

Application Reference	DC/074660
Location:	6 Kings Close Bramhall Stockport SK7 3BN
PROPOSAL:	Demolition of existing dwelling. New residential housing development comprising 3no. dwellings and 1no. detached garage, accessed via shared private driveway with associated landscaping and external works.
Type Of Application:	Full Application
Registration Date:	18.10.2019
Expiry Date:	20191213
Case Officer:	Jane Chase
Applicant:	Mr Eccles
Agent:	Hive Architects Studio Ltd.

DELEGATION/COMMITTEE STATUS

Area Committee – 4 or more objections. Called up by Cllr Vine.

DESCRIPTION OF DEVELOPMENT

The application proposes the demolition of the existing chalet bungalow on the site and the erection of 3no. 2 storey detached houses and 1 detached garage which would be accessed from Kings Close by a shared driveway.

As Originally Submitted

The application as originally submitted proposed 3 houses positioned in linear form with that to the north of the site orientated such that its front elevation faced north towards 4 Kings Close with the two remaining dwellings orientated to face east towards 8 Kings Close. The proposed houses would be of contemporary design with 2 full floors of accommodation and a hipped roof over. To the front elevation each house would have 2 storey flat roofed square bay constructed from timber boarding adjacent to which a flat canopy is proposed over the front entrance. Elsewhere the elevations would be formed from feature brickwork at ground and lower first floor level together with blackened timber cladding to the upper first floor level and tiles to the roof. The rear bedrooms in each house would have full height opening doors enclosed by a simple glass balustrade.

Each house would measure 12.9m wide, 9.6m to 10.6m deep, 5.5m to eaves and 8.8m to the ridge of the hipped roof. The siting of each plot relative to neighbouring occupiers is as follows:-

Plot 1 – front elevation positioned 8.4m to 12.4m from the side boundary of 4 Kings Close; side elevations 7.5m from the side boundary of 8 Kings Close and 7.8m from the rear boundary of 18 Brampton Road. 12m from the rear elevation of plot 1 to the side elevation of plot 2.

Plot 2 – front elevation positioned 7.2m to 8.2m from the side boundary of 8 Kings Close; rear elevation positioned 10m from the rear boundary of 20 and 22 Brampton Road. 5.8m from the side of plot 2 to the side of plot 3.

Plot 3 – front elevation positioned 8m to 8.2m from the side boundary of 8 Kings Close; rear elevation positioned 10m to 10.6m from the rear boundary of 24 Brampton Road and side elevation positioned 10m to 10.2m from the rear boundary of 19 Broadway.

A detached double garage is proposed to plot 1 positioned 2.4m to 2.6m from the side boundary of 4 Kings Close and 2.4m to 2.6m from the rear boundary of 18 Brampton Road. The garage would have a pitched roof and a south facing dormer and would measure 6m wide, 6.9m deep, 2.6m to eaves and 5.1m to the ridge of the pitched roof. Materials would comprise brickwork, tiles and zinc cladding. In front of this garage 2 forecourt parking spaces are proposed with a driveway 7.2m deep in front which would also act as a turning head and passing place.

Plots 2 and 3 would each have forecourt parking for 2 cars. That to plot 2 would be positioned to the side of the house and that to plot 3 in front of the house adjacent to the side boundary with 8 Kings Close. 2 visitor parking spaces are proposed between plots 1 and 2. The first 10m of the driveway would be 5.5m wide reducing to 3.7m wide through the site with a turning head at its furthest extent between plots 2 and 3.

Each house would have an area within its rear garden for refuse storage with a communal collection area being proposed opposite plot 1 adjacent to the boundary with 8 Kings Close.

Subsequent Amendments

Following negotiations with Officers the application has been amended. The 3 detached houses have been repositioned within the site and in relation to plots 1 and 3, have been re-orientated such that the front elevation of plot 1 now faces 6 Kings Close and that of plot 3 faces the side elevation of plot 2. Plot 2 has been moved closer to plot 1. These houses have also been reduced in terms of their depth, width and height.

The garage to plot 1 with forecourt spaces in front has been deleted such that 2 forecourt parking spaces will now serve that dwelling and a detached garage is now proposed to plot 3 in addition to the 2 forecourt spaces. A visitor space is proposed adjacent to the 2 forecourt parking spaces for plot 2 together with turning heads to both ends of the driveway serving the houses.

The proposed houses remain of the same contemporary design as that originally proposed by this application however a hipped roof 2 storey projection rather than a flat roofed projection is proposed to the front of each house. The roof of this projection would extend down over the entrance hall with an internal void to the staircase above. The dwellings would be constructed from brickwork at ground floor level, hit and miss brickwork with glazing behind to the front projection, feature brickwork, and blackened timber cladding to the first floor level and tiles to the roof. To the front elevation of plot 3, the eaves line would be slightly lower than that of the rest of this house such that the first floor windows break through this eaves line and appear as 2 zinc clad dormers. The rear bedrooms in each house would have full height opening doors enclosed by a simple glass balustrade.

Plot 1 to the north of the site has been re-orientated such that the wider front elevation of this house now faces Kings Close. This house would now measure 12.9m wide, 7.6m to 9.6m deep, 5.3m to eaves and 7.9m to the ridge of the hipped roof. Compared with the scheme originally proposed as part of this application (outlined above), this is reduction of 1m to 2m on the depth, 0.2m on the eaves and 0.9m on the ridge.

The front elevation is now 8.4m to 10m from the garden boundary of 8 Kings Close, the side elevation is 7.6m to 9.4m from the garden boundary of 4 Kings Close and the rear elevation is 10m from the garden boundary of 18 Brampton Road. The side elevation of this house is 3.2m from the side elevation of plot 2.

Plot 2 has been repositioned to be closer to plot 1, 3.2m distant side elevation to side elevation. This house would now measure 12.9m wide, 7.6m to 9.6m deep, 5.3m to eaves and 7.9m to the ridge of the hipped roof. Compared with the scheme as originally proposed as part of this application (outlined above), this is reduction of 1m to 2m on the depth, 0.2m on the eaves and 0.9m on the ridge.

The front elevation is 8m to 10.2m from the garden boundary of 8 Kings Close and the rear elevation is 10m from the garden boundary of 20 Brampton Road. The side elevation of this house is 12m to 13m from the front elevation of plot 3. The side boundary of the rear garden to plot 2 has been repositioned closer to the front of plot 3 to increase the size of the rear garden to plot 2.

Plot 3 to the south of the site has been re-orientated such that the wider front elevation of this house now faces the side of plot 2. This house would measure 12.9m wide, 8.6m to 9.6m deep, 5.3m to eaves and 7.9m to the ridge of the hipped roof. Compared with the scheme as originally proposed as part of this application (outlined above), this is a reduction 1m on the depth, 0.2m on the eaves and 0.9m on the eaves.

The side elevation of this house is 9.4m from the garden boundary of 8 Kings Close and 6m from the garden boundary of 24 Brampton Road. The rear elevation is 14.6m to 15m from the garden boundary of 19 Broadway.

The detached garage to this house would be positioned 2m from the garden boundary with 8 Kings Close and would measure 6m wide, 7m deep, 2.5m to eaves and 5m to the ridge.

The application is supported by an Energy Statement, Design and Access Statement and a Protected Species Survey.

SITE AND SURROUNDINGS

The application site is located on the south side of Kings Close at a 90 degree bend in the road and accommodates a 1960's detached chalet bungalow with gable ends/dormers front and rear. To the side of the dwelling is a flat roofed garage and car port. The existing dwelling is positioned centrally within a sizeable plot with the front and rear elevations facing houses on Brampton Road and the bungalow at 8 Kings Close. The site is vacant and the house and garden are unkempt.

In terms of trees, there are no legally protected trees within the application site, however, the large tree in the front garden of 8 Kings Close adjacent to the existing access into the application site is the subject of a Preservation Order. A laburnum tree is positioned within the site adjacent to the eastern boundary with 8 Kings Close

and there are other trees within adjacent gardens close to the boundaries with the application site. The site is enclosed by hedging to the eastern boundary with 8 Kings Close, 1.8m high fencing to the southern boundary with 19 Broadway, a hedge to the western boundary with 4 Brampton Road, 1.8m high fencing to 6, 8 and 10 Brampton Road and to the northern boundary with 4 Kings Close.

Immediately to the north of the application site is 4 Kings Close, a 2 storey detached house on a smaller plot of land positioned immediately adjacent to, and side on to the northern boundary of the application site. To the west are larger 2 storey detached houses on Brampton Road, the rear elevations of which face the western boundary of the application site. These houses have rear gardens typically 24m to 28m deep. To the south of the site is a detached bungalow on Broadway with accommodation in the roof space served by a small rear facing dormer and a rear garden approximately 30m deep. To the east is 8 Kings Close, a large detached bungalow on a spacious plot of land. The side elevation of this bungalow faces the application site and is positioned approximately 9m from the boundary. Opposite the entrance to the site is 3 Kings Close, detached bungalow positioned on the inside of the bend in the road. Further into Kings Close houses are generally 2 storey detached.

Development in the locality on Kings Close is varied in terms of its size, scale and design however there is a lower scale to the first part of Kings Close afforded by the bungalows at no.s 2, 3 and 8. Dwellings are typically detached in varying plot sizes being constructed from a mixture of materials, red, grey and brown tiled hipped roofs, red brick and rendered elevations with some tile hung projecting bays to front elevations. Gardens are maturely landscaped and vary in size, front and rear. To Brampton Road and Broadway, this variety continues. Brampton Road comprises mainly larger 2 storey detached houses from the early 20th century with hipped tiled roofs, red brick and rendered/timbered bays. Broadway presents more varied forms of development dating from the early 20th century to the contemporary, 21st century.

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

NE1.2 Sites of Nature Conservation Importance

L1.2 Children’s Play

MW1.5 Control of Waste from Development

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

H-1 Design of Residential Development

H-2 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 & 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
Open Space Provision and Commuted Sum Payments
Transport & Planning in Residential Areas

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.59 “To support the Government’s objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.”

Para.68 “Small and medium sized sites can make an important contribution to meeting the housing requirement of an area, and are often built-out relatively quickly. To promote the development of a good mix of sites local planning authorities should..... c) support the development of windfall sites through their policies and decisions giving great weight to the benefits of using suitable sites within existing settlements for homes.”

Para.108 “In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:

a) appropriate opportunities to promote sustainable transport modes can be or

have been taken up, given the type of development and its location;
b) safe and suitable access to the site can be achieved for all users; and
c) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.”

Para.109 “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”

Para.117 “Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or ‘brownfield’ land.”

Para. 118 “Planning policies and decisions should.....

c) give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land;

d) promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively.”

Para.122 “Planning policies and decisions should support development that makes efficient use of land, taking into account:

a) the identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it;

b) local market conditions and viability;

c) the availability and capacity of infrastructure and services – both existing and proposed – as well as their potential for further improvement and the scope to promote sustainable travel modes that limit future car use;

d) the desirability of maintaining an area’s prevailing character and setting (including residential gardens), or of promoting regeneration and change; and

e) the importance of securing well-designed, attractive and healthy places”

Para. 123. “Where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning 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..... local planning authorities should refuse applications which they consider fail to make efficient use of land, taking into account the policies in this Framework. In this context, when considering applications for housing, authorities should take a flexible approach in applying policies or guidance relating to daylight and sunlight, where they would otherwise inhibit making efficient use of a site (as long as the resulting scheme would provide acceptable living standards).”

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

DC/068016 - Demolition of existing dwelling. New residential housing development comprising 5no. dwellings and 1no. detached garage, accessed via shared private driveway with associated landscaping and external works - Withdrawn February 2018

DC/070561 - Demolition of existing dwelling. New residential housing development comprising 4no. dwellings and 1no. detached garage, accessed via shared private driveway with associated landscaping and external works – Refused and dismissed on appeal April 2019 with the Inspector concluding:-

- The character and appearance of the first part of Kings Close is of attractive, low scale housing with bungalows either side of the road. The location of plot 1 and its height, which would be around 8.8m to its ridge, would mean that it would be visible in the street scene at this point, prominent over the adjoining bungalow at no 8. Although only marginally higher than no 4 (by around 300mm), the front elevation and part of the gable elevation of plot 1 would be visible in the context of no 4 which is much more modest in its proportions, notably due to its hipped roof. The result of this would be an overly dominant addition to the street scene, to the detriment of the low scale character and appearance.

- The remainder of Kings Close comprises predominantly 2 storey detached houses with hipped roofs and front gable detailing. Although accommodation may be provided in the roofspace on the rear elevations no dormers or roof extensions are visible from the front or within the streetscene. The proposal has been designed with a steep pitched roof, large dormer windows are proposed to the front elevations of

plots 1 and 2 and would appear as 2.5 storeys in height. Plots 3 and 4 have gable front elevations with a large 2nd floor window to the front elevation and would appear as 3 storeys in height.

- The heights of the houses on Brampton Road are not dissimilar to the height of the proposed houses however they are all 2 storey and have hipped or articulated rooflines which reduces the scale and massing. The proposed roof line lacks any articulation and its height over a long length means the scale and massing of the houses would be at odds with the character and appearance of both King's Close and Brampton Road.

- King's Close has a generally consistent pattern of development in terms of the width of the frontage to the road, spacing between buildings and size of front gardens. In contrast plots 3 and 4 have a narrow frontage and are only set 1.8m apart whilst plots 1 and 2 are linked by virtue of the car port for plot 2. All of the plots have very small, or no real front gardens due to the space needed for car parking, access or turning. I acknowledge that the proposed gardens are consistent with the Council's guidance in the Supplementary Planning Document: The Design of Residential Development (2007) (SPD) in terms of size. However, whilst garden sizes do vary in the surrounding area, the gardens proposed are comparatively small, with the size of the house appearing disproportionate to its plot. Whilst in isolation the spacing, plot and garden sizes may be acceptable, in combination they result in development that has a cramped appearance which is out of character with the prevailing pattern of development in King's Close.

- The density of the development would result in a form of development that would cause unacceptable harm to the character and appearance of the area.

- The distance from the side elevations of plots 3 and 4 to the boundary falls short of the minimum standard in the SPD. The guidance in the SPD is however just that and it recognises that a flexible approach to the standards may be accepted. At ground floor, given the windows are secondary and would overlook the existing boundary hedge, there would be no material loss of privacy to the adjoining dwellings. At first floor, it is not uncommon for windows to bathrooms to have obscure glazing and the relationship could be made acceptable through the use of a planning condition.

- The side facing roof slopes of plots 3 and 4 include three roof lights located 1.7m above finished floor level. Given the distance from the boundary there is the potential for overlooking. However, this would be over the very rear of the gardens of the adjoining dwellings and the height and nature of the windows means that the outlook is fairly restricted. As such, there would not be a loss of privacy such that it would cause harm to the living conditions of neighbouring occupiers.

- Contemporary architecture and materials can contribute to the quality of the local environment. Although material considerations that weigh in favour of the proposal they do not outweigh the harm that will be caused to the character and appearance of the area.

- The authority has less than a five year housing land supply. In such circumstances the tilted balance contained within paragraph 11(d) of the National Planning Policy Framework applies. The scheme in making efficient use of previously developed land and providing four houses in an accessible location would be of benefit socially and there would be a short lived economic benefit associated with construction of the development. The considerable adverse impacts though on the character and appearance of the area of granting permission would significantly and demonstrably outweigh these benefits of the scheme.

NEIGHBOUR'S VIEWS

In relation to the plans as originally proposed by this application, 27 letters have been received objecting on the following grounds:-

Character of Area

- The materials proposed and high levels of glass is out of keeping with the area.
- The contemporary design of the houses is at odds with the rest of the road.
- There is still a concern from the design submitted that there will be attempts to create living space in the roof space.
- The appeal decision in relation to the previous application remains relevant in the determination of this application. In that decision the Inspector noted the character of the locality and the small front gardens then proposed which were comparatively small with the size of the house appearing disproportionate to its plot. The Inspector therefore concluded that the development then proposed had a cramped appearance which is out of character with the prevailing pattern of development in Kings Close. The current proposals do not overcome this objection and propose an overdevelopment of the site out of keeping with the surrounding low density area.
- The 3 proposed houses on the site would be visible and dominant within the plot because of the long large rooflines combined with them being quite closely spaced together.
- The existing property on the left hand side of the access driveway to the plot is a large bungalow with a relatively low roofline. The proposed three large detached properties, effectively being built behind it, would consequently loom large and tall and become the dominating view for the Close.
- Despite the reduction to 3 houses, they will still be cramped into too small a space.
- the footprint of each of the three proposed houses is large in relation to the plot and still gives rise to a cramming of the site.
- The gardens to the front and rear are small in comparison to those in the locality.

Amenity

- Overlooking and a loss of privacy arising from the siting of the houses and the provision of full height opening windows and Juliet balconies. Failure to comply with the privacy distances set out in the Council's SPD.
- The plans indicate that a number of trees are to be planted in the north hedge of the plot, the age of the trees is not indicated but we presume will envelop 4 Kings Close which is unlikely to be acceptable.
- Overbearing and unneighbourly
- Loss of light
- Unacceptable intrusion in the form of noise nuisance and from light at night from the traffic associated with the development.
- Increased pollution from vehicle fumes.

Parking & Highways

- There is only 1 garage and no pavement which could be hazardous for visiting pedestrians after dark.
- Parking will cause amenity and highway safety problems due to visitors congregating around the tight bend in the road impeding traffic.
- The driveway still appears too small for the amount of traffic that will be generated.
- Insufficient parking for the size of the houses proposed. Lack of garages and insufficient visitor parking.
- Each house is likely to have at least two cars. There will therefore be a minimum of 6 cars entering and exiting onto a right angled corner of the cul de sac, alongside the current traffic from Kings Close residents coming into the close and out. This poses a risk of accidents.

- The access road running in front of the houses appears very narrow and although there seems to be provision for two visitor parking spaces it can be easily envisaged that the road fronting the houses will get very congested, as will the access in to and out of Kings Close. This is likely to cause overspill parking on King's Close impacting detrimentally on the existing character and safety of that road.
- The cramped layout with no pavement and narrow access road, as a result of the houses themselves being too large for the site, creates a potentially dangerous situation for children and adults alike whenever there are vehicle movements.
- Inadequate access for emergency vehicles. Any fire appliance would be unlikely to be able to turn around and would have to reverse.
- The entrance/exit is on a very sharp bend.
- How will refuse vehicles navigate the site?
- The turning head is not of a sufficient size to allow large delivery vehicles to turn in the site which means that they will have to reverse out. This will cause harm to highway safety.

Other Matters

- Loss of trees on the site to date has caused flooding in adjacent gardens.
- Impact on ecology.
- Noise, dust and disturbance from construction works.
- Where will contractors park during construction works?
- Contravenes Human Rights Act which conveys a right to respect for private and family life.
- There is a restrictive covenant on the land that provides for only 1 house or a bungalow. If the development proceeds then action may have to be taken to protect the covenant.

Further to the receipt of amended plans, those who commented on the plans as originally submitted were notified. At the time of writing this report 24 letters have been received objecting on the same grounds as those set out above. If any further letters are received these will be reported to Members at the meeting.

CONSULTEE RESPONSES

Tree Officer - The proposed development is not within a Conservation Area nor are there legally protected trees within the site. There is however a legally protected trees adjacent to the site (Kings Close, Bramhall 1993).

There are two main concerns over the proposed scheme, which is the potential damage of the root zones of all trees on the site and on neighbouring sites from the access and secondly the impact of construction works in relation to the location of any site compound or spillage around the protected/retained trees. There cannot be any encroachment or dumping within the protected tree area and so full protective fencing and warning signs will need to be erected to prevent anything from going within the zone. A method statement should provide details of a no dig construction if any works are proposed within the root protection area of the legally protected tree.

Conditions should be imposed to secure details of protective fencing and a method statement as outlined above.

Ecology Officer - The site has no nature conservation designations, legal or otherwise.

Bat surveys were carried out in August 2016 as part of a previous planning application for the site. The property was subject to an internal and external

assessment to search for signs of bats and assess the potential for bats to be present. No evidence indicative of bat presence was observed but the building was found to offer moderate roosting potential. Two activity surveys (a dusk and a dawn) were subsequently carried out but no bats were recorded emerging/re-entering the building.

An update survey was undertaken in October 2019 (Biora Ltd, 2019). The report states that the inspection survey found the building to be in similar condition to previous years, but with lower bat-roosting potential due to light spill into drafty open lofts, black mould presence throughout and significant cobweb presence. External features such as small gaps under tiles, lifted flashings and gaps in the soffits may be used by individual/low numbers of bats as a day/transitory roost. No signs of bat presence were found during the 2019 survey. A single emergence survey was carried out on 3rd October 2019.

It is acknowledged that the survey was carried out outside the recommended bat activity survey season (which is May-September) but weather conditions were favourable for bat activity. Furthermore Bat Conservation Trust survey guidelines state that the value of older survey data should be considered (i.e. the 2016 survey data should also be considered when assessing 2019 survey findings). In this instance I therefore consider that sufficient survey information is available to assess likely impacts and inform determination. No bats were found to be roosting within the property during the 2019 survey but low levels of foraging/commuting common pipistrelle bats was recorded surrounding the site.

Buildings also offer suitable nesting bird habitat. All breeding birds and their nests are legally protected under the Wildlife and Countryside Act 1981 (as amended).

Recommendations:

No evidence of roosting bats was recorded during the 2016 and 2019 surveys. Bats can switch roosts regularly and so I would advise that an informative is attached to any planning permission granted so that the applicant is aware of the potential for bats to be present. It should also state that the granting of planning permission does not negate the need to abide by the legislation in place to protect biodiversity and if at any time during works evidence of bats, or another protected species, is discovered/suspected, works must cease and a suitably experienced ecologist contacted for advice.

Demolition works should be carried out sensitively using Reasonable Avoidance Measures (RAMS) – e.g. remove tiles/soffits/lead flashing carefully by hand and lift as opposed to drag tiles). Given that the 2019 survey was carried out in October (i.e. outside of the main bat survey season May-September) if the proposed demolition works have not commenced by May 2020 it is recommended that an update bat survey is carried out in advance of works to ensure the baseline and assessment of impacts in respect of bats remains current. This should be secured by condition.

Additionally, to mitigate for the loss of potential bat roosting habitat and provide biodiversity enhancement (in accordance with local and national planning policy), it is advised that bat roosting features are provided on the new buildings (one on each of the three proposed properties). This can be secured by condition.

In relation to breeding birds, the following condition should be used: No demolition/vegetation clearance works should take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of buildings/structures and vegetation for active birds' nests

immediately before demolition/vegetation clearance works commence and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the LPA.

Proposed landscaping should comprise a mix of species beneficial to wildlife (i.e. nectar-rich, berry/fruit producing) and should ideally be locally native. Information submitted with the application indicates that verges will be planted with wild flowers and species such as holly, rowan, oak and birch will be incorporated into the planting scheme – these measures are welcomed and details regarding number, location, species and future management should be provided to the LPA. All retained trees should be adequately protected from potential adverse impacts following British Standards. Close-board timber fences are proposed – it is advised species rich hedgerows are used as boundary features where possible and that occasional gaps are provided at the base of any fences (13cm x 13cm) to allow species such as hedgehog to move through the site and prevent habitat fragmentation.

Highway Engineer - The proposal is for demolition of an existing dwelling and the construction of three dwellings served from a shared private drive. The site is in an accessible location having regard to the Council's assessment criteria and is considered appropriate for residential development. The submission follows a previous refusal and appeal dismissal for a development of four dwellings, although highway matters were not a reason for refusal.

The site access will be widened to 5.5m for a minimum distance of 10m into the site and this provides sufficient space for two vehicles to pass without adversely impacting on the adjoining highway. I note that the internal driveway will be 3.7m wide but no additional bespoke passing area is proposed. I do however acknowledge that this is over only a relatively short distance. The development is not particularly intensive so incidences of reversing within the site should be minimal and more likely than not to involve residents who are familiar with the site. As such I do not see that I can justify objection in relation to this issue.

A small turning area is proposed to enable home delivery sized vehicles to manoeuvre within the site and this is acceptable. Refuse and recycling will take place from the kerbside as is the case for the rest of the road and this I consider acceptable as it would be unreasonable to expect such vehicles to enter a private driveway of the scale proposed.

Car parking is proposed at a minimum of two per dwelling and this should avoid overspill parking occurring. Covered and secure cycle parking will be required and this can be covered by condition.

In conclusion I see no reason to express concern with the proposal.

Planning Policy (Energy) – The energy statement is compliant with policy SD3 in Stockport's Core Strategy. The developer proposes to include wood burning stoves in the units which, if fuel is sourced from a local supplier and is a local fuel source, then this could contribute a minimum carbon saving of 3,400 kg CO₂ / year per dwelling. Two units may be built with solar photovoltaics on which could save around 1.2 tonnes of carbon per dwelling per year.

ANALYSIS

Members are advised that at the heart of the NPPF is a presumption in favour of sustainable development (para 10). 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 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.

The main issues for consideration are the principle of residential development, the impact of the development upon the character of the locality and the amenities of the neighbouring occupiers and conditions of highway safety. In assessing these issues however, the decision of the Inspector in relation to the previous application is a material consideration. Members are advised that the conclusions/concerns of the Inspector regarding that scheme can be summarised as follows:-

- The location and height of plot 1 would be dominant in the streetscene.
- The steep roofs and large dormer windows would make the development appear as 2.5 and 3 storeys high.
- The long ridge lines and lack of articulation would result in a scale and massing at odds with Kings Close and Brampton Road.
- The development would be cramped on account of plots 1 and 2 being linked and plots 3 and 4 having a narrow frontage and only set 1.8m apart. Very small or no real front gardens. Gardens comparatively small with the size of the house for the plot.
- There would be no material loss of privacy or material harm to the living conditions of neighbouring occupiers.
- An acknowledgement that contemporary architecture and materials can contribute to the local environment however that does not outweigh the harm arising to the character of the area arising from the layout, scale and massing of the development.

It is also important to note that whilst the Inspector had sight of all the objections received in connection to this application, the appeal was dismissed solely upon the impact of the layout, scale and massing of the development upon the character of the locality. The appeal was not dismissed on any other grounds including residential amenity, trees, ecology, highway safety, drainage, refuse arrangements, the impact of construction works or infringement of human rights.

Principles of Development

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, the scale of shortfall is such that in order to genuinely reflect the current position in that regard the accessibility score has been reduced to zero.

As referred to at the start of this analysis, the fact that the Council cannot demonstrate a 5 year supply of housing means that elements of Core Strategy policies CS4 and H2 are considered to be out of date. As such the tilted balance in favour of the residential redevelopment of the site as set out in para 11 of the NPPF is engaged.

The application site comprises a brownfield site within an accessible location and the proposal is therefore in compliance with policies CS4 and H2 of the Core Strategy. The redevelopment of the site for residential purposes is also in accordance with para 118 of the NPPF which places substantial weight upon the use of brownfield land within settlements for homes.

Core Strategy policy CS3 confirms that developments in accessible suburban locations such as this may be expected to provide the full range of houses from terraced properties to large detached and should contain fewer flats. They should still however achieve a density of 30 dwellings per hectare (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.

Objections that the proposal represents an overdevelopment of the site and that the density is out of keeping with the character of the area are noted. In this respect Members are advised that the density of the development equates to 13 dwellings per hectare which is significantly below that suggested as appropriate by policy CS3 and also fails to reflect the aims of the NPPF as set out above. Notwithstanding that, the NPPF acknowledges that it is important to maintain the prevailing character of an area. Densities in the area range from around 12 dph on Brampton Road to between 15 and 22 dph on Kings Close. As such the density proposed at 13 dph sits at the lower end of this range.

Notwithstanding these figures, in order to demonstrate that a proposal would result in an overdevelopment, some harm arising from the development has to

be identified. The impact of the development upon the character of the area in terms of its layout, scale, massing and design is explored in detail below as is the impact on the amenities of neighbouring occupiers together with amenity space and parking provision. In respect of all these issues it is concluded that the development is acceptable and on this basis it is not considered that the proposal represents an overdevelopment of the site.

Policy SD-3 requires an assessment of how the proposed development can contribute to becoming carbon neutral through the use of micro regeneration technologies in order to reduce CO2 emissions. Given that the development proposes less than 10 dwellings there is however no policy requirement to incorporate any of these technologies. The applicant has provided a statement in this respect considering the use of various technologies (photovoltaics, wind, micro hydro, district heating, solar hot water, heat pumps and biomass boilers). Of these the only viable option other than seeking to improve upon Part L of the Building Regulations is the inclusion of wood burning stoves. On this basis, the proposal complies with policy SD-3.

Policy SD-6 requires developments to demonstrate that development is designed in such a way as to avoid, mitigate or reduce the impacts of climate change. All development will be required to incorporate sustainable drainage systems so as to manage the run off of water from the site. This position is supported by the NPPF at para's 163 and 165. Given the small scale of the development this detail is not expected to be submitted at this stage and can be secured by way of a condition in the event that planning permission is approved.

Since the consideration of the previous applications on this site, NPPG has been revised such that Local Planning Authorities are now able to secure tariff style payments in relation to minor development such as this. Policy L1.2 of the UDP Review and SIE-2 of the Core Strategy seek to ensure that residential development makes an appropriate contribution towards the provision of children's play and formal recreation. This policy position is supported by the Council's SPD Open Space Provision and Commuted Sum Payments. Compliance with this policy position can be secured by a S106 agreement in the event that planning permission is approved.

Impact on the Character of the Locality

In assessing the impact of the proposed development upon the character of the locality, regard is paid to the following comments of the Inspector in dismissing the previous appeal.

Para's 3 and 4 – the Inspector comments on the character of the area noting the presence of low scale housing with bungalows to the first part of Kings Close. He concludes that plot 1 on account of its height would be visible in the street scene prominent over 8 Kings Close with the front elevation and part of the gable elevation being visible in the context of 4 Kings Close. Plot 1, he concluded, would be overly dominant in the street scene.

Para's 5 and 6 – the Inspector comments on the lack of dormers or roof extensions to the front elevation of houses in the locality. He notes the steep pitch of the proposed roofs, dormer windows to the front elevations to plots 1 and 2 and windows in the apex to plots 3 and 4 which he considered would make them appear as 2.5 and 3 storeys high. He noted the character of houses on Brampton Road as comprising 2 storey dwelling with hipped or articulated roofs which reduces their scale and massing. Whilst that proposed would be the same

height he concluded that the lack of articulation to the roofline and the height of the ridges over a long length would result in a scale and massing out of keeping with the established character.

Para 8 – the Inspector noted the narrow frontages proposed to plots 3 and 4, their close siting, the linkage of plots 1 and 2 and the small or lack of front gardens. Whilst the gardens (assumed to be rear, although not explicitly stated) comply with the guidance in the SPD, he concluded that they would not be in keeping with the character of the area and would be disproportionately small compared to the size of the houses. As such he considered that the development would appear cramped and out of keeping with the character and appearance of development on Kings Close.

In response to those comments this application proposes the following revisions to the scheme previously refused and dismissed on appeal:-

- A reduction in the number of houses from 4 to 3.
- The floor area of each house is reduced.
- Each house will now have a hipped roof with no dormers, rooflights or windows at second floor level. As such they are true 2 storey houses as opposed to the appeal scheme which the Inspector commented appeared as 2.5 and 3 storeys.
- Each house has been reduced in height to both eaves and ridge level with the ridge being 0.9m lower than that refused.
- All the houses are detached from each other with no linkage between them. Plots 1 and 2 are 3.2m apart and plots 2 and 3 are 12m to 13m apart.
- All the plots have wide frontages 16m plus.
- The front gardens have all been increased in depth from between 0.8m to 3.6m as refused to between 2m to 6.75m as proposed.
- The rear gardens have also been increased in size from 150m² to 175m² as dismissed on appeal to ranging from circa 240m² (plot 1), circa 220m² (plot 2) and circa 450m² (plot 3).

Viewed from Kings Close, plot 1 will be visible over the bungalow at 8 Kings Close and also in the context of the 2 storey house at 4 Kings Close. Due to the reduction in the height, this dwelling would now be around 0.6m lower than 4 Kings Close. The front elevation of this dwelling closest to 4 Kings Close is also now proposed as being in part 2m further back than that previously refused and dismissed on appeal. The Inspector commented on the modest proportions of this neighbouring property noting its hipped roof. As a result of the reduction in height of plot 1 by 0.9m, the provision of a hipped roof with no dormers and the repositioning in part of the front elevation, it is considered that whilst this dwelling will be visible from Kings Close, that it will not appear dominant in the streetscene. This addresses the comments of the Inspector in para 4 of his decision.

All the houses now proposed would be true 2 storey dwellings. The roof lines now have articulation through the provision of a projecting bay with a hipped roof over. The length of the roof to each dwelling has also been reduced from 13m as proposed by the appeal scheme to 5.2m as proposed by the inclusion of hipped roofs with a significantly shorter ridge line. It is also noted that the height of the ridge of each house has been reduced by 0.9m meaning that the proposed development is not only lower than 4 Kings Close but also the houses on Brampton Road.

On the basis of the reduction in the height of the proposed dwellings, the removal of any accommodation, windows or dormers in the roof, the provision of hipped

roofs and the resulting reduction in the length of the ridge line together with the inclusion of articulation to the roof through the provision of a projecting bay, it is considered that the scale and massing of the houses would not be at odds with the character and appearance of either Kings Close or Brampton Road. This addresses the comments of the Inspector in para's 5 and 6 of his decision

In para 8 of his decision the Inspector commented on the consistent pattern of development on Kings Close in terms of the width of the frontage to the road, spacing of buildings and size of front gardens. He noted the narrow frontages to plots 3 and 4 then proposed together with the close spacing of plots 1 and 2 together with the lack of real front gardens. To address these comments the development has been reduced to 3 dwellings. Plots 1 and 2 are positioned 3.2m apart and are completely detached from each other; plots 2 and 3 are positioned at least 12m apart. Each plot is now a minimum of 16m wide and front gardens have been increased in depth to allow a meaningful set back from the access road and to allow for landscaping. Rear gardens range from 220m² to 450m² which are not only significantly larger than those dismissed on appeal (by 70m² to 275m²) but also significantly in excess of the 100m² suggested as appropriate in the Council's SPD. As such it is considered that the gardens are proportionate to the size of the dwellings proposed. This addresses the comments of the Inspector in para 8 of his decision.

Objections to the contemporary architectural approach are noted. Members are reminded that policies in the UDP, Core Strategy and NPPF encourage contemporary architecture that pays regard to the built environment. The approach and materials proposed by this application are very similar to those which were the subject of the appeal scheme. Contrary to comments made by objectors, the Inspector did not dismiss the appeal on the grounds that the contemporary architecture and materials would harm the character of the area. Rather he recognised that contemporary architecture and materials can contribute to the quality of the environment and whilst these are material considerations that weigh in favour of the proposal they did not outweigh the harm that he had identified to the character and appearance of the area (in relation to layout, scale and massing as discussed above). As such it is clear that he considered that the contemporary approach weighed in favour of the proposal however he attached greater weight to the harm arising from the layout, scale and massing of the proposal and therefore dismissed the appeal.

On this basis and having regard to the above assessment in relation to the layout, scale and massing of the development, it is not considered that the proposal by virtue of the architectural approach proposed will cause harm to the character and appearance of the area. The applicant has submitted images to illustrate some of the materials proposed which assists in the consideration of this application and these are appended to this report. Details of the precise materials of external construction along with the landscaping of the site can be secured by condition.

It is therefore considered that the proposed development is compliant with policies H1, CS8, SIE1 and SIE3 of the Core Strategy DPD together with the policy position as set out at para's 124 and 130 of the NPPF all of which seek to ensure a high standard of design in keeping with the character of the locality.

Impact on Residential Amenity

Whilst the Inspector did not uphold the Council's previous reason for refusal in relation to impact on privacy, it remains necessary to assess this revised

application in this respect. Core Strategy policies H1 and SIE1 require development to maintain satisfactory levels of privacy and amenity for existing residents. In assessing the application in this respect, regard has also been paid to the space standards set out in the Council's SPD Design of Residential Development. Members are reminded that the privacy distances are measured between the proposed development and original windows to neighbouring dwellings.

For 2 storey development the Council's SPD requires a separation of:

- 6m between habitable room windows and the site boundary
- 21m between habitable room windows on the public or street side of dwellings
- 25m between habitable room windows on the private 25 metres or rear side of dwellings and
- 12m between habitable room windows and a blank elevation, elevation with non-habitable rooms or 12 metres with high level windows.

The front elevation of plot 1 is positioned 8.4m to 10m from the garden boundary of 8 Kings Close and therefore exceeds the 6m set out in the SPD. Whilst this plot is off set from the blank side elevation of 8 Kings Close, it is noted that the separation of 18m exceeds the 12m as set out the SPD.

The side elevation facing the garden boundary of 4 Kings Close contains no windows, however, in any event is 7.6m to 9.4m from this boundary and therefore exceeds the 6m set out in the SPD. The proposed front elevation does not directly face the side of 4 Kings Close and as such the guidance in the SPD does not apply.

The rear elevation is positioned 10m from the garden boundary of 18 and 20 Brampton Road and is over 31m from the rear elevation of these houses. This exceeds the 6m to the boundary and 25m between the rear elevations as set out in the SPD. It is noted that floor to ceiling windows are proposed to the first floor elevation (as was the case in the appeal scheme) however given that the siting the development exceeds the guidance set out in the SPD, objections relating to overlooking and loss of privacy could not be sustained.

The front elevation of plot 2 is positioned 8m to 10.2m from the garden boundary of 8 Kings Close which exceeds the 6m set out in the SPD. Whilst this plot is off set from the blank side elevation of 8 Kings Close, it is noted that the separation of 19m exceeds the suggested 12m as set out the SPD. The proposed front elevation does not directly face the rear of rear of 8 Kings Close and as such the guidance in the SPD does not apply.

The rear elevation is positioned 10m from the garden boundary of 20 Brampton Road and over 34m from the rear elevation of this neighbouring house. This exceeds the 6m to the boundary and 25m between rear elevations as set out in the SPD. It is noted that floor to ceiling windows are proposed to the first floor elevation (as was the case in the appeal scheme) however given that the siting the development exceeds the guidance set out in the SPD, objections relating to overlooking and loss of privacy could not be sustained. The side elevation of plot 2 is positioned 12m to 13m from the front elevation of plot 3. This complies with the 12m set out in the SPD.

The side elevations of plot 3 are positioned 9.4m from the garden boundary of 8 Kings Close and 6m from the garden boundary of 24 Brampton Road. This complies with and exceeds the 6m set out in the SPD. The rear elevation is

14.6m to 15m from the garden boundary of 19 Broadway and over 40m from the rear elevation of this house. This exceeds the 6m to the boundary and the 25m between rear elevations as set out in the SPD.

On the basis of the above it is not considered that objections relating to overlooking and loss of privacy can be sustained.

The height/siting of the development coupled with the general exceedance of the space standards set out in the SPD will ensure that there is no adverse impact in terms of light levels enjoyed by neighbouring occupiers nor will the development appear overbearing and unneighbourly. Members are also reminded that the previous scheme which proposed a greater scale of development was not dismissed on appeal for reasons of harm to amenity.

Objections relating to noise nuisance from the occupation of the development and from light at night from the traffic associated with the development cannot be sustained. The occupation of the development will not generate noise levels out of keeping with or harmful to this predominantly residential area nor will light from vehicles at night be any more harmful than is experienced in any location within the Borough. Given the small scale of the development the application is not expected to evidence or address any impact arising from increased pollution associated from vehicles using the development.

On the basis of the above it is considered that the proposed development will not give rise to a loss of residential amenity. As such the proposal is compliant with policies H1 and SIE1 of the Core Strategy together with the guidance set out in the Council's SPD 'Design of Residential Development'.

Parking and Highway Safety

In assessing the development in relation to highway issues regard has been paid to policies CS9, T1, T2 and T3 of the Stockport Core Strategy DPD. These policies seek to ensure that development is provided in accessible locations, considers the needs of all road users, provides car parking in accordance with the maximum standards and shall be of a safe and practical design. The NPPF confirms that development should only be refused on highway grounds if there would be an unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe. Regard has also been paid to the Council's SPD 'Transport & Highways in Residential Areas' which offers guidance to inform the design of highway and infrastructure in residential developments in Stockport. This document acknowledges that the highway must not dominate the design process but safety for all road users remains of prime importance and there is a need to provide certain minimum standards that will ensure that safety is not compromised. This document offers guidance and does not attempt to constrain the designer in providing definitive or prescriptive types of layout, and the creation of innovative and individual layouts to suit particular sites are actively encouraged.

It is important to note that the previous application for 4 houses was not refused on highway grounds nor did the Inspector raise any objection in this respect. Similarly this current application for fewer dwellings is considered acceptable and will not give rise to conditions prejudicial to highway safety.

The development will generate around 18 vehicle movements a day which can be accommodated on the local highway network without harm or adverse impact. It is acknowledged that the access into the site is on a sharp 90 degree bend on

Kings Close. Being on the outside of the bend those emerging from the site will have clear visibility in both directions of traffic approaching the site. Those entering the site and approaching from the north will have to slow down and virtually stop in order to turn right into the site. This action together with views across the front garden of 3 Kings Close on the inside of the bend will allow adequate visibility of vehicles approaching from the west.

The layout of the access road within the site is acceptable and for the first 10m will be of a width sufficient to allow 2 cars to pass. The access road beyond this will only be 3.7m wide and therefore will not allow for passing. Given the small scale of the proposed development however the likelihood of 2 vehicles needing to pass at the same time is considered to be extremely low and as such having regard to the short length of this section of road, this arrangement is considered acceptable.

The curvature of the driveway into the site is acceptable, vehicle tracking shows that cars and a fire appliance sized vehicle will be able to negotiate the route in an appropriate and safe manner. Refuse and recycling will take place from the kerbside as is the case for the rest of the road and as such there will be no need for refuse vehicles to enter the site as operatives will have access to the communal storage areas close to the public highway on Kings Close. If however they chose to enter the site then the entrance design will support a vehicle reversing toward the communal refuse storage areas.

Space has been provided within the site to allow for home delivery vehicles to enter and exit in forward gear. Whilst it may not be possible for a fire engine to do the same, in the rare event that such vehicles would have to enter the site, it would not be unacceptable or unsafe for them to reverse out of the site. Hose lengths also allow fire engines to park a distance away from the property they are attending. It would not therefore be reasonable nor an efficient use of land to provide a turning head for such sized vehicles.

The Council's parking standards are maximum standards and as such, there is rarely an opportunity to secure additional off street parking over and above the maximum. There is no requirement that garages be proposed as opposed to forecourt parking spaces. The standards requirement a provision of a maximum of 2 spaces per dwelling and that provision is met on the proposed layout. Notwithstanding the policy position, the provision of a driveway in front of the double garage to plot 3 would bring the total provision for that house to 4 spaces. In addition to this a visitor space is also proposed in front of plot 3. There is no justification for additional parking within the site and no reason or evidence to suggest that limited vehicle parking on Kings Close will give rise to safety concerns. The visitor parking space in front of plot 3 is positioned over 3m from the front door of this house and is separated from it by a pathway from the turning head to the front door. This separation is acceptable and will ensure that the use of this space does not give rise to any conflict between vehicles and pedestrians.

There is no duty or statutory requirement to provide lighting to a private driveway. A condition can however be imposed requiring details to be submitted and approved if such lighting is to be installed. It would be quite possible to install low level lighting that does not have an unacceptable impact on the amenities enjoyed by the neighbouring occupiers.

It is noted that no pavement is proposed within the development. The risk to pedestrian safety would not be at a level that is a concern or would justify a refusal of permission. The development will be served by a shared private drive which by definition is a space which serve a number of properties and is used by motor vehicles, cyclists and pedestrians. The Council's Design Standards support the building of shared space roads that serve far more than 3 properties and these do not have specific pedestrian facilities.

For the above reasons, the proposed development is considered acceptable in terms of traffic generation, parking, access and highway safety. On this basis the proposal complies with policies CS9, T1, T2 and T3 of the Stockport Core Strategy DPD.

Other Matters

The application has been considered by the Council's Nature Development who confirms that subject to the imposition of conditions, the proposed development will not have an adverse impact on biodiversity.

Bat surveys were carried out in 2016 and 2019 with no evidence of any being encountered within the building. The potential of the dwelling to support roosting bats is therefore considered to be low. Low levels of foraging/commuting common pipistrelle bats were however recorded surrounding the site in the 2019 survey. Noting however that bats can switch roosts regularly, an informative can be imposed to remind the applicant of the potential for bats to be present and the need to report them should they be encountered during construction works. A condition can also be imposed to ensure the carrying out of an updated bat survey in the event that demolition works have not commenced by May 2020. Conditions can also be imposed to secure details of bat roosting features on each of the three proposed properties. On this basis it is considered that the proposed development will not adversely impact on protected species.

The timing of the demolition and vegetation clearance can be controlled by condition as can the details of the landscaping of the site. Details of any fencing to include for hedgehog movement through the site can be a matter for conditional control.

With regard to the impact of the development upon trees, there are no legally protected trees within the site, however, that adjacent to the access in the front garden of 8 Kings Close is the subject of a Preservation Order. The Council's Tree Officer has confirmed that subject to the imposition of a condition requiring the submission and approval of details relating to the construction of the driveway, any impact upon the root system of this tree can be managed to an acceptable level. All other trees within the site are not legally protected nor are they considered worthy of such protection. Whilst it is encouraged that existing trees be retained as far as is possible, it is accepted that trees which are not legally protected can be removed at any time. Conditions can and will however be imposed to secure details of the landscaping of the site and this can include replacement tree planting. On this basis it is not considered that there are any arboricultural reasons to withhold the grant of planning permission.

Given the back land nature of the site and noting the limited frontage to Kings Close, the imposition of a condition to secure the submission, approval and implementation of a construction management plan would be justified. The purpose of this document would be to manage the construction of the development in a way that minimises as far as is practically and reasonably

possible, the effects of the demolition and construction works in relation to hours of working, noise, parking of contractors vehicles, storage of materials etc. Whilst acknowledging that such a condition can be imposed on any planning permission expectations must be managed noting that constructions works will cause some nuisance and disturbance and that there are no parking restrictions in the locality.

Noting the planning history of the site and in particular the appeal proposal which highlighted objections relating to the scale of development and impact upon the character of the area, it is considered that a condition should be imposed to remove permitted development rights in relation to extensions to the dwellings. Such a condition would not necessarily prohibit the erection of extensions however it would mean that such proposals would have to be the subject of a planning application. In that eventuality, the impact of extensions upon the character could be fully considered and controlled.

Objections regarding the breach of human rights are noted. Members are advised that an individual's rights under Article 8 of the Human Rights Act 1998 are a material planning consideration. The planning system by its very nature respects the rights of the individual whilst acting in the interest of the wider community. It is therefore an inherent part of the decision-making process for the planning decision maker to assess the effects that a proposal will have on individuals and weigh these against the wider public interest in determining whether planning permission should be granted. This is part of the planning balance exercised when determining any planning application. On this basis it is not considered that the grant of planning permission would breach human rights.

Objections by residents that the covenant on the site provides only for a single dwelling are not relevant to the consideration of this application. Whilst there may be a restrictive covenant on the site, such a matter is not a material planning consideration. Should planning permission be approved then this does not override any other legal obligations incumbent upon the applicant and it may well be the case that having secured planning permission, it is not possible to implement that permission for host of reasons which are nothing to do with the planning process. On the other hand it may well be possible for the developer to secure the lifting of any restrictive covenant or take out indemnity insurance against the covenant being enforced. Either way, this issue is not material to the consideration of this application and should be disregarded by Members.

RECOMMENDATION GRANT SUBJECT TO S106 AGREEMENT,
CONDITIONS AND INFORMATIVES

**BRAMHALL AND CHEADLE HULME SOUTH AREA COMMITTEE 12TH MARCH
2020**

The Planning Officer introduced the application.

Members asked questions of the Planning Officer in relation to:-

The ability to extend into the roofspace in the future? Permitted development rights would be withdrawn

Covenants on the site? This is not relevant to the consideration of the planning application.

Access by emergency vehicles? The Highway Engineer advises that layout is safe and practical to use by all vehicles using the development. Previous application not refused on highway safety nor did the Inspector raise any concerns in this respect.

Amenity space provision? This has been increased from 150m² to 175m² on appeal to 240m², 220m² and 450m² as now proposed. The Council's standard is 100m² so significantly in excess of this.

Privacy distances? The development complies with and exceeds the privacy distances

Will the drive be private? That is correct.

Definition of brownfield site? A brownfield site or previously developed land is land which is or was occupied by permanent structure, excludes residential gardens but not the dwellings in those gardens

Character and design is it still out of keeping? The Inspector concluded that layout and scale of the houses had a cramped appearance, made reference to height, roof form, dormers, length of ridgelines. In relation to design it was recognised that contemporary architecture can contribute to the environment and weighs in favour of the proposal but this did not outweigh the harm that will arise to the character of the area. The appeal was not dismissed appeal on contemporary approach but rather layout, size and scale.

Can we control construction works? Yes, through a condition requiring the submission, approval and implementation of a construction method statement

The site has been sold so is no longer in the control of the applicant so should we still be discussing this application as the new owner may have different plans for the site. Does this affect the planning permission? The planning permission goes with the land not the applicant and any future owner, should they wish to implement the planning permission, would have to comply with conditions or discharge any conditions outstanding when they purchase the site. We have no legal authority to refuse to determine the application.

Mrs Capes spoke against the application:-

Highly contentious application. Site will be overdeveloped and cramped. Site is garden backland and makes a difference in the way the development should be planned. Highly visible from gardens and Kings Close, open vistas would be lost. Fails to meet required standards. Highway safety concerns remain in that the layout is a potential hazard. Assumptions made by Highway Engineer about vehicle movements are not realistic. Overlooking to neighbouring properties. Hedges do not form a solid boundary and do not provide an effective screen. Ugly design out of odds with area. Should have engaged with the neighbours and didn't. Residents appreciate the housing shortage but this does not justify the development.

Members asked Mrs Capes questions:-

How does the backland nature of the site affect the redevelopment? Mrs Capes explained the need to protect privacy and provide amenity space in keeping with neighbouring properties. The Planning Officer clarified that whether it is brownfield or greenfield site, policy supports residential development. It is a backland site given its position in relation to the neighbouring properties but this does not preclude the redevelopment of the site. The development complies with and exceeds privacy distances and space standards.

Why is highway safety still a concern? Mrs Capes explained that the site is on a dangerous corner, the roadway in the site does not provide kerbside parking and as insufficient parking is proposed, parking will overspill onto Kings Close.

Why are there still concerns about the development being overcrowded? Mrs Capes explained that there is a huge difference between proposed rear gardens and those around the site. They are not reflective of the area. Those houses are 10m to the boundary so will be intrusive and overbearing

The applicant's agent spoke in support of the application:-

It was clarified that the site is being sold within the family to another family member. They do intend to build out the development proposed and will occupy one of the properties.

A lot of consideration was given to the previous application and appeal decision. The scale, height and density of the development has been reduced; garden sizes have been increased and there is more space around the dwellings. The turning heads have been increased and as much as they would like to propose more parking they cannot do so as this would breach policy.

Members asked questions of the agent:

Why did you not engage with neighbours? As architects they do not have control of everything. There have been some discussions with neighbours whilst they have been on site.

Why is it against council policy to increase parking? The standards are maximum standards. Planning Officer explained that the standards are maximum so require a maximum of 2 spaces per dwelling. Having said that a double garage and driveway is proposed to plot 3 so this dwelling will have 4 parking spaces and there is a visitor space proposed as well.

Comments:

Cllr Vine – noted that the scheme is reduced by one house and it isn't as crammed as the original application. Still don't feel that it is in character with the area and the neighbours are still not happy. Suggest that a site visit is undertaken and the development is pegged out.

Cllr Bagnall – difficult application. Better than previous application but there are still some concerns. The design is not to his liking but he noted that there are a variety of architectural styles in the area including on Kings Close. He seconded the recommendation for a site visit to peg the development out and check privacy distances. He did not agree with the objectors comments about the garden sizes noting that we can't support the building of houses with large garden sizes like we used to.

Cllr Walker – also agreed with above. Concerns with the positioning of the properties and impact on privacy and overlooking. Concerns also with regard to parking and suggest that this is looked at on site.

Cllr Foster Grime – agreed with Cllr Vine. Seems an overdevelopment. The scale and massing is not appropriate. There will be overlooking and an impact on residential amenity.

Members agreed that the application should be referred to the Planning & Highways Committee with a recommendation for a site visit. The development should be pegged out to assess the impact on the character of the area and amenities of the neighbours. Members should also look at the parking position in Kings Close.

Planning and Highways Regulatory Committee – 2nd July 2020

The planning officer introduced the report to members highlighting pertinent elements relating to the scheme before you and the amendments that have been made following the previous refusal. The officer also highlighted a further letter that

had been sent to all members of the committee and in turn addressed the matters raised in the letter.

The officer clarified that:

- There are no objections from you highways engineer who identified that the access will be widened to 5.5m wide for a distance of 10m to allow for two vehicles to pass without adversely impacting on the adjoining highway. The 3.7m width referred to in the neighbour letter is internally to the site. It was also clarified that that a turning area for home delivery size vehicles is included within the site. The distance of the shared drive is 59.5m and that it should be noted that the Transport and Highways SPD is a guidance document and although the 65m distance is something which is sought, it is so taking account of buildings Regs and the Fire Authority, taking account of reverse distances and hose lengths.
- The proposal is Policy and design standard compliant from a highway perspective and there would be no reason or justification to refuse the proposal as submitted for any highway related reason. Members will also be aware that the previous decision and the subsequent appeal whereby neither the Area Committee or the Planning Inspector considered highways to be a concern with the proposal.
- With regards to privacy and overlooking, these were matter considered in the previous appeal and not upheld by the planning inspector. Members will note that pages 32 and 33 of your report covers separation details in full and all comply with council guidance.
- The scale, bulk and mass of the scheme is in keeping with the surrounding area and addresses the inspectors concerns of the previous scheme
- The scheme is considered to have a comparable dwellings per hectare as the surrounding area and as such is not considered to be overdevelopment. Members will note the report before you identifies our policy which seeks 30dph, this scheme only achieves 13. The surrounding area is 12-22dph.
- With regard to design and materials. The inspector specifically advised that contemporary architecture and materials weighed in favour of the appeal scheme, however they did not outweigh the other harm. The proposals before you are of the same contemporary design and materials, albeit as a lesser scale, bulk and mass.

Members were also reminded that given the lack of 5 year housing supply, the titled balance in favour of the grant of planning permission as set out in para 11 of the NPPF is invoked. This directs that planning permission should be approved unless the impacts of doing so significantly and demonstrably outweigh the benefits.

Councillor sought clarification regarding the previous appeal, the length and width of the proposed access drive, the location of Plot 3 garage, matters regarding overlooking and separation and confirmation that the proposal is fully compliant with the Council guidance. Clarification was also sought regarding drainage, and it was noted by members that this is a brownfield site which should be developed on. Members discussed the application with councillors of the committee praising the officer in their assessment of the case noting that the development was well designed, provided good amenity space and separation, that the materials and

design were in keeping with the character and appearance of the area and the development should be welcomed.

Councillor Meikle recommended a site visit, seconded by Councillor Bagnall with the recommendation for deferral for site visit carried.

Update – The Corporate Director for Place has confirmed that due to Covid-19 that no site visits are to take place and as such the application will return to PHR for a decision without a site visit.