

Heatons and Reddish Area Committee

8th March 2021

DEVELOPMENT APPLICATIONS

Report of the Corporate Director for Place Management and Regeneration

<u>ITEM 1</u>	DC/077591
<u>SITE ADDRESS</u>	Land to the Rear of 52 Heaton Moor Road, Heaton Moor, Stockport, SK4 4NZ
<u>PROPOSAL</u>	Demolition of existing lock-up garages and erection of 2 dwelling houses, together with parking and landscaping provision.

INFORMATION

This application needs to be considered against the provisions of the Human Rights Act 1998. Under Article 6, the applicants [and those third parties, including local residents, who have made representations] have the right to a fair hearing and to this end the Committee must give full consideration to their comments.

Article 8 and Protocol 1 Article 1 confer(s) a right of respect for a person's home, other land and business assets. In taking account of all material considerations, including Council policy as set out in the Unitary Development Plan, the Head of Development and Control has concluded that some rights conferred by these Articles on the applicant(s)/objectors/residents and other occupiers and owners of nearby land that might be affected may be interfered with but that that interference is in accordance with the law and justified by being in the public interest and on the basis of the planning merits of the development proposal. He believes that any restriction on these rights posed by approval of the application is proportionate to the wider benefits of approval and that such a decision falls within the margin of discretion afforded to the Council under the Town and Country Planning Acts.

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ITEM 1

Application Reference	DC/077591
Location:	Land To Rear Of 52 Heaton Moor Road Heaton Moor Stockport SK4 4NZ
PROPOSAL:	Demolition of existing lock-up garages and erection of 2 dwelling houses, together with parking and landscaping provision.
Type Of Application:	Full Application
Registration Date:	29.07.2020
Expiry Date:	Extension of Time agreed until 12 th March 2021
Case Officer:	Jeni Regan
Applicant:	Jan Roberts Pension Fund, A&J Properties & Jasper Properties
Agent:	Kenyon Planning

DELEGATION/COMMITTEE STATUS

Heatons and Reddish Area Committee. Application referred due to receipt of 4 letters of objection, contrary to the officer recommendation to grant.

DESCRIPTION OF DEVELOPMENT

Planning permission is sought for the demolition of the 5 no. existing single storey garages at the rear of the site and the erection of a pair of two bedroom semi-detached dwellinghouses. The proposed dwellings are 2 storeys in height and would have a private garden area to the rear. Each property would have a secure cycle storage area for 2 bicycles, a bin storage area and one car parking space.

In addition to this, a visitor car parking space is provided, a passing place on the vehicular access approach, a communal bin storage area for the existing commercial and residential properties fronting Heaton Moor Road and further landscaped areas.

Plot 1 (or 50A) is a 2 bedroom semi-detached property with accommodation over 2 floors and a floorspace of 73sqm.

- Hall, W.C, open plan living room, dining room and kitchen with access to rear garden via bi-fold doors at ground floor level
- Two bedrooms, a bathroom and landing at first floor level.

The property has multiple elevation profiles in a stepped design to the side and rear and different roof pitches/planes sitting above the stepped walls. There is a flat roof single storey element to the rear with a lantern style roof light. This can be seen on the proposed south west elevation plan. Overall, it has a pitched roof design with gable ends with pitched roof features over large glazed windows on the front and rear elevations. The private amenity space around the property measures 55 sqm.

Plot 2 (or 50B) is a 2 bedroom semi-detached property with accommodation over 2 floors and a floorspace of 83sqm.

- Hall, W.C, open plan living room, dining room and kitchen with access to rear garden via bi-fold doors at ground floor level
- Two bedrooms, a small study, a bathroom and landing at first floor level.

The property is more of a traditional uniform shape with a pitched roof design and gable end. Again, there are pitched roof features over large glazed windows on the front and rear elevations. The private amenity space around the property measures 64 sqm.

The design of the properties are a mixture of contemporary and traditional features, using a more traditional palette of materials. The materials of external construction for the proposed dwellinghouses are specified as a Red Cheshire brick for the external walls with a 1.5mm projecting sandy buff brick around the middle and eaves levels. It is also proposed to have a blue engineering brick at the base below the DPC level. Grey slate tiles are proposed for the roof covering and grey window frames and composite timber doors.

The existing boundary treatments around the properties will be retained, with a new hedge planted between the properties for plot division.

Members should note that the application has been amended since it was originally submitted, to respond to representations made by local residents and following consultation with Highways, Conservation and Arboricultural officers. This is explored in more detail in the Analysis section of the report below.

SITE AND SURROUNDINGS

The application site is located on land to the rear of 52 and 54 Heaton Moor Road in Heaton Moor. The site measures approximately 0.05 hectares and is currently occupied by 5 single storey garages with hardstanding to the front. The site is accessed via the existing vehicular access off Heaton Moor Road along the side of the existing building at No. 52 Heaton Moor Road.

The site is irregular in shape and has a slight fall from front to back. The boundary treatment around the site is predominantly existing brick walls of varying heights and the rear elevation walls of Nos 52 and 54 Heaton Moor Road. There are some large mature trees around the boundary of the site, however these are located within the grounds of the adjacent residential gardens.

The site is bounded to the north by the rear garden of the apartment block at No. 7 Peel Moat Road. To the east, are the rear gardens of Nos 3 and 5 Peel Moat Road and the side garden of No. 50 Heaton Moor Road. The south of the site is bounded by the existing commercial properties that front onto Heaton Moor Road, including the Retreat Hair Salon and Thom's Wine Bar. Above these commercial units are either ancillary storage or residential apartments. Finally, the western boundary of the site is shared by No 4A Portland Grove, which is a detached two storey property located to the rear of Nos 56 and 58 Heaton Moor Road, and the rear gardens of Nos 4, 6 and 8 Portland Grove.

The application site is allocated within a Predominantly Residential Area, as defined on the UDP Proposals Map, on the edge of the Heaton Moor Road Shopping Area. Part of the proposed access road into the site is located within the Shopping Area allocation. The site is also allocated as being within the Heaton Moor Conservation Area and the buildings at Nos 52 to 66 Heaton Moor Road are locally listed buildings.

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.

N.B. Due weight should be given to relevant saved UDP and Core Strategy DPD policies according to their degree of consistency with the National Planning Policy Framework (NPPF) issued in 2019 (the closer the policies in the plan to the policies in the NPPF, the greater the weight that may be given); and how the policies are expected to be applied is outlined within the Planning Practice Guidance (PPG) launched on the 6th March 2014.

The application site is allocated within a Predominantly Residential Area and within the Heaton Moor Conservation Area, as defined on the UDP Proposal Map. The following policies are therefore relevant in consideration of the proposal :-

Saved policies of the SUDP Review

- EP1.7 : DEVELOPMENT AND FLOOD RISK
- MW1.5 : CONTROL OF WASTE FROM DEVELOPMENT
- HC1.3 : SPECIAL CONTROL OF DEVELOPMENT IN CONSERVATION AREAS

LDF Core Strategy/Development Management policies

- CS1 : OVERARCHING PRINCIPLES : SUSTAINABLE DEVELOPMENT - ADDRESSING INEQUALITIES AND CLIMATE CHANGES
- SD-1 : CREATING SUSTAINABLE COMMUNITIES
- 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
- H-3 : AFFORDABLE HOUSING
- CS8 : SAFEGUARDING AND IMPROVING THE ENVIRONMENT
- SIE-1 : QUALITY PLACES
- SIE-3 : PROTECTING, SAFEGUARDING AND ENHANCING THE ENVIRONMENT
- CS9 : TRANSPORT AND DEVELOPMENT
- 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.

- OPEN SPACE PROVISION AND COMMUTED PAYMENTS SPD
- PROVISION OF AFFORDABLE HOUSING SPG
- DESIGN OF RESIDENTIAL DEVELOPMENT SPD

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 61 ‘The size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies’

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.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. 189 "In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation."

Para. 190 "Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal."

Para. 192 "In determining applications, local planning authorities should take account of:

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
 - b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
 - c) the desirability of new development making a positive contribution to local character and distinctiveness.
- Considering potential impacts"

Para. 193 "When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance."

Para. 194 "Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:

- a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional;
- b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional."

Para. 196 "Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against

the public benefits of the proposal including, where appropriate, securing its optimum viable use.”

Para. 197 “*The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.*”

Para. 202 “*Local planning authorities should assess whether the benefits of a proposal for enabling development, which would otherwise conflict with planning policies but which would secure the future conservation of a heritage asset, outweigh the disbenefits of departing from those policies.*”

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

Reference: DC/021147; Type: FUL; Address: Land To The Rear 52 & 54 Heaton Moor Road, Heaton Moor, Stockport, SK4 4NZ; Proposal: Demolition of three garages and erection of five garages; Decision Date: 28-NOV-05; Decision: GTD

NEIGHBOUR'S VIEWS

Following the submission of the original proposals, the owners/occupiers of 33 surrounding properties were notified in writing of the proposal. In addition to this, as a result of the site being located within the Heaton Mersey Conservation Area, a site notice was displayed in the area and a press notice advertised the proposed development and invited representations.

5 emails of representation have been received for the application, 4 in objection and 1 neutral. The comments made are summarised below:

Neutral

- There does not seem to be any designated parking for 52 Heaton Moor Road, which affects two existing let properties. All parking spaces on plans seem to be assigned to the new properties.
- Whilst this is not a formal objection to the proposal, current tenants will be affected and should be considered if off-road parking (as advertised as a feature of the property to current tenants) is no longer available.
- Tenants will be equally affected throughout the construction stage if there is no available parking during this period.
- General access arrangements/ implications to property entrance during construction stage are unclear on the planning documents.

Objections

- Live in a property that will be greatly impacted by the proposed plans and object to them based on several factors.
- The plans have the proposed housing built right up to my property, which leads to several issues.
- There will be difficulties with access for maintenance reasons as there is no distance between the proposed housing and my property, which could lead to many problems in the future.
- The side elevation is my principle elevation and the proposed properties would be built forward of that impacting outlook. This would greatly impact the amenity distance and mean that I am looking straight out on to a brick wall.
- The proposed property has a lantern light that I would be able to look down into. Amenity space for left hand property is substandard, the garden is too small. Contravention of policy CDH1.1 of the Residential Development Supplementary
- Properties do not comply with Nationally Described Space Standards. Property on Left too small overall - should only be suitable for three people (double and single) - current bedroom sizes do not comply. The third room would be suitable as a study but if it is considered to be a bedroom it is far too small.
- Bin storage - only shows three bins. Does not show where collection point is. Assume on main road as drive not big enough for refuse vehicle which would be unsightly on collection days as would be right outside the parade on Heaton Moor Road. Bin store to assumed collection point is excessive.
- Is there sufficient space in drive for a delivery vehicle to turn around to avoid having to reverse out into main road? Is there sufficient space for emergency vehicles to serve the site - particularly fire.
- Insufficient visitor parking and disabled parking.
- Access safety - no footpath on drive down.
- Insufficient pedestrian visibility generally but particularly as you pull out of the drive on the left.
- The design of the properties seem to be poorly planned and not in keeping with the local area, these properties would be harmful to the conservation area.
- The properties seem to be designed to generate the greatest volume without any consideration to the area and site demonstrated by the stepped elevation of the left hand property.
- The footprint of the properties is filling all potential development space once the trees have been taken in to consideration.
- The large glazing to the front of the properties is contrived and has no consideration for design and detailing.
- The site is overdeveloped and no meaningful consideration has been given to sustainable design.
- Our sitting area is at the bottom of the garden next to the boundary wall where it gets the sun it is very private and peaceful. We are concerned that this will be lost should permission be given to construct these two houses.
- In the event that you do give consent we would be grateful for some assurances that during the construction period the builders are limited to the time spent on site ie. Normal working hours and not at weekends.
- The proposed development we feel is to close to our property and will block out the light to our garden and invade our privacy.
- Extensive works needed in small space
- Property will be very overlooked, where currently we are not

- Extensive building works will cause much disruption over an extended period
- Conservation area, not particularly in keeping with area or age of property
- Increased traffic to area

Following the receipt of amended plans for the proposed development, a re-notification of all original neighbours and contributors was completed. 1 further letter of objection was received from a previous contributor. The comments made were as follows:

- Now both gardens are sub-standard and against policy. Contravention of policy CDH1.1 of the Residential Development Supplementary Planning Document. No justification for the council to accept gardens smaller than they advise in their policy. Clear indication of overdevelopment of a site.
- Current bedroom sizes don't comply with Nationally Described Space Standards. Other one is ok so long as study is a study if really a third bedroom then too small.
- Size of houses not included but as scheme appears to have been reduced in size I would assume this is still an issue.
- No further clarification on bin store and collection strategy, a very vague idea of a bin store shown that does not appear big enough for what is described.
- Insufficient space in drive for a delivery vehicle to turn around to avoid having to reverse out into main road. Insufficient space for emergency vehicles to serve the site - particularly fire.
- Insufficient visitor parking and disabled parking is still an issue
- Whilst most issues in relation to the impact on my property have been resolved in the new scheme there is still the following problems:
 - Lantern light in new property which i will be able to look down into
 - Design is not in keeping with area and harmful to conservation area.
 - Designed to generate greatest volume without due consideration to the area and site demonstrated by stepped elevation of the left hand property. Footprint filling all potential development space (once trees taken into consideration).
 - Large glazing on front is contrived and no consideration of design and detailing
 - Over development of the site.
 - No meaningful consideration of sustainable design.

CONSULTEE RESPONSES

Conservation Officer

Original Comments 09.09.2020

This site is located within the Heaton Moor Conservation Area – the existing garages make no positive contribution to the special character and appearance of the area and therefore there would be no objection to their demolition.

This backland site is effectively concealed from public view by adjacent buildings and trees and the introduction of 2 dwellings would be not be harmful from a conservation perspective provided that care is taken with design and materials, protection of existing mature trees, no alterations to the vehicular/pedestrian access from Heaton Moor Road and the retention of the stone setted strip at the access.

The design shown on the indicative plans, with pitched roofs and traditional materials (slate/brick) appears to be a suitable response to the site constraints of the site notwithstanding the need for an assessment of any negative impact upon residential amenity. It is noted that the proposed plan indicates a communal commercial / residential bin store and consideration should be given to the accommodation of servicing requirements for businesses/occupants of 52/54 Heaton Moor Road that avoids any harmful impact upon the Heaton Moor Road frontage.

Further comments following Amended Plans 05.01.2021

No objections subject to approval of the current scheme subject to conditions relating to samples/details of all materials of external construction in order to avoid any potential harmful impact upon the special character and appearance of the Heaton Moor Conservation Area.

Highways

Original Comments 07.10.2020

The application is for the demolition of a number of lock up garages and the construction of two dwellings on the site.

In terms of accessibility, it is noted that the site is relatively well served by public transport and there are various services and amenities within close proximity that residents would reasonably expect to enjoy. As such, Highways see no reason why such a development would be dominated by car travel and consider the site appropriate for residential development.

The applicant has clarified the position in relation to the existing garages on the site. The five garages are currently let to interests off site and licences can be terminated with one month notice. None of the garages are used in association with any immediately surrounding interests and the use as garaging is not conditional on any planning permission. Highways are accepting therefore, that the use can be extinguished and garages removed any time without any breach of permission or need for a permission and as such Highways cannot reasonably express concern about parking displacement.

The existence of garages clearly carries weight in terms of consequent traffic generation and comparison with the proposed development. Highways note the access from the highway is constrained in terms of width and emerging visibility at the entrance and it is used by other interests for rear access to property fronting Heaton Moor Road. Notwithstanding this, Highways are minded and of the opinion that the proposed development of two dwellings would not give rise to any material intensification in use of the access when compared to the current lawful use as garages. The daily number of vehicle movements through the access would be no greater in number than is currently lawfully experienced and despite my reservations about the constraints of the access, Highways cannot reason or justify an objection in this respect.

Within the site, the two dwellings would have access to one car parking space each and shared use of a visitor space. The layout afford adequate manoeuvring space

for motor cars, refuse collection would be kerbside and the layout doesn't adversely affect the other existing users of the access.

In conclusion, Highways are supportive of the proposal and will require conditions on any approval issued.

Conditions:

1) *No site clearance or construction works shall commence on any part of the site until a method statement or separate statements dealing with how the works will take place have submitted to and approved in writing by the Local Planning Authority. The clearance and construction works shall be completed in accordance with the approved details which shall include but not be limited to, the following information:*

- *details of the routing of earth and material carrying vehicles to and from the site and access and egress arrangements within the site including details of signage, monitoring and enforcement;*
- *delivery and collection times for vehicles associated with clearance and construction works;*
- *details of the site preparation, clearance, groundwork and construction stages of the works and the likely number and type of vehicle movements involved;*
- *the provision on site of a delivery area for all vehicles;*
- *the provision on site of all plant, huts and welfare facilities;*
- *details showing how all vehicles associated with the clearance and construction works are to be properly washed and cleaned to prevent the passage to mud and dirt onto the highway;*
- *details of contractors compound and car parking arrangements;*
- *screening and hoarding details;*
- *details of a community liaison contact for the duration of all works including a complaints procedures and complaint response procedures;*
- *details of contractors membership of the Considerate Contractors Scheme and*
- *the provision of an emergency contact number.*

Reason: To ensure that site clearance and construction works are managed in a safe manner and do not adversely affect highway operation and safety or prejudice the amenities of the occupiers of the adjoining residential properties, in accordance with Policies Development Management T-3 Safety and Capacity on the Highway Network, SIE-1 Quality Places and SIE-3 Protecting, Safeguarding and enhancing the Environment. The methodology for undertaking clearance and construction works needs to be approved in advance of any works taking place.

2) *No work shall take place in respect to the construction of the driveway and car parking facilities to be provided for the dwellings until a detailed drawing showing how the areas will be constructed, surfaced and drained has been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until the driveway and parking facilities have been provided in accordance with the approved drawing and are available for use and the driveway and car parking facilities shall thereafter be retained and shall remain available for use.*

Reason: To ensure that adequate access and parking facilities are provided and that they are appropriately located and are of a safe and practical design, in accordance with Policies SD-6 'Adapting to the impacts of climate change', SIE-1 'Quality Places', T-1 'Transport and Development', T-2 'Parking in Developments' and T-3 'Safety and Capacity on the Highway Network' of the Stockport Core Strategy DPD.

3) No dwelling shall be occupied until it has an electric vehicle charging point that has been provided in accordance with details that have previously been submitted to and approved in writing by the Local Planning Authority and is available for use. The charging points shall thereafter be retained (unless replaced with upgraded charging points in which case they should be retained).

Reason: To ensure that adequate parking with facilities for the charging of electric vehicles are provided in accordance with Policies SD-6 'Adapting to the impacts of climate change', T-1 Transport and Development', T-2 'Parking in Developments' and T-3 'Safety and Capacity on the Highway Network' of the Stockport Core Strategy DPD and Paragraph 110 of the National Planning Policy Framework.

4) No dwelling shall be occupied until it has a covered and secure cycle parking facility that has been provided in accordance with details that have previously been submitted to and approved in writing by the local planning authority. The facilities shall then be retained and remain available for use at all times thereafter.

Reason: To ensure that safe and practical cycle parking facilities are provided so as to ensure that the site is fully accessible by all modes of transport in accordance with Policies CS9 'Transport and Development', T-1 'Transport and Development', T-2 'Parking in Developments' and T-3 'Safety and Capacity on the Highway Network' of the Stockport Core Strategy DPD.

Further comments following Amended Plans 04.01.2021

I have no concerns with the revised drawings, conditions should be imposed on any approval given as detailed in my previous comments.

Arboriculture

Original Comments 24.08.2020

Conservation Area Designations - The proposed development is within or affected by a conservation Area (Heaton Moor)

Legally Protected Trees - There are legally protected trees within this site or affected by this development (Heaton Moor No.15 1976).

Recommendations:

The proposed building footprints and associated infrastructure are shown or indicated at this time within the informal grounds/former hard standing areas of the existing site and it is assumed the proposed new developments will potentially impact on the trees off site as the site currently the site has a very poor level of vegetation, but considerable overhang from neighbouring trees.

A full tree survey has been supplied as part of the full planning application to show the condition and amenity levels of the existing trees if any are to be retained within the red edge and where applicable which trees could be retained to increase the amenity levels of the site with retained mature trees. They have also included an arboriculture impact assessment to show construction methods when working in the areas of encroachment into the root protection area of the protected trees off site and detailed the pile foundation details which is all acceptable.

A detailed landscaping scheme has also been included in the full planning application submitted which clearly shows enhancements within the site of small ornamental shrubs, but unfortunately needs improvement to include an alternative species to the hedge such as yew or holly to improve biodiversity of the site. I also

require several fruit trees in the rear gardens to increase access to fruit and reduce carbon miles of fruit as well as possibly trees along the driveway or if not feasible how they propose to enhance off site to improve the amenity through native species planting.

Consideration will also need to be given to the level of planting within the proposed car park/passing place making sure adequate levels are detailed but using appropriate species and planting pits to guarantee success rates, improve SUDs potential through the tree pits and perpetuity tree cover for the surrounding environment to improve the local biodiversity and amenity of the area.

In principle, the main works and design will have a minor negative impact on the trees off site with some small pruning required on the trees in neighbouring properties on the approach to the site.

In its current format it could be considered with the amendments as requested above and some consideration given to the improvement of the landscaping design to include a detailed landscaping scheme that includes a greater number of new trees along the boundary of the site and improved specification for trees in the soft and hard landscaping areas and approach to the site to improve the amenity and aesthetics of the site for users and local community making sure a percentage of these are native large species, as well as increased native hedgerows and fruit trees at every opportunity.

The following conditions would be relevant to any planning application relating to the site;

Condition Tree 1

No existing tree within the site shall be cut down, topped, lopped, uprooted, wilfully damaged or wilfully destroyed without the prior written approval of the local planning authority, with the exception of those indicated otherwise on the approved plan. Any hedgerows, woody plants or shrubbery removed without such consent or dying or being severely damaged or being seriously diseased, within 5 years of the development commencing, shall be replaced within the next planting season with trees of such size and species as may be approved in writing by the local planning authority.

Condition Tree 2

No development shall take place until all existing trees on the site except those shown to be removed on the approved plans, have been fenced off in accordance with BS 5837:2012 "Trees in relation to construction - Recommendations". The fencing shall be retained during the period of construction and no work, excavation, tipping or stacking of materials shall take place within any such fence during the construction period.

Condition Tree 3

No development shall take place until details of all proposed tree planting, including the intended dates of planting, have been submitted to and approved in writing by the local planning authority. All tree planting shall be carried out in accordance with the approved details prior to the development being brought into use.

Further comments following Amended Plans 18.12.2020

The proposed building footprints and associated infrastructure are shown or indicated at this time within the informal grounds/former hard standing areas of the existing site and it is assumed the proposed new developments will potentially

impact on the trees off site as the site currently the site has a very poor level of vegetation, but considerable overhang from neighbouring trees.

A full tree survey has been supplied as part of the full planning application to show the condition and amenity levels of the existing trees if any are to be retained within the red edge and where applicable which trees could be retained to increase the amenity levels of the site with retained mature trees. They have also included an arboriculture impact assessment to show construction methods when working in the areas of encroachment into the root protection area of the protected trees off site and detailed the pile foundation details which is all acceptable.

A detailed landscaping scheme has also been included in the full planning application submitted which clearly shows enhancements within the site of small ornamental shrubs, but unfortunately needs improvement to include an alternative species to the hedge such as yew or holly to improve biodiversity of the site. I also require several fruit trees in the rear gardens to increase access to fruit and reduce carbon miles of fruit as well as possibly trees along the driveway or if not feasible how they propose to enhance off site to improve the amenity through native species planting.

Consideration will also need to be given to the level of planting within the proposed car park/passing place making sure adequate levels are detailed but using appropriate species and planting pits to guarantee success rates, improve SUDs potential through the tree pits and perpetuity tree cover for the surrounding environment to improve the local biodiversity and amenity of the area.

In principle the main works and design will have a minor negative impact on the trees off site with some small pruning required on the trees in neighbouring properties on the approach to the site.

In its current format it could be considered with the amendments as requested above and some consideration given to the improvement of the landscaping design to include a detailed landscaping scheme that includes a greater number of new trees along the boundary of the site and improved specification for trees in the soft and hard landscaping areas and approach to the site to improve the amenity and aesthetics of the site for users and local community making sure a percentage of these are native large species, as well as increased native hedgerows and fruit trees at every opportunity.

The previously requested conditions are still applicable.

Nature Development

Nature Conservation Designations - The site has no nature conservation designations, legal or otherwise

Legally Protected Species - Many buildings and trees have the potential to support roosting bats and nesting birds. All species of bats and their roosts are protected under UK (Wildlife and Countryside Act 1981 (as amended)) and European legislation (The Conservation of Habitats and Species Regulations, 2017). All breeding birds and their nests are protected under the Wildlife and Countryside Act 1981 (as amended). Paragraph 016 of the Natural Environment Planning Practice Guidance (<https://www.gov.uk/guidance/natural-environment#biodiversity-and-ecosystems>) states that the local authority should only request a survey if they

consider there is a reasonable likelihood of a protected species being present and affected by development.

The garages appear to offer limited potential to support roosting bats. No trees are present within the application site boundary, however trees are present bordering the site and some tree work (such as crown lifting is proposed). The trees appeared to offer limited potential to support roosting bats (potential roosting opportunities appeared to be restricted to dense ivy e.g. on the dead hornbeam along the eastern boundary which is not proposed to be impacted). In this instance I therefore would not consider it reasonable to request a bat survey as part of the planning application as there is considered to be a low risk of roosting bats being affected.

Recommendations:

The proposals are considered to be of low risk to roosting bats. Bats can sometimes roost in seemingly unlikely places however and so I would recommend that an informative is attached to any future planning permission granted so that the applicant is aware of the potential for buildings/structures and trees to support roosting bats. It should also include information stating that the granting of planning permission does not negate the need to abide by the laws which are in place to protect biodiversity. Should at any time bats, or any other protected species be discovered on site, work should cease immediately and Natural England/a suitably experienced ecologist should be contacted. It is understood that trees on site will be retained with some pruning works required. No works are envisaged on the hornbeam along the eastern boundary but should tree works be required on this tree it is advised that reasonable avoidance measures with respect to bats are implemented (such as removing ivy by hand and soft felling techniques).

If any works are proposed during the nesting bird season (which is typically March-August, inclusive), then the following informative should be used: Trees, scrub and structures are likely to contain nesting birds between 1st March and 31st August inclusive. Some of these features are present on the application site and are to be assumed to contain nesting birds between the above dates, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period and it is absolutely certain that nesting birds are not present.

Developments are expected to make a positive contribution to the protection and enhancement of biodiversity and the natural environment within the borough in accordance with local and national planning policy (including 3.286 and 3.296 of CS8 in the LDF and the NPPF). Plans submitted with the application include the provision of two bat and two bird boxes on the new dwellings and this is welcomed within the proposals. Proposed landscape planting also includes a variety of species with successional flowering which will benefit pollinators. As an additional enhancement measure it is recommended that the proposed hornbeam hedge is substituted for (or at least supplemented with) a mix of locally native species (such as hawthorn, holly, hazel, field maple, honeysuckle, field rose, guelder rose).

Any proposed lighting should be sensitively designed so as to minimise impacts on wildlife associated with light disturbance (following the principles outlined in Bat Conservation Trust guidance: http://www.bats.org.uk/pages/bats_and_lighting.html).

Contaminated Land

The proposed development is for the demolition of existing garages, these can be a source of contamination particularly hydrocarbons, as such the developer will need to undertake a site investigation to ensure that the site does not pose any human

health risk to the end user. Therefore, conditions are requested in relation to the submission of a site investigation, remediation strategy and final verification.

Environmental Health (Noise)

Environmental health have assessed the above application for demolition of garages to provide 2 residential properties. EH do not object to the development in principle however, no details upon the internal noise have been provided. We need to make sure that recommended internal noise levels can be met and given the location of the properties situated to the rear of a parade of shops where there may be external fixed plant that could cause noise issues internally.

No development shall take place until a noise assessment, prepared by a suitably qualified person, has been submitted to and approved in writing by the Local Planning Authority. The noise assessment shall consider noise generated from the neighbouring commercial properties, including the commercial use and the noise generated from traffic. The report, which should be undertaken in line with BS 8233:2014 and BS4142:2014, should demonstrate how the development will achieve the following maximum internal noise levels at the following times:

- Living rooms 35dB between 07.00 hours and 23.00 hours*
- Dining rooms 40dB between 07.00 hours and 23.00 hours*
- Bedrooms 30 dB between 23.00 hours and 07.00 hours and 35dB between 07.00 hours and 23.00 hours*
- Gardens 50dB between 07.00 hours and 23.00 hours*

Should mitigation measures be required no house shall be occupied until the approved noise mitigation measures for that apartment have been fully incorporated.

Drainage

The LLFA has reviewed the documents submitted in support of the above named application and comment as follows: It is noted that infiltration can be discounted at this stage. However, at the DoC stage we would require infiltration tests to BRE 365 conditions. The applicant has provided a blurred plan for the drainage plan. This isn't acceptable as this doesn't show how the site is to be drained. For the discharge rates we would require the pre-development rates calculated and then a 50% reduction applied. 2l/s/ would not be supported. All areas of hardstanding should be of a permeable construction or drain to an alternative form of SuDS. Please note relevant policies below. We would also require an assessment of SuDS.

Planning Policy (Energy)

Original Comments 13.08.2020

The energy statement provided for this application is not fully in compliance with Core Strategy Policy SD3 requirements around full evidence for all low / zero carbon (LZC) technologies for the following reasons. I have also included options for addressing these issues in a revised energy statement but there is no requirement in policy for those technologies to be used on the development.

The statement made about Ground Source Heat Pumps needs to be updated as shown below and there is no consideration of Air Source Heat Pumps included in the statement. If the following information is added to a revised energy statement for resubmission then the revised energy statement would be policy compliant showing accurate and full consideration of all low / zero carbon technologies.

Heat Pumps

GSHP: the site has area* to lay horizontal coils for heating and cooling. However efficiencies would be reduced if connected to a traditional heating system

GSHP: 2,100 to 3,300 kg CO₂ / year per dwelling

GSHP @ £13-20K per dwelling

GSHP: minimum fuel cost saving of £440 / year per dwelling

ASHP: potential connection to intended wet system but efficiency would be low

ASHP: 1,700 to 2,700 kg CO₂ / year per dwelling.

ASHP: £7-11K / dwelling

ASHP: minimum fuel saving of £335 / year per dwelling which could be reflected in the sale price.

* GSHP land availability calculation:

Site area minus UK average house footprint (80m²)

500m² – 160m² = 340m² / 2 = 170m² (average 3 bed house requires a minimum of 100m² for horizontal coil system)

The above table section should be added to the energy statement with the GSHP workings added below the table for clarification.

Furthermore the aim of these policies is to reduce carbon emissions and to address carbon reductions required to achieve the Greater Manchester Zero Carbon 2038 target, whilst not adding to the massive housing retrofit numbers needed to tackle carbon emissions. It should be noted that the technology costs can inform a decision by the client and developer as to a potential uplift in sale or rental value of properties to offset the uplift in build cost. The uplift in sale or rental value can then be marketed reflecting lower running costs and the availability of green mortgages – a free marketing guide for solar homes is attached as an example of the sorts of information that could be used in marketing a Green Home.

Further comments following submission of Amended Energy Statement

17.12.2020

The revised energy statement submitted in December 2020 is compliant with Policy SD3 in Stockport's Core Strategy in that it is a fully evidenced consideration of all possible low / zero carbon technologies.

My earlier comments did provide the applicant with free low carbon technology marketing guidance and information on sale value uplift to offset the use of low carbon technologies, reflecting lower running costs. In addition, I did point out that use of such technologies would preclude the need for costly low carbon retrofit.

However, Core Strategy Policy SD3 does not require use of renewable technologies and in this instance the applicant has elected not to include any but will achieve the minimum Part L Building Regulations carbon emissions reduction.

ANALYSIS

Principle

The application site is allocated within a Predominantly Residential Area, as defined on the UDP Proposals Map. Core Strategy DPD policy CS4 directs new housing towards three spatial priority areas (The Town Centre, District and Large Local

Centres and, finally, other accessible locations). Core Strategy DPD policy H-2 states that the delivery and supply of new housing will be monitored and managed to ensure that provision is in line with the local trajectory, the local previously developed land target is being applied and a continuous 5 year deliverable supply of housing is maintained and notes that the local previously developed land target is 90%.

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

- approving developments that accord with an up to date development plan or
- where the policies which are most important for the determination of the application are out of date (this includes for applications involving the provision of housing, situations where the LPA cannot demonstrate a 5 year supply of housing), granting planning permission unless:
 - the application of policies in the Framework that protect areas or assets of importance (that is those specifically relating to designated heritage assets (conservation areas and listed buildings)) provides a clear reason for refusing planning permission or
 - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework as a whole.

In this respect, given that the Council cannot demonstrate a 5 year deliverable supply of housing, the relevant elements of Core Strategy policies CS4 and H2 which seek to deliver housing supply that are considered to be out of date.

Stockport is currently in a position of housing under-supply, with 2.6 years of supply against the minimum requirement of 5 years + 20%, as set out in paragraphs 47 of the NPPF. In situations of housing under-supply, Core Strategy DPD policy CS4 allows Core Strategy DPD policy H-2 to come into effect, bringing housing developments on sites which meet the Councils reduced accessibility criteria. Having regard to the continued position of housing under-supply within the Borough, the current minimum accessibility score is set at 'zero'.

That being the case, the tilted balance as referred to in para 11 of the NPPF directs that permission should be approved unless:

- there are compelling reasons in relation to the impact of the development upon the Conservation Area and the setting of adjacent listed buildings to refuse planning permission or
- the adverse impacts of approving planning permission (such as the loss of the community facility, local open space or sports pitch or impact on residential amenity, highway safety etc) would significantly and demonstrably outweigh the benefits.

The main issues for consideration are as follows:-

- Principle of residential accommodation
- Impact on the character of the Conservation Area
- Impact on residential amenity
- Highway impacts
- Other matters such as ecology, trees and drainage.

Having regard to this presumption in favour of residential development, Members are advised accordingly within the report below.

Principle of Residential Accommodation

The application site predominantly comprises a brownfield site in an accessible area just off the main road of Heaton Moor Road and adjacent to the Large Local Centre of the Heaton Moor Road Shopping Area. Heaton Moor Road is well served by public transport and located close to Heaton Chapel train station, so the proposal is therefore in compliance with policies CS4 and H2 of the Core Strategy. The application site is located within a Predominantly Residential Area as allocated in the saved UDP review and 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 and supporting opportunities to remediate derelict land.

With regard to the density of the proposed development, policy CS3 of the Core Strategy confirms that for sites close to or within Town Centres/District Centres, housing densities of 70 dwellings per hectare (dph) and above are commonplace. Moving away from these central locations, densities should gradually decrease, first to around 50 dph then to around 40 dph, as the proportion of houses increases. Developments in accessible suburban locations may be expected to provide the full range of house types, from low-cost 2 bed terraces to larger detached properties. However, they should still achieve a density of 30 dph.

Para 123 of the NPPF confirms that when there is a shortage of housing, decisions should avoid homes being built at low densities and LPA's should refuse applications which they consider fail to make efficient use of land, taking into account the policies in the Framework. The drive to secure the efficient use of urban land set out at para 122 of the NPPF however acknowledges that account must also be taken of the desirability of maintaining an area's prevailing character

The proposed development will achieve a density of 40 dph, which is in accordance with what the site is expected to deliver having regard to Core Strategy policy CS3. This is also similar to the density of the area immediately surrounding the Local Centre.

In view of the above factors, the principle of 2 residential units at this site, within a Predominantly Residential Area, in an accessible and sustainable location, is welcomed and considered acceptable at the current time of housing under-supply within the Borough. On this basis, the proposal is considered to comply with Core Strategy DPD policies CS2, CS4 and H-2.

Impact on Character of Conservation Area

The site is located within the Heaton Moor Conservation Area. It was designated by Stockport Borough Council in 1983 with subsequent amendments to its boundary in 2006. The special character and appearance of the conservation area is largely centred on it being 'an affluent railway suburb' which developed in the late 19th century and 20th century. The site is also located adjacent to some Locally Listed Buildings on Heaton Moor Road.

The proposals relate to the demolition of 5 existing single storey garages and the erection of a pair of semi-detached dwellings. The proposed development has been fully assessed by the Council's Conservation Officer and the comments made are provided in full in the consultation section above. It has been confirmed

that the existing garages make no positive contribution to the special character and appearance of the area and therefore, there would be no objection to their demolition.

The application site is a backland site, and is therefore, effectively concealed from public view by adjacent buildings and trees. It is not considered that the introduction of 2 dwellings would be harmful from a conservation perspective, provided that care is taken in particular with design and materials. The design shown on the submitted plans, with pitched roofs and traditional materials, is considered to be a suitable response to the character of the Heaton Moor Conservation Area and to the constraints of the site, mainly in response to the relationship with surrounding properties and the need for the protection of residential amenity. Therefore, subject to conditional control in relation to the final palette of materials, it is not considered that the development would have a harmful impact upon the special character and appearance of the Heaton Moor Conservation Area or on the adjacent Locally Listed Buildings.

In relation to the protection of existing mature trees, the applicant has confirmed that there will be no removal of the existing mature trees around the site and the protection of retained trees will be in accordance with recommendations contained within the British Standard, and as detailed on the submitted Tree Protection Plan. A detailed landscaping scheme has also been submitted, which includes the planting of new trees and landscaped beds around the site, to further enhance the landscape value of the site. Therefore, no harm will be made to the special character of the Conservation Area through the loss of existing mature trees.

The applicant has also confirmed that there would be no alterations to the existing vehicular/pedestrian access from Heaton Moor Road and the retention of the stone setted strip is proposed. It has been confirmed that the applicant is happy for this to be controlled via an appropriately worded condition.

Finally, the proposed plans show adequate bin storage for the 2 new properties along with a commercial bin store for the adjacent businesses. Therefore, as the bin storage is located to the rear of the buildings on Heaton Moor Road, this avoids any harmful impact upon the Heaton Moor Road frontage.

Therefore, on the basis of all the above factors, the proposals are not considered to impede or cause a detrimental impact on any key views within the conservation area. As such, the defined character and appearance of the Heaton Moor Conservation Area will be sustained. Overall, the proposed works are minor and will preserve the special character and appearance of the Heaton Moor Conservation Area, thereby complying with Section 72 of the 1990 Act, the relevant paragraphs of the NPPF and Policy CSS of the Stockport Core Strategy and HC1.3 of the Stockport UDP.

In response to the tests of the NPPF within Chapter 16, this area within the historic asset and the adjacent Locally Listed Buildings are considered to have significance within the historic environment. However, it is also considered that the location of the site in a backland position, the design and appearance of the proposed dwellings, the improvements to the landscape and overall visual appearance of this existing garage site and the appropriate use of materials will ensure there is a less than substantial harm created to the significance of this asset. The proposals will protect the character and appearance of the Heaton

Moor Conservation Area and the architectural and historic interest of the adjacent Locally Listed buildings.

Design and Siting

No concerns are raised to the design of the proposed development, of 2 storey scale, traditional roof design and incorporating a single storey outrigger to the rear of Plot 50A. The proposed design provides large glazed areas to improve the natural light within the new dwellings, whilst protecting the privacy of the existing dwellings around the site. The scale and height of surrounding existing properties are either 2 or 3 storeys with traditional proportions, which means the scale of the new development is either similar or subservient to the other residential buildings on the surrounding plots.

The proposed dwellings have been sited specifically towards the north western part of the site to ensure the retention and protection of the existing mature trees along the northern and eastern boundaries, but also in an attempt to provide the largest bulk and mass of the buildings located furthest away from the majority of the existing dwellings. It is acknowledged that the new properties will be close to the existing residential dwelling at No 4a Portland Grove. However, with regards to the impact upon and maintenance issues for the occupiers of 4A Portland Grove, the scheme has been amended to address the concerns raised and the new dwellings are now sited 1.1m away from the party boundary. On this basis, the maintenance of the existing property can still be facilitated. The impact of the siting of the new dwellings on existing residential amenity will be covered in the next section of the report.

Matters of final detail, in relation to materials of external construction and hard and soft landscaping would be secured by way of suitably worded planning conditions.

Private amenity spaces would be provided to serve both the proposed new dwellings, with approx. 55sqm for Plot 50A and approx. 64sqm to Plot 50B. Whilst it is acknowledged that this would be below the standards as recommended by the Design of Residential Development, it would be reflective of levels of private amenity space provision of new dwellings within the surrounding area. Furthermore, such amenity space shortfalls are considered to be outweighed by the requirement for additional dwellings within the borough and the current focus within Paragraphs 122 and 123 of the NPPF, which seek to maximise densities within residential developments where there is an identified housing need. As such, the NPPF desire to maximise densities within residential developments effectively supersedes private amenity space requirement guidance as recommended within the Design of Residential Development SPD.

The objections received from a local resident in relation to the proposed dwellings and the Nationally Prescribed Space Standards are noted. The applicant has confirmed that there is no significant conflict with national space standards and that the gross internal floor areas meet/exceed the standards for 3 person accommodation. However notwithstanding this, in the absence of a 5 year deliverable supply of housing, and because the tilted balance must be applied in this case, it is not possible to refuse an application on the basis of the Nationally Prescribed Space Standards, as it is not in conflict with para 11 of the NPPF.

In view of the above, it is considered that the quantum, siting, scale, height and design of the proposed development could be successfully accommodated on the site without causing harm to the character and the visual amenity of the area. As such, the proposal is considered to comply with saved UDP policy

MW1.5 and Core Strategy DPD policies H-1 and SIE-1 and the Design of Residential Development SPD.

Impact on Residential Amenity

As outlined within the Design and Access Statement submitted to accompany the application, the proposed dwellings are orientated with the principle front elevation facing the southern vehicular entrance, with the private enclosed gardens to the side and rear.

The application site is bounded on all sides by existing residential properties, Nos. 3, 5 and 7 Peel Moat Road, the upper floor flats at Nos. 52 and 54 Heaton Moor Road and Nos. 4A, 4, 6 and 8 Portland Grove. The assessment on each of these properties will be assessed below.

No. 7 Peel Moat Road

The northern or rear boundary of the site is shared with the site of the residential apartment block at No. 7 Peel Moat Road. The boundary is shared with the rear garden area of this existing property and therefore, the relationship is back garden to back garden. The new dwellings would, at the closest point, be 6.022m away from the site boundary, and therefore this is in accordance with the privacy distances outlined within The Design of Residential Development SPD. The property of No. 7 Peel Moat Road is located much further away from the application site towards the frontage on Peel Moat Road, and therefore, there is no detrimental relationship between the windows of the new dwellings and the habitable room windows of the existing dwelling.

Furthermore, the boundary with No.7 Peel Moat Road is dominated by 2 substantial mature trees and hornbeam hedging, which provides a full screen of the new dwellings from the property and private rear garden of No. 7.

Therefore, it is considered that the proposed development could be successfully accommodated on the site without causing undue harm to the residential amenity of No. 7 Peel Moat Road by reason of overshadowing, overdominance, visual intrusion, loss of outlook, overlooking or loss of privacy.

Nos 3 and 5 Peel Moat Road

The eastern or side boundary of the site is shared with the site of the residential dwellings at Nos. 3 and 5 Peel Moat Road. The boundary is shared with the rear garden areas of these existing properties and therefore, the relationship is side elevation to back garden. The new dwellings would, at the closest point, be 17.68m away from the rear elevation and habitable room windows of these existing properties, and therefore this is in accordance with the privacy distances outlined within The Design of Residential Development SPD.

The proposed side elevation of the new property contains no windows at all and therefore, there would be no overlooking or loss of privacy caused from the siting of the development. Therefore, there is no detrimental relationship between the windows of the new dwellings and the habitable room windows of the existing dwellings.

Furthermore, the boundary with Nos. 3 and 5 Peel Moat Road is again dominated by 3 substantial mature trees, which provide a full screen of the new dwellings from the

properties and private rear gardens of Nos. 3 and 5. The new properties are located approximately 2.7m away from the site boundary and this is considered to be acceptable in this urban context. It is not considered that the proposed development would cause a significant overbearing and overshadowing impact on Nos. 3 and 5 Peel Moat Road, due to the presence of the substantial trees and the distance of the new properties away from the boundary.

Therefore, it is considered that the proposed development could be successfully accommodated on the site without causing undue harm to the residential amenity of Nos. 3 and 5 Peel Moat Road by reason of overshadowing, overdominance, visual intrusion, loss of outlook, overlooking or loss of privacy.

Nos 52 and 54 Heaton Moor Road

The southern or front boundary of the site is shared with the site of the commercial businesses and upper floor flats of Nos. 52 and 54 Heaton Moor Road. The boundary is shared with the rear walls of these properties, mainly including the single storey and two storey rear outriggers of these existing properties.

There are 2 windows on the rear elevations of the properties at Nos. 52 and 54 Heaton Moor Road which serve existing bathrooms, 1 which serves a kitchen, 2 are high silled windows serving internal staircases and 4 are existing bedroom windows. However, due to the orientation of these windows and the presence of the existing two storey outrigger, 2 of these bedroom windows are not visible from the development itself or the new windows proposed, and the remaining 2 already have obscure glazing within the lower sashes. Therefore, there should be no overlooking or loss of privacy caused by the new windows proposed on the front elevations of the new properties.

The front elevations of the new properties are to be located 15.35m from the rear elevation of the two storey outriggers and therefore, there would be no significant overbearing or overshadowing impact on these existing windows. Also, due to the orientation of the site and the new buildings being located to the north of the existing upper floors flats at Nos. 52 and 54 Heaton Moor Road, there will be no overshadowing caused by the proposed development.

The residential and commercial access points into the rear of the buildings are to be retained, along with the provision of a communal commercial and residential bin store being provided for these premises.

Therefore, it is considered that the proposed development could be successfully accommodated on the site without causing undue harm to the running of the existing businesses and the residential amenity of the upper floor flats of Nos. 52 and 54 Heaton Moor Road by reason of blocking access, lack of bin storage, overshadowing, overdominance, visual intrusion, loss of outlook, overlooking or loss of privacy.

No. 4A Portland Grove

The western or side boundary of the site is partially shared with the site of the residential dwelling at No. 4A Portland Grove. The boundary is shared with the rear/side wall of the existing property and the garden area of this existing property. Following the submission of an amended scheme, the new dwelling at Plot 50A has been moved further away from the shared boundary to provide a 1.1m gap. This will facilitate the necessary maintenance to both properties and provides an acceptable

side to side space between the 2 dwellings. There are no windows in the north eastern elevation of the existing dwelling facing over the application site, therefore there will be no impact from the development on this elevation.

It is acknowledged that there are first floor high level windows on the front elevation of No. 4A Portland Grove that have a limited view over the application site. However, due to the position of this existing but newer dwelling and its relationship to the existing dwellings at Nos 4 to 8 Portland Grove, these first floor windows had to be high level with no possible view down into the adjacent gardens. Therefore, it is not possible to stand in these windows and have a full view out and down over the application site. The ground floor windows on this same elevation are also located behind the existing tall boundary wall and so these windows will not be impacted by the proposed development.

The proposed south western side elevation of the new property contains no windows at all and therefore, there would be no overlooking or loss of privacy caused from this element of the development.

The dwelling at Plot 50A has been specifically designed to minimise the impact of the development on the property at 4A Portland Grove, with multiple elevation profiles in a stepped design to the side and rear walls and different roof pitches/planes sitting above the stepped walls. The mass along the shared boundary has been reduced due to this stepped approach and a single storey element has been applied to the ground floor again to reduce the overall bulk and mass located along this shared boundary.

The 45 degree rule has been applied to the design of the dwelling at Plot 50A in order to ensure no undue visual intrusion is resulted for the occupants of 4A Portland Grove. Any 2 storey elements of the property fall outside this 45 degree angle to retain the limited views from the first floor high level windows.

Regarding the lantern window to be provided within the roof of the single storey rear element of the proposed dwelling at Plot 50A, the applicants have confirmed that they would be happy to install opaque glazing (Pilkington Opacity Scale 4 or 5) to this lantern to restrict any views in or out of this glazing. This would be subject to conditional control through the inclusion of an appropriately worded condition.

Therefore, on the basis of the measures outlined above, it is not considered that there would be a detrimental relationship between the new development and the habitable room windows of the existing dwellings.

Therefore, it is considered that the proposed development could be successfully accommodated on the site without causing undue harm to the residential amenity of No 4A Portland Grove by reason of overshadowing, overdominance, visual intrusion, loss of outlook, overlooking or loss of privacy.

Nos' 4, 6 and 8 Portland Grove

The western or side boundary of the site is also shared with the site of the residential dwellings at Nos. 4, 6 and 8 Portland Grove. The boundary is shared with the rear garden areas of these existing properties and therefore, the relationship is side elevation to back garden. The new dwelling would, at the closest point, be 1.1m away from the site boundary and 20.5m from the rear elevation and habitable room windows of these existing properties. Therefore, this is in accordance with the privacy distances outlined within The Design of Residential Development SPD.

The proposed side elevation of the new property contains no windows at all and therefore, there would be no overlooking or loss of privacy caused from the siting of the development. Therefore, there is no detrimental relationship between the windows of the new dwellings and the habitable room windows of the existing dwellings.

As a result of the particular orientation of the new and existing properties, and the presence of the existing buildings at Nos. 52 to 60 Heaton Moor Road and 4A Portland Grove immediately to the south, it is considered that the existing sunlight received within these rear gardens/sitting areas will remain largely unaffected by the development. It is acknowledged that there may be a small degree of overshadowing within the early morning at which time the sun is low in the sky. However, it is considered that these sitting/gardens areas are already located close to the tall party boundary and have some element of overshadowing.

As outlined in the section above, the dwelling at Plot 50A has been specifically designed to minimise the impact of the development on the existing properties along this shared boundary. The mass along the shared boundary has been significantly reduced due to the stepped elevation approach, with the two storey element being limited closest to the boundary. The roof levels closest to this boundary are also much lower than the main ridge of the dwellings and this again reduces the overall bulk and mass along this boundary.

Therefore, it is considered that the proposed development could be successfully accommodated on the site without causing undue harm to the residential amenity of Nos. 4, 6 and 8 Portland Grove by reason of overshadowing, overdominance, visual intrusion, loss of outlook, overlooking or loss of privacy.

As such, the proposal is considered to comply with Core Strategy DPD policies H-1 and SIE-1 and the Design of Residential Development SPD.

Traffic Generation, Access, Parking and Highway Safety

The detailed comments received to the application from the Council Highway Engineer are contained within the Consultee Responses section above. The Highway Engineer considers the principle of 2 proposed dwellings on the site to be acceptable, having regard to the relative accessibility of the site and the potential for occupants to enjoy convenient access to public transport, service and amenities. There is no reason to see why such a development would be dominated by car travel to the detriment of the immediate area.

The applicant has clarified the position in relation to the existing garages and existing parking on the site. The five garages are currently let to interests off site and licences can be terminated with one months notice. None of the garages are used in association with any immediately surrounding interests and the use as garaging is not conditional on any extant planning permission.

Furthermore, the applicant has confirmed that that tenants of the first floor flats at Nos. 52 and 54 Heaton Moor Road do not have any parking rights in respect of the application site. Therefore, the use of the site for garages and parking can be extinguished and the garages removed at any time without any breach of permission. Therefore, it would not be reasonable to refuse the application or raise any concerns about existing parking displacement.

The existence of the garages at the site clearly carries weight in terms of consequent traffic generation and comparison with the proposed development. It is not considered that the proposed development of two dwellings would give rise to any material intensification in use of the access, when compared to the current lawful use as garages. The daily number of vehicle movements through the access would be no greater in number than is currently lawfully experienced and therefore, there are no objections in this respect.

Following changes to the proposed layout, the Highway Engineer remains supportive of the layout, noting that there is adequate parking for the occupants and visitors of the new dwellings, and adequate turning space within the site. Conditions are recommend with respect to construction management, provision of visibility splays, access construction; driveway construction and to secure appropriate cycle parking and electric vehicle parking facilities.

In view of the above, on the basis of the submitted amended scheme, in the absence of objections from the Highway Engineer and subject to conditional control, the proposal is considered acceptable with regard to the issues of traffic generation, parking and highway safety. As such, the proposal is considered to comply with Core Strategy DPD policies SD-6, SIE-1, CS9, T-1, T-2 and T-3.

Impact on Trees and Landscaping

The detailed comments received to the application from the Council Arboricultural Officer are contained within the Consultee Responses section above.

The application is accompanied by both an Arboricultural Impact Assessment/Method Statement and a detailed Landscaping scheme, planting schedules and specifications. The submitted report shows that subject to British standard tree protection methods being adhered to during the construction period, and through some minor pruning to the existing trees, no trees should be lost to facilitate the development.

Further to comments made by the Council's Arboricultural Officer regarding landscape design, 4 no. fruit trees are now included to the rear gardens of the new properties. A hedge is proposed for plot division purposes between Nos 50A and 50B, and again following the comments of the Arboricultural officer, the native hedgerow species dividing the rear gardens has now been amended to be Holly as requested.

In response to the comments made in relation to the planting of further trees at the front of the scheme and on the approach from Heaton Moor Road, the applicant has confirmed that this is not considered to be a practical or feasible suggestion due to the limited space and proximity to existing and proposed buildings. The frontage and approach to the site has been designed as a principally hard landscaped area, with some small pockets of planting within specified beds. The design intention was to give an urban courtyard character and introduce some quality from what is currently a 'back of house' yard area. It is considered that this is a suitable approach to softening and improving the appearance of this site, which is currently devoid of any planting.

On the basis of the above, conditions are recommended to require the provision of protective fencing to existing trees during construction; and to require the submission, approval and implementation of a planting/landscaping scheme.

In view of the above, in the absence of objections from the Arboricultural Officer and subject to conditional control, the proposal is considered acceptable in terms of its impact on trees, in accordance with Core Strategy DPD policies SIE-1 and SIE-3.

Impact on Protected Species and Ecology

The detailed comments received to the application from the Council Nature Development Officer are contained within the Consultee Responses section above.

The site itself has no nature conservation designations, legal or otherwise. The applicant will be advised of the need to avoid building, demolition and vegetation clearance during the bird nesting season, unless it can be confirmed that nesting birds are not present by way of informative.

The garages appear to offer limited potential to support roosting bats and there are no trees present within the application site boundary that require removal. The trees also appear to offer limited potential to support roosting bats. Therefore, in this instance, a bat survey is not required subject to the inclusion of an informative stating that should at any time bats, or any other protected species be discovered on site, work should cease immediately and Natural England/a suitably experienced ecologist should be contacted.

In response to the requirement for biodiversity enhancements within the development, the applicant has confirmed that the landscaping proposals include fruit trees, a native holly hedgerow and further planting species have been chosen to benefit the local wildlife. It has been confirmed that the proposed planting would benefit local pollinators. Any proposed lighting should be also sensitively designed so as to minimise impacts on wildlife associated with light disturbance. The requirement for biodiversity enhancements and landscaping can be secured by the inclusion of a suitably worded planning condition.

In view of the above, in the absence of objections from the Nature Development Officer and subject to conditional control, the proposal is considered acceptable in terms of its impact on protected species, biodiversity and the ecological interest of the site, in accordance with Core Strategy DPD policy SIE-3.

Flood Risk and Drainage

The application site falls within Environment Agency Flood Zone 1, which is assessed as having the lowest possibility of flooding. As such, it is considered that appropriate drainage of the site could be secured by way of suitably worded condition.

Subject to compliance with such a condition, it is considered that the proposed development could be drained in a sustainable manner without the risk of flooding elsewhere, in accordance with saved UDP policy EP1.7 and Core Strategy DPD policies SD-6 and SIE-3.

Developer Contributions

With regards to affordable housing, notwithstanding the requirements of Core Strategy DPD policy H-3 and the Provision of Affordable Housing SPG, the NPPF states that the provision of affordable housing should not be sought for residential developments that are not major developments. As such, on the basis of the proposal for 2 dwellings, there is no requirement for affordable housing provision

within the development.

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 to ensure the provision and maintenance of formal recreation and children's play space and facilities within the Borough to meet the needs of the residents of the development.

The applicant has confirmed that they are happy to enter into a S106 agreement with the Council to secure the payment of this contribution, should the recommendation of Committee be to grant planning permission.

CONCLUSION

At the heart of the NPPF is a presumption in favour of sustainable development. Paragraph 8 of the NPPF establishes three dimensions to sustainable development – economic, social and environmental and Paragraph 8 of the NPPF indicates that these should be sought jointly and simultaneously through the planning system.

The location of the site is within a Predominantly Residential Area and 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 in an accessible area and 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 and supporting opportunities to remediate derelict land.

It is considered that the siting, scale and design of the proposed development could be successfully accommodated on the site without causing undue harm to the visual amenity of the area or the residential amenity of surrounding properties. In the absence of objections from relevant consultees and subject to conditional control, the proposal is considered acceptable with regard to the issues of traffic generation, parking and highway safety; impact on trees; impact on protected species and ecology; flood risk and drainage; land contamination; and energy efficiency.

In view of the above, the proposal is considered to be acceptable and represent sustainable development. On this basis, the application is recommended for approval.

RECOMMENDATION

GRANT SUBJECT TO CONDITIONS AND S106 AGREEMENT