

## ITEM 2

<b>Application Reference</b>	DC/076390
<b>Location:</b>	201-203 Finney Lane Heald Green Cheadle SK8 3PX
<b>PROPOSAL:</b>	Demolition of former hotel and erection of 8no. 3 bed dwellings with associated access, parking and amenity space
<b>Type Of Application:</b>	Full Planning Application
<b>Registration Date:</b>	8 <sup>th</sup> April 2020
<b>Expiry Date:</b>	4 <sup>th</sup> June 2021 (extension of time agreed)
<b>Case Officer:</b>	Rebecca Whitney
<b>Applicant:</b>	Beluga Consultants Ltd
<b>Agent:</b>	Mosaic Town Planning

### **DELEGATION/COMMITTEE STATUS**

The application is presented to the Area Committee as more than 4 objections have been received.

### **DESCRIPTION OF DEVELOPMENT**

The application proposes the demolition of the former hotel at 201-203 Finney Lane, which was originally in use as a pair of 2 storey semi-detached dwellings. The application proposes the erection of 8no. 3 bedroom dwellings (each with a home office) which would be 2.5 storeys in height with accommodation in the roof space served by dormers.

It is proposed to alter and utilise the existing vehicular access off Finney Lane. Space would be provided within the site for car parking for 15 cars (to include electric vehicle charging points) and for vehicles to service the site.

The application had originally been submitted with proposals for the erection of 9no. 4 bedroom dwellings, however in response to feedback from Officers, amendments have been made to reduce the number of dwellings and overall scale of the proposal.

### **SITE AND SURROUNDINGS**

The site is located within a Predominantly Residential Area and was most recently in use as a hotel, prior to which the building was in use as two dwellings. The site currently has a vehicular access which extends to a significant depth within the plot and provides access to substantial car parking areas and a large garden with mature planting along the boundaries. The site has an area of approximately 0.189 ha.

There are a number of significant and protected trees within the site which would be affected by the proposed development (Tree Preservation Order reference Outwood Drive, Heald Green No.2 2005).

## **POLICY BACKGROUND**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires applications/appeals to be determined in accordance with the Statutory Development Plan unless material considerations indicate otherwise.

### **The Statutory Development Plan includes:-**

- Policies set out in the Stockport Unitary Development Plan Review (SUDP) 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 (CS) adopted 17th March 2011

### **Saved policies of the SUDP Review**

EP1.7 – Development and Flood Risk

EP1.9 - Safeguarding of Aerodromes and Air Navigation Facilities

EP1.10 – Aircraft Noise

MW1.5 – Control of Waste from Development

### **LDF Core Strategy/Development Management policies**

CS1: OVERARCHING PRINCIPLES: SUSTAINABLE DEVELOPMENT – ADDRESSING INEQUALITIES AND CLIMATE CHANGE

SD-1: Creating Sustainable Communities

SD-3 Delivering the Energy Opportunities Plans – New Development

SD-6 Adapting to the Impacts of Climate Change

CS2: HOUSING PROVISION

CS3 MIX OF HOUSING

CS4 DISTRIBUTION OF HOUSING

H-1: Design of Residential Development

H-2: Housing Phasing

CS8: SAFEGUARDING AND IMPROVING THE ENVIRONMENT

SIE-1: Quality Places

SIE-3: Protecting, Safeguarding and Enhancing the Environment

SIE-5: Aviation Facilities, Telecommunications and Other Broadcast Infrastructure

CS9: TRANSPORT AND DEVELOPMENT

CS10: AN EFFECTIVE AND SUSTAINABLE TRANSPORT NETWORK

T-1: Transport and Development

T-2: Parking in Developments

### T-3: Safety and 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.

#### **National Planning Policy Framework (NPPF)**

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 represents the Government's up-to-date planning policy position. In respect of decision-taking the revised NPPF constitutes a "material consideration".

#### **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.

<https://www.gov.uk/government/collections/planning-practice-guidance>

#### **RELEVANT PLANNING HISTORY**

Reference: J/63268; Type: XHS; Address: 199 Finney Lane Heald Green; Proposal: Change of use from guest house accommodation (C1) to dwelling (C3); Decision Date: 13-NOV-95; Decision: GTD

Reference: J/63269; Type: XHS; Address: 201-203 Finney Lane Heald Green; Proposal: Erection of single and two storey rear extensions to guest house; Decision Date: 13-NOV-95; Decision: GTD

Reference: J/61034; Type: ADV; Address: 201/3 Finney Lane Heald Green; Proposal: Two freestanding internally illuminated signboards; Decision Date: 02-NOV-94; Decision: REF

Reference: J/59797; Type: XHS; Address: 199-203 Finney Lane Heald Green; Proposal: Erection of single storey and two storey rear extensions to guest house; Decision Date: 06-MAY-94; Decision: GTD

Reference: J/55931; Type: XHS; Address: 199-203 Finney Lane Heald Green; Proposal: Single storey rear extension to guest house to form 10 additional

bedrooms and enlarged car park; Decision Date: 18-AUG-92; Decision: REF

Reference: J/50940; Type: XHS; Address: 199-203 Finney Lane Heald Green;  
Proposal: Continuation of use of 3 former dwellings as bed and breakfast accommodation with provision of associated car parking; Decision Date: 12-NOV-90; Decision: GTD

Reference: J/46107; Type: XHS; Address: 199 201 203 Finney Lane Heald Green.;  
Proposal: Change of use of drive to airport parking.; Decision Date: 04-SEP-89; Decision: REF

## **NEIGHBOUR'S VIEWS**

16 neighbouring properties were consulted by letter, and a site notice was displayed.

5 objections have been received in relation to the current proposal for 8 dwellings, on grounds which can be summarised as follows:

- a. Cultural and architectural value of the existing dwellings
- b. Highway safety
- c. Site access
- d. Traffic generation
- e. Parking for cars and cycles
- f. Accessibility of electric vehicle charging points
- g. Loss of trees, some of which are protected by a Tree Preservation Order
- h. Biodiversity
- i. Noise and disturbance
- j. Enjoyment of neighbouring gardens
- k. Privacy
- l. Air pollution
- m. Light pollution
- n. Potential contamination from foul drainage in the event of damage
- o. Drainage and flood risk
- p. Local services and facilities
- q. Other local sites more appropriate for development
- r. Size of dwellings
- s. Affordable housing
- t. Accuracy of perspective images

6 objections were received in relation to the application as originally submitted, which proposed 9 dwellings, on similar grounds.

## **CONSULTEE RESPONSES**

### **SMBC Highway Engineer**

The revised proposal is for redevelopment of the site of a redundant hotel with 8 dwellings. The site is situated in an accessible location where residents would enjoy convenient access to services, amenities and public transport opportunities and this leads the Highways Engineer to consider that in principle, they would be supportive of residential use of the site.

The site entrance is aligned towards the sites easterly boundary which maximises the spacing to both the entrances to the Co-op store opposite. The scale of the development at eight dwellings is not likely to generate significant volumes of traffic so the risk of conflicting turning movements is relatively low. Any delay to turning that will be experienced by drivers would not be excessive and is typical of entrances on a part of the network that serves a number of active frontages and uses in a shopping centre location. The Highways Engineer does not consider that the creation of the entrance will give rise to highway capacity concerns or unacceptable risk to drivers turning at any entrance along this corridor.

In terms of visibility to and for drivers emerging from the site entrance, the Highways Engineer initially raised concerns about the sightlines that would be achievable. The applicant commissioned vehicle speed surveys along the site frontage and this shows that the 85th percentile speed in a westbound direction is 28.6 mph and 28.7 mph in an eastbound direction. These vehicle speeds determine that sightlines measuring 44m are required on either side of the entrance to ensure that emerging drivers had adequate visibility and that approaching drivers have adequate sight of an emerging vehicle.

A submitted drawings show that sightlines of measuring 34m to the east and 39m to the west are achievable measured from a setback of 2.4m. When measured from 2.2m back the sightlines achievable increase to 43m in both directions and when measured from a 2m setback the sightlines measure 46m to the east and 44m to the west. The setback is effectively the likely position of an emerging driver's head and represents a reasonable distance between the front of a vehicle and the driver's eye. It is advised that sightlines onto a classified road from a minor access road should be measured from a distance of 2.4m back to essentially reduce the risk of the front of some vehicles protruding slightly into the running carriageway of the major arm.

In this case the requisite sightlines can be achieved from a setback of 2.2m, slightly below the recommended dimension but not such that the Highways Engineer would consider that an unacceptable risk to highway safety would be caused. The scale of development proposed does not give rise to a significant volume of traffic movement nor will it unduly change the characteristics or nature of the surrounding highway network. The lawful use of the site as a hotel evidently generates more traffic than a single dwelling and whilst not generating the level of traffic that eight dwellings would, the fallback position carries weight in consideration of this proposal. There is no evidence of operational difficulty or safety issues at the existing site entrance and a review of accident data covering the five-year period 2015 to 2019 in the vicinity of the development site shows that there have been no recorded accidents in the immediate vicinity of the site.

This leads the Highways Engineer to conclude that adequate visibility will be afforded for the proposed site entrance and that users of the access will not be likely to cause operational or safety concerns.

The internal site layout proposes a new shared surface road giving access to eight dwellings. The road layout satisfies Council design standards and incorporates a turning area that is suitable for refuse and recycling sized vehicles to safely manoeuvre within the site. Conditional control can cover the details of construction

and extent of land dedicated for adoption and in summary the Highways Engineer is satisfied with the road layout and consider it would be suitable for adoption.

Car parking is proposed generally at two spaces per dwelling albeit for one dwelling which would only have one space. The Highways Engineer has no concerns with this level of parking provision having regard to the accessibility of the site and kerblin availability within the site which can accommodate some informal additional parking should need arise. Each dwelling has indicated on the drawing a facility for electric vehicle parking, the details need determining under conditional control. Each dwelling also requires a covered and secure cycle parking facility, again a matter for conditional control.

Conditions are requested with regard to a construction method statement, a pre-condition survey of the footway across the site access, details of the site entrance and access road, details of the parking areas, electric vehicle charging points and cycle storage. An informative is requested with regard to the need to enter into a Section 38 Road Agreement under the Highways Act 1980 regarding the construction and future adoption of the proposed Access road.

#### SMBC Planning Policy (Energy)

The submitted energy statement is not quite compliant with Core Strategy Policy SD-3 since it fails to fully evidence an assessment of low / zero carbon technologies for their technical feasibility and financial viability pertinent to the site. Also there is a stated proposal to achieve Level 3 of Code for Sustainable Homes in terms of carbon reduction approaches. Whilst this aim is clearly an effort to ensure a sustainable development, unfortunately, due to the age of the standard achieving Level 3 of the Code would not achieve current Part L of the Building Regulations requirements on carbon emissions. The Building Regulations Part L have been updated since the Code was created back in 2007 and supersede the lower levels of the Code since 2014 changes. BRE have since created the Home Quality Mark which offers more up to date carbon management aims for new dwellings reflecting the current Part L requirements.

In order to assist with the lack of evidence, the Planning Policy Officer for Energy has endeavoured to draft some additional text for the Energy Statement based on the submitted paperwork which would ensure a policy compliant statement. This additional information does not commit the applicant to any use of renewable energy technologies but does provide appropriate assessment of the low / zero carbon technologies as required by Stockport's Core Strategy Policy SD3, taking account of technologies for their technical feasibility (pertinent to the site) and, where relevant, their financial viability (evidence of costs). If the applicant is happy with the content of the attached document, then it is suggested that they add it to their existing energy statement to ensure a policy compliant energy statement or make appropriate changes if other activities are planned that are not recorded in submitted paper work.

It should be noted that the attached document provides a basic desk-based feasibility assessment for the development. Any options identified within the document should be checked with an appropriate installer for technical accuracy if they are of interest.

If relevant technologies were to be used then the running costs of the property would be reduced such that the cost of installing such technologies could be offset in an appropriate uplift in sale value which could be marketed to potential buyers. This would ensure that these properties contribute to the GM Zero Carbon target for 2038 and prevent the need for costly retrofit of the properties in the future – another positive marketing factor for the development.

#### SMBC Arboriculture Officer

The site is not within a Conservation Area, however there is legally protected tree within this site or affected by this development (Outwood Drive, Heald Green No.2 2005).

The proposed development will potentially have a negative impact on at least nine trees and several shrubs/hedges located on site with the application form stating the need for the removal to facilitate the scheme and the proposed buildings and new car parking have the potential for further impact from encroachment/potential damage from machinery working in close proximity of the trees within the site. The site boundary has a fair level of vegetation and trees and as such, there cannot be any loss of trees on site as this will have a negative impact on amenity and biodiversity without the clear replacement and enhancement plan shown on a landscaping plan.

The proposed development would potentially have a negative impact on the existing protected trees, therefore the concerns will require the submission of a detailed method statement for work within root protection areas to ensure minimal dig/hand dig options and a detailed landscaping plan as its accepted that the loss of the trees could be replaced with appropriate trees detailed on a landscaping plan. The potential damage from the construction traffic, delivery vehicles and site compound is a further consideration/concern and therefore requiring the locations to be away from the existing trees on site.

The construction materials or vehicles may also impact on the trees and as such an informative should to make contractors aware of the protected 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. If this is conditioned and complied with then the lack of adequate landscaping/tree planting would be the only issue resulting in a negative impact on the site and surrounding environment.

The trees offer a high level of biodiversity/habitat benefit and as such, they need retaining as the loss would be unacceptable without enhanced tree replacement proposals as this would be further increasing urban sprawl of Heald Green area.

In principle the scheme will have a negative impact on the trees in the area and therefore could not be accepted in its current form as the landscaping scheme is insufficient to replace the lost the trees never mind enhancing the site in line with Council policy. The species proposed are also inappropriate and several need to be changed.

The scheme needs to consider the enhancement of the Finney Lane frontage, the route through the estate and the rear gardens of all properties as the proposed loss is significant and the current proposal doesn't off-set this loss, never mind enhance the proposed site.

If the scheme is to be approved in its current format an improved landscaping scheme will need to be considered to show greater enhancement of the site, protective fencing plan and an advisory restricting all access to the protected trees in the property and adjoining the property area. Some of these should have been submitted as part of the planning application and therefore can be conditioned and submitted later, but in its current format its insufficient to resolve tree related issues.

Conditions are requested regarding the protection and retention of existing trees, and regarding new planting, are requested.

In correspondence dated 23<sup>rd</sup> February 2021, it was confirmed in relation to amended landscaping proposals that the loss of trees are still considerable and the site layout plan doesn't appear to allow the replacement planting for sufficient levels to replace the loss. If the applicant can show how they intend to replace and enhance the site sufficiently then this would be acceptable, but until then its considered too great an impact on the tree cover for the area. With the applicant's acknowledgment that there is a need for increased planting throughout the site, this can be managed by condition.

#### Greater Manchester Ecology Unit

A bat survey was undertaken in November 2019 to examine the potential of the buildings to support roosting bats, and to look for bats or signs of bats roosting in the property. The buildings were assessed as having negligible potential to support roosting bats, and no evidence of roosting bats was found within the buildings during the internal and external inspections. The trees were also inspected for their potential to support roosting bats, and no features were identified.

It is advised that the applicant is made aware of the potential for bats and other protected species (such as nesting birds) to be present within the buildings. Should they find or suspect any such species on the site during the demolition, work should cease and the LPA should be contacted for further advice. As a precaution, the measures within section 4.1.1 of the bat survey report should be followed, and the roof tiles removed carefully by hand.

The trees and vegetation on the site have the potential to support breeding birds. The nests of all wild birds are protected under the Wildlife and Countryside Act, 1981 (as amended). Work should be timed to avoid the main bird nesting season (March – August inclusive) unless it can otherwise be demonstrated that no active birds nests are present.

A number of trees are proposed for removal as part of the scheme, and the tree survey is not clear if any of those are protected by TPOs. It is advised that any tree removal is compensated for by adequate replacement planting within the scheme. Ideally these would be appropriate locally native species, or species which would provide benefits to biodiversity.

The bat survey reports makes recommendations for the inclusion of a number of features to benefit wildlife, including artificial bat roosting features to be incorporated into the proposed development, provision of bird boxes and fencing design to maintain habitat connectivity for species such as hedgehogs (paragraph 4.1.3). Where possible these measures should also be incorporated into the proposals.

#### SMBC Environmental Health Officer (Amenity)

##### *Transportation Noise Impact upon Residential Development*

This Department is not satisfied that transportation noise sources have been considered, assessed and / or ameliorated where required during the design of the proposal.

##### *Aviation Noise & Agent of Change Principle*

The agent of change principle applies to new noise sensitive developments where there is the potential for aviation activities to have a significant adverse effect. This could include development in the immediate vicinity of an airport, or the final approach and departure routes of an operational runway, and locations that experience regular low altitude overflight by general aviation aircraft, where this activity could subject residents or occupiers to significant noise, air quality issues and/or vibration impacts.

The need for and type of mitigation will depend on a variety of factors including the nature of the aviation activity, location and normal environmental conditions in that context. Local planning authorities could consider the use of planning conditions or obligations to require the provision of appropriate mitigation measures in the new development (Planning Practice Guidance – Noise –gov.uk, Paragraph: 012 Reference ID: 30-012-20190722, Revision date: 22 07 2019).

The application site is located within the 2019 Manchester International Airport, Aircraft Noise Contour areas:  
60 - 63 dB LAeq 16 hr (daytime)  
57 -60 dB LAeq 8r (night-time)

The APF (section 3.17) treats the 57dB LAeq 16 hour contour as the average level of daytime aircraft noise marking the approximate onset of significant community annoyance.

In accordance with Saved UDP Policy, the Council will control new development in areas affected by aircraft noise:

##### Residential Development

##### Section 3: In areas subject to:

- day-time noise levels between 57 and 66 Leq OR
  - night-time levels between 48 and 60 Leq
- planning permission for new dwellings will be granted subject to other planning policies and to conditions (where appropriate) to ensure an adequate level of protection against noise in dwellings.

The policy only addresses the internal noise climate, and does not address aircraft noise impact upon external private amenity (garden areas).

Whilst it is possible (given sufficient mitigation) to acoustically insulate the interior of buildings; it is difficult to provide any mitigation against aircraft noise in garden areas.

Aircraft noise impact is a material consideration and the applicant has not assessed or addressed aircraft noise impact in the submission documents. In the absence of this information, it has not been possible to demonstrate that the proposal would comply with material planning considerations.

Mitigation to achieve recommended BS8233:2014 and WHO internal and external noise levels arising from transportation noise is considered necessary.

An objection is raised as insufficient information has been submitted with the application , in order to adequately assess the impact of the proposed development.

For the protection of residential quality of life, the applicant is required to submit a noise impact assessment (NIA), to address aircraft noise, acoustic design criteria, residential development noise insulation, and partially offsetting noise impacts.

#### SMBC Environmental Health Officer (Contaminated Land)

Due to the scale of development, the developer will need to undertake an investigation for soil and gas. As such, conditions are requested in respect of land contamination investigation, remediation, and validation of the remediation undertaken, and in respect of landfill gas investigation and measures to prevent landfill gas migration.

#### SMBC Environmental Health Officer (Air Quality)

No objections.

#### SMBC Lead Local Flood Authority (LLFA)

The planning portal does not appear to have any drainage related documents for the above application. We received a proposed drainage layout in January, which does not show a design or address any of the requirements for sustainable drainage.

However, the LLFA has reviewed its records which show:

- The site is located in flood zone 1
- The site has a low surface water risk
- The closest watercourse is located circa 199m away from the site
- The site to have bespoke opportunities for infiltration SuDS
- A water table level of < 3m below ground level
- There are no recorded historical flood events relevant to the development within the vicinity
- We have recorded the following historical flood event circa 174m from the site related to severe weather, coupled with a blockage, which led to external property flooding.

The application should be supported by a flood risk assessment and drainage strategy showing the applicant's intentions.

In correspondence dated 6<sup>th</sup> March 2021, it was confirmed that a Flood Risk Assessment is not required, however it would be beneficial if the applicant is able to provide one. The current proposed drainage layout still does not include a clear surface water drainage strategy, which we do require from the applicant.

#### United Utilities

No response received following the amendment to the proposal, however comments were made on 21<sup>st</sup> May 2020 in relation to the proposal as originally submitted for 9 residential units.

In these comments, conditions were requested to require the submission of a surface water drainage scheme, and to require that foul and surface water are drained on separate systems.

#### Manchester Airport Group

The Safeguarding Authority for Manchester Airport has assessed this proposal and its potential to conflict aerodrome Safeguarding criteria. It raises no aerodrome safeguarding objections to the proposal subject to conditions regarding dust during demolition, birds, lighting, reflective materials and photovoltaics.

An informative is requested with regarding to cranes and tall equipment.

### **ANALYSIS**

#### **Principle of Development**

The site is located within a Predominantly Residential Area, and is currently vacant. The previous use was as a hotel, prior to which the building was in use as two dwellings.

Paragraph 59 of the NPPF puts additional emphasis upon the government's objective to "significantly boost the supply of homes". Stockport is in a position of housing undersupply (2.6 years) against the minimum requirement of 5 years +20% buffer as set out in paragraph 73 of the NPPF.

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/Large Local Centres; and other accessible locations). 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, at present, 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. As such the application site is considered to be in an accessible location and accords with Policies CS4 and H-2 of the Core Strategy.

The principle of residential development could therefore be supported, subject to all other material planning considerations as assessed below.

### **Impact on the Character and Appearance of the Area**

Core Strategy Policy CS8 and the NPPF welcome 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. This position is supported by Policy SIE-1 which advises that 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).

The NPPF 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. Planning decisions should ensure that developments function well and add to the quality of the area, establish a strong sense of place, optimise the potential of a site to accommodate development, respond to local character and history, reflecting the identity of local surroundings and materials whilst not preventing or discouraging innovative design and are visually attractive as a result of good architecture and appropriate landscaping. Planning decisions should not attempt to impose architectural styles and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is however proper to seek to promote or reinforce local distinctiveness.

#### **Layout**

Layout relates to the arrangement of built form within the site, and the relationship between new development and the existing buildings and spaces around the site.

The application form states that the site has an area of 0.189 ha. The proposed development would therefore result in a housing density of 42 dwellings per hectare (dph), which is acceptable in relation to the surrounding character and is compliant with the indicative standards set out in Policy CS3 of the Core Strategy which seek densities of 70dph in town centre locations, decreasing to 40-50dph outside of central locations, and a minimum of 30dph in suburban locations.

The Design of Residential Development SPD advises that small family housing (2-3 bedrooms) should have garden space of 75sqm or 50sqm in the case of terraces. The proposed gardens would have garden space of between 65-75sqm for the most part, however plots 5 and 7 would have a garden space of approximately 60sqm. The layout of garden spaces has been amended throughout the application process to take account of the need for enhanced boundary planting and to minimise the impact of this on the enjoyment of the garden spaces, resulting in pressure to fell or remove planting. Whilst there is some shortfall in amenity space, this is considered acceptable in light of the above and noting that the site is in a sustainable location.

The site is currently vacant, however it was previously in use as a hotel for a number of years, and as a result the character of the site has been altered through its conversion. The site has a far greater area of hardstanding than the neighbouring dwellings, and whilst the large garden is far deeper than those to the west, it has significantly less planting than the neighbouring dwellings to the east.

The application site currently comprises built form and an access to the front of the site in a similar layout to that which is proposed. The front elevations of the dwellings at Plots 1 and 2 would be in line with the neighbouring dwellings fronting Finney Lane and their depth would be comparable. The site currently has a vehicular access which extends to a significant depth within the plot and provides access to substantial car parking areas. The proposed residential development to be introduced to the rear of the site would be visible from Finney Lane as a result of the access layout, however it is considered that this can be suitably accommodated without resulting in significant harm to the character and appearance of the area subject to the inclusion of greatly enhanced landscaping to soften the appearance of the access and car parking areas.

It is noted that development has been carried out rear of 209 Finney Lane which is accessed via Outwood Drive, and that backland development with a similar layout to that which is proposed has been carried out at Waterford Place which is east of the site, accessed via Finney Lane.

The proposed layout would result in the dwelling at Plot 1 being closer to the neighbouring dwelling at No.205 Finney Lane than the existing dwelling, but would provide greater separation from No.199 Finney Lane. The proximity to neighbouring dwellings does not result in a significant adverse impact upon the character and appearance of the area noting the proximity of the existing dwellings to one another, and the site in its current form is not considered to result in a significant positive contribution to the street scene such that it warrants refusal of the application.

### Scale

Scale relates to how big buildings and spaces are (their height, width and length).

The proposed dwellings would be 2.5 storeys in height with single storey projections to the front to provide a porch. Accommodation would be provided in the loft space, served by dormers. The dwellings at Plots 1 and 2 would front Finney Lane and have a height to match the existing building and neighbouring dwellings. The dwellings at Plots 3-8 would sit rear of the established building line and would have a ridge height which is greater, but this would not be evident when viewed from Finney Lane or within the site such that it would result in harm.

The scale proposed is comparable to that of the surrounding dwellings, and can be suitably accommodated on the site alongside the required amenity space, car parking space and incidental storage for cycles and bins. It is noted that neighbour comments raised concern that the dwellings are small, and that space has not been provided for cycle and bin stores. External storage areas are indicated on the site layout plans, and details should be required by condition.

The internal layouts and plot sizes are considered to be suitable having regard to the guidance set out within the Design of Residential Development SPD and the Nationally Described Space Standards.

### Appearance

Appearance addresses how buildings and space will look, including building materials and architectural details.

The existing building on site formerly comprised two semi-detached dwellings, and has a scale, form and design matching the adjoining neighbours which together form a row of 7 buildings which are uniform in appearance. Whilst the uniformity does characterise this part of the street scene, the buildings are not considered to be of such architectural or historic value that it would be reasonable to require their retention. It is noted that an objection has raised comments in this regard. Further, whilst the site is currently vacant, it was in use as a hotel for a number of years, and as a result the character of this site has been altered through its conversion. As noted above, the site has a far greater area of hardstanding than the neighbouring dwellings, and the large garden is far deeper than those to the west, and has less planting than the neighbouring dwellings to the east.

The proposed dwellings would each have a much more narrow frontage than the existing building, and would have a form and design which is different in respect of its roof shape and detailing. The proposed dwellings would have gabled roofs, which is a feature of the established row, and the dwellings to the rear of the site would have gabled dormers to the front elevation roof slope which reflect the gable detailing to the existing row of dwellings. The proposed dwellings do not replicate the existing dwellings, but are considered to positively respond to the site context.

It is recommended that conditions are attached to any permission granted to require the submission of hard and soft landscaping, boundary treatments and materials details, in order to ensure that the development is satisfactorily assimilated into the area in accordance with Core Strategy Policies H-1, CS8, SIE-1 and SIE-3.

Therefore, subject to conditions to ensure that the development has high quality finishes, landscaping and boundary treatments, the proposed development is considered to be acceptable when considered against Policies H-1, CS8, SIE-1 and SIE-3 of the Core Strategy.

### **Impact Upon Residential Amenity**

Development Management policy SIE-1 advises, “development that is designed and landscaped 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 account should be had of...” a number of factors including, “the site's context in relation to surrounding buildings and spaces (particularly with regard to the height, density and massing of buildings);” “Provision, maintenance and enhancement (where suitable) of satisfactory levels

of access, privacy and amenity for future, existing and neighbouring users and residents; The potential for a mixture of compatible uses to attract people to live, work and play in the same area, facilitating and encouraging sustainable, balanced communities.”

Regard has also been paid to the Design of Residential Development SPD. This SPD provides guidance as regards the implementation of Core Strategy Policy H-1 regarding new housing design and standards.

The aim of the SPD, in respect of the section regarding ‘Space About Dwellings’ (pages 32-33) is to ensure that there is sufficient space around developments, that overlooking is kept to a minimum and that which does occur is not unacceptable or out of keeping with the character of the area. The SPD is, however, a guide, and it is acknowledged within the guidance (page 33) that “rigid adherence to the standards can stifle creativity and result in uniformity of development. The Council therefore encourages imaginative design solutions and in doing so may accept the need for a flexible approach,” depending upon the context.

To this aim, regarding space and privacy within habitable rooms and garden areas, the SPD suggests that for 2 storey developments there should be a distance of 21m between habitable room windows on the public or street side of dwellings, 25m between habitable room windows on the private or rear side of dwellings, 12 metres between habitable room windows and a blank elevation, elevation with non-habitable rooms or with high level windows, and 6m between any proposed habitable room window and the development site boundary. For every floor of accommodation in excess of 2 storeys an additional 3m should be added to the above figures.

### Privacy

In terms of privacy both within habitable rooms and garden areas, the Council’s SPD for residential development confirms that 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. Clearly in a suburban location such as this, there will already be a degree of mutual overlooking, therefore, it would be unreasonable to expect a development to have no impact in this respect.

The site layout plan demonstrates the distances between existing properties and the proposed buildings and the site boundary.

The proposed dwellings at plots 1-2 would sit within the existing building line, level with the existing building and its neighbours to either side. Additional overlooking from these proposed dwellings to the existing neighbours is not considered to be significant. The dwellings at plots 3-8 would be set approximately 21m from the rear elevations of the existing and proposed dwellings fronting Finney Lane. This separation distance is acceptable at ground floor and first floor level, however the distance should be increased with the addition of a second floor. It is noted that the dwellings at plots 1-2 would have dormers to the rear and the dwellings at plots 3-8 would have dormers to the

front elevation, however the views between would not be direct, and this shortfall is not considered to be so significant as to warrant refusal of the application. Views northward would result in some overlooking of the garden spaces of the dwellings fronting Finney Lane, however this is not considered to result in significant adverse impacts as defensible amenity space will be retained, and due to the existing level of overlooking.

The proposed dwellings would be well separated from the gardens and rear elevations of the dwellings on Outwood Drive to the south of the site.

In addition to the above, a landscaping scheme and details of proposed boundary treatments should be required by a condition attached to any planning permission granted, which will assist in ensuring that any overlooking impacts are minimised.

The proposed development would be broadly compliant with the separation distances set out within the Design of Residential Development SPD and the overlooking impacts are not considered to be significant having regard to the existing situation. It is therefore considered that the proposed development would accord with the NPPF and the Development Plan, including Core Strategy Policy SIE-1, regarding designing quality places.

#### Overshadowing

Noting the existing development on the site, the layout of the neighbouring dwellings and gardens, and the level of overshadowing as existing as a result of the established tree planting, the proposed development is not considered to result in significant overshadowing such that this would warrant refusal of the application.

#### Noise and Disturbance

The Environmental Health Officer for Amenity has assessed the proposal. The site is located in an area impacted by aviation and road transport noise.

The application is not supported by a Noise Impact Assessment to address the impacts of aviation and road transport noise upon the amenity of future occupiers, particularly in outdoor spaces. On the basis that the site has previously been in residential use and is sited within established residential development, the impacts of aviation and transport noise are not considered to be prohibitive to development. On balance, it is considered appropriate that a condition is attached to any planning permission granted to require the submission of a Noise Impact Assessment and mitigation measures prior to the commencement of development.

The proposed residential development is not considered to result in a level of noise and disturbance beyond that which may be reasonably expected of a residential area. An informative should be attached to any permission granted with regard to working hours during development.

It is noted that neighbour objections are raised in relation to disturbance from street lighting. It is recommended that a condition is attached to any planning

permission granted to require the submission of a lighting scheme in order to limit any undue disturbance to neighbouring residents and residents of the proposed development. This condition would also serve a purpose in relation to biodiversity impacts and aviation safety as addressed later in this report.

It is concluded that the proposed development would have an acceptable impact upon the residential amenities of the locality, subject to mitigation through conditions, in accordance with the NPPF and the development plan, including Core Strategy Policy SIE-3.

### **Highway Safety, Traffic Generation and Parking**

Core Strategy policy CS9 supported by Policy T-1 requires development to be in locations which are accessible by walking, cycling and public transport. Policy T-2 requires developments to provide car parking in accordance with the maximum standards and confirms that developers will need to demonstrate that developments will avoid resulting in inappropriate on street parking that causes harm to highway safety. Developments are expected to be of a safe and practical design (Policy T-3). The NPPF confirms at paragraph 109 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.

The Highways Engineer has assessed the proposal and their comments are provided above. The proposal is considered to be acceptable in relation to traffic generation, access and car parking. Conditions are requested with regard to a construction method statement, a pre-condition survey of the footway across the site access, details of the site entrance and access road, details of the parking areas, electric vehicle charging points and cycle storage. An informative is requested with regard to the need to enter into a Section 38 Road Agreement under the Highways Act 1980 regarding the construction and future adoption of the proposed Access road.

### **Flood Risk and Drainage**

Policy SD-6 requires development to incorporate Sustainable Drainage Systems (SuDS) so as to manage the run-off of water from the site. Development on previously developed (brownfield) land must reduce the rate of unattenuated run-off by a minimum of 50% if it is within an identified Critical Drainage Area (CDA). Until CDAs have been identified in detail the same reduction (a minimum of 50%) will be required of developments on brownfield sites in all areas; once detailed CDAs have been identified the minimum required reduction of run-off on brownfield sites outside of CDAs will be 30%. Development on greenfield (not previously developed) sites will be required, as a minimum, to ensure that the rate of run-off is not increased.

The Lead Local Flood Authority (LLFA) has confirmed that the site is located in Flood Zone 1 (low risk) and has a low surface water risk. The closest watercourse is located circa 199m away from the site, the water table level is <3m below ground level, and the site is to have bespoke opportunities for infiltration SuDS. There are no

recorded historical flood events relevant to the development within the vicinity, however a historical flood event circa 174m from the site related to severe weather, coupled with a blockage, led to external property flooding.

The LLFA requires the submission of a surface water drainage scheme in accordance with Policy SD-6, and has requested that this be provided prior to the determination of the application. Officers do not consider it reasonable to refuse the application or delay its determination on this basis, and instead consider this a matter capable of conditional control. Officers consider it to be reasonable and necessary to attach a condition to any planning permission granted to require the submission of a surface water drainage strategy prior to the commencement of development in order to address the requirements of the LLFA and United Utilities.

A condition should also be attached to any permission granted to require that foul and surface water are drained on separate systems, as requested by United Utilities. This is considered to also address the concern raised by a neighbour in relation to contamination as a result of foul water drainage flooding.

### **Trees**

The Arboriculture Officer has assessed the proposal and their comments are provided above. It is noted that the site is not within a Conservation Area, however there are legally protected trees within this site or affected by this development (Outwood Drive, Heald Green No.2 2005).

The proposal in its current form would result in a negative impact upon the existing trees on site. The proposed development will result in a loss of existing trees, and may potentially impact upon others as a result of works within close proximity, vehicle movements and storage of materials. It is considered that the loss of a number of existing trees can be mitigated through new tree planting, and the protection of the existing trees can be secured via condition.

Tree planting proposals will need to consider the enhancement of the Finney Lane frontage, the route through the development and the rear gardens of all properties as the proposed loss is significant and the current proposal would not off-set this loss, let alone provide the necessary enhancements.

The Applicant has acknowledged the need to enhance the proposals for tree planting through revisions to the landscaping scheme, however these revisions have not been sufficient to date. Conditions should be attached to any planning permission granted to require the protection and ongoing retention of existing trees, and requiring the submission and implementation of tree planting proposals, in order to ensure that the loss of trees within the site is appropriately mitigated.

### **Biodiversity**

The Greater Manchester Ecology Unit has assessed the proposed, and raises no objections. A bat survey was undertaken in November 2019 and found the site to have negligible potential to support roosting bats and no evidence of roosting bats

was found.

It is recommended that a condition is attached to any permission granted to require that the measures set out within Section 4.1.1 of the bat survey report should be followed, and the roof tiles removed carefully by hand. It is also recommended that an informative is attached to any permission granted to advise that should any protected species be found or suspected to be present on site, works should cease and advice should be sought.

The trees and vegetation on the site have the potential to support breeding birds. The nests of all wild birds are protected under the Wildlife and Countryside Act, 1981 (as amended) and therefore work should be timed to avoid the main bird nesting season (March – August inclusive) unless it can otherwise be demonstrated that no active birds nests are present. This should be controlled by condition.

It is advised that any tree removal should be compensated for by adequate replacement planting within the scheme. Ideally these would be appropriate locally native species, or species which would provide benefits to biodiversity. As above, the Arboriculture Officer has requested the submission of a landscaping scheme with significant replanting, and therefore this comment is considered to have been addressed via the recommended condition.

The bat survey report makes recommendations for the inclusion of a number of features to benefit wildlife, including artificial bat roosting features to be incorporated into the proposed development, provision of bird boxes and fencing design to maintain habitat connectivity for species such as hedgehogs (paragraph 4.1.3). A condition should be attached to any planning permission granted to require the submission of a scheme of biodiversity enhancements as a part of the landscaping proposals.

Conditions to ensure habitat enhancement and protection of protected species can be imposed, pursuant to the development plan, particularly Saved UDP Policy NE1.2 and Core Strategy Policy SIE-3, and the NPPF. An informative should be attached to any planning permission to remind the developer of the need to stop works and report any evidence of bats if found during construction works.

## **Other Matters**

### **Recreational Open Space Provision/Maintenance Contributions**

In accordance with saved UDP policy L1.2, Core Strategy DPD policy SIE-2, the Open Space Provision and Commuted Payments SPD and the NPPG, there is a requirement for the provision and maintenance of formal recreation and children's play space and facilities within the Borough to meet the need of residents of the proposed development.

Developer contributions will be required based on the number of bedrooms and therefore the number of predicted occupants, and a monitoring fee will also be required. These contributions are to be secured via an agreement under Section 106

of the Town and Country Planning Act 1990 (as amended), prior to the granting of planning permission.

It is noted that a neighbour objection raised concerns regarding contributions to affordable housing. As the application proposes fewer than 10 dwellings, a contribution to affordable housing is not required.

#### Energy

The submitted Energy Statement was not quite compliant with Core Strategy Policy SD-3 since it fails to fully evidence an assessment of low / zero carbon technologies for their technical feasibility and financial viability pertinent to the site. In order to assist with the lack of evidence, the Planning Policy Officer for Energy has endeavoured to draft some additional text for the Energy Statement based on the submitted paperwork, which would ensure a policy compliant statement. The Applicant has amended the Energy Statement as suggested, and as a result, the Energy Statement is considered to comply with Core Strategy Policy SD-3.

It is recommended that a condition is attached to any planning permission granted in order to ensure that the appropriate details of the percentage carbon savings are provided.

#### Land Contamination

The Environmental Health Officer for Contaminated Land has assessed the proposal and their comments are set out above. It is recommended that conditions are attached to any permission granted in respect of land contamination investigation, remediation, and validation of the remediation undertaken, and in respect of landfill gas investigation and measures to prevent landfill gas migration, pursuant to Core Strategy Policy SIE-3.

#### Aviation Safeguarding

The application is acceptable in terms of safeguarding aerodromes and aviation facilities, pursuant to Saved UDP Policy EP1.9 and Core Strategy Policy SIE-5. The Safeguarding Authority for Manchester Airport has assessed the proposal and its potential to conflict aerodrome Safeguarding criteria. It raises no aerodrome safeguarding objections to the proposal subject to conditions regarding dust during demolition, birds, lighting, reflective materials and photovoltaics.

#### Air Quality

It is noted that a neighbour objection raises concerns regarding air pollution. The Environmental Health Officer for Air Quality has assessed the proposal and raises no objections. The proposed development is not considered to result in significant adverse impacts in this regard.

#### Other Matters

It is noted that an objection raises concerns regarding the impact of the proposed development on local services and facilities. The site is located within a sustainable location with access to local services and facilities and the principle of development is supported, subject to all other material considerations. As a result of the scale and siting of the proposed development, the impact upon the capacity of these services and facilities is not a material consideration in this instance.

It is noted that an objection raises concerns that other local sites are more appropriate for development. This is not a matter for consideration in this instance.

It is noted that an objection raises concerns regarding the accuracy of the submitted perspective images. These would not form a part of any approval granted, and are provided for indicative purposes.

## **CONCLUSION**

The National Planning Policy Framework (NPPF) advises that “the purpose of the planning system is to contribute to the achievement of sustainable development.” It is considered that the proposed scheme serves to balance the three overarching economic, social and environmental objectives of the planning system, to achieve a sustainable form of development.

The principle of residential development is supported in this location. The layout, scale and appearance of the development is considered acceptable.

The assessment of the application indicates that there would be some impacts upon amenity, however these would not be unacceptable due to the design, scale, massing and separation distances, and would not be out of character within context of the existing residential development. The issues identified in relation to aviation and road transport noise can be addressed through the imposition of a condition to require mitigation.

The development can be accommodated without harm to protected species, and the loss of trees can be mitigated by an enhanced landscaping scheme to be required by condition.

It is accordingly considered that the development would specifically accord with the NPPF and Development Plan policies, including Development Management Policies SIE-1 and SIE-3 regarding quality places, and the Council’s SPD “The Design of Residential Development.”

In highway terms, the site is within an accessible location, and conditions will ensure that the access and parking facilities will be provided appropriately. It is considered that the traffic generated by the proposed development can be accommodated within the local highway network in a satisfactory manner without adverse effect. As no severe highway impacts can be identified, in accordance with the NPPF, permission should not be refused in this respect.

## **Summary**

In considering the planning merits against the NPPF, the proposal would, as a whole, represent a sustainable form of development; and therefore, Section 38(6) of the Planning and Compulsory Purchase Act 2004 would require that the application be granted subject to conditional control.

## **RECOMMENDATION**

APPROVE, subject to conditions.