

ITEM

Application Reference	DC/077713
Location:	1 And 2 Benja Fold Bramhall Stockport SK7 2BX
PROPOSAL:	Construction of 3 no. detached dwellings, associated infrastructure and landscaping following demolition of the existing 2 no. dwellings on site.
Type Of Application:	Full Application
Registration Date:	20.08.2020
Expiry Date:	20201015
Case Officer:	Jane Chase
Applicant:	Fairfield Homes Cheshire Ltd
Agent:	Seymour Planning Limited

DELEGATION/COMMITTEE STATUS

Area Committee - Called up by Cllr Bagnall

DESCRIPTION OF DEVELOPMENT

The application proposes the demolition of a pair of houses and a detached garage together with the erection of 3no. 4/5 bed detached houses. Each house would be 2 storeys high with the second floor of accommodation being within the roofspace. The houses would be of a traditional design with a pitched roof and gable ends to either side elevation. To the front elevation a projecting bay is proposed which rises through from ground to second floor level with a gable roof above. To the rear at ground floor level a flat roof projection the full width of each house with a large rooflight over is proposed. At first and second floor level a Juliet balcony is proposed with rooflights either side of that in the roofspace serving the accommodation within the roofspace. To each side elevation is a door serving the utility room, and small secondary windows to the hallway and staircase.

Externally the access into the site would lead into a drive along the northern boundary of the site giving access to a small hipped roof double garage with 2 forecourt parking spaces in front serving plots 2 and 3. Plot 1 would have 2 parking spaces positioned to the side of the house with one being within a car barn. Landscaped front gardens measuring 8m deep are proposed to each house with larger private gardens to the rear of each. As originally submitted the access to Ack Lane East (ALE) would remain as existing, however, following discussions with Officers it is now proposed that it will be widened to a maximum of 5.5m for a distance of 12.5m from the junction with ALE to allow vehicles passing in opposite directions to pass. These widening works result in the loss of 1 tree which is not legally protected. Elsewhere within the site 1 legally protected tree is to be removed (tree T1, a laburnum).

The application is accompanied by the following:
Planning Statement
Protected Species Survey

Design and Access Statement
Tree Survey
Arboricultural Impact Assessment
Highways Statement

SITE AND SURROUNDINGS

The application site comprises a pair of hipped roofed 2 storey semi detached dwellings (circa 1940's) positioned at the end of a long drive from Ack Lane East (ALE). 2 Benja Fold has a flat roofed 2 storey side extension. The houses each benefit from a generous rear garden area that is bounded by mature trees to all aspects save for the north (front). To the front of 2 Benja Fold is a small detached garage.

To the west of the site are the rear gardens of residential properties on ALE and a detached apartment building on Briarlands Close. To the south and east is a large swathe of open space which is heavily landscaped with mature trees. Beyond this wooded area are the rear gardens of residential properties on Briarlands Close and Bramhall Lane South (BLS). To the north of the site and served also by the same access to ALE is a long single storey building used for community purposes. A second similar building also accessed from ALE is positioned to the north west of the application site. Beyond these buildings to the north is Hillbrook Grange nursing home and the large area of amenity space positioned to the west of this home.

The access to ALE is single width and lined to either side by mature trees. 7 large trees along the western boundary of the site with the houses on ALE are the subject of a TPO as is a large tree at the junction of the access onto ALE. All the other trees and hedges on the site are not legally protected.

POLICY BACKGROUND

Section 38(6) of the Planning and Compulsory Purchase Act 2004 ("PCPA 2004") requires that planning applications be determined in accordance with the development plan unless material considerations indicate otherwise.

The Development Plan includes-

- Policies set out in the Stockport Unitary Development Plan Review adopted 31st May 2006 which have been saved by direction under paragraph 1(3) of Schedule 8 to the Planning and Compulsory Purchase Act 2004; &
- Policies set out in the Stockport Local Development Framework Core Strategy Development Plan Document adopted 17th March 2011.

Saved policies of the SUDP Review

L1.1 Land for Active Recreation

L1.2 Children's Play

NE1.2 Sites of Nature Conservation Importance

NE3.1 Protection and Enhancement of Green Chains

LDF Core Strategy/Development Management policies

SD-3 Delivering the Energy Opportunities Plans – New Development

SD-6 Adapting to the Impacts of Climate Change

CS4 Distribution of Housing

H1 Design of Housing

H2 Housing Phasing
CS8 Safeguarding & Improving the Environment
SIE-1 Quality Places
SIE-2 Provision of Recreation and Amenity Open Space in New Developments
SIE-3 Protecting, Safeguarding and Enhancing the Environment
CS9 Transport & Development
T-1 Transport & Development
T-2 Parking in Developments
T-3 Safety & Capacity on the Highway Network

Supplementary Planning Guidance

Supplementary Planning Guidance does not form part of the Statutory Development Plan; nevertheless it does provide non-statutory Council approved guidance that is a material consideration when determining planning applications.

Design of Residential Development

National Planning Policy Framework

A Revised National Planning Policy Framework (NPPF) issued by the Secretary of State for Housing, Communities and Local Government (MHCLG) on 19th February 2019 replaced the previous NPPF (originally issued 2012 & revised 2018). The NPPF has not altered the fundamental legal requirement under Section 38(6) of the Planning and Compulsory Purchase Act 2004 that decisions must be made in accordance with the Development Plan unless material considerations (such as the NPPF) indicate otherwise.

The NPPF representing the governments up-to-date planning policy which should be taken into account in dealing with applications focuses on achieving a lasting housing reform, facilitating the delivery of a greater number of homes, ensuring that we get planning for the right homes built in the right places of the right quality at the same time as protecting our environment. If decision takers choose not to follow the NPPF, then clear and convincing reasons for doing so are needed.

N.B. In respect of decision-taking the revised NPPF constitutes a “material consideration”.

Para.1 “The National Planning Policy Framework sets out the Government’s planning policies for England and how these should be applied”.

Para.2 “Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise”.

Para.7 “The purpose of the planning system is to contribute to the achievement of sustainable development”.

Para.8 “Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):

- a) an economic objective*
- b) a social objective*
- c) an environmental objective”*

Para.11 *“Plans and decisions should apply a presumption in favour of sustainable development.*

For decision-taking this means:

c) approving development proposals that accord with an up-to-date development plan without delay; or

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission 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”.

Para.12 *“.....Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed”.*

Para.38 *“Local planning authorities should approach decisions on proposed development in a positive and creative way..... Decision-makers at every level should seek to approve applications for sustainable development where possible”.*

Para.47 *“Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. Decisions on applications should be made as quickly as possible, and within statutory timescales unless a longer period has been agreed by the applicant in writing”.*

Para.124 *“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”.*

Para.130 *“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, taking into account any local design standards or style guides in plans or supplementary planning documents. Conversely, where the design of a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development”.*

Para.153 states *“In determining planning applications, local planning authorities should expect new development to:*

a) comply with any development plan policies on local requirements for decentralised energy supply unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable; and

b) take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption”.

Para.213 “existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)”.

Planning Practice Guidance

The Planning Practice Guidance (NPPG) is a web-based resource which brings together planning guidance on various topics into one place (launched in March 2014) and coincided with the cancelling of the majority of Government Circulars which had previously given guidance on many aspects of planning.

RELEVANT PLANNING HISTORY

Various applications for works to legally protected trees, however, none directly relevant.

NEIGHBOUR'S VIEW

The occupiers of 21 neighbouring properties have been notified of the receipt of this application.

At the time of writing this report 2 letters have been received objecting on the following grounds:-

- The large trees to the rear of houses on ALE bordering the proposed development must have TPO's and should be left in situ at their present height.
- The new proposed houses should not be too high and there should be no windows overlooking the houses and gardens of Ack Lane East.
- If the above is met we have no objections.
- Please confirm that there are no windows facing ALE
- If the houses are the same height as that existing then we have no objections
- The trees bordering houses on ALE should be retained or simply trimmed back 30% according to the TPO permission. Removal of these trees will impact on privacy.
- There will be noise from demolition works, we hope this will happen between 9 am - 7 pm, and the noise will be kept to a minimum (no music for example). We'd like to know what the proposed end date for the building will be.

1 letter has been received in support of the application acknowledging the works to widen the access. The writer comments that this element of the application will improve the safety of vehicles and pedestrians using the access to and from the community uses adjacent to the application site.

CONSULTEE RESPONSES

Highway Engineer – I am supportive in principle of the proposal noting the accessibility of the site and the appropriateness of residential development in a location that benefits from relatively good accessibility and the proximity of services and amenities that residents can

reasonably expect to enjoy when residing in the area.

Ack Lane East is part of the Strategic Highway Network within Stockport which has a purpose to connect conurbations and distribute traffic both locally and through the Borough in a safe and efficient manner. Development off or that impacts on the network must ensure that the operation or general safety of users of the network is not adversely and unacceptably affected.

The development site is accessed from an existing driveway that serves two houses, parking for a third property and community hall facilities. The entrance to the drive is effectively single width at its junction with the Ack Lane East and is of insufficient width for vehicles to conveniently and safely pass within the entrance. I am of the opinion that the entrance as existing is not suitable or acceptable for the imposition of additional vehicular traffic which would arise as a consequence of the proposed development.

The lack of ability to conveniently and safely pass in the entrance can give rise to vehicles meeting at the entrance and this tends to lead to a vehicle being stopped on the highway whilst another emerges from the entrance. Vehicles stopping on the highway or reversing back onto the highway will clearly only lead to risk to safety and potential inhibition to the operation of the network and these concerns can only be exacerbated by the introduction of additional development traffic. The existing narrow entrance and obstructions to forward visibility for turning drivers mean a driver turning from Ack Lane East would have no warning of a vehicle emerging from the driveway and emerging drivers would be unaware of a vehicle turning in conflict, leading to the likelihood of vehicles being stopped or reversing on the highway.

Whilst it is reasonable to acknowledge and accept that the daily figures associated with the site will not materially impact on general highway capacity I consider that the access deficiencies carry sufficient weight in consideration and determination. The entrance is so clearly constrained and unsuitable in its present form for any intensification in use without consequent risk to highway safety.

Discussion has taken place with the Agent and amended drawings have been forwarded with respect to potential improvements to the site entrance on Ack Lane East. From observation on site and review of the additional information, which indicates improvement to be provided with widening of the entrance to a width of 5.5m for a distance of 10m, I am satisfied that works can be undertaken to provide a safe means of access and mitigation for the intensification in use.

Whilst further detail needs to be finalised and agreed I am comfortable that adequate and appropriate improvement can actually be provided and the applicant has acknowledged this and agreed to the undertaking of this necessary work. On this basis I am satisfied that the detail of improvement work to the site entrance is a matter that is capable of conditional control.

In the event that permission is to be granted other conditions will be required with respect to the driveway, on-site parking and manoeuvring space, electric vehicle charge facilities, cycle parking and construction management.

Greater Manchester Ecology Unit - A protected species survey (Dunelm Ecology July 2020) and bat survey (Dunelm Ecology August 2020) have been undertaken and submitted as part of the application. The surveys were by an experienced ecologist following best practice guidelines.

The buildings on the site were assessed for their potential to support roosting bats and an internal and external inspections to look for evidence of bats was undertaken. No evidence of bats was found and the buildings were judged to have moderate potential for roosting bats. As such two activity surveys were undertaken. No bats were seen emerging or re-entering the building during these surveys. However given the potential of the buildings to support bats, I would advise that the precautionary measures suggested in section 4.1.2 of the bat survey report are followed during the demolition of the buildings.

Compensation measures for the loss of bat roosting habitat are also proposed (section 4.1.3) which I would suggest are also incorporated into the proposed new dwellings.

1 tree was identified with bat roost potential, however this is not proposed to be removed as part of the development. I would recommend that all retained trees are adequately protected from any adverse impacts of the development following guidance in the tree survey.

A small ornamental pond was identified on the site. Despite scoring as having a moderate suitability to support great crested newt, I would accept the reports conclusions that there is a low likelihood of great crested newt being present given the design and size of the pond, and lack of other ponds within the landscape. I would however that the method statement in paragraph 4.1.4 of the protected species report is followed to draw down the pond, as a precautionary measure, and also that a compensatory pond is accommodated into the new scheme.

Buildings and vegetation have the potential to support nesting birds, and the nests of all wild birds are protected by the Wildlife and Countryside Act, 1981 (as amended). An informative should be used so that the applicant is aware of the legal protection that all active bird nests receive. Work (including building demolition and any vegetation and site clearance) should be timed to avoid the main bird nesting season (March - August inclusive) unless it can otherwise be demonstrated that no active bird nests are present.

No badger setts were recorded on the site, although a potential mammal tunnel was recorded in the site, along with the presence of suitable foraging habitat. GMEU holds a record of a badger sett within 70m of the proposed development site. I would therefore recommend that a precautionary method statement for badger (as outline in paragraph 4.1.5 of the protected species survey) is followed during construction of the dwellings.

A precautionary informative is recommended to make the applicant aware of the laws which are in place to protect wildlife, such as roosting bats, badgers and great crested newts. Should they find or suspect any such species on the site during the development, work should cease and the LPA should be contacted for further advice.

Tree Officer - There are legally protected trees within this site or affected by this development (Benja Fold, Bramhall 1979). The proposed development will potentially have a negative impact on the non-protected and protected trees located on site/adjacent the site from the proposed new building & driveway/access alterations. In addition there is the potential for accidental damage through storage or deliveries and an impact from encroachment/potential damage from machinery working in close proximity of the trees within the highway verge which is adjacent to the site so caution is required in relation to this.

The Tree Survey submitted clearly shows the location, health and retention value of all the trees in and around the proposed development and it is accepted that this is a true representation of the trees health and condition at the time, showing an opportunity to implement a development with a limited level of impact to the trees on site and acknowledging the need for replacement.

The site has a fair level of vegetation and trees and there should not be any loss of trees on site as this will have a negative impact on amenity and biodiversity without a clear commitment to a new landscape plan which shows the enhancement of the site. Consideration is therefore required to the tree planting to compensate the loss of the protected tree to facilitate the new layout.

The design will have a limited detrimental effect on a small section of trees within the vicinity of the new development, with construction works and new hardstanding parking in close proximity to root zones of retained trees, however this can easily be limited and designed to allow greater enhancement of tree cover for the site.

The storage of construction materials or vehicles may also impact on the trees and as such an informative should be imposed to make contractors aware of the retained trees and the installation of protective fencing to limit access to these areas to prevent compaction, accidental damage or spillage of chemicals on the root zones of all trees in the whole of the property and neighbouring property.

The loss of the small tree close to the junction with ALE to facilitate the widening of the access is acceptable subject to the approval of works within the root protection area as part of a method statement.

The trees offer a high level of biodiversity/habitat benefit and as such they need retaining unless sufficient replacement and enhancement planting is proposed as part of an enhanced landscaping design.

In principle the scheme will have a negative impact on the trees in the site and surrounding area, however on balance the minimal loss including protected trees can be compensated and enhanced, so as long as conditions are imposed and a detailed landscaping plan is submitted.

United Utilities – no objections subject to the imposition of drainage conditions.

ANALYSIS

At the heart of the NPPF is a presumption in favour of sustainable development (para10). Para 11 of the NPPF reconfirms this position and advises that for decision making this means:-

- approving developments that accord with an up to date development plan or
- where the policies which are most important for the determination of the application are out of date (this includes for applications involving the provision of housing, situations where the LPA cannot demonstrate a 5 year supply of housing), granting planning permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework as a whole.

In this respect, given that the Council cannot demonstrate a 5 year deliverable supply of housing, the relevant elements of Core Strategy policies CS4 and H2

which seek to deliver housing supply that are considered to be out of date. That being the case, the tilted balance as referred to in para 11 of the NPPF directs that permission should be approved unless the adverse impacts of approving planning permission would significantly and demonstrably outweigh the benefits. This assessment is explored below.

Housing Delivery

Policy CS2 of the Core Strategy seeks to ensure that a wide range of homes are provided to meet the needs of existing and future Stockport households. The focus will be on providing housing through the effective and efficient use of land within accessible urban areas.

In terms of housing need, the NPPF requires Local Planning Authorities to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement. The supply of specific deliverable sites should in addition, include a buffer of 20% where there has been significant under delivery of housing over the previous three years, to improve the prospect of achieving the planned supply. In response to this it should be noted that the Council is in a continued position of housing undersupply and only has a 2.8 year supply vs the 5 year supply plus 20% as required by the NPPF. Whilst this application proposing a single dwelling beyond that existing will have negligible impact in terms of addressing this undersupply, collectively such applications do assist.

Having regard to this continued undersupply, not only is the titled balance in favour of residential development as set out in para 11 of the NPPF invoked but to help reduce pressure for development in the Green Belt, it is also important that the development potential of sites within accessible urban and suburban locations are explored. The accessibility of a site is scored using a model having regard to the location of that site in relation to public transport, town centres, places of employment and other services. Policy H-2 confirms that when there is less than a 5 year deliverable supply of housing (as is currently the case) the required accessibility scores will be lowered to allow the deliverable supply to be topped up by other sites in accessible locations. This position has been regularly assessed to ensure that the score reflects the ability to 'top up' supply to a 5 year position. However, the scale of shortfall is such that in order to genuinely reflect the current position in that regard the score has been reduced to zero.

Policy CS4 of the Core Strategy directs new residential development towards the more accessible parts of the Borough identifying 3 spatial priority areas (Central Housing Area; Neighbourhood Priority Areas and the catchment areas of District and Large Local Centres; and other accessible locations). This policy confirms that the focus is on making effective use of land within accessible urban locations with the priority for development being previously developed land in urban areas.

Notwithstanding the focus on previously developed sites, policy CS4 does allow for the redevelopment of urban greenfield and green belt sites. In this respect policy CS4 sets out a sequential approach with the second priority being the use of private gardens in accessible urban locations where proposals respond to the character of the local area and maintain good standards of amenity and privacy for the occupants of existing housing in accordance with policy H1. Subject therefore to a satisfactory assessment in this respect, the proposal accords with policy CS4.

Core Strategy policy CS3 confirms that developments in accessible suburban locations may be expected to provide the full range of houses from terraced properties to large detached and should contain fewer flats. Within District Centres housing densities of 70 dwellings per hectare (dph) is commonplace. Moving away from these central locations densities should gradually decrease first around to 50 dph then to around 40dph as the proportion of housing increases. Development in accessible urban locations should achieve a density of 30 dph.

The NPPF at para 122 confirms that planning decisions should support development that makes efficient use of land taking into account several factors including the desirability of maintaining an area's prevailing character and setting (including residential gardens) and the importance of securing well designed and attractive places. Para 123 confirms that where there is a shortage of land for meeting identified housing need it is especially important that policies and decisions avoid homes being built at low densities and ensure that developments make optimal use of the potential of each site. In these circumstances:-

- Plans should contain policies to optimise the use of land in their area and meet as much of the identified need for housing as possible
- The use of minimum density standards should also be considered and it may be appropriate to set out a range of densities that reflect the accessibility and potential of different areas
- Local planning authorities should refuse planning applications which they consider fail to make efficient use of land.

The density of the proposed development equates to 17 dwellings per hectare which is lower than the expected density set out in policy CS3 for this suburban location. Notwithstanding this the consideration of density is not simply the application of a numerical figure and regard also has to be paid to the impact of the development upon the character of the area, amenities of existing and future occupiers together conditions of highway safety. Subject to a satisfactory assessment in this respect (set out below), the density may be considered acceptable and in generally in compliance with policy CS3.

Impact on the Character of the Area and Residential Amenity

Policy H1 of the Core Strategy confirms that development should be of a high quality, respond to the character of the area within which they are located and provide for good standards of amenity. This is reinforced in Core Strategy policy CS8 which welcomes development that is designed and landscaped to a high standard and which makes a positive contribution to a sustainable, attractive, safe and accessible built and natural environment. Policy SIE-1 of the Core Strategy also confirms that development which is designed to the highest contemporary standard, paying high regard to the built/and or natural environment within which it is sited, will be given positive consideration. Specific regard should be paid to the use of materials appropriate to the location and the site's context in relation to surrounding buildings (particularly with regard to height, density and massing of buildings). Policy SIE3 confirms that development proposals affecting trees that make a positive contribution should make provision for retention unless there is a strong case to enable the development to proceed.

The NPPF at Chapter 12 sets out the Government's most up to date position on planning policy and confirms that the Government attaches great importance to the design of the built environment. 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.

Planning decisions should ensure that developments function well and add to the overall quality of the area; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities); establish or maintain a strong sense of place, using spaces, building types and materials to create attractive, welcoming and distinctive places to live; optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development and create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

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, taking into account any local design standards or style guides in plans or supplementary planning documents. Conversely, where the design of a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development.

The character of the locality in the immediate vicinity of the application site is derived mainly from the pair of dwellings on the site at present flanked by the two single storey community halls to either side. The environment is heavily landscaped by mature trees which create a verdant character to the area. There is also a sense of spaciousness afforded by the low level community buildings, the siting of the existing houses behind relatively deep front gardens which is reinforced by the open space opposite and to the north of the application site forming land within the curtilage of Hillbrook Grange nursing home.

The proposed houses would be positioned parallel to Benja Fold rather than the angle that the existing houses are on at present with front gardens circa 8m deep behind the access into the site. In this respect they would all be sited between 13.5m and 15.5m from the northern boundary of the site. Whilst the houses would be closer to the eastern boundary of the site than that existing, they would be no closer to the western boundary. Being sited 9.8m from the western boundary with the rear gardens of houses on ALE, with gaps of 2m between each dwelling and deep front gardens, it is considered that the siting of the development would reflect the spacious character of the locality.

The proposed houses at 10.5m high to ridge would be 2m higher than the existing dwellings, however, given the siting from the front, northern boundary of the site, the western side boundary and the gaps in between each house, it is not considered that the development will be of a height or scale harmful to the character of the area.

Whilst details of the precise materials to be used are not proposed at this stage, they can be secured by condition in the event that planning permission is approved along with details of the landscaping (hard and soft). The architectural design is considered to be appropriate to the locality noting that in views of the application site, only the low level community buildings are visible with the houses around the site being obscured from view by the mature tree planting.

In terms of the impact of the proposed development upon the trees within the site, the works to the access adjacent to the junction with ALE result in the loss of 1 small tree which is not legally protected. Elsewhere within the site 1 tree is proposed to be removed to facilitate the proposed houses that being tree T1 a legally protected laburnum on the western boundary of the site. The loss of the legally protected tree is regrettable however it is noted that the tree survey submitted with the application comments that this tree is suffering from die back in the canopy and is in obvious decline.

The objections from the neighbouring occupiers to the loss of any trees on their rear boundary noted. In this respect it is noted that the legally protected tree to be removed is not on the boundary with the houses on ALE but rather appears to be positioned to the side of a timber building in the curtilage of the western community building. The trees that are positioned along the rear garden boundary of the houses on ALE will be retained.

On this basis and accepting the condition of the legally protected tree, it is considered that subject to replacement planting which can be secured by condition in the event that planning permission is approved, the proposal will not have an unacceptable impact on the trees within the application site. Conditions can also be imposed to secure details of any works within the root protection areas of retained trees together with those recommended by the Tree Officer.

In considering the impact of the proposed development upon residential amenity, regard is paid to the existing adjacent occupiers and the future occupiers of the proposed development. In this regard, the Council's SPD 'Design of Residential Development' is material to the consideration of this application.

The Council's SPD confirms that a feeling of privacy both within a dwelling and garden, is a widely held desire that the Council has a duty to secure for the occupants of existing and new housing. In general terms the design and layout of a development should minimise overlooking and should not impose any unacceptable loss of privacy on the occupiers of existing dwellings. Minimum space standards are set out in the SPD.

The closest residential occupiers to the application site are a pair of semi detached houses on ALE and a detached development of apartments on Briarlands Close. The rear gardens of these dwellings adjoin the application site and along this boundary landscaping in the form of mature tree planting forms an effective screen (more so in spring, summer and autumn than winter).

The proposed houses will be 2m higher than those existing, will be parallel to the boundary with ALE rather than at angle as the existing houses are positioned and will be no closer to the boundary with ALE than that existing. Plots 2 and 3 will be screened from the houses on ALE by plot 1. The flank elevation of plot 1 facing the rear gardens of these adjacent houses will contain only a single door with a small window adjacent at ground floor level serving a utility room; there will be no windows at first or roof level. The side elevation of plot 1 will be positioned 9.8m from the rear garden boundary of houses on ALE and over 56m from their rear elevation. This degree of separation significantly exceeds the space standards in the Council's SPD (which requires a distance of 9m to the boundary and 15m to the rear of the houses on ALE). Coupled with the screening afforded by the retention of the trees on the boundary, it is not considered that the size,

siting and design of the proposed development will have an adverse impact on the privacy or visual amenities of these neighbouring occupiers.

In relation to the apartments on Briarlands Close, the rear corner of plot 1 will be positioned 9.5m from the rear garden boundary, 29m from the rear elevation of these apartments at ground level and 31m at first floor and roof level. This degree of separation exceeds the requirements of the SPD (which requires a distance of 9m to the boundary and 28m to the rear of the houses on ALE). It is also noted that the rear elevation of plot 1 will not directly face the rear elevation of the apartments being off set to the east by over 15m. Coupled with the screening afforded by the retention of the trees on the boundary, it is not considered that the size, siting and design of plot 1 will have an adverse impact on the privacy or visual amenities of these neighbouring occupiers. Plots 2 and 3 will be positioned even further away from the apartments on Briarlands Close than plot 1 and therefore will not have an adverse impact on the amenities of these adjacent residential occupiers.

The assessment of residential amenity applies to the future occupiers of the proposed development as well as the existing occupiers of neighbouring properties. In this respect the SPD advises that whatever the size or location of a dwelling there will always be a requirement for some form of private amenity space. This provision should be usable, accessible, reasonably free from overlooking, allow for adequate daylight and sunlight and have regard to the size of the dwelling proposed. Unusable spaces such as narrow strips adjacent to roads and parking, steeply sloping areas or those in excessive shade should be avoided. For larger houses (4/5 beds) there should be 100m² of amenity space.

In this respect plot 1 will have a rear garden offering 357m² of amenity space together with a smaller side garden offering 90m². Whilst the side garden is smaller and narrower and most likely will be overshadowed at times of the day by the retained trees along the boundary, that proposed to the rear of the house is significantly larger. The provision for this dwelling significantly exceeds the 100m² suggested as appropriate by the SPD. Plot 2 will have a rear garden providing circa 172m² of amenity space which again exceeds the level set out in the SPD. Plot 3 will have the smallest rear garden providing only circa 81m² vs the 100m² suggested in the SPD. This plot like those adjacent will have a front garden circa 55m² in area. Whilst this does not provide private amenity space and would most likely be used in a different manner than the front garden, it still however, affords a level of amenity for the future occupiers of this plot. Being the furthest plot from the site entrance and being positioned at the head of the drive with the double garage in front of it, whilst not wholly private, this front garden will be more secluded than those adjacent. As such it is considered that the amenity value of this front garden area off sets the smaller size of the rear garden area. On this basis it is considered that this property will still benefit from a private rear garden of sufficient size to allow for an acceptable level of amenity

For the above reasons the proposed development in terms of its impact on the character of the locality and residential amenity is considered compliant with policies H1, CS8, SIE1 and SIE3 of the Core Strategy DPD together with advice contained within Chapter 12 of the NPPF.

Parking and Highway Safety

Policy CS9 of the Core Strategy DPD requires development to be sited in locations accessible by walking, cycling and public transport. The Council will support development that reduced the need to travel by car. This position is

followed through in policy T1 which seeks to focus development in designated centres as these are the most accessible and development within them will facilitate a reduction in the need to travel. New development, notably that generating significant number of trips, will be required to be sustainably accessible by public transport, walking and cycling.

Policy T2 requires parking in accordance with the maximum standards and policy T3 confirms that development which will have an adverse impact on highway safety and/or the capacity of the highway network will only be permitted if mitigation measures are proposed to address such impacts. Developments shall be of a safe and practical design.

The application site is located close to Bramhall District Centre with good access to public transport, facilities and services. The proposed development will result in an increase in traffic using the access to ALE and noting that this route is effectively single track for its length, the Highway Engineer has requested that it be widened at its junction with ALE so to allow 2 vehicles to pass. These amendments have been secured and will ensure that the access is of a design that is safe and practical to use. Further details as requested by the Highway Engineer can be secured by condition in the event that planning permission is approved.

Each house will benefit from 2 parking spaces in full accordance with the Council's maximum parking standards. Details relating to the driveway, on-site parking and manoeuvring space, electric vehicle charge facilities, cycle parking and construction management can be secured by condition.

For the above reasons the proposal is considered compliant with policies CS9, T1, T2 and T3 of the Core Strategy DPD.

Other Matters

Policies NE1.2 Sites of Nature Conservation Importance of the UDP Review and SIE-3 Protecting, Safeguarding and Enhancing the Environment of the Core Strategy along with para's 170 and 175 of the NPPF seek to ensure that proposed development does not adversely affect protected species and secures enhancements for biodiversity.

The access to the site is designated as a Green Chain as is the land that surrounds the remainder of the application site to the north, east and south. Policy NE3.1 confirms that development which would detract from the wildlife or recreation value of Green Chains will not be permitted. The presence of a Green Chain designation does not prohibit new development; the key factor is to avoid impedance to wildlife movement, recreational use and to maintain the continuity of routes or habitats.

Submitted with the application is a protected species survey which assesses the site for bats, badgers and great crested newts. As confirmed by GMEU no evidence of bats was found, there is a low likelihood of GCN being present and whilst no badger setts were found on the site, a mammal tunnel and suitable foraging habitat exists within the site.

Subject to conditions as suggested by GMEU together with any means of enclosure being designed with small gaps to allow wildlife to cross the site and rear garden areas, it is not considered that the proposed development will have an adverse impact upon the ecological interests of the site.

The majority of the site falls outside of the Green Chain designation with only the access being within it. The only works to the access is the widening to the junction with ALE. Notwithstanding the small increase in traffic using this route it is not considered that the wildlife value of the Green Chain will be compromised. There is no recreational value to the Green Chain where it passes through the site noting that it is largely used as a vehicle access to the site and neighbouring community buildings. Subject to the provision of occasional gaps in fences to allow wildlife to cross the site it is not considered that there will be any adverse impact on the Green Chain adjacent to the site.

On the basis of the above the proposed development is considered compliant with development plan policies NE1.2, NE3.1, SIE-3 or para's 170 and 175 of the NPPF.

Policies L1.1, L1.2 and SIE2 seek to ensure that applications for residential development contribute towards children's play and formal recreation noting that there is a shortfall of such facilities within the Borough. For a small scale development such as that proposed, compliance is expected by way of a commuted sum payment calculated in accordance with the formula set out in the accompanying SPD. In this respect a sum of £22,440 would be required. Compliance with this policy position will be secured by way of a S106 agreement in the event that planning permission is approved.

Policy SD3 requires development to demonstrate how it will assist in reducing carbon emissions through its construction and occupation through the submission and approval of an energy statement. Given the small scale of the proposed development, the application is not required to include an energy statement. Notwithstanding this policy SD-3 requires new development to demonstrate how it will contribute to the reduction of carbon emissions. In this respect a condition can be imposed in the event that planning permission is approved.

The application site is not identified on the UDP Proposals Map as being in an area liable to flood and the Environment Agency identify the site as being within Flood Zone 1. Having regard to the size of the site and scale of the proposed development there is no requirement for the application to be accompanied by a Flood Risk Assessment. Notwithstanding this, policy SD6 requires all development to be designed in such a way as to avoid, mitigate or reduce the impacts of climate change. In this respect development is required to incorporate sustainable drainage systems so as to manage run off water from the site. Given the small scale of the proposed development, compliance with this policy is not required to be demonstrated at this stage, however, in the event that planning permission is approved a condition would require the submission and approval of a SUDS compliant drainage scheme for the site. On this basis the proposed development is considered compliant with policy SD6 of the Core Strategy.

With regard to construction works, noting the small scale of the proposed development it is not considered that these would not be lengthy and could be accommodated without harm to the amenities of the locality. Any concerns in this respect with regard to hours of construction works could be dealt with via Environmental Health legislation.

Conclusion

The delivery of residential development on this site accords with policies CS2, CS4 and H-2 of the Core Strategy.

The development is considered to be of a size, siting and design that will be in keeping with the character of the locality and will not harm the amenities of the existing neighbouring occupiers or the future occupiers of the houses. The proposal is therefore compliant with policies H1, CS8, SIE1 and SIE3 of the Core Strategy DPD together with advice contained within Chapter 12 of the NPPF.

The loss of 1 legally protected tree can be justified on the basis of its health and condition. Subject to the imposition of conditions to secure replacement planting as part of an enhanced landscaping scheme, it is not considered that the loss of this tree nor the small tree as part of the access works will cause harm to the character of the area or biodiversity of the site. Conditions can also be imposed as suggested by the GMEU thus ensuring no harm to ecology or the Green Chain. In this respect the proposal is compliant with saved UDP Review policies NE1.2 and NE3.1 together with policy SIE3 of the CS DPD and advice contained in the NPPF.

Works required by the Highway Engineer to improve the access have been secured. The proposed development will therefore benefit from an access that is practical and safe to use. Parking in accordance with the Council's maximum standards is proposed and details of cycle parking and electric vehicle charging points can be secured by condition together with the other detailed matters as requested by the Highway Engineer. In this respect the proposed development is considered compliant with CS policies CS9, T1, T2 and T3 together with advice in the NPPF.

Matters relating to drainage and sustainable design can be secured by condition thus ensuring compliance with CS policies SD3 and SD6.

The signing of a S106 agreement to secure a contribution to children's play and formal recreation will ensure compliance with saved UDP policies L1.1 and L1.2 together with Core Strategy policy SIE2 and advice contained within the accompanying SPD.

Having regard to the tilted balance in favour of the residential development of this site as set out at para 11 of the NPPF, Members are advised that there would be no adverse impacts arising from the grant of planning permission that would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework as a whole. As such in accordance with para 11 of the NPPF it is recommended that the application should be approved subject to the conditions referenced in this report together with others considered reasonable and necessary, and subject to a S106 agreement to secure compliance with saved policies L1.1 and L1.2 of the UDP Review and SIE2 of the Core Strategy in relation to formal recreation and children's play.

RECOMMENDATION GRANT SUBJECT TO CONDITIONS AND A S106 AGREEMENT