perform their generic market location expectation.” In my opinion, **the words used in the policy refer to development schemes in the area**; that this is so is reinforced by the reference in the policy to a comparison “in viability terms” which to my mind would be incomprehensible unless the comparison is between the viability of the proposed development and what has typically (or generally) been brought forward in the area in question.
9. With this in mind I will turn now to the questions asked in paragraph 10 of my Instructions other than Qii which I have already answered.
10. Qi. Given what I have said about the meaning of the policy, the Council was wrong not to validate the application. It would seem sensible for the Council to notify the

¹ Opinion paragraph 25

Applicant that having taken advice, the Council no longer requires a site-specific viability study to be submitted in order to validate the application. If the Applicant does send an Article 12 (1)² notice to the Council, I would advise the Council to notify the Applicant under Article 12(3)(i) that the Council no longer requires the Applicant to provide the study.

11. Qiii. I do not consider that the Council has treated the Applicant unfairly. The Council has simply relied on an interpretation of the policy in question; the Council's interpretation is wrong but being wrong is not the same as being unfair. I cannot see any basis for a legal challenge against the Council on any such ground and in any event the point would fall away entirely should the Council follow my advice in paragraph 10 above.
12. Qiv. I do not consider that the Council has sought to frustrate development on the site. I cannot see any basis for a legal challenge against the Council on any such ground and in any event the point would fall away entirely should the Council follow my advice in paragraph 10 above.
13. Qv. I do not consider that the Council should be concerned about its approach to considering the planning application on the Kellogg's site.
14. In my opinion, the points made by the Applicant alleging unfairness by the Council, that the Council is seeking to frustrate the redevelopment of the Site and that the Council acted differently in dealing with the Kellogg's site application are huff and puff and simply distract from the one point in the case, which is what does the policy mean. I have given my opinion on this.

Christopher Katkowski QC

16th June 2020

Landmark Chambers
180 Fleet Street, London EC4A 2HG

² T&CP (DMP) (England) Order 2015

Former B&Q Site, Old Trafford

ADVICE No. 2

1. My 1st Advice concerning the meaning of the 4th bullet point in Policy L2.12 of the Trafford Local Plan Core Strategy is dated 16th June 2020. By email dated 18th June, the Council has asked me 3 follow-up questions. I will answer each in turn.
2. Qi. raises the conundrum of how is the Council going to be able to tell whether a proposed development would “perform differently to generic developments” in the area in question without a site-specific viability study? To my mind, the question – which is a very good one – demonstrates how poorly worded this part of the policy is; it would have been easy to word the policy so that a site-specific viability study was required in all cases in order to demonstrate *whether* the proposed development would perform differently but the policy does not say this. The consequence of this is that given that applicants are hardly likely to volunteer a site-specific viability study, it falls to the Council to have some basis upon which to require one. What might that basis be? It seems to me that the only way in which the Council would be able to approach this would be by seeking advice from a viability expert appointed by the Council in any case in which the Council had reason to believe or suspected that the proposed development would perform differently¹; any viability expert worth their salt should be able to give a view as to whether a proposed development would perform differently; if such advice was received, then the Council would have a sound basis upon which to require a site-specific viability study. This process would take time and so I consider that it would occur after validation of an application rather than as a pre-condition to validation.
3. The more I consider the point, the more it strikes me that it simply has to be acknowledged that whatever the author of the 4th bullet point meant to achieve, the author could have done a lot better in capturing the intention in words. Thus, I note

¹ And if the question is asked of me – how could the Council have such reason to believe or suspect? – I would answer that surely it isn't that difficult to see whether a proposed development is different to “generic developments” in the area; if it is, then the Council should seek advice as I have discussed. The alternative would be to seek advice in every case.

that the 4th bullet point refers to “the development” (i.e. the proposed development) performing differently, whereas paragraph 11.18 of the supporting text refers to “sites” “out-perform[ing] their generic market location expectation.” The two concepts (of a development performing differently and of a site performing differently) are not the same however the supporting text cannot trump what is said in the policy itself and so we are left with having to do our best to make sense of and apply the language used in the 4th bullet point.

4. Qii. doesn’t arise in the way it is asked of me because of what I have said in response to the 1st question however in any case in which a site-specific viability study is submitted and shows that the proposed development would perform differently, then the Council would be able to negotiate a higher affordable housing contribution up to 40%.² It has to be said though that the wording of the policy is a very clumsy way in which to achieve this objective.
5. Qiii. I am asked “how do we define perform differently” as in what do the words in the 4th bullet point “it will perform differently” mean? My answer is that the words which precede these, namely “in viability terms” tells the reader what to look for i.e. whether because of something about “the nature of the [proposed] development” it will produce a greater financial return (basically, make more money) than would be the case with “generic developments” that have come forward in the area; the logic being that if so then the proposed development should be able to make provision for more than the % contribution anticipated in the previous bullet points in the policy³ without endangering the overall viability of the proposed development.

Christopher Katkowski QC

22nd June 2020

Landmark Chambers, 180 Fleet Street, London EC4A 2HG

² The 4th bullet says “will not normally exceed 40%” and so the norm would be to negotiate up to 40% but if the case was an exceptional one then the % could be higher. I also note that the 3rd bullet point already sets a 40% contribution in “hot” market locations and so the 4th bullet point seems to apply only to the 1st and 2nd bullet points – “cold” and “moderate” market locations.

³ See previous footnote.

TRAFFORD COUNCIL

POLICY L2.12 – AFFORDABLE HOUSING REQUIREMENTS

ADVICE

1. I have been asked to advise Trafford Borough Council (“the Council”) on the correct interpretation of policy L2.12 of the Council’s Core Strategy 2012 (“the CS”). It provides for affordable housing (“AH”) percentages in different areas and the fourth bullet states:

“In those parts of Trafford Park identified for residential development, or in areas where the nature of the development is such that, in viability terms, it will perform differently to generic developments within a specified market location the affordable housing contribution will be determined via a site specific viability study, and will not normally exceed 40%”.

2. The central question which arises is how the Council should determine if any particular development will perform “differently to generic developments within a specified market location”. That in turn requires an understanding of what a “generic development” means in this context.
3. I conclude that L2.12 sets generally applicable AH requirements at levels which it has been judged all of the assessed development typologies in a particular Market Location can sustain (subject to site specifics and abnormals). The fourth bullet covers sites and developments on them which depart from the norm in that Market Location which drove the relevant percentage (in Old Trafford 5 – 10%) in the first place. Thus, if development of a different scale, density, mix or value from the norm or in a particularly desirable location comes forward the 4th bullet may be triggered. Where and when it is triggered is a matter for expert judgment but against the benchmark I have set out below.

The Core Strategy and Viability Testing

4. For the purpose of affordable housing requirements and viability testing, Trafford's area is split into 3 categories – hot, moderate and cold market locations (“the Market Locations”): Core Strategy 2012 - Policy L2.9.

5. The viability testing underpinning policy L2¹ is incorporated into L2 by reference (L2.13) and is to be used “in the determination of individual applications”. It considers each Market Location separately, considering a set of scenarios and “representative sample sites” for each (see para 1.14/3.15/4.4) and assumed density according to densities shown in the SHLAA for that Market Location (para 3.18). Three forms of housing scheme were considered – apartments only at a density of 140 units/ha; mixed at a density of 52 units/ha and houses only at a density of 40 units/ha (1.17). Case studies expressly assumed a “generic” form of development on 0.5ha in each Market Location (para 6.5ff). Whilst not in itself central to the analysis, in hot market locations, an apartment scheme was modelled (70 units), in moderate market locations a mixed apartment and housing unit scheme (26 units) and in cold market locations a housing only scheme (20 units)². Around 80% of the sample sites were less than 0.8 ha with only about 18% (of whatever size) being judged capable of delivering more than 50 units (p26).

6. Across all the typologies, the viability testing then assessed what level of affordable housing was viable in that Market Location. Importantly it did not adopt a different approach to viability testing for the sites which may be able to accommodate dense, tall developments nor those in particularly desirable locations. The 140 unit/ha density was the top end of the range assessed and would equate to a relatively low (4 – 5 storey) apartment scheme with amenity space, car parking, a wide range of unit sizes to meet the required mix and relatively generous space standards – it did not

¹ The Trafford Economic Viability Study 2009 (GVA Grimley) – the 2011 Updates do not impact the issues in this Advice.

² At that time, the Lancashire County Cricket Club (“LCCC”) Quarter strategic location did not include any housing and so it was not tested for affordable housing viability.

consider the tall, dense, small units only, limited amenity space and/or limited car parking that would generate higher densities and thus potentially higher values.

7. It was thus judging viability at a Market Location wide level for a range of generic developments of relatively low density. At that high level, in cold Market Locations, and good market conditions, only 10% affordable housing was judged to be viable against the borough wide ambition of 40%. Or to put it another way, all development typologies in that Market Location could sustain 10% affordable housing (subject of course to site specifics/abnormals).
8. However, it was clear that it was not appropriate to apply that high level approach to all sites. Para 11.18 of the supporting text states as follows:

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

9. It can thus be seen that even within the representative sample sites used in the Study, there was a recognition that some sites may, by virtue of their specific circumstances or the nature of the development proposed out – perform thus justifying a different and “site specific” approach. The 4th bullet embodies that approach. In the case of Old Trafford there were, in particular, a number of possible sites which were then proposed at a higher density than that modelled in the viability work and to which the para 11.18 and bullet 4 would thus apply.

Meaning and Application of L2.12 fourth bullet

10. “Generic” means “characteristic of or relating to a class or group of things; not specific”. A characteristic of all sites in the Cold Market Location was that they could sustain 10% affordable housing and that was thus required by policy.

11. However, that feature of *all* sites was judged by policy to be inadequate to capture the features of *some* sites hence the fourth bullet. A “generic development” is thus a development which it is judged will perform as for all sites in the Market Location in valuation terms. For the fourth bullet to apply there has to be some identifiable feature of the site itself or of the development proposed on it which takes it out of the norm for developments in that area in viability terms.
12. What then is the norm against which outperformance is to be judged? Given that the 10% is the level at which all development is judged viable, the norm is thus the small scale, low density developments included in the underlying typologies – thus up to around 140 d/ha. They will, in general, to be subject to the 10%. Any site which it is thought will outperform that in viability terms would be subject to the fourth bullet.
13. Whether “it will perform differently” is a matter for expert judgment. Any reasonably competent valuer or viability expert would be able to reach a judgment as to whether a particular development on a particular site would be expected to perform differently from the basic performance on which the 10% is based.
14. It is important that the fourth bullet is not used to disapply the first bullet. The default position in Old Trafford would remain 10% (5% under L2.12 first bullet plus the uplift for hot market conditions). It is not possible to revisit that starting point. However where the development exhibits features which render that generic position inapplicable then the fourth bullet must be applied.
15. The process should be as follows (this applies in Moderate and Cold Market Locations but I have been asked to focus on Old Trafford):
 - a. on receipt of an application a view must be taken as to whether L2.12 fourth bullet is triggered on the above logic – to this end the view of a viability consultant or in house expert should be sought – and the views recorded;

- b. this would only be expected to generally be the case for more dense, taller, schemes beyond the 140d/ha maximum density typology modelled. It would be plainly relevant in high density, high schemes, with small units (predominantly one and two bed and those which do not meet the mix requirements in the Plan) with limited amenity space and/or parking especially if they create a different product for a different market or a new destination;
- c. if it is considered that the fourth bullet is triggered, then an FVA should be requested/required with reasons;
- d. at that stage the applicant can explain why the development is within the ambit of generic development or would not be expected to outperform generic developments; but
- e. more likely would provide a FVA which would then go through the normal processes.
- f. If the developer refuses to provide such a FVA, a broad assessment could be undertaken to test whether 10% remains appropriate or what other percentage would be required and the application determined accordingly.

16. I recognise that the language of L2.12 is not ideal but when read with the Viability Study which is incorporated by reference and with para 11.18 in mind it is clear what was the policy intent. The Courts and Inspectors can be expected to give effect to that policy intent even though the wording could have been clearer. I do not consider that the wording is “inoperable” or incapable of being given effect to. No doubt difficulties may emerge at the margins and some contrary interpretations could be put forward but having read all the material in total I conclude the policy is effective, its aim clear and its breadth capable of being understood when it is understood in its context.

17. The Council could have applied a 40% requirement across the board and required site specific viability testing to depart (downwards) from this. The fact that it has started

at the other end of the spectrum but provided for upward variation where appropriate is somewhat unusual but does not invalidate the policy or make it impractical to apply.

David Forsdick QC

Landmark Chambers

23rd June 2021

D. Appendix D



tpm landscape
chartered landscape architects

Project: GREAT STONE ROAD

Client: ACCRUE

APPENDIX 1.3 - PORTRAIT VIEW WIREFRAME - VIEW 1

APPENDIX 1.2 - PORTRAIT VIEW WIREFRAME - VIEW 5



APPENDIX 1.2 - PORTRAIT VIEW WIREFRAME - VIEW 5 CONTINUED







C&C INSURANCE BROKERS C&C INSURANCE BROKERS C&C INSURANCE BROKERS C&C

TURN UP THE FEEL GOOD! heart kukri kukrisports.com kukri kukrisports C&C INSURANCE BROKERS C&C

Emirates FLY BETTER Emirates FLY BETTER Emirates FLY BETTER Emirates FLY BETTER Emirates FLY BETTER Emirates FLY BETTER Emirates FLY BETTER Emirates FLY BETTER Emirates FLY BETTER Emirates FLY BETTER

Former B&Q Site, Great Stone Road, Manchester - Design Report

WINTER | View from Headingly Drive (south east)



E. Appendix E

2.2.1 Design Evolution

The scheme originally proposed was taller, larger and made up of three tower blocks from 12 - 26 storeys, with landscaped gardens in between. The scheme was originally for around 67,000 sq m and contained 684 flats. The majority of these being two bed flats (618) and the remainder (66) one bedroom flats. The materials proposed at pre app stage were lighter brick.

After consulting with Trafford Borough council, the scheme was reduced to around 46,000 sqm, the height has also been dramatically reduced by over half to 4 -12 storeys. The proposal now contains 433 flats, of which 131 are one bedroom, 234 are two bedroom and 68 are 3 bedroom. The materials have too been revised to a more traditional masonry to be more keeping with the context of Stretford and Old Trafford.



above: original scheme



above: proposed scheme

May 2017
3 towers



Nov 2019
Design panel scheme



Scheme evolution

The scheme has undergone various iterations during the last two years in response to local authority feedback. The timeline to the left shows a brief history of the scheme and its various changes. A more detailed look at each scheme can be seen overleaf

May 2017

The initial scheme presented at pre application consultation was for three large scale towers.

The Local Planning Authority advised that residential redevelopment of the site was acceptable in principle, but that the concept of three towers was unacceptable and incorrect for the local context.

Jul 2018

An amended scheme of 4-12 storeys was submitted, but refused for several reasons including its height and mass.

July 2019

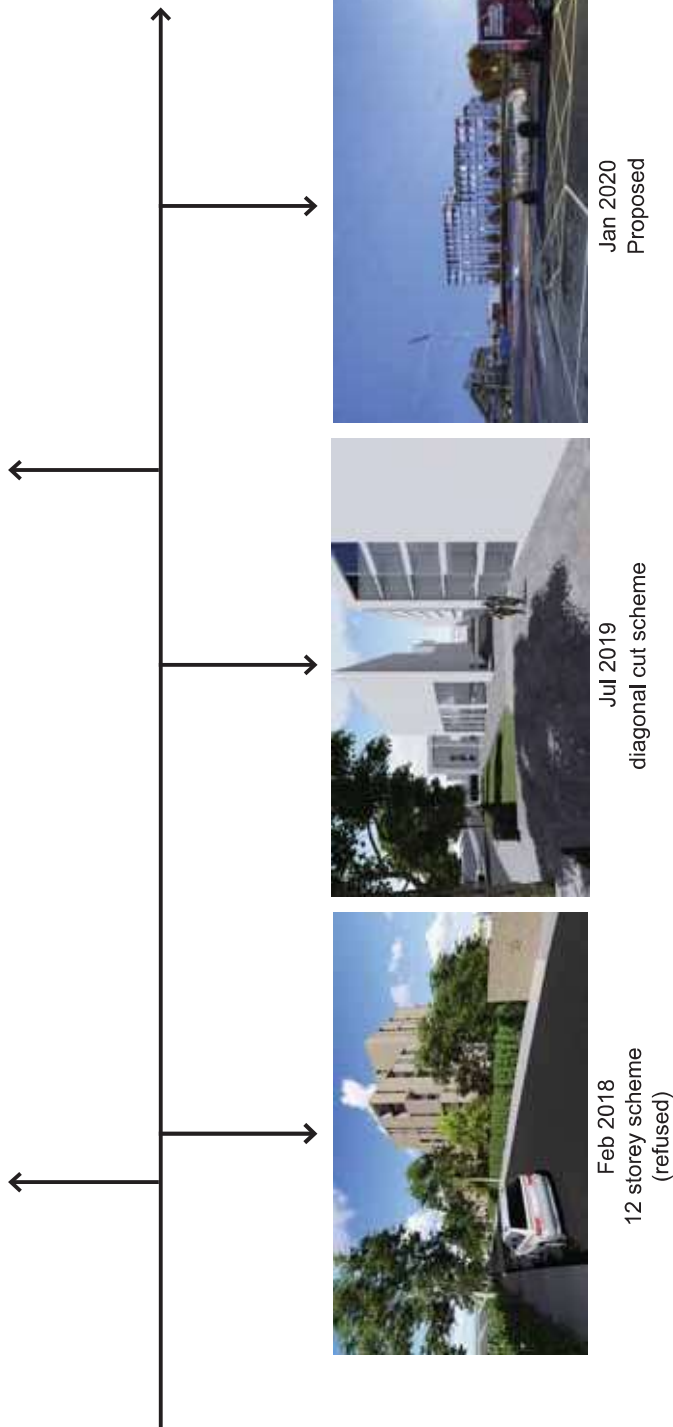
Following the refusal of planning permission, several meetings were held with the Local Authority to find an alternative scheme. A residential scheme with angular buildings and diagonal cuts through the site was encouraged, but this would have resulted in inefficient buildings and spaces and an unviable scheme.

Nov 2019

A revised scheme was then presented at a Places Matter design panel, the reactions of panel members were very positive, however a number of improvements were recommended to further improve the scheme (Report appended)

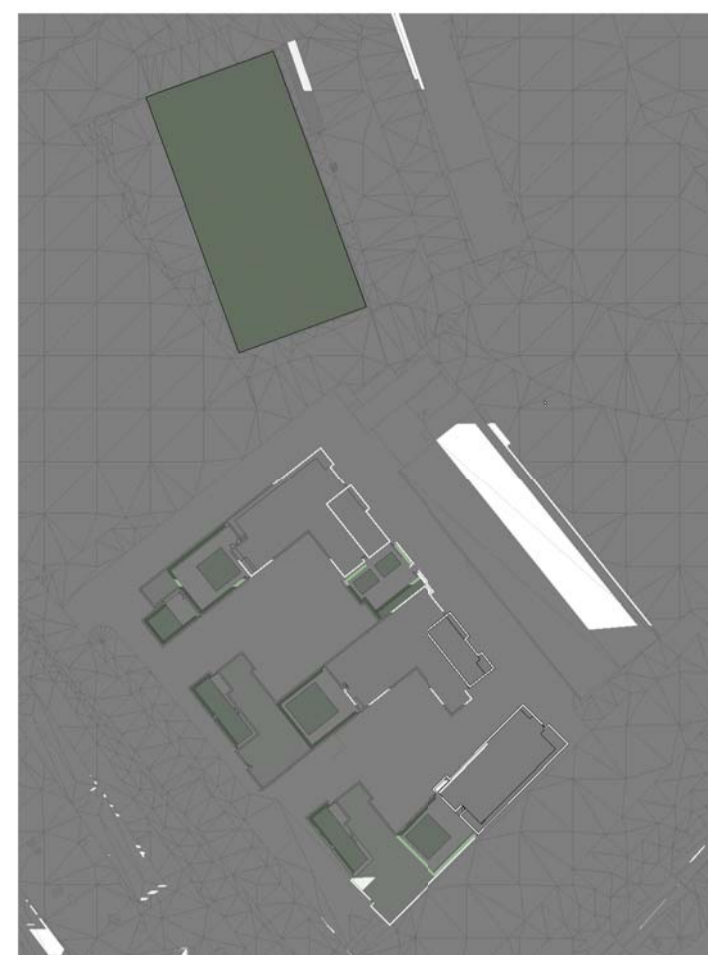
Jan 2020

The proposed scheme incorporates a number of proposed changes that have been recommended from both the Local Authority and the Places matter design panel.



F. Appendix F

Notes:
 All dimensions are in millimetres unless stated otherwise. No dimensions to be scaled from drawings. All dimensions to be checked on site prior to manufacture.
 Any discrepancies between drawings and site conditions are to be reported to the contract manager.
 This drawing is to be read in conjunction with all relevant Structural Engineers and Mechanical & Electrical Engineers drawings and specification.
 Copyright of this drawing and all the information it contains is the sole property of OEA and may not be reproduced or used for any purpose without the express approval of the authors



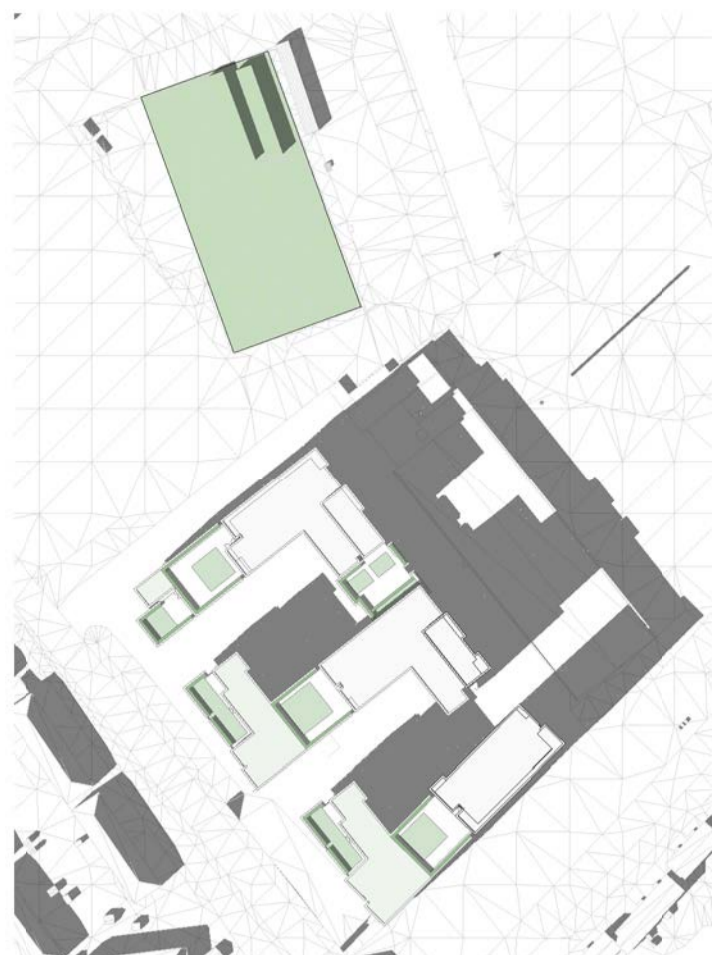
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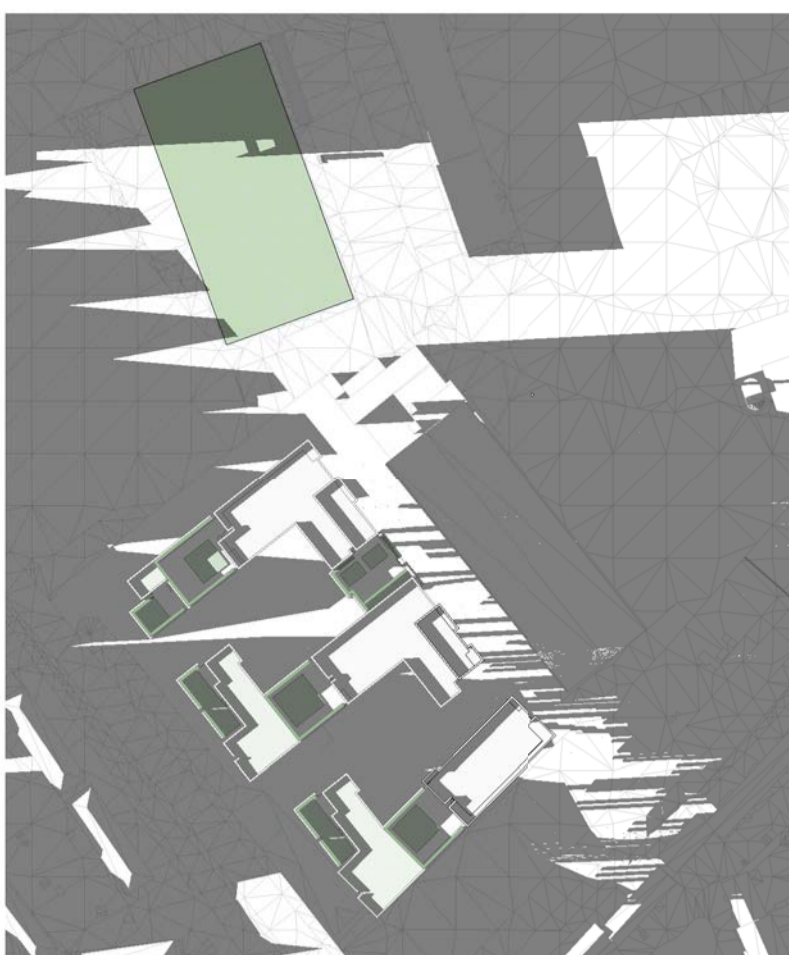
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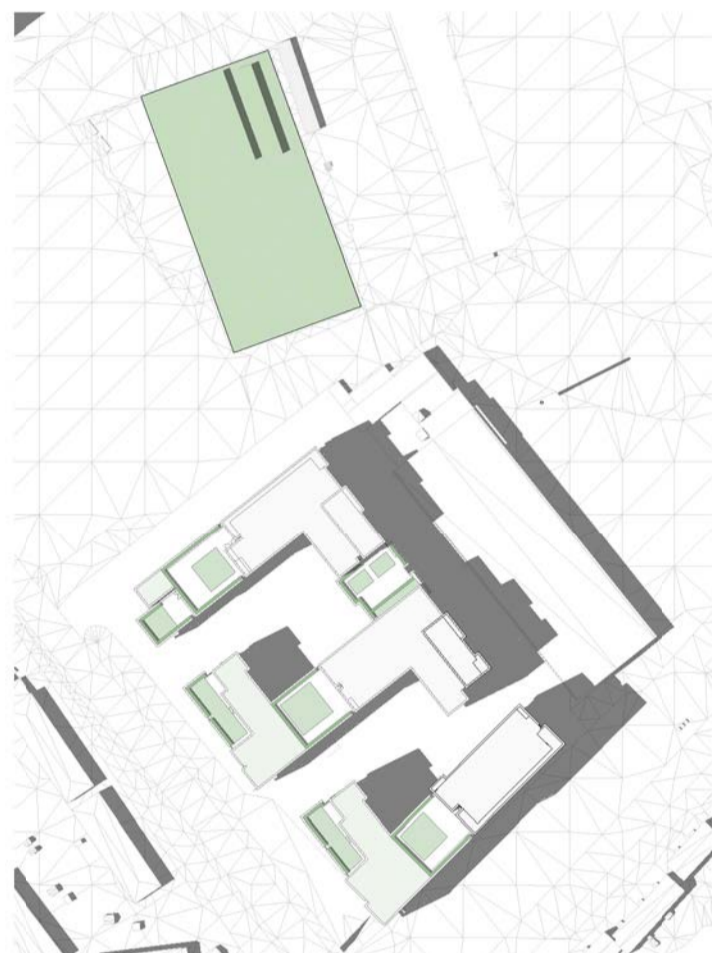
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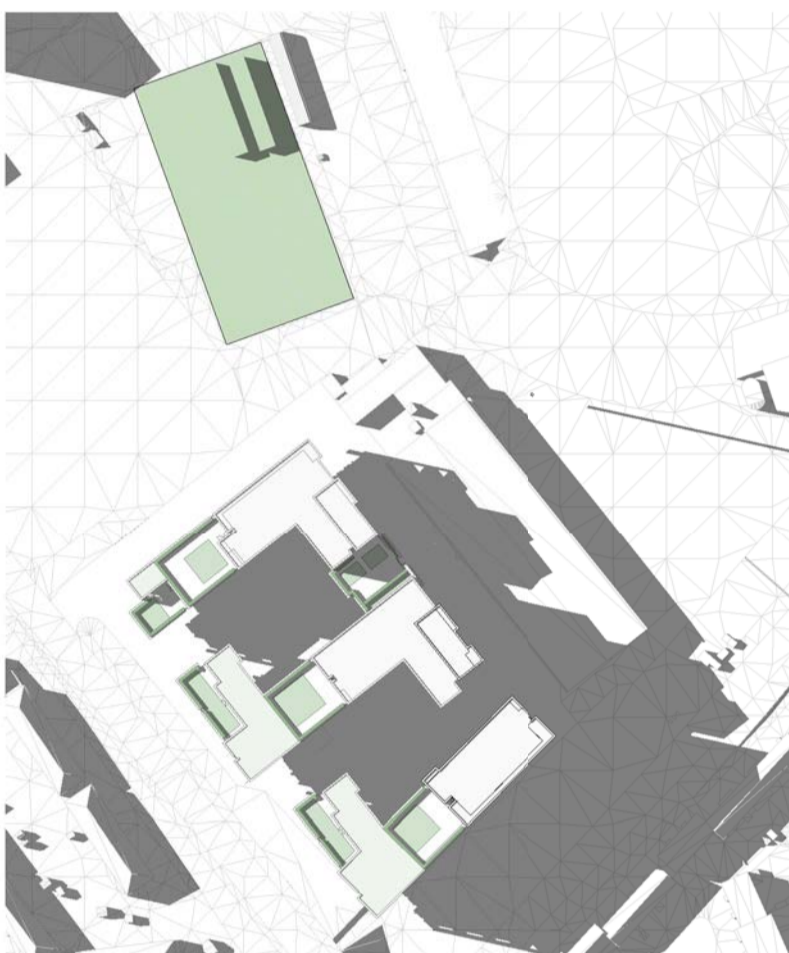
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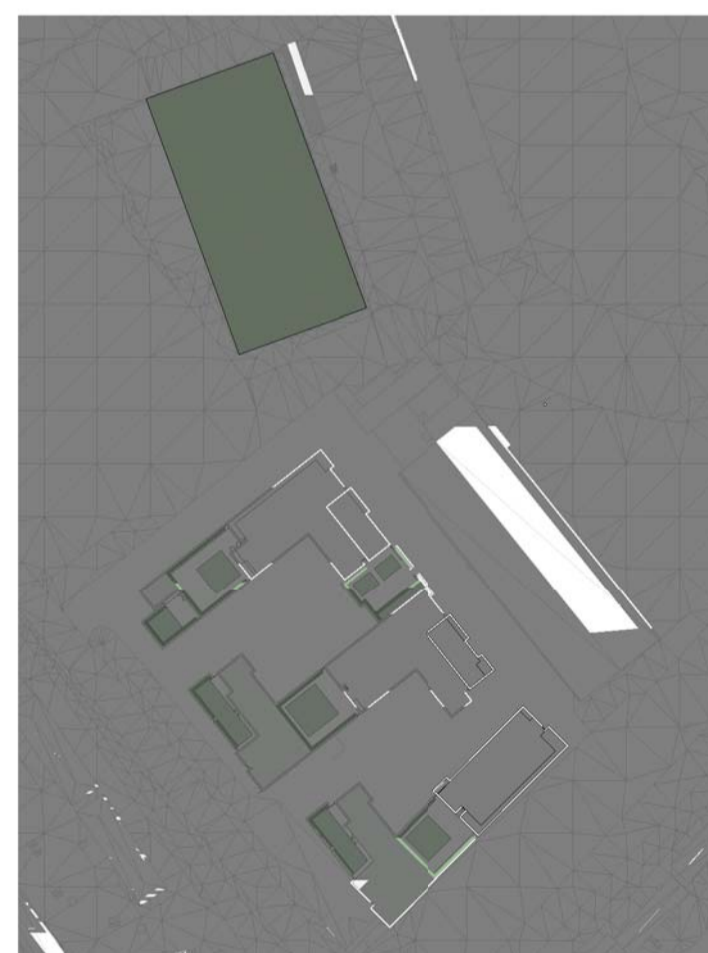
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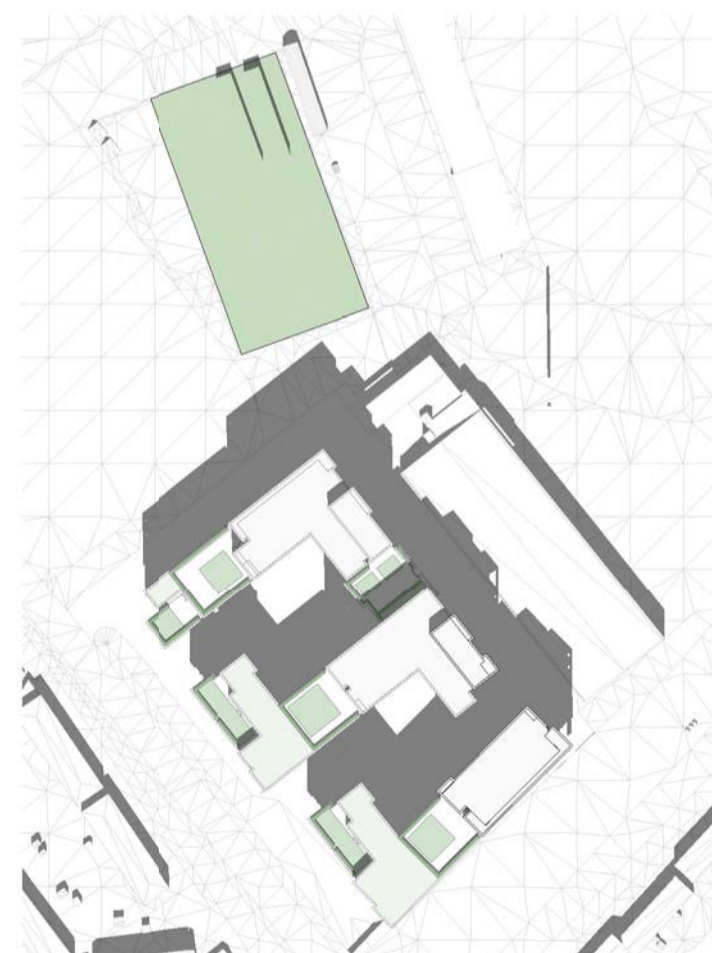
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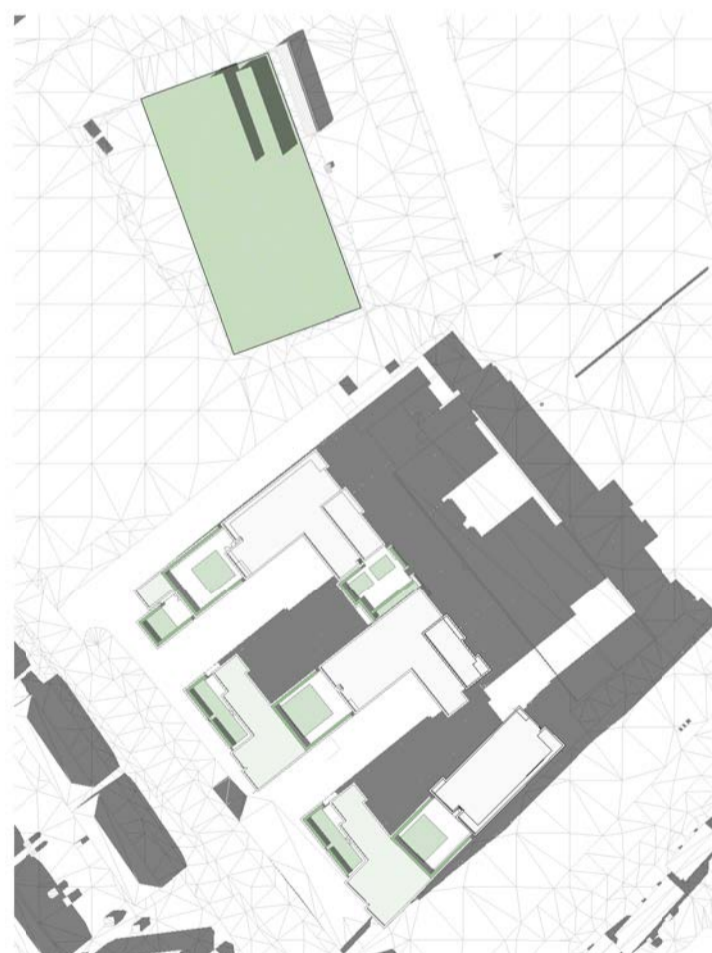
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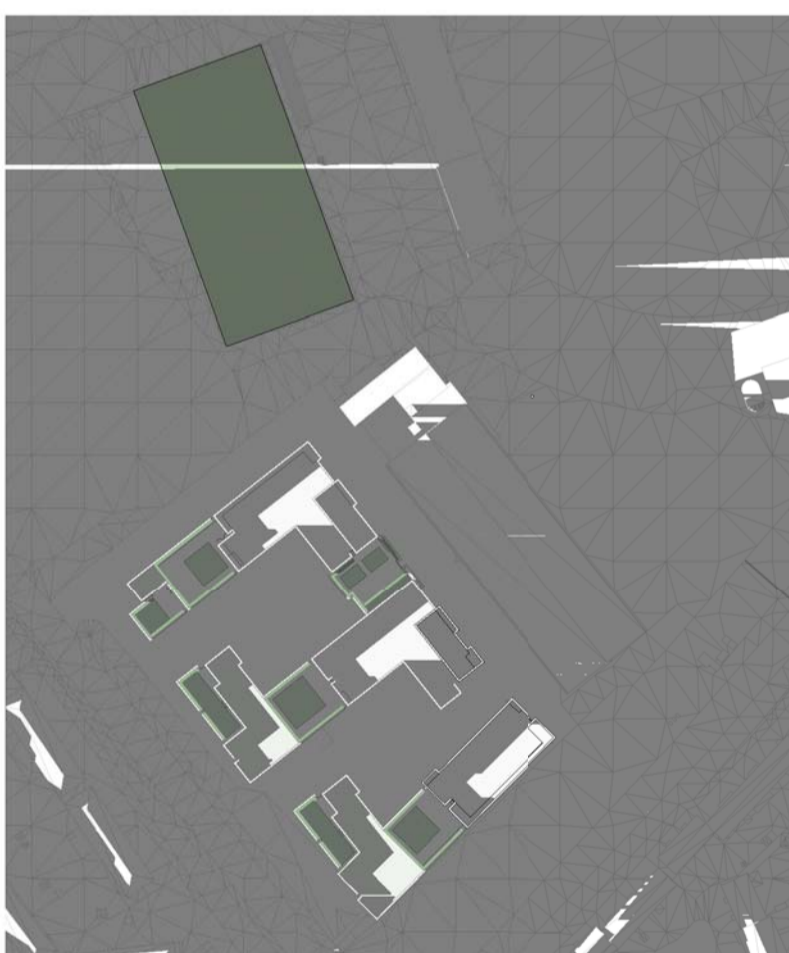
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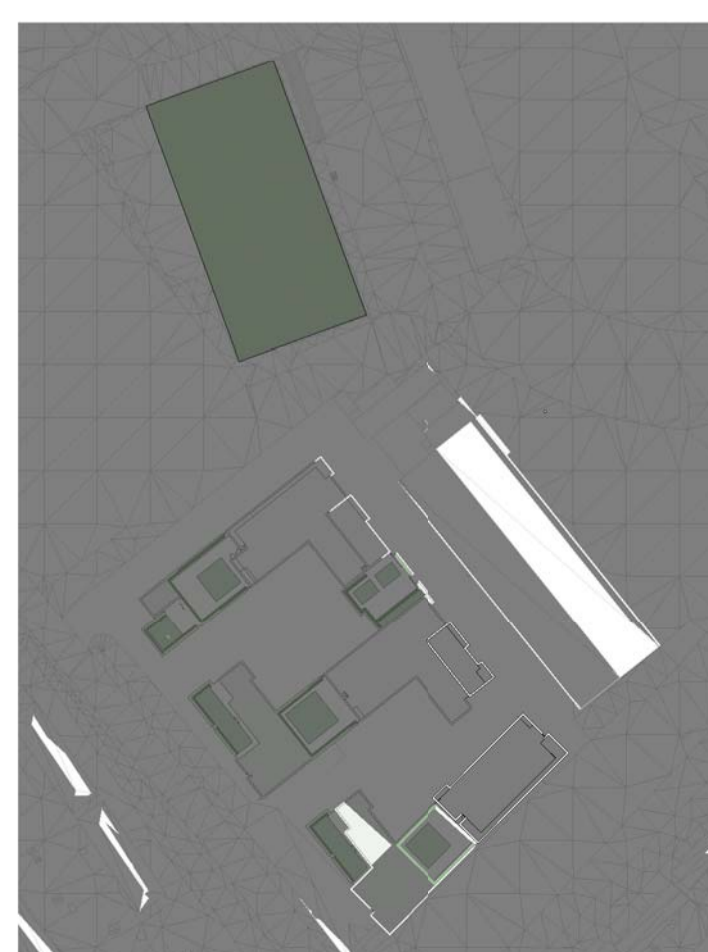
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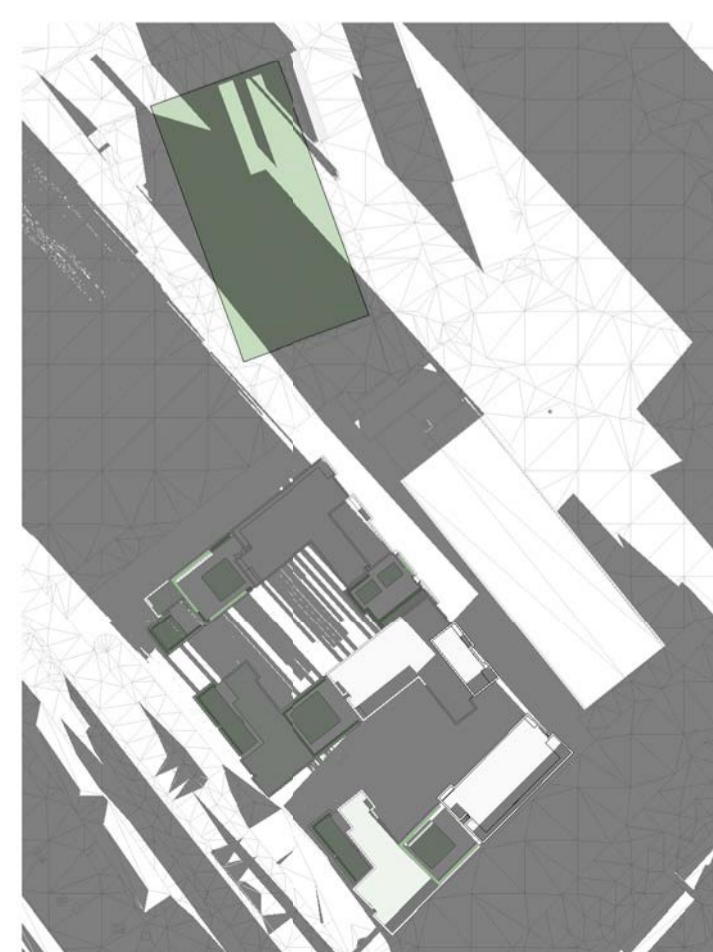
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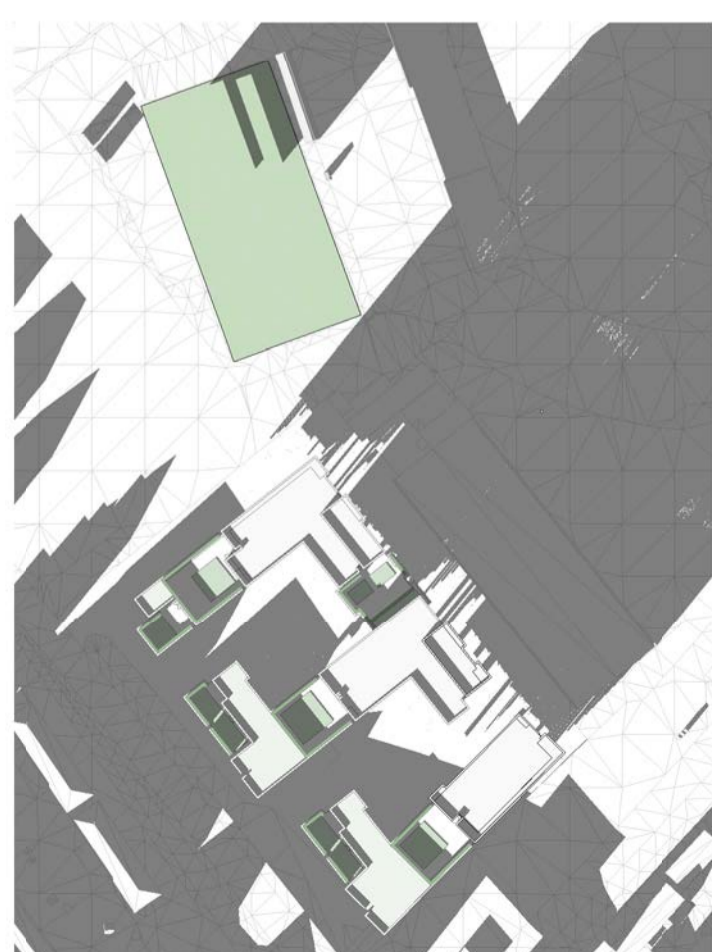
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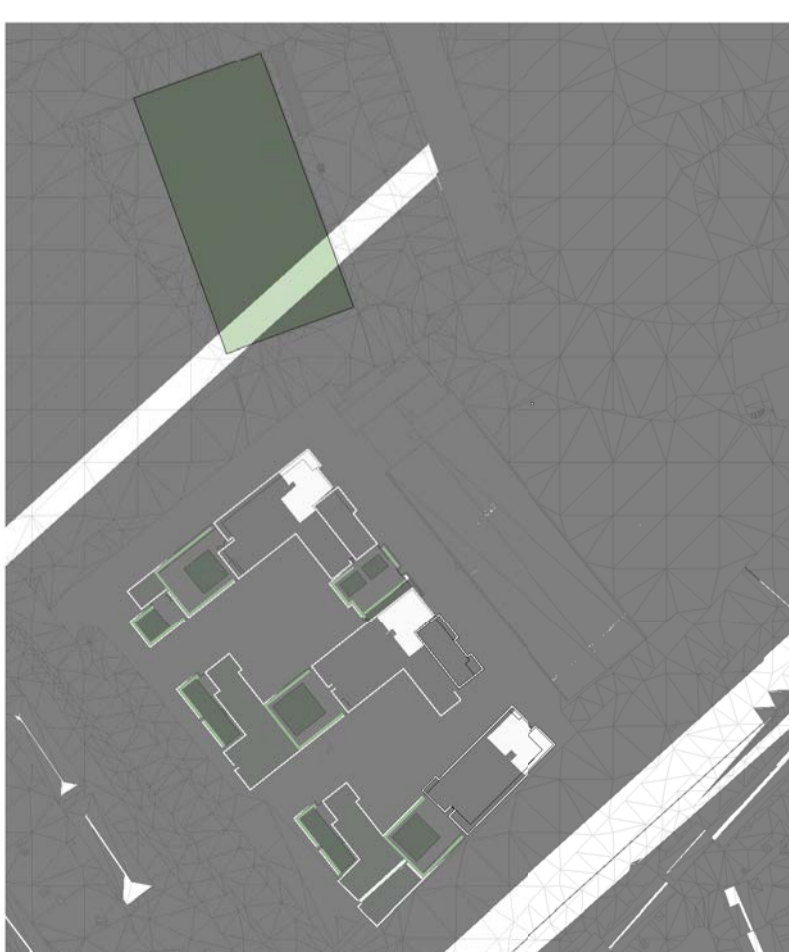
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22nd Dec 12:00



22nd Dec 15:00



22nd Dec 18:00

dwg status:

Rev	Description	Date	By	Chk

oea

oconnell east architects
 63 Newton Street, Manchester, M1 1E1
 t: 0161 839 9361 f: 0161 833 1638

dwg title:	Sun Study		
job title:	Great Stone Road		
scale:	1 : 2000	@ A1	drawn: Author
date:	02/21/20		job no: 1664
dwg no:	PL_112		rev:

G. Appendix G

03 December 2021

Our reference: 130550

Debra Harrison
Planning and Development
Place Directorate
Trafford Council, Trafford Town Hall
Talbot Road
Stretford M32 0TH

By Email

Dear Debra,

Re: (130550) Proposed development at Great Stone Road, Stretford, Manchester M32 – Daylight, sunlight and overshadowing.

Watts Group Limited have been instructed by Trafford Council to review the daylight and sunlight report for Great Stone Road, Stretford, Manchester M32 (planning reference: 100400/OUT/20) produced by AA Projects in February 2020 and provide our commentary on their findings of the potential impacts to the daylight and sunlight to the neighbouring properties and to the proposed residential units.

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

It is also understood that the application was refused on account of the adverse effect the proposed development would have on the residential amenity. In particular: 1. The loss of daylight and sunlight to the existing neighbouring properties. 2. The level of daylight and sunlight to the proposed residential units, in particular the ones at the lower floors.

Trafford's Planning Policy

The Council has a number of planning policies and guidelines that are relevant to the planning's objections, which I summarise below.

Watts London 1 Great Tower Street, London, EC3R 5AA
T: 020 7280 8000 E: london@watts.co.uk

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Registered Office 1 Great Tower Street, London, EC3R 5AA
Registration number 5728557. VAT number 205 9609 61. Regulated by RICS

Director Trevor Rushton, Corrina Ralph (Company Secretary)
watts.co.uk



The Trafford Core Strategy (adopted 25th January 2012)

1. Policy L2 – MEETING HOUSING NEEDS, paragraph L2.2 highlights that:
*“All new development will be required to be:
... (c) Not harmful to the character or amenity of the immediately surrounding area”.*

2. Paragraph L7.3 – PROTECTING AMENITY highlights that:
“In relation to matters of amenity protection, development must:
 - *Be compatible with the surrounding area; and*
 - *Not prejudice the amenity of the future occupiers of the development and/or occupants of adjacent properties by reason of overbearing, overshadowing, overlooking, visual intrusion, noise and/or disturbance, odour or in any other way”.*

The Revised Trafford Unitary Development Plan (UDP) (adopted 19th June 2006)

- Part II Proposal D3 – Residential Development highlights that:
- “In determining whether proposals for new residential development are satisfactory within the terms of Proposal D1, the Council will have regard to the following: -*
- i) The extent to which the proposal makes efficient use of land, taking account of the density of development and its location;*
 - ii) The quality of the design and layout proposed for the development, including the amount of space around buildings and the proportion of the site occupied by buildings and hard surfacing;*
 - iii) The quality of the environment created for occupiers of the proposed development, including daylight and sunlight requirements and privacy...”.*

Building Research Establishment’s (BRE) Daylight and Sunlight Guidelines

The BRE Report 209 ‘Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice’ (2nd Edition, 2011) are the primary guidelines on assessing the effect of development on daylight and sunlight to neighbouring buildings.

The BRE guidelines highlights that the development may adversely affect the daylight and sunlight levels to the surrounding neighbours if it will subtend an angle greater than 25° to the horizontal measured from the centre of the lowest windows in neighbouring properties. In such situation, it recommends that detailed assessments be undertaken to quantify the impact using the following tests:

- Vertical Sky Component (VSC) at the centre of the window.

- The No Skyline (NSL) or daylight distribution which measures the area of the working plane within a room that receive direct view of the sky.
- Percentage of annual probable sunlight hours (APSH), both annually and in the winter months, at the centre of the window; and
- Overshadowing assessments to gardens or other amenity space that can receive at least two hours of direct sunlight on 21st March.
- Average Daylight Factor (ADF) calculation which assessed the quality and distribution of light with a room served by a window and consider the VSC value, size and number of windows and room use and surface area

Each test is carried out in the existing and proposed conditions to quantify the light levels before and after development in order to understand the magnitude of impact and adequacy of what will be retained. The guidelines recommend that except where certain minimum levels of daylight and sunlight will be retained, more than 20% loss of existing light levels will be noticeable to the occupiers.

AA Project's daylight and sunlight report

It is customary for planning applications for developments such as this one to include a daylight and sunlight assessment, in accordance with the BRE guidelines, with the impacts quantified and levels of compliance with the guidelines clearly set out in an accompanying report or statement. The surveyor's report includes some daylight and sunlight tests to the neighbouring properties considered to be the nearest sensitive receptors and to the proposed residential units within the scheme. However, I find the report somewhat unclear and slightly misleading for a number of reasons set out below.

Our review of the potential impacts on daylight and sunlight on the neighbouring properties

1. The report assessed 35 of the neighbouring properties. While it includes the VSC and NSL assessments to these properties, it does not include the overshadowing assessments to the gardens of 1 Gorse Avenue, 2 Gorse Avenue and 53 Gorse Crescent. Section L7.3 of the Trafford Core Strategy highlights that the development must not prejudice the amenity of the neighbouring properties by reason of overshadowing. We, therefore, consider that the overshadowing results to the abovementioned properties must be included to make clear whether there would be any overshadowing impacts to the neighbouring gardens.
2. Paragraph 3 of the executive summary refers that this report has not considered other commercial/retail surrounding properties but does not elaborate on why they have not been included. Paragraph 2.2.2 of the BRE guidelines highlight that whilst the guidelines are intended for the use of rooms in adjoining residential buildings where daylight is required, the guidelines may also be applied to any non-domestic building where the occupants have a reasonable expectation of daylights. We note that there is an office block located to the northwest of the development site. Whilst we consider that the office building is located sufficient distance away and that office building typically has different expectations of daylight

and mostly rely on artificial lighting, this should be made clear in the report to show that the surveyor has considered all properties around the site that could potentially be affected by the proposed development, regardless their use.

3. Pages 2 and 3 of the report highlights that the assessment results against the BRE criteria had demonstrated very high levels of compliance, with only isolated windows/rooms that do not meet the baseline target. The paragraph then says that where the baseline target values are not met, it is only by negligible to minor degree to bedrooms, which are deemed by the BRE guidelines to be less significant than other rooms. The report then set out the numerical criteria for determining the category of the severity of the impacts for each of the tests undertaken as follows:

- 20-29.9% alteration = minor adverse;
- 30-39.9% alteration = moderate adverse; and
- 40% alteration = major adverse

This categorisation is not provided by the BRE guidelines and has been adopted by AA Projects based on their professional judgement. It is common for daylight and sunlight consultants to include this sort of categorisation to assist the reader in understanding the severity of the reduction in daylight or sunlight. What is not clear is how the severity of impact of the proposed development are calculated over the 3 tests (VSC, NSL and APSH) to provide an overall assessment of the impact.

Our review found that there are rooms within 54 (B24), 55 (B25), 56 (B23) and 58 Great Stone Road (B22) that experience moderate to major adverse reductions from their existing condition in the No-Skyline test. We therefore consider that the surveyor's statement that the deviation from the BRE guidelines are generally very minor/marginal and good levels for these properties fully pass the BRE guidelines to be a general statement and no specific to these properties that see a greater impact.

4. Page 3 of the report highlights that the neighbouring properties tested are located within narrow streetscapes and have design obstructions restricting daylight and sunlight availability. Our review found that the sensitive receptors do not have design obstructions or are situated within narrow streetscapes. This can be seen from high VSC and NSL levels in the existing condition.
5. Section 2.3 on page 5 of the report highlights that it is not appropriate to consider the VSC results where a room is served by multiple windows. Paragraph 2.2.6 of the BRE guidelines highlight that if a room has two or more windows, then the mean of their VSCs may be taken to review the VSC levels. Whilst it is correct that the VSC test only measures the amount of daylight available on the centre point of a window, reviewing VSC results in isolation can be misleading and should therefore be viewed in conjunction with the NSL results.
6. The summary table on page 11 does not make any reference to the overshadowing method.

7. APSH tests were undertaken only to 1 – 4 Gorse Avenue (B30 – B33), 6 Gorse Avenue (B34) and 8 Gorse Avenue (B35) as they have windows that are facing 90° due south. However, the surveyor's report stated that all windows to the other properties pass the BRE guidelines in summer and winter, although they have not been tested as they are facing 90° due north. We consider the surveyor's report to be misleading.

Our review of the potential impacts on daylight and sunlight to the proposed residential units

1. Page 33 of the report stated that only windows and rooms to potentially sensitive courtyard elevations have been assessed and that all other windows and rooms within the proposed development fully pass the BRE guidelines 25° rule. Generally, it is common for the daylight and sunlight surveyor to undertake a sample test to the most sensitive units within the proposed development when there is a large number of residential units. The sample test aims to indicate the likely worst scenario for the daylight and sunlight levels that future occupants will enjoy. However, this should have been made clear at the beginning of the report as to which levels and the locations of the units that were assessed for the report. There are no ADF plans provided with the report, which made it harder for the reader to fully understand the extent of the potential impacts on the daylight and sunlight levels. The results tables appended in Appendix G and H should be read in conjunction with the plans.
2. Section 5.21.3 on page 34 of the report highlights that the ADF target for kitchens is 2%, 1.5% for living rooms and 1% for bedrooms. We note that there is a bedsit on the ground floor (R9), but no reference was made in the report regarding this room and what target has been used to assess the ADF level for this room.
3. The BRE guidelines highlights that good site layout planning for daylight and sunlight should not limit itself to providing good natural lighting inside buildings. Sunlight in the spaces between buildings has important impact on the overall appearance of a development. The sunlight availability should be reviewed for all open spaces, which includes:
 - Gardens, usually the main back garden of a house.
 - Parks and playing fields.
 - Children's playgrounds.
 - Sitting areas such as those between non-domestic buildings and in public squares.

We note that there are courtyard gardens and roof terraces at levels 5, 6, 7 and 9, but the report has failed to include the overshadowing assessments to these proposed amenity areas, including the private garden areas for the ground floor flats. We consider that it would be helpful to request for the overshadowing assessments to understand the likely impacts to these proposed amenity areas for the future occupants.

Based on our experience we would expect that areas of the court yards will not receive the amounts of sunlight suggested by the BRE Guide, resulting in areas of the court yards, and private garden spaces feeling gloomy and less inviting.

4. With regard to the APSH tests to the proposed windows, it is difficult to understand the severity of the impacts as there are no plans provided showing the location of the assessed windows. It would be very helpful to request for the ADF plans as this will enable us to better understand the results fully.

Conclusions and recommendations

Whilst we acknowledge that there are number of rooms and windows that deviate from the BRE guidelines target, we consider that overall, the daylight and sunlight impacts would not be detrimental to the surrounding properties. The site is currently undeveloped and therefore, in order to build a suitable form, properly utilising the site and in keeping with other similar buildings and local consents, there are inevitably going to be some transgressions in light beyond the BRE guidelines.

The BRE guidelines highlight that in these circumstances a flexible approach should be applied when reviewing the numeric target values. As with any site in an urban setting, it is not practical to apply the BRE guidelines or the British Standard guidance in a rigid fashion. Paragraph 125 (point C) of the NPPF highlight that a degree of flexibility should be applied when assessing new developments, especially in opportunity areas where the need to optimise housing capacity is required.

With regard to the daylight and sunlight quality within the proposed development, we consider that the surveyor's statement, which highlights the daylight and sunlight results within the proposed scheme to be excellent, is misleading, as no detailed information has been provided to support the results table that shows the room layouts.

I hope the above is clear and provides a thorough review of the AA Project's report on the daylight and sunlight impacts to the neighbouring properties and the proposed residential units.

In the meantime, if you have any questions regarding our advice in this letter then please let us know.

Yours sincerely,



Tom Kibblewhite

Watts Group Limited

D: 07967 506645

E: Tom.Kibblewhite@watts.co.uk

H. Appendix H

DRAFT SCALE AND MASSING COMPARATOR TABLE

	Site Area		Footprint (m)		Height	
		m ²	Width	Depth	Storeys	Metres
B&Q (ABOVE PODIUM LEVEL EXCL BALCONIES)						
N Block		3,000	62 – 78 12.5m gap in block frontage	65	5 – 9 + podium deck	15.3 – 27.3
S Block		1,200	36.4 12.5m gap between blocks	68	7 – 9	20.2 – 25.7
Total	1ha	4,200				
DEVELOPMENT BLOCKS						
1 - Alexander House	0.4ha	685	12	52	11	37.05
2 - Kinetic	0.18ha	602	40	15	7	15.2
3 - Insignia		758	41	17-20	10	29.5
4 - Oakland House (excl MSCP)	0.42 ha	1,318	96	12	15	47
5 - British Gas (main building)	1.45ha	4,521	47 - Talbot Rd frontage	85 – total depth	3-4	
6 - UA92	3.65ha	3,264	51 – Talbot Rd & Brian Statham Way frontages 72 – corner to corner		5	21.93
7 - Academy Apartments	0.34ha	611	27 - Talbot Rd 33 - Warwick Rd	15	6	
8 - Lancastrian Office Centre	1.17ha	3,456	Total - 182 6 storey – 12 2 storey – 34	2 storey – 12 6 storey – 39	2 & 6	6 storey – 20 2 storey – 7.5
9 - Trafford House	0.55ha	1,459	Each block 46	Each block 13	12	45 incl plant room 38 excl plant room
CRICKET CLUB STANDS						
1 - SW terraces		1,621	69	22	-	15.1m exc screen 18.1m inc screen
2 - Player and media centre		1,127	51	26	-	20.3
3 - SE terraces		1,769	92	20	-	13.3m exc screen

DRAFT SCALE AND MASSING COMPARATOR TABLE

						15.1m inc screen 12.7m
4 – Existing Red Rose Suite		1,485	70	24	-	
4 – New Red Rose Suite excl stand		980	61	18	-	23.6
5 - Hotel, incl Caffé Nero		1,598	73	22	-	29.2
6 - Pavilion		1,145	39	38	-	21.8 incl fin 20.3 excl fin
7 - The Point excl stand		2,505	82	41	-	20.3
8 - Temporary Stand		4179	74	57	-	22.6

	Site	No. of Storeys
1	Alexander House, 94 Talbot Road	11 storeys
2	Kinetic, 88-92 Talbot Road	7 storeys
3	Insignia, 86 Talbot Road	10 storeys
4	Oakland House, 68-82 Talbot Road	15 storeys
5	British Gas Offices, 97 Talbot Road	3-4 storeys
6	UA92 (Former Kellogs Headquarters)	5 storeys
7	Academy Apartments, 17-19 Warwick Road	6 storeys
8	Lancastrian Office Centre, Talbot Road	2-6 storeys
9	Trafford House, Chester Road	12 storeys

