

**WARD:** Priory

**102243/HHA/20**

**DEPARTURE:** No

Erection of single storey side extension and Juliet balconies to the side elevation, with other external alterations across property, creation of new dropped kerb access and driveway to front

**13 Stamford Place, Sale M33 3BT**

**APPLICANT:** Mr Dixon

**AGENT:** Howard & Seddon ARIBA

**RECOMMENDATION: GRANT SUBJECT TO CONDITIONS**

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**The application is reported to the Planning and Development Management Committee due to being called in by Cllr Brotherton and Cllr Western, and receiving 6 + representations contrary to office recommendation.**

### **SITE**

The application site comprises a three storey, three bedroom end terrace property, located on the east side of Stamford Place, on the corner with Montague Road. The site is located 0.30km to the south east of Sale Town Centre.

The property is constructed of brick walls with a dual pitched tiled roof and white upvc framed window / door openings and there is an integral garage to the rear. The site features a front and side garden laid to grass with overgrown bushes and a rear hardstanding driveway. The driveway access is off Montague Road, which also serves the rear of neighbouring properties nos. 11 and 9 Stamford Place within the terrace. The site also features several trees along the garden boundary, with 1.80m high timber and concrete post fencing. The property is understood to be currently vacant. The surrounding area is predominantly residential aside from Sale United Reform Church directly to the south. The site is not within a conservation area.

### **PROPOSAL**

This application seeks planning permission for the erection of a single storey side extension and Juliet balconies to the side elevation, with other external alterations. The property would remain in use as a single dwelling.

Specifically the side extension would project 2.80m with a length of 8.60m. The roof would be split into a mono pitch section and flat roof section, with an eaves height of 2.80m with a ridge height of 4m.

Other external alterations include replacement grey framed window / doors across all existing openings alongside 2no. Juliet style balcony windows to the side elevation at first and second floor level. Peddle dash render is proposed to the ground floor front elevation on the existing part of the property.

The integral garage would be converted to living space and together with the proposed side extension would form a kitchen diner and separate lounge. At first floor the floorplans retain two rooms as living space with the existing three bedrooms at second floor retained as existing. A new single driveway is proposed to the front of the site off Stamford Place, providing an additional parking space to the existing single space to the rear.

**Value added:**

The total additional internal floor space proposed is approximately 18.80sqm.

An amended site plan was sought by Officers to show a new driveway and single parking space to the front, to provide additional on-site parking given the increase in dwelling size, which is discussed later in the report. The tree protection plan was updated accordingly.

The red line boundary includes the shared driveway to the rear, which is understood to be in shared ownership with nos. 9 + 11 Stamford Place. As such an amended planning application form with certificate B signed was submitted. Notice 1 was also served on these properties.

**DEVELOPMENT PLAN**

**For the purposes of this application the Development Plan in Trafford comprises:**

- The **Trafford Core Strategy** adopted 25th January 2012; The Trafford Core Strategy is the first of Trafford's Local Development Framework (LDF) development plan documents to be adopted by the Council; it partially supersedes the Revised Trafford Unitary Development Plan (UDP), see Appendix 5 of the Core Strategy.
- The **Revised Trafford Unitary Development Plan (UDP)**, adopted 19th June 2006; The majority of the policies contained in the Revised Trafford UDP were saved in either September 2007 or December 2008, in accordance with the Planning and Compulsory Purchase Act 2004 until such time that they are superseded by policies within the (LDF). Appendix 5 of the Trafford Core Strategy provides details as to how the Revised UDP is being replaced by Trafford LDF.

**PRINCIPAL RELEVANT CORE STRATEGY POLICIES**

R2 – Natural Environment

L4 – Sustainable Transport and Accessibility  
L7 – Design  
L8 – Planning Obligations

For the purpose of the determination of this planning application, these policies are considered 'up to date' in NPPF Paragraph 11 terms with the exception of maximum parking standards in L4.

#### **OTHER LOCAL POLICY DOCUMENTS**

SPD3 – Parking and Design  
SPD4 – A Guide for Designing House Extensions and Alterations

#### **PROPOSALS MAP NOTATION**

*None to note*

#### **PRINCIPAL RELEVANT REVISED UDP POLICIES/PROPOSALS**

*None*

#### **NATIONAL PLANNING POLICY FRAMEWORK (NPPF)**

The MHCLG published the National Planning Policy Framework (NPPF) on the 19<sup>th</sup> February 2019. The NPPF will be referred to as appropriate in the report.

#### **NATIONAL PLANNING PRACTICE GUIDANCE (NPPG)**

MHCLG published the National Planning Practice Guidance on the 6<sup>th</sup> March 2014, and is updated regularly. The NPPG will be referred to as appropriate in the report.

#### **GREATER MANCHESTER SPATIAL FRAMEWORK**

The Greater Manchester Spatial Framework is a joint Development Plan Document being produced by each of the ten Greater Manchester districts and, once adopted, will be the overarching development plan for all ten districts, setting the framework for individual district local plans. The first consultation draft of the GMSF was published on 31st October 2016, and a further period of consultation on the revised draft ended on 18th March 2019. The GMSF is not yet at Regulation 19 stage and so will normally be given limited weight as a material consideration. Where it is considered that a different approach should be taken, this will be specifically identified in the report. If the GMSF is not referenced in the report, it is either not relevant, or carries so little weight in this particular case that it can be disregarded.

#### **RELEVANT PLANNING HISTORY**

103101/CPL/21: Application for Certificate of proposed lawful development for a proposed laying of permeable hard standing at the front of the dwelling to create 2No. car parking spaces.

- Pending consideration

101324/FUL/20: Change of use from single dwelling house, to 3no. apartments. Erection single storey side extension, 2no. side Juliet balconies, associated bin/cycle store and other external alterations.

- Refused 23.10.2020

100455/FUL/20

Change of use from single dwelling house, to 3 flats and 1 bedsit. Erection of a two storey side extension and dormer with other external alterations.

- Withdrawn 08.07.2020

### **APPLICANT'S SUBMISSION**

CIL Form

Tree Survey

Tree Protection Plan

Location Plan

Application Form

Existing site plan

Proposed site plan

Existing / proposed floor plans + elevations

### **CONSULTATIONS**

#### Tree Officer

No objection raised to the removal of the lime tree within the front garden of the property to accommodate the proposed car parking space. The tree is not protected.

#### Local Highway Authority

No objection in principle and support one new space to the front given its siting. A condition is requested for the provision of a secure, covered cycle store, taking into account the loss of the existing internal garage.

A condition is also requested for a construction method statement, taking into account the small nature of the site.

### **REPRESENTATIONS**

The application was advertised through notification letters sent to immediate neighbours. Objections were received from nos. 9 + 11 Stamford Place, and nos. 16, 18, 20, 21 and 22 Montague Road. In summary the following concerns have been raised:

- Side extension would protrude past built form line on Montague Road causing visual intrusion
- Overdevelopment of existing property and site
- Overlooking from side Juliet balconies
- Grey windows out of keeping with style of existing properties within the locality
- Parking issues from loss of internal garage – already lack of on street parking
- Concern over potential for property to be subdivided in the future once works are complete
- Increased pressure on drainage systems
- No fire reports have been produced due to the shared roof space
- Disturbance from construction process
- Additional storey(s) could be subsequently added to the side extension
- Site driveway access is shared and not fully within ownership of no. 13

An objection and call in request was also received from Cllr Brotherton and Cllr Western. In summary:

- On street parking issues created from increase in floor space and loss of internal garage
- Side extension would protrude beyond the building line on Montague Road which would be incongruous and set a precedent
- Juliet balconies would adversely affect privacy and amenity of neighbours on Montague Road
- If minded to grant, an informative is required to prohibit any further change of use
- If minded to grant a condition limiting hours of work should be required to minimise nuisance / disturbance to neighbours

Following the receipt of an amended site plan, neighbours were subsequently re-consulted. The following objections/comments were received:

- Property as extended will raise house prices in the area, to the detriment of local residents
- Overdevelopment from lack of garden space
- Eyesore
- Further parking pressures
- Site is becoming overcrowded
- Removal of front tree should be undertaken by a licensed council approved tree surgeon.
- Construction vehicles / machinery should not access or damage the shared rear driveway. This should be conditioned.
- Would like the shared driveway to be included for discussion at the planning meeting. Documents do not take this into consideration.
- No. 9 and 11 confirmed they now have no objection to parking now proposed.

## **OBSERVATIONS**

### **PRINCIPLE OF DEVELOPMENT**

1. The proposal is for an extension and alterations to an existing residential property within a predominantly residential area. Such works are generally considered acceptable in principle, subject to addressing certain material considerations. The materials considerations in this application are the design and appearance of the development, its impact on residential amenity, and the level of parking provision and on trees.

### **DESIGN AND APPEARANCE**

2. Policy L7: Design from the Core Strategy states that:

*L7.1 "In relation to matters of design, development must:*

- *Be appropriate in its context;*
- *Make best use of opportunities to improve the character and quality of an area;*
- *Enhance the street scene or character of the area by appropriately addressing scale, density, height, massing, layout, elevation treatment, materials, hard and soft landscaping works, boundary treatment".*

3. The single storey side extension would have a width of 2.80m, which would appear as a subservient, proportionate addition in relation to the existing property and wider terrace. The existing side garden is 6.80m wide, whilst the side extension would maintain in excess of 50% of this side garden in accordance with section 3.3 from SPD4. This serves to maintain the character and openness of this corner plot and the wider street scene. Whilst the extension would come past the building line of properties to the east on Montague Road by 2.80m, it is only single storey, sited 10m away from the front elevation of no. 21 Montague Road and is not considered to appear overly prominent in this street scene context. The existing trees to the southern boundary would be retained which also provide screening between the property and the road.
4. The part mono pitch and part flat roof for the side extension is considered to be an acceptable design solution given the limited impact it will have, allowing space for the construction of the first floor side Juliet balcony. Other similar single storey flat roof side extensions are present within the vicinity, e.g. at nos. 21 and 23 Montague Road.

5. The side Juliet balcony doors at first and second floor level would be well sited within the side elevation in place of existing window openings, which feature a rendered panel below. They would be partially obscured from view from the road by the retained trees and their design is considered acceptable.
6. In terms of external alterations across the property, the anthracite grey aluminium framed windows would differ from those of the immediate neighbouring properties which generally features white frame windows, but the window frame colour could be changed without planning permission in any event. Other new window and door openings including the garage conversion would be well sited within the elevations and of a suitable shape and size.
7. The proposed white render to the existing pebble dash wall to the ground floor front elevation is for a small section of the property, refurbishing the existing dated render. Views of the wider property would not be affected, also in the context of the neighbouring terrace which features grey render to the ground floor front elevation.
8. In summary the proposal would be appropriate in its context, appropriately addressing scale form, massing and elevation treatment. The design and appearance of the proposal complies with Policy L7 Design and SPD4.

## **RESIDENTIAL AMENITY**

9. This section considers the potential amenity impact of the proposal upon adjacent residential properties.
10. Policy L7; Design also states that:
11. *L7.3 "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".*

### *Impact upon nos. 9 + 11 Stamford Place*

12. These are the adjoining terraced properties to the north. The proposed external alterations are considered appropriate in appearance, whilst the side extension would not be visible from the front or rear elevations of these properties. The new

front driveway is not considered to create additional noise or disturbance for no. 11 above that expected with typical residential use, which would remain.

13. There is not considered to be any overbearing impact, unreasonable visual intrusion, loss of light or privacy for these properties.

Impact upon no. 21 Montague Road

14. This is the neighbouring property to the rear to the east. The proposed external alterations are considered appropriate in appearance and new rear window openings would be on the same plane as existing window openings. The extension would be to the side only and is considered of an appropriate design. There is not considered to be any overbearing impact, unreasonable visual intrusion, loss of light or privacy for this property.

Impact upon no. 16 + 18 Montague Road

15. These are the neighbouring properties to the south on the opposite side of Montague Road. The side Juliet balconies would provide a 23m facing distance to the front elevation of no. 16 and 25m to the front elevation of no. 25 and would be partially obscured by existing trees to the southern boundary.
16. Taking into account the large facing distance (in excess of 21m minimum required from SPD4 between habitable room windows, there is not considered to be any overbearing impact, unreasonable visual intrusion, loss of light or privacy for these properties.
17. A condition is recommended to restrict the flat roof part of the side extension from use as an external terrace / balcony.

Impact upon no. 8 Stamford Place

18. This is the neighbouring property to the side to the west which is in use as a block of flats.
19. The proposed external alterations are not considered to have an overbearing impact, be visual intrusive or result in a loss of light or privacy for this property, given the scale and siting.



20. In summary whilst the concerns of neighbouring properties are acknowledged and taken into account, the proposal is considered to avoid an adverse or unreasonable amenity impact upon neighbouring properties and in this regard the proposal would comply with Policy L7.3.

## **ACCESS, HIGHWAYS + CAR PARKING**

21. The surrounding roads feature daytime parking restrictions between 9am and 5pm (Mon to Fri) on one side, with limited unrestricted parking available on the other side, which is often occupied with cars. This is in part due to the proximity to Sale town centre, which is a 5 minute walk away.
22. The proposed floor plans show that the extended property would feature 3no. bedrooms, this being the same number of bedrooms as the existing property. There would be 3no. bedrooms to the second floor, 2no. first floor lounges and a new lounge and kitchen diner at ground floor level. It is however feasible that one or both of the first floor lounges could be used as a bedrooms.
23. The proposal would result in the loss of the rear integral garage which could currently provide parking for 1no. car, being in excess of 2.40m x 4.80m in size. As such it is considered that 2no. off road parking spaces would be a proportionate requirement in relation to a 3no. / 4no. / 5 no. bed property in this location. The maximum standard in SPD3 of 3no. spaces for a 4+no. bed property is not considered necessary given the sustainable location of the site which is 5 minute walk from Sale town centre.
24. The existing site has 1no. external parking space to the rear, in a diagonal position across the rear of the property on the shared drive with nos. 9 and 11, accessed off Montague Road which would remain. The proposed site plan shows that an additional parking space is proposed to the front of the property facing Stamford Place.
25. The LHA have no objection to the new front driveway and dropped kerb access. The new driveway position would be sited 10m from the junction between Stamford Place and Montague Road to the south. This is below the 15m typically required for adequate visibility, however the one way system in place on Montague Road means that cars would not approach from the east, where visibility is restricted on the near side by trees and the site boundary fence. Approaching from the west on Montague Road would provide adequate visibility.

26. The new crossover would not displace existing on street parking spaces as there are double yellow lines in this location.
27. The proposal is different to the previous refusal (101324/FUL/20) in that whilst there would be the same external design for the extension, no change of use to apartments is now proposed. The previous apartments were considered to represent a more intensive use of the site with a larger associated parking requirement than a single dwelling. In addition further discussion has taken place in respect of a new single driveway to the front, taking into account the one way system. The current driveway space is also sited further away from the junction than that proposed previously.
28. It should be noted that the applicant has submitted a separate proposed lawful development application (103101/CPL/21) for the creation of 2no. new parking spaces to the front of the site. Whilst Officers have concerns about the impact this would have on trees on site, it is not considered reasonable to remove permitted development in this instance. Furthermore separate highways permission would be required to extend the drop kerb, which the LHA have confirmed they would not support as this would extend the dropped kerb closer to the junction than proposed in this application.
29. A construction management plan is recommended by way of a condition given the small nature of the site, however given the small scale of the development proposed this is not considered necessary or reasonable.
30. In summary the proposal is considered acceptable on highways grounds in accordance with Policies L4 and L7.

## **TREES**

31. The site features 3no. existing trees. T1 and T2 are proposed to be retained and surrounded by protective fencing during the construction process and this could be conditioned. The proximity of the side extension to these trees could result in limited damage to tree roots, but not to the extent that would harm the overall health or integrity of the trees.
32. The proposal would result in the loss of T3, a category B Lime Tree to the front, however this is not protected and the Council's tree officer has no objection to its removal. Whilst it does contribute to the streetscene it is considered given the retention of the other two trees on site that its removal is acceptable.

33. It is considered that given the tight nature of the site, the new front driveway in place of T3, would allow for further storage of materials and on-site parking, whilst allowing full implementation of protection fencing for T1 and T2 and better protecting these remaining trees.
34. In summary the proposal is considered to have an acceptable impact upon trees and would comply with Policy R2.

## **OTHER CONSIDERATIONS**

35. Concern from neighbours has been raised over the potential for sub division of the property in the future avoiding planning permission. It should be clarified that any proposal to subdivide the property into separate residential dwellings in the future would require planning permission and would take into account the considerations of previously refused application 101324/FUL/20.
36. Neighbouring concerns regarding drainage capacity and fire risk have been received. The property would continue to be in residential use within only a small side extension and upgrading of the existing drainage system is not considered necessary.
37. The existing party wall and roof construction are understood to remain and there is not considered to be an increased fire risk from the property which would remain in residential use, however this is not a planning consideration and the proposed construction works would also be subject to building regulations.

## **DEVELOPER CONTRIBUTIONS**

38. The total additional floor space proposed is approximately 18.80sqm, which at less than 100sqm is not subject to the Community Infrastructure Levy (CIL) payment.

## **PLANNING BALANCE AND CONCLUSION**

39. The proposed development is considered to provide an acceptable design and appearance, whilst providing adequate on-site parking provision for the dwelling and not harming the amenity of surrounding occupiers. Whilst the loss of the tree is regrettable, it is not considered reasonable to withhold permission on this point.

40. Therefore it is considered the proposal complies with the relevant policy and guidance for householder extensions and on balance would be an acceptable scheme for which approval is recommended.

**RECOMMENDATION:**

**Grant**, subject to the following conditions:

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 submitted plans, numbers: CW/9983-P-TP-1 (as received 28.01.2021); 14,319/10 A; 14,319/11 B and 14,319/OS A.

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

3. The materials used in any exterior work must be of a similar appearance to those used in the construction of the exterior of the existing building.

Reason: In order to ensure a satisfactory appearance in the interests of visual amenity having regard to Policy L7 of the Trafford Core Strategy, the Council's adopted Supplementary Planning Document 4: A Guide for Designing House Extensions and Alterations and the requirements of the National Planning Policy Framework.

4. No development or works of site preparation shall take place until all trees that are to be retained within or adjacent to the site have been enclosed with temporary protective fencing in accordance with BS:5837:2012 'Trees in relation to design, demolition and construction. Recommendations'. The fencing shall be retained throughout the period of construction and no activity prohibited by BS:5837:2012 shall take place within such protective fencing during the construction period.

Reason: In order to protect the existing trees on the site in the interests of the amenities of the area having regard to Policies L7, R2 and R3 of the Trafford Core Strategy and the National Planning Policy Framework. The fencing is required prior to development taking place on site as any works undertaken beforehand, including preliminary works, can damage the trees.

5. Notwithstanding the provisions of Part 1 of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order amending or replacing that Order), the flat roof area of the extension hereby approved shall not be used as a balcony, terrace, roof garden or similar amenity area, and no railings, walls, parapets or other means of enclosure shall be provided on that roof unless planning permission has previously granted for such works.

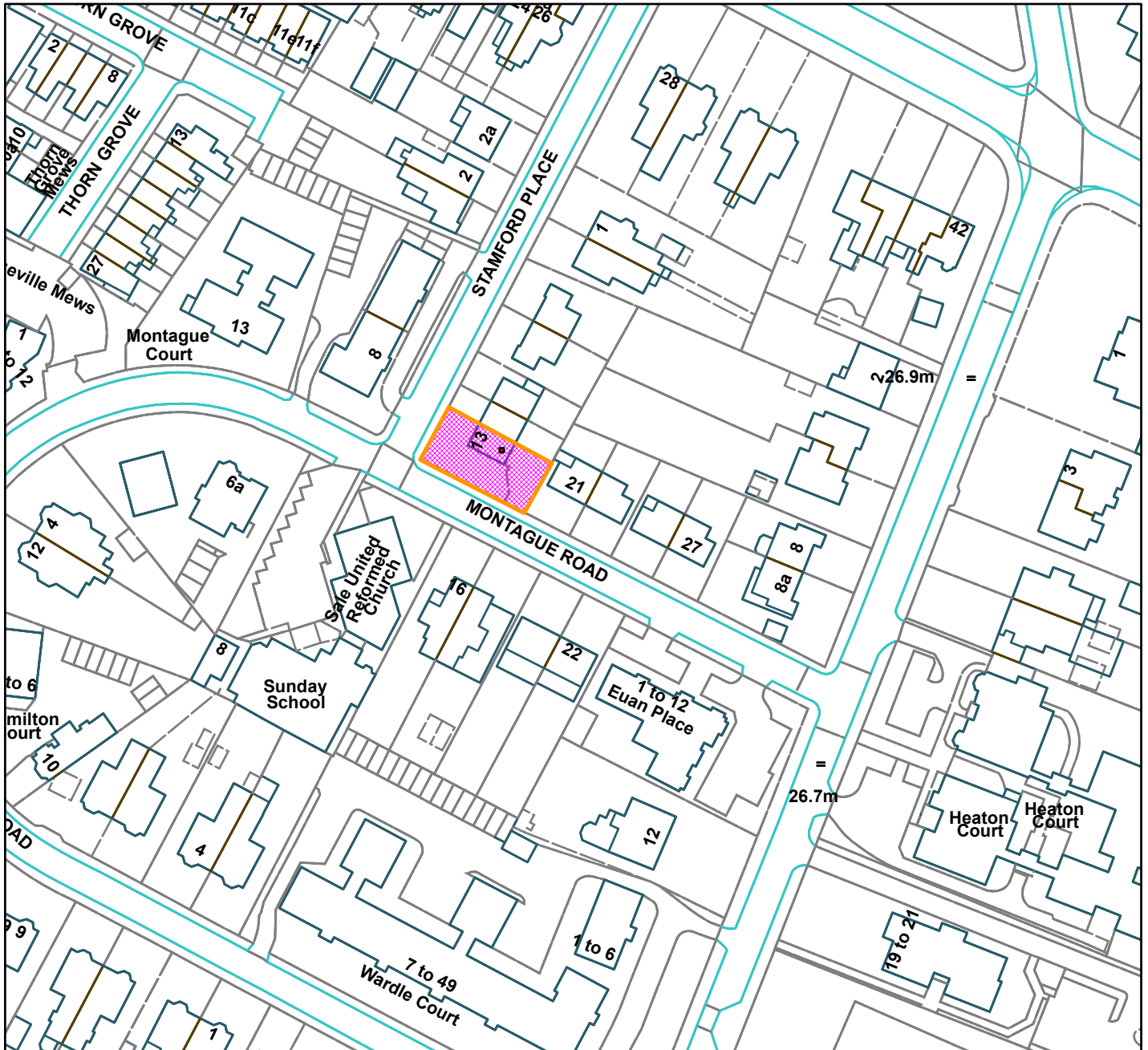
Reason: To protect the privacy and amenity of the occupants of the adjacent dwellinghouses, having regard to Policy L7 of the Trafford Core Strategy, the Council's adopted Supplementary Planning Document 4: A Guide for Designing House Extensions and Alterations and the National Planning Policy Framework.

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GEN



13 Stamford Place, Sale



**Scale:** 1:1,250

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Organisation	Trafford Council
Department	Planning Service
Comments	Committee Date - 11/02/21
Date	07/01/2021
MSA Number	100023172 (2012)

**WARD:** Longford

**102509/FUL/20**

**DEPARTURE: No**

**Alterations to roof and exterior of building to accommodate two one-bedroom flats within the roof space, new porch, front dormers, parking spaces, rendering and associated landscaping improvements.**

39-42 Ingleby Court, Stretford M32 8PY

**APPLICANT:** Mr Roman Khripko

**AGENT:** N/A

**RECOMMENDATION: GRANT SUBJECT TO CONDITIONS**

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**This application is reported to the Planning and Development Management Committee as the application has received six or more letters of objection contrary to the Officer recommendation of approval.**

### **SITE**

The subject building is located on Ingleby Court, a private road which is accessed off the A5145 (Edge Lane) being located approximately 1 km east of Stretford Mall and 1 km west of Chorlton Town Centre.

The two storey building is of buff brick (wall) and concrete tile (roof) construction, with four garages in two detached pairs to the rear and side of the main building with access to either side of the building. There is a small green area to the front with pedestrian access running down the middle. A privet hedge runs along the front boundary of this area creating a defensible space.

To the rear there is a communal garden area, bounded by a mature hedgerow/tree line along the rear (west boundary). To the rear there are several large detached properties which run perpendicular to the site located on Edge Lane.

Ingleby Court is in an established residential setting with the residential development opposite the site to the east made up of a mix of single and two storey buildings, providing bungalows and apartment units, all of red brick construction. At the end of the road there is a pedestrian access which leads through to the Stretford Grammar School.

It is understood that the applicant is the lessor with residents being lessees via either a landlord or leasehold estate purchase.

### **PROPOSAL**

The applicant is seeking permission to alter the existing roof design to provide a mansard roof with five dormers on the front elevation and roof lights on the flat roof

top of the roof providing additional light and ventilation. This alteration does not result in any increase in height.

The purpose of the roof alterations is to provide a two apartments in the roof space. In addition it is proposed to create a stone porch projecting out by approximately 0.6m, 2.6 m wide and 2.8 m high. Other works external works proposed include elevational changes to introduce stone window mouldings and plastered panels between and below windows on the front elevation and a stone cornice around the building.

In order to accommodate the additional apartment the applicant is proposing to provide 2no. additional off street parking space to either side of the building as well as providing additional bin and cycle storage to the rear of the site.

## **BACKGROUND**

This application follows on from a recent approval approved at committee (see planning history section for details) for a similar proposal albeit with only one apartment proposed in the roof space with the remainder being kept as storage space.

## **DEVELOPMENT PLAN**

**The Development Plan in Trafford comprises:**

- **The Trafford Core Strategy, adopted 25th January 2012;** The Trafford Core Strategy is the first of Trafford's Local Development Framework (LDF) development plan documents to be adopted by the Council; it partially supersedes the Revised Trafford Unitary Development Plan (UDP), see Appendix 5 of the Core Strategy.
- **The Revised Trafford Unitary Development Plan (UDP), adopted 19th June 2006;** The majority of the policies contained in the Revised Trafford UDP were saved in either September 2007 or December 2008, in accordance with the Planning and Compulsory Purchase Act 2004 until such time that they are superseded by policies within the (LDF). Appendix 5 of the Trafford Core Strategy provides details as to how the Revised UDP is being replaced by Trafford LDF.

## **PRINCIPAL RELEVANT CORE STRATEGY POLICIES**

L1 - Land for New Houses  
L2 - Meeting Housing Needs  
L4 - Sustainable Transport and Accessibility  
L5 – Climate Change  
L7 – Design  
L8 – Planning Obligations  
R3 - Green Infrastructure

## **PROPOSALS MAP NOTATION**

Critical Drainage Area  
Smoke Control Zone



## **OTHER LOCAL PLANNING POLICY DOCUMENTS**

PG1 – New Residential Development  
SPD3 – Parking Standards and Design

## **PRINCIPAL RELEVANT REVISED UDP POLICIES/PROPOSALS**

ENV15/16 – Community Forest/Tree Planting

## **GREATER MANCHESTER SPATIAL FRAMEWORK**

The Greater Manchester Spatial Framework is a joint Development Plan Document being produced by each of the ten Greater Manchester districts and, once adopted, will be the overarching development plan for all ten districts, setting the framework for individual district local plans. The first consultation draft of the GMSF was published on 31st October 2016, and a further period of consultation on the revised draft ended on 18th March 2019. The GMSF is not yet at Regulation 19 stage and so will normally be given limited weight as a material consideration. Where it is considered that a different approach should be taken, this will be specifically identified in the report. If the GMSF is not referenced in the report, it is either not relevant, or carries so little weight in this particular case that it can be disregarded.

## **NATIONAL PLANNING POLICY FRAMEWORK (NPPF)**

The DCLG published the National Planning Policy Framework (NPPF) in 19 February 2019. The NPPF will be referred to as appropriate in the report.

## **NATIONAL PLANNING PRACTICE GUIDANCE (NPPG)**

DCLG published the National Planning Practice Guidance on 6 March 2014, and is updated regularly. The NPPG will be referred to as appropriate in the report.

## **RELEVANT PLANNING HISTORY**

**101371/FUL/20** - Alterations to roof and exterior of building to accommodate one-bedroom flat within the roof space, new porch, rendering and associated landscaping improvements.

Approved by Committee subject to conditions. Decision issued 19.10.2020

**99758/FUL/20** – Alterations to roof and exterior of building to accommodate one bedroom flat within the roof space, new porch, parking pit, solar panels, rendering and associated landscape improvements

Withdrawn due to lack of bat survey.

## **APPLICANT'S SUBMISSION**

- Bat Survey
- Parking Survey

## **CONSULTATIONS**

**Local Highway Authority:** No objections, conditions recommended.

**Greater Manchester Ecology Unit:** No comment received but previous 'no objection subject to conditions and informative' response still relevant.

## **REPRESENTATIONS**

Objections have been received from 7 separate addresses. The following is a summary of the points made:

- Road not suitable for further development – will cause further disruption
- Cromwell Rd now closed off which leads to people parking along Ingelby Court when visiting Longford Park.
- The construction phase would have a detrimental impact on living and working conditions of current residents, the existing building, those neighbouring;
- Cause damage to the existing building – and undue nuisance and disruption to existing residents – no regard to existing residents
- The development gives no thought to existing residents
- The road already suffers from parking problems, this development will exacerbate the issue
- Overdevelopment and out of context with the scale of neighbouring properties
- Will have a negative impact for residents , insufficient private open space for any further apartments
- Bin store areas have no regard for existing residents

## **OBSERVATIONS**

### PRINCIPLE OF DEVELOPMENT

1. Section 38(6) of the Planning and Compensation Act 1991 states that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF at Paragraphs 2 and 47 reinforces this requirement and at Paragraph 12 states that the presumption in favour of sustainable development does not change the statutory status of the development plan as a starting point for decision making, and that where a planning application conflicts with an **up to date** (emphasis added) development plan, permission should not normally be granted.
2. The Council's Core Strategy was adopted in January 2012, prior to the publication of the 2012 NPPF, but drafted to be in compliance with it. It remains broadly compliant with much of the policy in the 2019 NPPF, particularly where that policy is not substantially changed from the 2012 version. It is acknowledged that policies controlling the supply of housing are out of date, not least because of the Borough's lack of a five year housing land supply, but other policies relevant to this application remain up to date and can be given full weight in the determination of this application. Whether a Core Strategy policy

is considered to be up to date or out of date is identified in each of the relevant sections of this report and appropriate weight given to it.

3. The NPPF is a material consideration in planning decisions, and as the Government's expression of planning policy and how this should be applied, should be given significant weight in the decision making process.
4. Paragraph 11 d) of the NPPF indicates that where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date, 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.

### Housing Supply

5. Given that the Council cannot demonstrate a five year supply of housing land (the current supply is 2.4 years), and also has a Housing Delivery Test output of 58%, Paragraph 11 of the NPPF is automatically engaged. Thus Policies L1 and L2 of the Core Strategy are 'out of date' in NPPF terms, albeit some aspects of the policies such as affordable housing targets, dwelling type, size and mix are largely still up to date and so can be afforded substantial weight.
6. Whilst the proposal would only deliver two additional units, considerable weight must be given to this, especially as it would be in a sustainable location close to local services and transport routes.
7. The NPPF also requires policies and decisions to support development that makes efficient use of land. In this respect, the NPPF, at paragraph 118, gives substantial weight to the value of using suitable previously developed land within established locations to provide new homes.
8. As the scheme provides only two dwelling units it is below the national threshold requiring the provision of affordable housing. Given it would support housing and brownfield targets in an appropriate location weighs in its favour. In acknowledging that 'the presumption in favour of sustainable development' applies to this application, the significance of this benefit will be returned to in due course as part of the planning balance.

### DESIGN AND IMPACT ON THE STREETSCENE

9. Paragraph 124 of the NPPF states that "*The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities*". Paragraph 130 states that "*Permission should be*

*refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions”.*

10. Policy L7 is considered to be compliant with the NPPF as it comprises the local expression of the NPPF’s emphasis on good design and, together with associated SPDs, the Borough’s design code. It can therefore be given full weight in the decision making process. Policy L7 states that in relation to matters of design, development must:
  - Be appropriate in its context;
  - Make best use of opportunities to improve the character and quality of an area;
  - Enhance the street scene or character of the area by appropriately addressing scale, density, height, massing, layout, elevation treatment, materials, hard and soft landscaping works and boundary treatment.
11. The proposed alterations to the appearance of the building would notably change the character and appearance of the existing building through the addition of a mansard roof, which is as approved under application 101371/FUL/20. This alteration to the form roof would facilitate the provision of two additional one bedroom flats within the roofspace. Whilst the roof form and massing would be altered the overall height would remain the same as the existing and there would be no alterations to the footprint of the existing building.
12. Whilst mansard roofs are not a feature within the immediate local area it is not considered the proposal would harm the character of the wider area or that the mansard roof would be overly dominant within the streetscene.
13. The proposed dormers would introduce a new aspect but in the context of the overall design would be in proportion. Subject to final material specifications being agreed the dormers would be acceptable. The planning authority sought a minor amendment to remove the hipped roof element off the two larger dormers and replace with flat roof to provide consistency and a more coherent design approach.
14. The proposed porch is modest in scale and will improve the overall entrance arrangement to the building. It is noted that no objections are raised to this element of the scheme. The proposed stone window surrounds and cornice would need to be agreed by condition, this should be natural stone and indigenous to the local area. High quality finishes will be necessary to achieving a well-executed scheme.
15. Having assessed the design, scale and appearance it is considered the proposal is in line with the NPPF and Policy L7 of the Core Strategy.

## IMPACT ON RESIDENTIAL AMENITY

16. Policy L7 of the Trafford Core Strategy states 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”.

17. The Council’s adopted planning guidance for new residential development (PG 1) sets out minimum separation distances which will be sought in order to protect residential amenity. These are as follows:
  - 21m between facing habitable room windows across public highways (increased by 3m for three or more storeys)
  - 27m between facing habitable room windows across private gardens (increased by 3m for three or more storeys)
  - 15m between a main elevation with habitable room windows and a facing blank elevation
  - 10.5m between habitable room windows and garden boundaries (increased by 3m for three or more storeys)
18. The five dormers, four of which would directly serve the apartments look out across the access road towards the Ingleby Court. The two windows serving the proposed apartment no. 44 would look out towards a bungalow at a distance of approximately 15 metres in line with existing windows in the apartment block. While this is below the recommended distance there are no directly opposing windows given the differential in height. In this regard the relationship would be acceptable.
19. The applicant does not propose any additional rear or side facing windows with additional light and ventilation sought via proposed roof lights.
20. The comments regarding potential impact from the construction phase are noted. While accepted there will likely be some disturbance throughout the construction phase this will be relatively short. Any construction will be expected to meet nationally set standards.
21. In terms of future occupiers of the proposed apartments, the space provided is adequate and in accordance with the nationally set space standards with approximately 58m<sup>2</sup> of internal space provided for each apartment. The concerns from objectors regarding noise from the new apartments once occupied are noted. Part E of the Building regulations deals specifically with sound insulation and it will be the developers responsibility to ensure that all requirements are met to safe guard the amenity of both existing and future residents.
22. The issue of external communal space is raised in the objections received. While the garden space is modest it is considered sufficient for the proposed unit, along with the existing units. In addition the site is less than a five minute walk from Longford Park which offers a large outdoor amenity and recreation space. In addition the issue regarding the location of the bin storage area is also noted, it is however considered best to keep the bin store away from the front of the site having regards to visual amenity. The exact location and design can be explored post determination with final location and details to be

submitted and agreed in writing with planning authority prior to first occupation of either apartment. In this regard the amenity for existing and future residents is considered acceptable in accordance with policy L7 of the core strategy.

## HIGHWAY AND PARKING MATTERS

23. Paragraph 109 of the NPPF notes that *'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.'*
24. Policy L4.6 of the Core Strategy states *'The Council will protect and support the maintenance and improvement of the Strategic Road Network and the Primary and Local Highway Authority Network, to ensure they operate in a safe, efficient and environmentally sustainable manner.'*
25. The application proposes the creation of two, one bed apartments. The Council's car parking standards, as set out in SPD3, require one parking space be provided to serve this, which is to be provided.
26. The applicant has provided a swept path analysis to show how cars exiting the existing garages would manoeuvre in light of the proposed surface parking spaces. The LHA note in response to the detail provided *"the tracking drawing is not optimal especially phase 3. However, the scale, location and proposed development have been taken into consideration. The development is served off a private road (Ingleby Court) which offers on-street parking in the event of an overspill parking."* On this basis the layout is considered acceptable.
27. It is noted that some objectors raise concerns regarding the closure of Cromwell Road (temporary planters) and impacts this has on Ingleby Court from an increase in the demand for parking from visitors to Longford Park. The planters have been put in place via the tranche 1 funding from the Emergency Active Travel Fund. At the time of writing these measures remain temporary only. It is noted that the LHA have not raised any issue in this regard and notwithstanding the concerns with the proposal providing the necessary (maximum) parking provision.
28. The LHA previously requested a condition be included as part of any approval requiring the four garages on site be retained for the sole use of the residents of 39-42 Ingleby Court for the life time of the development. In the previous application this was not considered reasonable. However given the further proposed increase in unit numbers on site officers now consider that this parking provision should be retained on site and as such a condition is proposed.
29. Having regard to all of the above the development is considered to be in accordance with Policy L4 of the Local Plan and the NPPF.

## ECOLOGY

30. The Conservation of Habitats and Species Regulations (2017) (As amended) and referred to as “the Regulations” hereafter is the statutory instrument that transposes EU Directive 92/43/EEC on the conservation of natural habitats and wild fauna and flora (the habitats directive) into UK law. This directive is the means by which the European Union meets its obligations under the Bern Convention, which is a binding international legal instrument signed in 1979. Under this legislation those most vulnerable and rare international species are protected and are listed under schedule 2 being termed “European Protected Species”.
31. Paragraph 175 of the NPPF notes that ‘when determining planning applications, local planning authorities should apply the following principles:  
if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or as a last resort, compensated for, then permission should be refused’.
32. At a local level, Policy R2 notes ‘Where the council considers it necessary, in order to protect the natural environment, developers will be required to provide an appropriate ecological assessment report to enable the Council to properly assess and determine the merits or otherwise of the development proposal.’
33. Since the submitted bat surveys conclude that there has been some bat emergence activity and the building provides roosting opportunities for bats, albeit occasional, then under the terms of the Habitats Directive and the Conservation of Habitats and Species Regulations 2017 (as amended), GMEU have confirmed that a licence will be required from Natural England to derogate the terms of this legislation before any work can commence that may disturb bats. Before a licence can be granted three tests must be satisfied. These are:
  - i) That the development is “in the interest of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequence of primary importance for the environment”;
  - ii) That there is “no satisfactory alternative”;
  - iii) That the derogation is “not detrimental to the maintenance of the populations of the species concerned at a favourable conservation status in their natural range”.
34. In terms of the first test, the development will help with the provision of new housing in the Borough which is considered to be a matter of overriding public interest, particularly given the current national need for housing and the fact that the Council only has a 2.4 year housing land supply.
35. In relation to the second test, the alternative would be for the works to the roof to not proceed, but as the building is already in residential use and there is an extant planning permission to alter the roof, this is not considered reasonable.

36. It is considered the third test can be met because the occasional nature of the roost means GMEU are satisfied that the nature conservation of the pipistrelle bat will not be impacted on by the proposed development. Compensatory provision will be straightforward through the provision of bat boxes and bricks. These are required by condition.
37. The application does not include any evidence that nesting birds have been found on site. Notwithstanding, there are shrubs and trees which provide potential nesting opportunities. Additionally, the GMEU conclude the submitted roof space photos indicate birds are at least accessing the roof space. In this regard a condition should be attached restricting the commencement of clearance and shrub/tree removal between 1st March and 31st August in any year unless a detailed bird nesting survey by a suitably experienced ecologist has been carried out.
38. Finally, to contribute to enhancing the natural environment in line with the NPPF it is recommended that bird nesting opportunities be incorporated into the new roof.
39. Having regard for the above it is considered that the potential impacts on bats and birds identified can be satisfactorily mitigated by condition and further enhancement can be achieved. The development is therefore considered to accord with policy R2 of the Core Strategy, the NPPF and The Conservation of Habitats and Species Regulations (2017) (As amended).

#### OTHER MATTERS

40. Any concerns regarding the building fabric will be covered by building regulations which the developer must adhere to where relevant. As part of this, the removal of any hazardous materials such as asbestos will be the developer/contractor's responsibility.

#### **PLANNING BALANCE AND CONCLUSION**

41. 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 making process. As the Council does not have a five year supply of housing land, the tilted balance in Paragraph 11 of the NPPF is engaged, therefore it is necessary to carry out an assessment of whether any adverse impacts of the development would significantly and demonstrably outweigh the benefits.
42. Consideration has been given to all comments received on the proposal, in light of the adopted policies within the Council's Development Plan. The proposed alterations to the existing building and creation of two additional apartments are considered appropriate given its location in an established residential area and also as the proposed two units would add, albeit in a modest way, to the Council's housing land supply.



43. The proposed external alterations are considered to be of an appropriate design and scale and any increase in vehicular movements, would be relatively minor. Coupled to this the site is in a sustainable location with good links to public transport and cycling being a realistic option. Whilst the LHA expressed some concern about the swept path analysis to show how cars can exit the existing garages, but were ultimately satisfied that the scheme was acceptable in this respect. The GMEU do not raise an objection on ecology grounds. Through the implementation of appropriate conditions, the proposal is considered to have an acceptable impact on the building design, amenity of future and existing residents, and highway safety and ecology. As such the proposal is considered to be compliant with Policies L4, L7 and W2 of the Trafford Core Strategy and therefore in accord with the development plan.
44. Having carried out the weighted balancing exercise under Paragraph 11 (d)(ii) of the NPPF, it is considered that the adverse impacts of granting planning permission would not significantly and demonstrably outweigh the benefits of doing so. Indeed the benefits of the scheme are considered to outweigh the adverse impacts identified above. The application is therefore recommended for approval.

#### **RECOMMENDATION:**

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 submitted plans: elevations, floor plans, roof plan, site plan and location plan, received by the local planning authority on 10<sup>th</sup> November 2020

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

3. No development involving the use of materials to be used in the construction of the external surfaces of the building hereby permitted (including rainwater goods and joinery details of windows and doors) shall take place until details of the materials have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure satisfactory external appearance in the interests of visual amenity, having regard to Policy L7 and R1 of the Trafford Core Strategy and the National Planning Policy Framework.

4. No internal works shall take place until details of the bin stores, which shall include accommodation for separate recycling receptacles for paper, glass and cans in addition to other household waste, have been submitted to and approved in writing by the Local Planning Authority. The approved bin stores shall be completed and made available for use prior to the first occupation of the apartments and shall be retained thereafter.

Reason: To ensure that satisfactory provision is made for refuse and recycling storage facilities at the design stage of the development, having regard to Policy L7 of the Trafford Core Strategy and the National Planning Policy Framework.

5. The development hereby approved shall not be occupied until the approved car parking and cycle storage scheme has been laid out, constructed and is ready for first use and shall be retained thereafter. The proposed off-street parking spaces shall be clearly marked in accordance with a drawing which shall have been previously approved in writing by the Local Planning Authority.

Reason: To ensure that satisfactory cycle [and motorcycle] parking provision is made in the interests of promoting sustainable development, having regard to Policies L4 and L7 of the Trafford Core Strategy, the Council's adopted Supplementary Planning Document 3: Parking Standards and Design, and the National Planning Policy Framework.

6. No clearance of trees and shrubs in preparation for (or during the course of) development or conversion/demolition works shall take place during the bird nesting season (1st March-31st August inclusive) unless an ecological survey has 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 development 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.

7. The existing garages on site shall be retained and kept available for the parking of motor vehicles at all times.

Reason: To ensure adequate garaging /off street parking provision is retained and thereby avoid the harm to amenity, safety or convenience caused by on street parking, having regard to Policies L4 and L7 of the Trafford Core Strategy, the Council's adopted Supplementary Planning Document 4: A Guide for Designing House Extensions and Alterations and Supplementary Planning Document 3: Parking Standards and Design and the National Planning Policy Framework.

8. No works to the roof shall take place unless and until a scheme identifying opportunities for biodiversity enhancement to be incorporated into the new development have been submitted to and approved by the Local Planning Authority. These should include:

- Bat bricks and/or tubes within the new development
- Bird boxes

The development shall thereafter be carried out in accordance with the approved details which shall be retained as such thereafter.

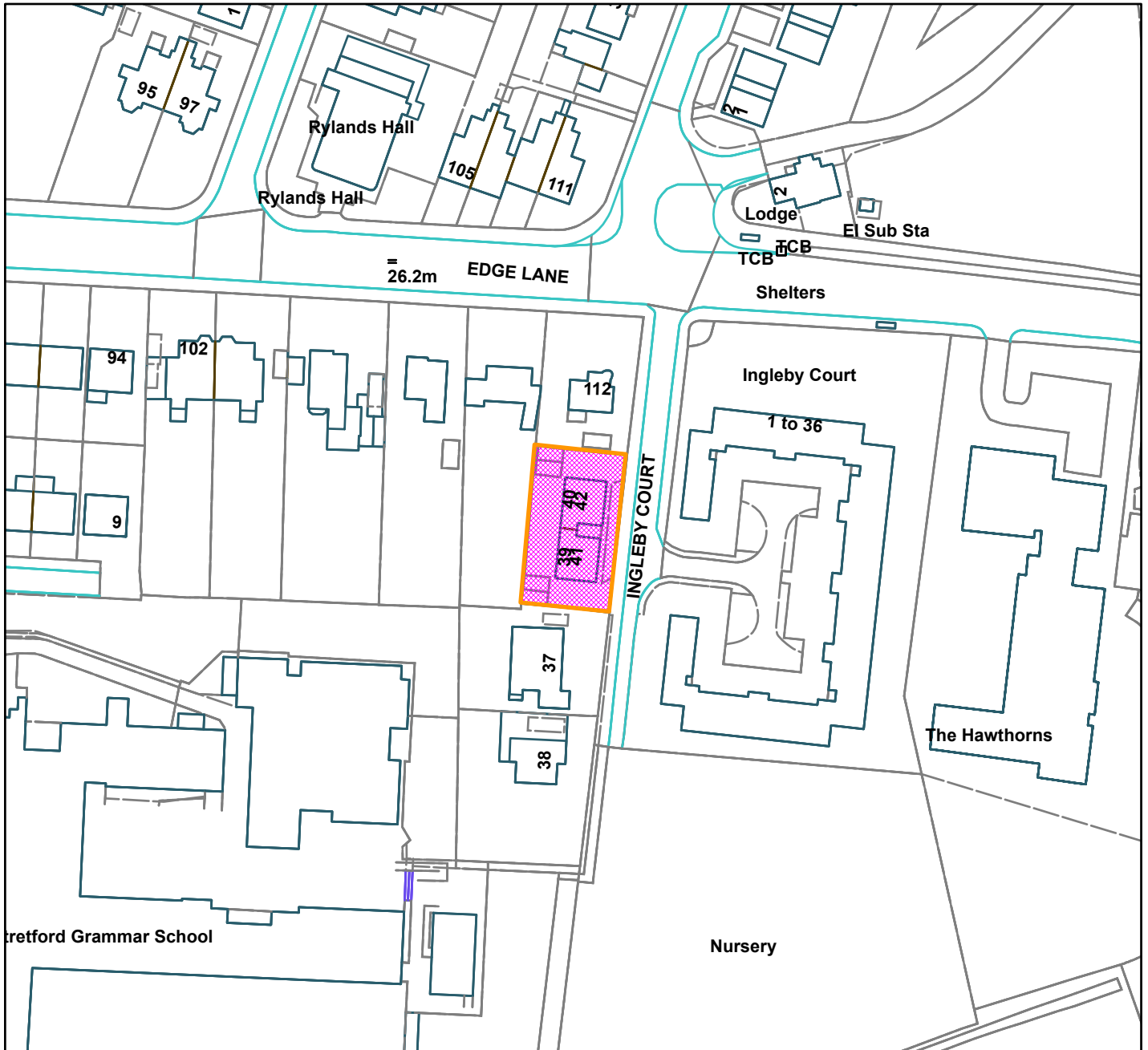
Reason: To ensure opportunities for biodiversity enhancement, having regard to the requirements of the NPPF and Policy R2 of the Trafford Core Strategy.

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CK



39-42 Ingleby Court, Stretford (site hatched on plan)



Scale: 1:1,250

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Organisation	Trafford Council
Department	Planning Service
Comments	Committee Date 11/02/2021
Date	29/01/2021
MSA Number	100023172 (2016)

**WARD:** Gorse Hill

**102841/HHA/20**

**DEPARTURE:** No

Erection of two storey side extension with external alterations following demolition of existing garage

**20 Kendal Road Stretford M32 0DZ**

**APPLICANT:** Mrs Saunders

**AGENT:** Mr Hole

**RECOMMENDATION: REFUSE**

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**The application is reported to the Planning and Development Management Committee due to being called in by Cllr Walsh**

### **SITE**

The application site comprises an end terrace two storey property located on the west side of Kendal Road in Stretford. The property is constructed of part brick, part white rendered walls with a hipped tiled roof and white upvc framed window openings.

The site features an attached side garage, rear garden and single storey rear kitchen outrigger. The side garage attaches to the adjacent terrace property to the south, no. 18 Kendal Road.

Neighbouring properties are entirely residential. The neighbouring property, no. 22 to the south forms part of a terrace with a different design character to the terrace that the application property is part of.

Specifically the south terrace (nos. 22 to 40) features ground floor bay windows only, large painted window headers, upper brick banding, smaller windows and darker red brickwork. The north terrace features two storey bay windows, middle brick banding, larger windows, front porches, front hipped roofs over the bays and lighter red brickwork.

### **PROPOSAL**

This application seeks planning permission for the erection of a two storey side extension with external alterations following demolition of the existing garage

Specifically the side extension would project 2.40m with a length of 8.30m. The roof eaves height would be 5.90m to match the existing with a ridge height of 8.70m to match the existing.

There would be a brick soldier course to match the brick course on the existing property. There would be a single window at ground floor and first floor to the front, whilst to the rear there would be double doors to the ground floor and single window to the first floor. Materials are proposed to match the existing property.

External alterations include the removal of the existing rear chimney stack. An existing opening to the side elevation of the single storey rear kitchen outrigger would be blocked up.

**Value added:**

The total additional internal floor space proposed is approximately 32sqm.

No amended plans were considered possible to overcome Officer's concerns.

**DEVELOPMENT PLAN**

**For the purposes of this application the Development Plan in Trafford comprises:**

- The **Trafford Core Strategy** adopted 25th January 2012; The Trafford Core Strategy is the first of Trafford's Local Development Framework (LDF) development plan documents to be adopted by the Council; it partially supersedes the Revised Trafford Unitary Development Plan (UDP), see Appendix 5 of the Core Strategy.
- The **Revised Trafford Unitary Development Plan (UDP)**, adopted 19th June 2006; The majority of the policies contained in the Revised Trafford UDP were saved in either September 2007 or December 2008, in accordance with the Planning and Compulsory Purchase Act 2004 until such time that they are superseded by policies within the (LDF). Appendix 5 of the Trafford Core Strategy provides details as to how the Revised UDP is being replaced by Trafford LDF.

**PRINCIPAL RELEVANT CORE STRATEGY POLICIES**

L4 – Sustainable Transport and Accessibility

L7 – Design

For the purposes of the determination of this planning application, these policies are considered 'up to date' in NPPF Paragraph 11 terms with the exception of maximum parking standards in L4.

**OTHER LOCAL POLICY DOCUMENTS**

SPD3 – Parking and Design

SPD4 – A Guide for Designing House Extensions and Alterations

**PROPOSALS MAP NOTATION**

*None to note*

## **PRINCIPAL RELEVANT REVISED UDP POLICIES/PROPOSALS**

*None*

### **NATIONAL PLANNING POLICY FRAMEWORK (NPPF)**

The MHCLG published the National Planning Policy Framework (NPPF) on the 19<sup>th</sup> February 2019. The NPPF will be referred to as appropriate in the report.

### **NATIONAL PLANNING PRACTICE GUIDANCE (NPPG)**

MHCLG published the National Planning Practice Guidance on the 6<sup>th</sup> March 2014, and is updated regularly. The NPPG will be referred to as appropriate in the report.

### **GREATER MANCHESTER SPATIAL FRAMEWORK**

The Greater Manchester Spatial Framework is a joint Development Plan Document being produced by each of the ten Greater Manchester districts and, once adopted, will be the overarching development plan for all ten districts, setting the framework for individual district local plans. The first consultation draft of the GMSF was published on 31<sup>st</sup> October 2016, and a further period of consultation on the revised draft ended on 18<sup>th</sup> March 2019. The GMSF is not yet at Regulation 19 stage and so will normally be given limited weight as a material consideration. Where it is considered that a different approach should be taken, this will be specifically identified in the report. If the GMSF is not referenced in the report, it is either not relevant, or carries so little weight in this particular case that it can be disregarded

### **RELEVANT PLANNING HISTORY**

101818/HHA/20 - Erection of two storey side extension and alterations to elevations.  
Withdrawn 12.11.2020

### **APPLICANT'S SUBMISSION**

Application Form

CIL Form

Design + Access Statement

Existing plans / elevations

Proposed plans / elevations

### **CONSULTATIONS**

None

### **REPRESENTATIONS**

The application was advertised through notification letters sent to immediate neighbours. Letters of support were received from nos. 18 and 22 Kendal Road (the properties either side):

- *Already an adjoining garage between our properties which is not fit for purpose*
- *Proposal will be sympathetic and of benefit to both properties*
- *Have no objections and don't think any neighbours will object*

An email of support and call in request for approval was received from Cllr Walsh:

- *I understand officers have taken a view that that the application would be harmful to the street scene. I don't believe this is the case and would like to call this application in to planning committee.*

## **OBSERVATIONS**

### **PRINCIPLE OF DEVELOPMENT**

1. The proposal is for an extension and external alterations to an existing residential property, within a predominantly residential area. Such works are generally considered acceptable in principle, subject to addressing certain material considerations. The materials considerations in this application are the design and appearance of the development, its impact on residential amenity, and the level of parking provision.

### **DESIGN AND APPEARANCE**

2. Policy L7: Design from the Core Strategy states that:
3. *L7.1 "In relation to matters of design, development must:*
  - *Be appropriate in its context;*
  - *Make best use of opportunities to improve the character and quality of an area;*
  - *Enhance the street scene or character of the area by appropriately addressing scale, density, height, massing, layout, elevation treatment, materials, hard and soft landscaping works, boundary treatment".*
4. The two storey side extension would be built in brick with a pitched roof. A decorative soldier course would follow through from the existing property between the ground and first floor window openings. The proportions of the first floor window opening would match the window opening in the existing property on the other side of the bay window, above the door. However, because the extension joins the two terraces it would also be read in the street scene as a direct addition to no. 22, and because there are no bay windows in the first floor of the terrace that contains no. 22, the window at first floor appears out of proportion as it neither reflects the bay window to the right or the casement window to the left. Additionally, the eaves levels of the terraces are at a different



height (the extension being lower than no. 22) and there is a decorative dentil course under the eaves of no. 22 which would not be replicated on the extension. The ground floor window of the extension bears no relationship to the proportions of the windows of either the application property or no. 22. The gap between the two terraces is too narrow to effectively design an extension which would replicate either of the terraces.

5. It is also intended to brick bond the front elevation of the extension flush to the front elevations of the terraces to either side. The terraces are not built in the same brick and therefore it will not be possible to match both, and probably not either given the age of the properties. In other circumstances this is normally mitigated by matching the bricks on the application property as closely as possible and setting the elevation back at least a brick width, but that is not proposed here, and would not be effective because of the different brick on the adjacent terrace. With no set back on the front elevation this means there would be a clear join in different bricks where they are keyed into each other. Joining two terraces of different character and not effectively replicating either inevitably leads to a design approach which appears muddled and incongruous.
6. The siting of the side extension, between the applicant property and no. 22 to the south would join the two terraces together and remove an important visual gap in the street scene, which separates and defines the two terraces. The existing first floor gap provides an important break in the street scene between the two terraces of notably different character and facilitates the transition. The removal of this gap would be detrimental to the character of the area and the extension would appear as an incongruous addition
7. Whilst there is an existing single storey side garage, this does not affect existing longer range views of the terraces which are important when approaching from further away and given the design and scale of the garage a clear visual separation is maintained between the two terraces.
8. In summary for these reasons the proposal is considered to be inappropriate in its context and would fail to provide a satisfactory design and appearance, against the requirements of Policy L7 Design and SPD4.

## **RESIDENTIAL AMENITY**

9. This section considers the potential amenity impact of the proposal upon adjacent residential properties.
10. Policy L7; Design also states that:

11. *L7.3 “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”.*

*Impact upon no. 18 Kendal Road*

12. This is the adjoining terraced property to the side to the north.
13. The side extension would not be visible from the front or rear elevations of this property. Given the siting of the proposed extension it is not considered to have any overbearing impact, unreasonable visual intrusion, loss of light or privacy for this property. Similarly the external alterations (removal of existing rear chimney and blocking up of a rear side door) would not have any amenity impact.

*Impact upon no. 22 Kendal Road*

14. This is the adjoining terraced property to the side to the south.
15. The side extension would be level with the front elevation of this property. It is not considered to have any overbearing impact, unreasonable visual intrusion, loss of light or privacy for this property. Similarly the external alterations (removal of existing rear chimney and blocking up of a rear side door) would not have any amenity impact.
16. The proposed external alterations and new rear window openings would be on the same plane as existing window openings. There is not considered to be any overbearing impact, unreasonable visual intrusion, loss of light or privacy for this property.

*Impact upon nos. 15 and 17 Bowness Street*

17. These are the properties to the rear, from which the side extension would be visible. The side extension would be level with the existing rear elevation. There is not considered to be any overbearing impact, unreasonable visual intrusion, loss of light or privacy for this property.

### Impact upon nos. 13 to 17 Kendal Road

18. These are the neighbouring properties to the front, separated by Kendal Road and a grass verge with Trees.
19. The side extension whilst considered inappropriate within the general street scene is not considered to have any specific amenity impact upon these properties. It would be level with the existing front elevation and would maintain the existing 25m facing distance to the east.
20. In summary the proposal would have an acceptable amenity impact upon neighbouring properties and in this regard the proposal would comply with Policy L7.3.

### **PARKING**

21. The existing garage is too small at 2m in width to be used as a car parking space and as such no car parking space would be lost. The proposal would increase the number of bedrooms within the property from 3no. to 4no. There are no on street parking restrictions on Kendal Road and it is considered reasonable that an extra parking demand for the property could take place to the front on street, as neighbours also do.

### **DEVELOPER CONTRIBUTIONS**

22. The total additional floor space proposed is approximately 32sqm, which at less than 100sqm and self-build is not subject to the Community Infrastructure Levy (CIL).

### **PLANNING BALANCE AND CONCLUSION**

23. The proposed development is considered to provide a poor design and appearance by joining two terraces of notably different character together. The proposal would result in an incongruous addition within the street scene to the detriment to the character of the existing property, the adjoining property no. 22 and the general character of the local area. The application therefore fails to comply with Policy L7 Design, SPD4 and the provisions of the NPPF. It is contrary to the development plan and is recommended for refusal.

### **RECOMMENDATION: REFUSE**

**Reason:**

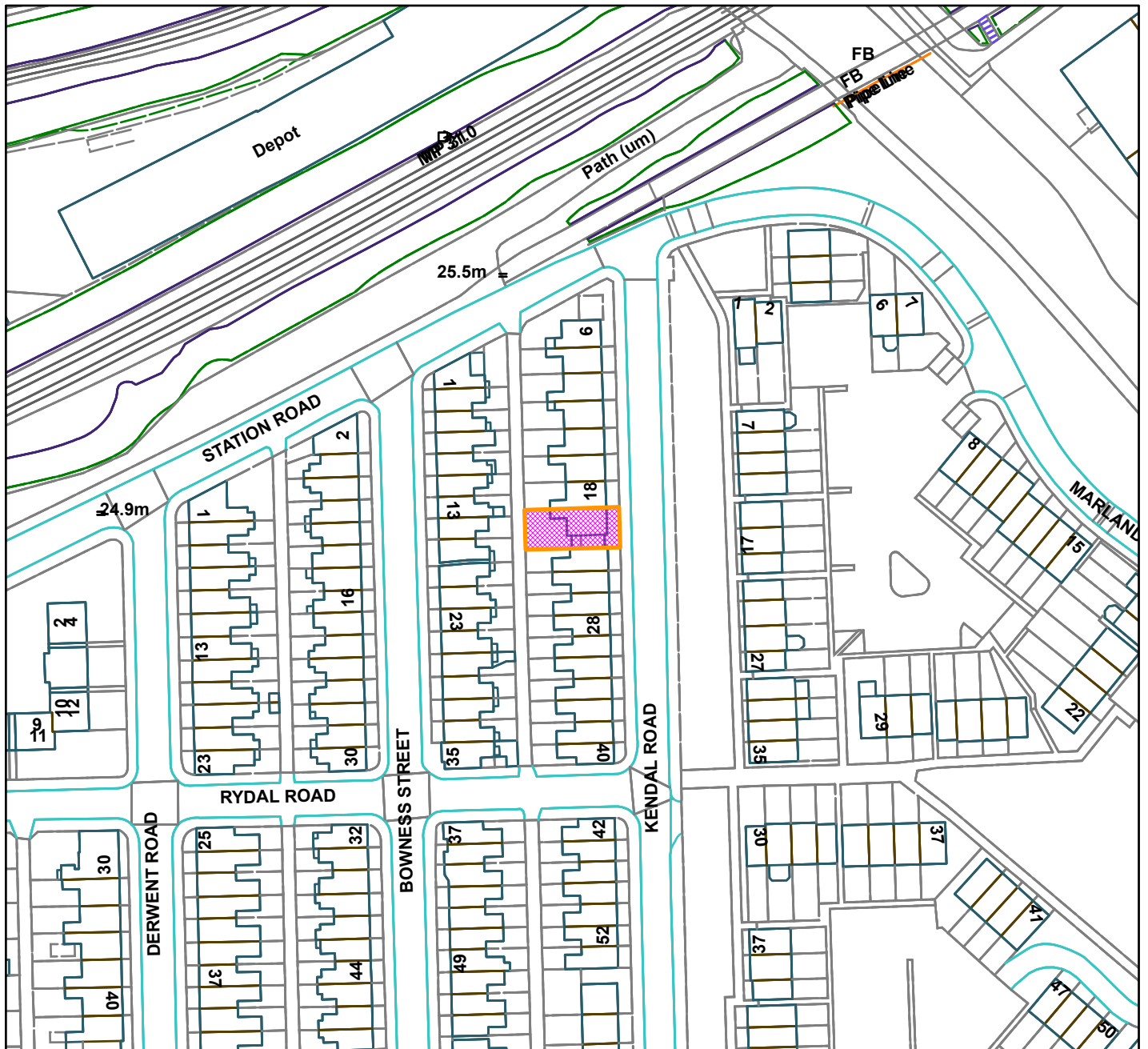
1. The proposed two storey side extension, by reason of joining two terraces of different character together, in a design which does not properly and effectively reflect either would detrimentally affect the rhythm and space of the street scene and result in a visually intrusive, incongruous feature which would be harmful to the existing property, the adjacent terrace at no. 22 and the general character of the local area. The application therefore fails to comply with Policy L7 of the adopted Core Strategy, the Council's adopted Supplementary Planning Document 4, and the provisions of the NPPF.

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GEN



20 Kendal Road, Stretford (site hatched on plan)



**Scale:** 1:1,250

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Organisation	Trafford Council
Department	Planning Service
Comments	Committee Date 11/02/2021
Date	29/01/2021
MSA Number	100023172 (2016)

**WARD:** Bucklow St Martins    **103042/VAR/21**

**DEPARTURE:** No

**Application for removal of condition 11 (requiring demolition of 75 existing residential units within Your Housing Groups stock within Partington prior to first occupation of any units approved) of planning permission 97897/FUL/19 (Erection of 75 affordable dwellings and ancillary infrastructure including new main site access off Oak Road) and replacement with a s106 legal agreement allowing for the option of either a financial contribution to the Carrington Relief Road or demolition of existing residential units in Your Housing Group's stock in the Partington ward or a combination of both, prior to any new build units first being occupied at this site.**

Land North Of Oak Road And West Of Warburton Lane, Partington

**APPLICANT:** Your Housing Group Limited

**AGENT:** Your Housing Group Limited

**RECOMMENDATION: MINDED TO GRANT SUBJECT TO LEGAL AGREEMENT**

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**The application is being presented to Planning and Development Management Committee at the discretion of the Head of Planning.**

## **SITE**

The application relates to a 1.95 ha irregularly shaped site at the junction of Oak Road and Warburton Lane in Partington. The site currently comprises a mix of hardstanding (mainly in the southwestern corner) and vegetation with trees predominantly around the site margins. The site has recently been used for grazing horses. The areas of hardstanding on the site reflect the location of former buildings on the site which comprised The Red Brook Public House in the southwestern corner and Orton Brook Primary School, which closed in 2002, to the east of the public house site. There were also flats (65 - 95 Tulip Road) in the north-western corner of the site which have been demolished and the ground re-seeded.

The site is bounded to the south by Oak Road and there is a grass verge with street trees adjacent to the pavement. There are two existing vehicular accesses to the site off Oak Road which formerly served the Public House and School. The site of the former pub is enclosed by security hoardings. On the opposite side of Oak Road are two storey terraced and semi-detached residential properties. To the east the site is bounded by Warburton Lane with a relatively wide grass verge with planted beds. The land level on site is higher than the adjacent footpath at the southern corner. Beyond Warburton Lane to the East are detached houses on Brook Farm Close which are sited around a small triangular tree covered piece of land.

To the North the site is bounded by two storey maisonettes at 29-63 (odds) Tulip Road and the side boundary of 64, Warburton Lane, a semi-detached house. A short section of the Northern site boundary directly abuts the pavement and verge on Tulip Road. The north-western site boundary adjoins a footpath running to the east of two storey terraced houses on Rutland Road and the side garden of No. 9 Rutland Road. In the south-western corner, it adjoins Partington Family Centre which is currently occupied by Little Oaks Day Nursery.

The character of the area is predominantly residential although there is a parade of commercial units to the west beyond the nursery building and areas of public open space around the Red Brook Wildlife Trail to the south

## **PROPOSAL**

Planning permission 97897/FUL/19 was granted by the Planning and Development Management Committee in March 2020 for the erection of 75 affordable dwellings and ancillary infrastructure including new main site access off Oak Road.

The applicant Your Housing Group is now applying to vary the previous permission to remove condition 11 which required them to demolish 75 of their existing residential units within their wider stock within Partington prior to first occupation of any of the new units approved. This was attached to ensure no unacceptable impacts on the operation of the local highway network as a result of the additional traffic generated by the planning permission.

The application seeks to replace the deleted condition 11 with a section 106 legal agreement that would allow for the option of either a financial contribution to the Carrington Relief Road or demolition of existing residential units in Your Housing Group's stock in the Partington ward or a combination of both, prior to any new build units first being occupied at this site.

The site notice expires on 15 February 2021. In the interests of expediency, if Members are minded to grant this application they are requested to delegate approval of this application to the Head of Planning and Development following the expiry of that site notice if no further representations are received which raise issues not already reported to Members (either in this main report or in the Additional Information Report). In any event, as the grant of planning permission is subject to a S106 agreement, there is no real prospect of the decision notice being issued prior to that date.

## **DEVELOPMENT PLAN**

**For the purposes of this application the Development Plan in Trafford comprises:**

- The **Trafford Core Strategy**, adopted 25th January 2012; The Trafford Core Strategy is the first of Trafford's Local Development Framework (LDF) development plan documents to be adopted by the Council; it partially

supersedes the Revised Trafford Unitary Development Plan (UDP), see Appendix 5 of the Core Strategy.

- The **Revised Trafford Unitary Development Plan (UDP)**, adopted 19th June 2006; The majority of the policies contained in the Revised Trafford UDP were saved in either September 2007 or December 2008, in accordance with the Planning and Compulsory Purchase Act 2004 until such time that they are superseded by policies within the (LDF). Appendix 5 of the Trafford Core Strategy provides details as to how the Revised UDP is being replaced by Trafford LDF.

## **PRINCIPAL RELEVANT CORE STRATEGY POLICIES**

L1 - Land for New Houses  
L2 - Meeting Housing Needs  
L3 – Regeneration and Reducing Inequalities  
L4 – Sustainable Transport and Accessibility  
L5 – Climate Change  
L7 – Design  
L8 – Planning Obligations  
R1 – Historic Environment  
R2 – Natural Environment  
R3 – Green Infrastructure  
R5 – Open Space, Sport and Recreation

## **PROPOSALS MAP NOTATION**

Partington Priority Area for Regeneration  
Other Strategic Routes

## **PRINCIPAL RELEVANT REVISED UDP POLICIES/PROPOSALS**

None

## **SUPPLEMENTARY PLANNING GUIDANCE/DOCUMENTS**

Revised SPD1: Planning Obligations (2014)

## **GREATER MANCHESTER SPATIAL FRAMEWORK**

The Greater Manchester Spatial Framework is a joint Development Plan Document being produced by nine of the Greater Manchester districts and, once adopted, will be the overarching development plan for these districts, setting the framework for individual district local plans. The first consultation draft of the GMSF was published on 31st October 2016, and a further period of consultation on the revised draft ended on 18th March 2019. The GMSF is not yet at Regulation 19 stage and so will normally be given limited weight as a material consideration. Where it is considered that a different approach should be taken, this will be specifically identified in the report. If the GMSF is not referenced in the report, it is either not relevant, or carries so little weight in this particular case that it can be disregarded.



## **NATIONAL PLANNING POLICY FRAMEWORK (NPPF)**

The DCLG published the National Planning Policy Framework (NPPF) in 19 February 2019. The NPPF will be referred to as appropriate in the report.

## **NATIONAL PLANNING PRACTICE GUIDANCE (NPPG)**

DCLG published the National Planning Practice Guidance on 6 March 2014, and was updated on 31st December 2020. The NPPG will be referred to as appropriate in the report.

## **RELEVANT PLANNING HISTORY**

97897/FUL/19 - Erection of 75 affordable dwellings and ancillary infrastructure including new main site access off Oak Road – Approved 06.03.2020

## **APPLICANT'S SUBMISSION**

The applicant has submitted a brief statement setting out the reasons for the submission of this variation application, summarised as follows:

The applicant, Your Housing Group has submitted the application in order to have greater certainty and flexibility than the condition wording currently provides. Your Housing Group is considering and working towards the demolition of some of its housing stock in the area, however the timing and the extent of this demolition work is not yet fully defined.

Furthermore, there is a need to commence a start on site at Oak Road in the early part of this year to ensure Homes England grant funding will be utilised as forecast. Your Housing Group does not wish to implement the current planning permission and begin construction on site without having greater certainty regarding the ability to occupy the 75 new properties that are to be built at Oak Road.

The application therefore proposes that condition 11 be removed and replaced with a suitably worded s.106 legal agreement. The proposed s.106 agreement would allow for either a financial contribution on a per unit basis up to 75 units, or a part contribution and part demolition on a per unit basis up to 75 units, or the demolition of 75 units in Your Housing Group's stock in Partington. The principle of paying a financial contribution in lieu of a Grampian condition restricting development is the mechanism that is being used by other applicants who wish to develop out schemes in the local Partington area.

Hence the proposed agreement would allow Your Housing Group to continue to work up its strategic demolition proposals in the area, but should they not be concluded in time for the occupancy of the newly built 75 properties at the Oak Road development, Your

Housing Group would be able to make a financial contribution instead, thus ensuring the newly built properties can be occupied in a timely fashion.

## **CONSULTATIONS**

**Local Highway Authority** – No objections in principle on highway grounds to the proposals. The LHA's preference would be for a contribution to the Carrington Relief Road.

## **REPRESENTATIONS**

**Neighbours:** 2 objections have been received. Grounds of objection summarised as follows:

- Only main road in Partington is gridlocked daily during rush hour. Hundreds more houses are planned with no real plan for improvement except sending traffic via a different route which then re-joins the same road further down.
- Not appropriate to use S106 funding from this development to fund the construction of a new road that does not directly benefit those who live and work in Partington. It may reduce congestion outside the town and improve access to Partington but there are more valuable projects that could directly benefit residents.
- Housing is welcome here, but there is no reason why anyone should be driving to and from these houses.
- How can Trafford Council act on their declaration of a climate emergency, while allowing a driving-focused development like this to be built?
- Perfect opportunity for the council to create an active neighbourhood for people who prefer walking and cycling
  
- Loss of greenspace, trees and wildlife habitats.
- Detrimental impact on air quality
- So called "affordable" homes are out of the price range of many people in the area.
- Lack of decent amenities, infrastructure and services nearby.
- Think about local residents. Your housing should be spending on repairs for their existing property.

## **OBSERVATIONS**

### **BACKGROUND**

1. Planning application Ref. 97897/FUL/19 for the erection of 75 affordable homes was previously considered at the Planning and Development Management Committee in March 2020, where the Committee resolved to grant planning permission subject to conditions, in accordance with officer recommendation.

Work on site has not yet commenced and the permission has not yet been implemented although it is extant.

2. One of the conditions attached to that permission (No. 11) stated the following:

*No residential unit hereby permitted shall be occupied unless and until the demolition of 75 existing residential units within Your Housing Group's stock within Partington has taken place, and that the Local Planning Authority have been able to confirm in writing that demolition has taken place through the submission and approval by the Local Planning Authority of a plan which identifies those units.*

3. This was considered necessary to ensure that the highway impacts of the additional traffic generated by the development were appropriately mitigated. The current application seeks to remove this condition and replace it with a suitably worded section 106 legal agreement. This is considered in more detail below.

## ISSUES FOR CONSIDERATION

4. With a section 73 application, regard should be had to any material changes to the site or the surrounding area and any changes to planning policy since the original application was considered. In this case, there are not any relevant changes to the site or its surroundings, nor to adopted planning policy since the original application was determined, although since that time two reports relating to 'Developer Contributions towards the Carrington Relief Road' have been before the Planning and Development Management Committee (more details on this are set out below). While the comments of the objectors are noted, the previously approved plans for the development also remain unchanged and as indicated above, the previous permission is extant.
5. The primary issue for consideration is therefore whether the impact of the variation to the approved development would have an acceptable impact on the local road network. The need for new highways infrastructure (i.e. the Carrington Relief Road) to improve the accessibility and sustainability of Carrington and Partington as locations for new development, as well as reducing congestion on the existing highway network, and directly mitigating traffic impacts of development, is also relevant.

## POLICY

6. 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 at Paragraphs 2 and 47 reinforces this requirement and at Paragraph 12 states that the presumption in favour of sustainable development does not change the statutory status of the development plan as a starting point for decision making, and that

where a planning application conflicts with an up-to-date (emphasis added) development plan, permission should not normally be granted.

7. The Council's Core Strategy was adopted in January 2012, prior to the publication of the 2012 NPPF, but drafted to be in compliance with it. It remains broadly compliant with much of the policy in the 2019 NPPF, particularly where that policy is not substantially changed from the 2012 version. The NPPF is a material consideration in planning decisions.
8. Paragraph 11 (c) of the NPPF states that development proposals that accord with an up-to-date development plan should be approved without delay. Policies relating to highways impacts are considered to be most important for determining this application. These policies are considered to be up-to-date insofar as they relate to the current application and as such, accordance with these policies indicates that the development should be approved 'without delay'.

## HIGHWAYS IMPACTS

9. Paragraph 109 of the NPPF states that 'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe'.
10. Policy L4.7 states that 'The Council will not grant planning permission for new development that is likely to have a significant adverse impact on the safe and efficient operation of the Strategic Road Network, and the Primary and Local Highway Authority Network unless and until appropriate transport infrastructure improvements and/or traffic mitigation measures and the programme for the implementation are secured.'
11. The Core Strategy notes in the Spatial Profile for Partington that access to the Regional Centre and Trafford's four town centres is very poor because of a single road – the A6144 – that links Partington to the M60 and Manchester in the north, and to Warrington in the south and identifies one of the key issues facing Partington is the need to reduce its physical isolation through the delivery of improved transport links. Existing traffic problems are attributed to the volume of traffic using the road (through traffic and to a lesser extent local traffic), the lack of alternative routes, junction constraints and capacity issues on the M60.
12. The need for improved road and public transport infrastructure in Partington and Carrington to accommodate the significant future development proposed in this location is set out in the following policies of the Core Strategy: -
13. Policy L3.4 states in relation to Partington as a Priority Regeneration Area, that *"Development will be required to contribute to the improvement of the public transport infrastructure to mitigate against the impact of the development on the*

*highway network and to address the deficiencies in the existing public transport provision”.*

14. Policy L4.1(c) states that the Council will promote integrated transportation axes... with a particular objective of improving accessibility for communities within the disadvantaged neighbourhoods identified in Policy L3. Policy L4.1(g) goes on to say that the Council will, where appropriate, seek developer contributions towards the provision or improvement of highway and public transport schemes in accordance with the Strategic and Place Objectives of the Core Strategy.
15. Policy L4 of the Core Strategy seeks to ensure that the Strategic, Primary and Local Road Networks are protected and maintained to ensure that they operate in a safe, efficient and environmentally sustainable manner, including securing appropriate infrastructure improvements / mitigation measures at an appropriate time. The Policy states at L4.8 that *“when considering proposals for new development that individually or cumulatively will have a material impact on the functioning of the Strategic Road Network and the Primary and Local Highway Authority Network, the Council will seek to ensure that the safety and free flow of traffic is not prejudiced or compromised by that development in a significant adverse way, either by ensuring that appropriate transport infrastructure improvements and/or traffic mitigation measures and the programme for their implementation is secured, or by securing contributions in accordance with the associated SPD, or by a combination of these means”.*
16. In addition, Paragraph 3.37 of SPD1 states that new growth will put further pressure on roads and transport networks and create demand for strategic and local transport infrastructure and that there is a need for this to be addressed through site specific planning obligations for transport infrastructure. In Paragraph 3.39 it states that planning obligations may be required to address localised impacts, for example relating to congestion, and which will be particularly relevant to larger developments.

#### Carrington Relief Road

17. The congested nature of the road network (particularly the A6144) in this locality is recognised and is referenced within Policy L3.
18. As major development proposals have come forward in building upon the existing Carrington allocation, and for new development more broadly within the Partington area, the matter of whether the predicted traffic uplift could be accommodated within the existing road network, or whether mitigation would be justified, has been subject to close scrutiny.
19. The Council is currently developing initial proposals for a significant piece of highways infrastructure in Carrington – known locally as the Carrington Relief

Road (CRR). The proposed road is currently at design stage and a planning application for the scheme has not been submitted to date. The scheme will in part comprise the route of the existing A1 road through the former Shell site and land east of Carrington to enable connection to the Carrington Spur and the M60.

20. An approach to securing contributions from developments is set out in the report '*Planning Obligations: Developer Contributions towards the Carrington Relief Road*' presented to the Planning and Development Management Committee on 15 October 2020. The methodology for calculating contributions was subsequently updated in the report '*Update: Planning Obligations: Developer Contributions towards the Carrington Relief Road*' 21<sup>st</sup> January 2021, following the identification of an arithmetical error. The original report and methodology remains otherwise unchanged.
21. The report '*Planning Obligations: Developer Contributions towards the Carrington Relief Road*' 15 October 2020 set out how developments in the Carrington Strategic Location and wider Partington area will contribute towards the CRR in order to address the current funding gap and make the delivery of the CRR much more certain. Any such contribution would be secured through a S106 agreement.
22. This report sets out a formula for calculating contributions with a figure per residential unit or 100m<sup>2</sup> of commercial floorspace. This formula will be applied to all major development within the SL5 Carrington allocation and to other windfall sites in Carrington and Partington to give a greater level of certainty in the implementation and delivery of the CRR and the long term, single project to mitigate the impacts of that development.
23. The purpose of the CRR is to improve accessibility and sustainability of the Carrington and Partington area as part of the regeneration of these areas and is not a specific traffic mitigation requirement. The A6144 Manchester Road is operating well above capacity and is subject to severe congestion and significant queueing of traffic at peak times. The CRR will address this capacity issue and also open up large areas of mainly brownfield land for development. Policy L3 identifies Partington as a Priority Regeneration Area which is poorly connected with the rest of Trafford and the Regional Centre. The creation of the CRR will greatly improve connectivity with Partington including improving the range of bus services that can access the area. The deficiencies in the public transport provision in Partington is identified in Policy L3.
24. Policies L4 and L8 of the Core Strategy are the relevant policies to this element of the SPD. In particular, paragraphs L4.1 (a) to (h) set out the criteria to enable sustainable development, which includes the development and maintenance of a sustainable integrated transport network. Paragraph L8.4 also specifically makes reference to the Council seeking contributions towards "*highways infrastructure and sustainable transport schemes including bus, tram, rail, pedestrian and cycle*

*schemes*". It is considered therefore that the proposal is compliant with Regulation 122 of the Community Infrastructure Levy.

25. The CRR report states that where contributions are secured, planning permissions will be subject to S106 obligations and/or planning conditions which restrict the occupation of all or part of the development until the Council confirms to the developer that it is delivering the CRR. In practice, this delivery trigger will be met at the point the CRR obtains its own planning permission.
26. In the event the Council does not deliver the CRR, there would be a time period in which the Council is able to spend the S106 monies on wider improvements to the Flixton Road junction, including, if necessary, acquiring third party land. Any negative difference between the cost of delivering these improvements and the CRR contribution (equalised between the parties), would be returned to the developer.

### Traffic Generation

27. In assessing the earlier application (and when having regard to cumulative impacts), the LHA considered the junction modelling provided and concluded that the residual cumulative impacts would result in a severe impact on the local road network particularly at the Flixton Road Crossroads.
28. Prior to the Planning Committee Meeting in March 2020, the applicant confirmed that they were willing to accept a condition which required the demolition of 75 residential units of existing Your Housing stock in Partington before any occupation of the proposed development took place. Subject to this condition it was concluded that there would be no 'severe' impact arising on the highway network as a result of the proposals. The application was approved on this basis.
29. The applicant has now requested that an alternative, more flexible means of dealing with the cumulative traffic impacts is considered through the use of a section 106 agreement rather than the condition 11 attached to the original approval.
30. Although Your Housing Group has stated that they are considering and still working towards the demolition of some of its housing stock in the area, the timing and extent of this demolition work is not yet fully confirmed. In view of this and the need to commence on site in the early part of this year to ensure Homes England grant funding will be utilised as forecast, this approach would provide greater certainty that the 75 new properties could be occupied once completed.
31. The LHA have raised no objection to the principle of this suggested approach and have indicated that the LHA's preference would be for a contribution to the Carrington Relief Road.

32. It is considered that either the demolition of the existing housing stock or a contribution to the CRR or a combination of both would appropriately mitigate for the concerns previously identified as part of the consideration of 97897/FUL/19 in relation to the otherwise 'severe' impact on local roads. A contribution to the CRR would also assist in its delivery, improving the accessibility of Carrington and Partington, and thereby having wider benefits, in accordance with the Core Strategy Place and Spatial Objectives and Policies L3, SL5, L4 and L8.

## **DEVELOPER CONTRIBUTIONS**

33. This proposal is subject to the Community Infrastructure Levy (CIL) and is located in the cold zone for residential development, consequently private market houses will be liable to a CIL charge rate of £20 per square metre in line with Trafford's CIL charging schedule and revised SPD1: Planning Obligations (2014).
34. However developments that provide affordable housing can apply for relief from paying CIL on those affordable units. Subject to the relevant criteria being met, relief from paying CIL can be granted and the CIL payments will be reduced accordingly.
35. Contributions toward the Carrington Relief Road, to be secured via legal agreement, would be based on £5524 per residential unit as per the *Update: Planning Obligations: Developer Contributions towards the Carrington Relief Road* as presented to the Planning and Development Committee 21 January 2021. This would equate to a maximum contribution of £414,300 should none of the 75 properties elsewhere in YHG's housing stock be demolished in order to facilitate this development.

## **CONCLUSION AND PLANNING BALANCE**

36. It is considered for the foregoing reasons that in terms of traffic generation, the proposed section 106 wording would result in an acceptable impact on the local highway network with reference to Core Strategy Policies L3, L4 and L8 and the NPPF. A contribution to the CRR would also assist in its delivery, improving the accessibility of Carrington and Partington, and thereby having wider benefits, in accordance with the Core Strategy Place and Spatial Objectives and Policies L3, SL5, L4 and L8. The application is in accordance with up to date policies of the development plan.
37. The application is therefore recommended for approval. Given that Permission granted under section 73 takes effect as a new, independent permission, decision notices for the grant of such permissions are required to set out all the conditions imposed on the new permission, and restate any conditions imposed on the original consent that continue to have effect. It is considered that other than the deletion of Condition 11 and the update of the standard time condition to reflect the fact this is a section 73 application, the conditions are unchanged.



## **RECOMMENDATION: MINDED TO GRANT SUBJECT TO LEGAL AGREEMENT**

That Members resolve that they would be **MINDED TO GRANT** planning permission for the development and that the determination of the application hereafter be deferred and delegated to the Head of Planning and Development following the expiry of the site notice on 15 February 2021 as follows:-

- (i) To complete a suitable legal agreement / unilateral undertaking to secure :
  - Either a financial contribution to the Carrington Relief Road equivalent of the 75 new units based on £5524 per residential unit or demolition of 75 existing residential units in Your Housing Group's stock in the Partington ward or a combination of both, up to 75 units, in accordance with the methodology set out in 'Update: Planning Obligations: Developer Contributions towards the Carrington Relief Road' 21<sup>st</sup> January 2021, prior to any new build units first being occupied at this site.
- (ii) To carry out minor drafting amendments to any planning condition.
- (iii) To have discretion to determine the application appropriately in the circumstances where a S106 agreement has not been completed within three months of the resolution to grant planning permission.
- (iv) That upon satisfactory completion of the above legal agreement that planning permission be **GRANTED** subject to the following conditions (unless amended by (ii) above): -

### **Conditions**

1. The development must be begun not later than 06.03.2023

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 submitted plans:
  - 1110\_A\_DR\_000 Rev E - Proposed Masterplan
  - 1110\_A\_DR\_001 Rev D - House Type 2B4P Plans and Elevations
  - 1110\_A\_DR\_003 Rev C - Proposed 3B5P Plans and Elevations
  - 1110\_A\_DR\_004 Rev D - Proposed Maisonettes Plans
  - 1110\_A\_DR\_005 Rev E - Proposed Maisonettes Elevations - Version 1
  - 1110\_A\_DR\_006 Rev D - Boundary Treatment Plan
  - 1110\_A\_DR\_008 Rev B - Proposed 3B5P Plans and Elevations Alternate Eaves Version
  - 1110\_A\_DR\_009 Rev D - Proposed Street Scenes

1110\_A\_DR\_010 Rev B - House Type 3B4P Aspect Plans and Elevations  
1110\_A\_DR\_013 Rev A - House Type Maisonette Single Block  
1110\_A\_DR\_014 - Proposed Street Scene Two  
1110\_A\_DR\_015 - Housetype Identification Plan  
1110\_B\_DR\_016 - Proposed Maisonettes Elevations - Version 2  
1110\_B\_DR\_017 - Proposed Maisonettes Elevations - Version 3  
Oak Road / Entrance Wall detail Rev - Date FEB.20

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

3. The residential units hereby permitted shall only be used for the purposes of providing affordable housing (as defined by the NPPF Annex 2, or any subsequent amendment thereof) to be occupied by households or individuals in housing need and shall not be offered for sale or rent on the open market. Fifty affordable units shall only be used for shared ownership and twenty five affordable units shall only be used for affordable rent. Any affordable housing units provided for affordable rent shall only be occupied by individuals from within the boundaries of Trafford Borough in housing need and Trafford Borough Council shall be given at least 75% nomination rights. Provided that this planning condition shall not apply to the part of the property over which:- (i) a tenant has exercised the right to acquire, right to buy or any similar statutory provision and for the avoidance of doubt once such right to acquire or right to buy has been exercised, the proprietor of the property, mortgagee and subsequent proprietors and their mortgagees shall be permitted to sell or rent the property on the open market; (ii) a leaseholder of a shared ownership property has staircased to 100% and for the avoidance of doubt once such staircasing has taken place the proprietor of the property, mortgagee and subsequent proprietors and their mortgagees shall be permitted to sell or rent the property on the open market.

Reason: To comply with Policies L1, L2 and L8 of the Trafford Core Strategy and the Council's adopted Supplementary Planning Document 1: Planning Obligations and the National Planning Policy Framework.

4. Notwithstanding any description of materials in the application, no above-ground construction works shall take place until samples and full specifications of all materials to be used externally on all part of the building hereby approved have been submitted to and approved in writing by the Local Planning Authority. The specifications shall include the type, colour and texture of the materials. The samples shall include constructed panels of all proposed brickwork illustrating the type of joint, the type of bonding and the colour of the mortar to be used, with these panels available on site for inspection, and retained for the duration of the build. Development shall be carried out in accordance with the approved details.

Reason: In order to ensure a satisfactory appearance in the interests of visual amenity having regard to Policy L7 of the Trafford Core Strategy and the requirements of the National Planning Policy Framework.

5. No above-ground construction works shall take place unless and until a detailed façade schedule for all elevations of the building has first been submitted to and approved in writing by the local planning authority. The schedule shall be provided in tabulated form with cross referencing to submitted drawings, include the provision of further additional drawings and the building of sample panels on site as necessary and shall include:
  - (i) All brickwork detailing
  - (ii) All fenestration details and recesses
  - (iii) The means of dealing with rainwater and any necessary rainwater goods that may be visible on the external façade of the building
  - (iv) siting of any external façade structures such as meter boxes

Development shall proceed in accordance with the approved detailed façade schedule.

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

6.
  - a) Notwithstanding the details shown on the approved plans, the development hereby permitted shall not be occupied until full details of both hard and soft landscaping works have been submitted to and approved in writing by the Local Planning Authority. The details shall include the formation of any banks, terraces or other earthworks, hard surfaced areas and materials, planting plans, specifications and schedules (including planting size, species and numbers/densities), existing plants / trees to be retained and a scheme for the timing / phasing of implementation works.
  - (b) The landscaping works shall be carried out in accordance with the approved scheme for timing / phasing of implementation or within the next planting season following final occupation of the development hereby permitted, whichever is the sooner.
  - (c) Any trees or shrubs planted or retained in accordance with this condition which are removed, uprooted, destroyed, die or become severely damaged or become seriously diseased within 5 years of planting shall be replaced within the next planting season by trees or shrubs of similar size and species to those originally required to be planted.

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

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

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

8. No development or works of site preparation shall take place until all trees that are to be retained within or adjacent to the site as identified on drawing ref. TPP/4095/Y/300 'Tree Removal and Retention' and the method statement contained within the Arboricultural Report dated February 2020 by ACS Consulting have been protected in accordance with the tree protection measures set out in the method statement. The protection measures shall be retained throughout the period of construction and no activity prohibited by the method statement shall take place within the exclusion zones / root protection areas identified on drawing ref. TPP/4095/Y/300 'Tree Removal and Retention'.

Reason: In order to protect the existing trees on the site in the interests of the amenities of the area having regard to Policies L7, R2 and R3 of the Trafford Core Strategy and the National Planning Policy Framework. The fencing is required prior to development taking place on site as any works undertaken beforehand, including preliminary works, can damage the trees.

9. The development hereby permitted shall not be brought into use until the means of access and the areas for the movement, loading, unloading and parking of vehicles have been provided, constructed and surfaced in complete accordance with the plans hereby approved.

Reason: To ensure that satisfactory provision is made within the site for the accommodation of vehicles attracted to or generated by the proposed development, having regard to Policies L4 and L7 of the Trafford Core Strategy and the National Planning Policy Framework.

10. No dwellings shall be occupied unless and until a scheme for secure cycle storage has first been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented before the development is brought into use and shall be retained at all times thereafter.

Reason: To ensure that satisfactory cycle parking provision is made in the interests of promoting sustainable development, having regard to Policies L4 and L7 of the Trafford Core Strategy, the Council's adopted Supplementary Planning

Document 3: Parking Standards and Design and the National Planning Policy Framework.

11. Before the development hereby approved is first brought into use the existing redundant vehicular crossings from Oak Road shall have been permanently closed and reinstated in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety and visual amenity having regard to Policies L4 and L7 of the Trafford Core Strategy and the National Planning Policy Framework.

12. Prior to the development being brought into use a full Travel Plan, which shall include measurable targets for reducing car travel, shall be submitted to and approved in writing by the local planning authority. On or before the first occupation of the development the Travel Plan shall be implemented and thereafter shall continue to be implemented throughout a period of ten years commencing on the date of this 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.

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

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

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

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

14. The development hereby permitted shall not be occupied until a verification report demonstrating completion of 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 the site remediation criteria have been met. It shall also include any plan, where required (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

Reason: To prevent pollution of the water environment and to ensure the safe development of the site in the interests of the health of future occupiers in accordance with Policies L5 and L7 of the Trafford Core Strategy and the National Planning Policy Framework.

15. Other than the demolition of buildings and structures down to ground level, and site clearance works, including tree felling, no development shall take place until such time as a detailed scheme to improve the existing surface water drainage system has been submitted to, and approved in writing by, the Local Planning Authority.

The detailed scheme shall be in accordance with the outline details provided in the Flood Risk Assessment and Drainage Strategy (Ref: 30380/SRG /April 2019 / Ironside Farrar Ltd) and the accompanying proposed drainage layout (Dwg No: 30380/100 Rev. A).

- o The proposed scheme must investigate the drainage hierarchy at detailed design stage to include BRE365 testing. If infiltration is not possible then;
- o Surface water discharge must be no more than 35 l/s.
- o A minimum of 730m<sup>3</sup> attenuation storage must be provided.

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site having regard to Policy L5 and Policy L7 of the Trafford Core Strategy and the National Planning Policy Framework.

16. The site shall be drained via separate systems for the disposal of foul and surface water.

Reason: To secure a satisfactory 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.

17. Immediately prior to the felling of the tree identified as 'T2' in the 'Aerial Tree Inspection for Bats' summary ref. UES02632/02 dated 17th September 2019, the tree shall be inspected by a suitably qualified bat ecologist for the presence of bats. If any bats or signs of bats are recorded work must cease immediately and further advice sought from a licensed bat ecologist.

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

18. No clearance of trees and shrubs 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 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 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.

19. Prior to any above ground construction work first taking place, a scheme detailing the Biodiversity Enhancement Measures proposed on the site which shall include bat bricks, bat slates and/or tubes and bird boxes shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to first occupation of the development (or in accordance with a phasing plan which shall first be agreed in writing with the local planning authority) and shall be retained thereafter.

Reason: In order to protect and enhance the ecology of the site and to mitigate any potential loss of habitat having regard to Policy R2 of the Trafford Core Strategy and the National Planning Policy Framework.

20. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification)
- (i) no external alterations shall be carried out to the dwellings
  - (ii) no extensions shall be carried out to the dwellings
  - (iii) no outbuildings (including garages or carports) shall be erected within the curtilage of the dwellings
  - (iv) no vehicle standing space or other areas of hardstanding shall be provided within the curtilage of the dwellings
  - (v) no buildings, gates, wall fences or other structures shall be erected within the curtilage of the dwellings
  - (vi) no means of access shall be constructed to the curtilage of the dwellings
  - (vii) no windows or dormer windows shall be added to the dwellings

other than those expressly authorised by this permission, unless planning permission for such development has been granted by the Local Planning Authority.

Reason: To protect the residential and visual amenities of the area, having regard to Policy L7 of the Trafford Core Strategy and the National Planning Policy Framework.

21. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any equivalent Order following the amendment, re-enactment or revocation thereof) upon first installation the first floor windows in the side elevations of the plots listed below shall be fitted with, to a height of no less than 1.7m above finished floor level, non-opening lights and textured glass which obscuration level is no less than Level 3 of the Pilkington Glass scale (or equivalent) and retained as such thereafter.

Plots 13, 25, 30, 36-37, 42-43, 52-53, 66, 69, 70

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

22. The development hereby approved shall not be occupied or brought into use until full details of the provision of at least one electric vehicle (EV) charge point (minimum 7kWh) for every residential dwelling with dedicated parking or one electric vehicle (EV) charge point (minimum 7kWh) for every 10 car parking spaces for unallocated parking has been submitted to and approved in writing by the Local Planning Authority. The EV charging facilities shall thereafter be



installed in accordance with the approved details before the development is first occupied or brought into use and retained thereafter.

Reason: In the interests of environmental protection having regard to Policy L5 of the Trafford Core Strategy and the National Planning Policy Framework.

23. No development shall take place until the implementation of a programme of archaeological works to be undertaken in accordance with a Written Scheme of Investigation (WSI) has been secured and which has been prepared by the appointed archaeological contractor and submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until the site investigation has been completed in accordance with the approved WSI. The WSI shall cover the following:
- (a) A phased programme and methodology of site investigation and recording to include: - targeted field evaluation trenching - (depending upon the evaluation results) a strip map and record exercise - targeted open area excavation
  - (b) A programme for post investigation assessment to include: - analysis of the site investigation records and finds - production of a final report on the significance of the archaeological and historical interest represented.
  - (c) Provision for publication and dissemination of the analysis and report on the site investigation.
  - (d) Provision for archive deposition of the report, finds and records of the site investigation.
  - (e) Nomination of a competent person or persons/organisation to undertake the works set out within the approved WSI.

Reason: To protect the significance of any archaeological remains on the site having regard to Policy R1 of the Trafford Core Strategy and the National Planning Policy Framework.

24. The development hereby approved shall be designed and constructed in accordance with the recommendations contained within sections 3.3 and 4 of the submitted Crime Impact Statement Version B: 10/02/20 Reference: 2019/0425/CIS/01 and these measures shall be retained and maintained thereafter.

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

25. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to and approved in writing by the local planning authority. The approved Statement shall be adhered to throughout the demolition/construction period. The Statement shall provide for:
- i. the parking of vehicles of site operatives and visitors

- ii. loading and unloading of plant and materials including times of access/egress
- iii. storage of plant and materials used in constructing the development
- iv. the erection and maintenance of security hoardings including decorative displays and information for members of the public, including contact details of the site manager
- v. wheel washing facilities, including measures for keeping the highway clean
- vi. a scheme for recycling/disposing of waste resulting from demolition and construction works
- vii. proposed days and hours of demolition and construction activity (in accordance with Trafford Councils recommended hours of operation for construction works)
- viii. measures to prevent disturbance to adjacent dwellings from noise and vibration, including any piling activity including details as to how this will be monitored

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

26. The dust suppression mitigation measures detailed within Appendix D of the Air Quality Assessment prepared by Miller Goodall Ltd dated 10th September 2019, Report number: 102173, shall be implemented throughout the earthworks and construction phases of the development.

Reason: In the interests of air quality and amenity having regard to Policy L5 of the Trafford Core Strategy and the National Planning Policy Framework.

27. Prior to any above ground construction work first taking place a noise impact assessment, to be carried out by a suitably qualified expert, shall be submitted to and approved in writing by the Local Planning Authority. The assessment shall identify all noise attenuation measures necessary to reduce the impact from road traffic noise to ensure that the requirements of BS8233 for internal noise levels within domestic dwellings are met for the properties hereby approved. Consideration shall also be given to achieving adequate summer cooling and rapid ventilation. If necessary, alternative ventilation measures shall be identified and incorporated into the scheme. Once agreed, all identified noise control measures shall be implemented and thereafter retained. A completion report shall be submitted to the Local Planning Authority to confirm that the noise mitigation measures required have been installed within the properties hereby approved.

Reason: To protect the amenities of future occupiers of the development, having regard to Policy L7 of the Trafford Core Strategy and the National Planning Policy Framework.

28. Prior to the development being brought into use, a waste management strategy shall be submitted to and approved in writing by the Local Planning Authority. The submitted plan shall include a strategy for waste removal and shall thereafter take place in accordance with the approved plan.

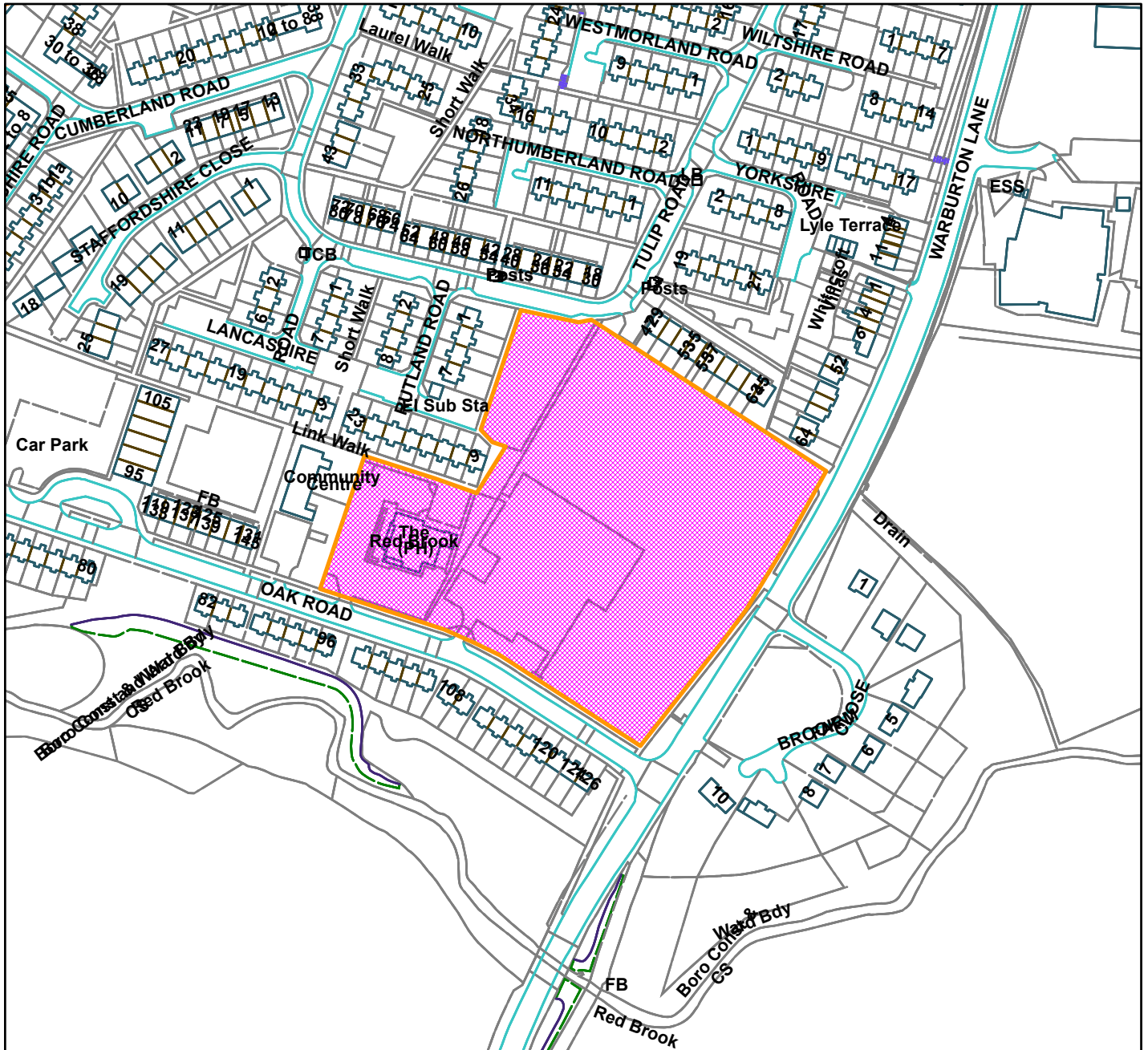
Reason: To ensure that the site is properly and safely serviced in the interests of highway safety, having regard to Policy L4 and Policy L7 of the Trafford Core Strategy and the National Planning Policy Framework.

JJ

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Land North Of Oak Road And West Of Warburton Lane, Partington (site hatched on plan)



**Scale:** 1:2,500

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Organisation	Trafford Council
Department	Planning Service
Comments	Committee Date 11/02/2021
Date	29/01/2021
MSA Number	100023172 (2016)