

Heatons and Reddish Area Committee

29th November 2021

DEVELOPMENT APPLICATIONS

Report of the Corporate Director for Place Management and Regeneration

<u>ITEM 1</u>	DC/081304
<u>SITE ADDRESS</u>	Land adjacent to 6 Norfolk Avenue, Heaton Chapel, Stockport, SK4 5AG
<u>PROPOSAL</u>	The demolition of 4 No. residential garages and the erection of 1 No. three storey four bedroom dwelling with single garage
<u>ITEM 2</u>	DC/082006
<u>SITE ADDRESS</u>	20 Brook Road, Heaton Chapel, Stockport, SK4 5BZ
<u>PROPOSAL</u>	Erection of single storey rear extension and side dormer extension

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/081304
Location:	6 Norfolk Avenue Heaton Chapel Stockport SK4 5AG
PROPOSAL:	The demolition of 4 No. residential garages and the erection of 1 No. three storey four bedroom dwelling with single garage
Type Of Application:	Full Application
Registration Date:	17.08.2021
Expiry Date:	Extension of Time agreed to 17 th December 2021
Case Officer:	Jeni Regan
Applicant:	Mr Jamie Hanson, Coda Studios, Lloyds House, 18-22 Lloyd Street, Manchester, M2 5WA
Agent:	CODA STUDIOS as applicant

DELEGATION/COMMITTEE STATUS

Planning and Highways Regulation Committee – Departure from the Development Plan. No contributions are proposed to provide future residents with access to new or improved formal recreation or children’s play facilities. Application referred to Heaton and Reddish Area Committee for comment and recommendation only.

DESCRIPTION OF DEVELOPMENT

Planning permission is sought for the demolition of the 4 no. existing single storey garages at the site and the erection of a 4 bedroom detached dwellinghouse. The proposed dwelling would be part single, part 3 storeys in height and would have a small garden to the front and a private garden area to the rear. The property would have a secure cycle storage area and a bin storage area in the rear garden area and one car parking space within a covered open fronted garage.

The proposed dwelling has a contemporary design in terms of the built form and shape, but with the use of more traditional materials. This includes a red/brown rustic brick similar in tone to that of the existing surrounding buildings and the roof would be cladded in terracotta in the same red rustic shade of the envelope. A sawtooth brick patterned panel is proposed adjacent to windows, with further brick soldiering being applied all throughout the elevations.

The property would be presented as follows:

- Hall, W.C, utility room and open plan dining room and kitchen with access to rear garden via bi-fold doors at ground floor level;
- Living room and two bedrooms (one en-suite) at first floor level; and
- Two bedrooms and a family bathroom on the second floor.

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 side over the proposed garage with a sedum roof to

improve biodiversity. Overall, it has a pitched roof design with gable ends and glazing on the front, sides and rear elevations.

In terms of boundary treatments, the existing boundary treatments to the east and west boundaries would be retained, with new timber close boarded urban fencing to the remaining side and rear boundaries to sit inside existing treatments. A new hedge is proposed to be planted around the front garden.

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, Nature Development 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 directly off Norfolk Avenue in Heaton Chapel. The site measures approximately 0.018 hectares and is currently occupied by 4 single storey garages with hardstanding to the front. The site is accessed via the existing vehicular dropped kerbs off Norfolk Avenue adjacent to the property at No. 6 Norfolk Avenue.

The site is square in shape, currently has an open frontage to the front of the garages and is level across the site. The boundary treatment around the site is a mixture of timber and concrete panel fencing. There are some mature trees around the boundary of the site, however these are located within the grounds of the adjacent residential gardens / vacant land.

The site is bounded by existing residential properties on Norfolk Avenue and Howard Avenue and an area of vacant land. The vacant land bounds the site to the north east and the existing garden outbuildings of No. 10 Howard Avenue bound the site to the south east. The existing residential property at No. 6 Norfolk Road bound the site to the south west, and the street of Norfolk Avenue and the residential properties beyond bounds the site to the north west.

The application site is allocated within a Predominantly Residential Area, as defined on the UDP Proposals Map, and is located close to the existing open space off Meadows Road to the north east of the site. The site is not located within a designated Conservation Area and is not located close to any designated Listed Buildings or 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.

The application site is allocated within a Predominantly Residential 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

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

Para 111 *‘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 120 *‘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;’*

Para 124 *‘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;’*

Para 125 *‘Where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning policies 37 and decisions avoid homes being built at low densities, and ensure that developments make optimal use of the potential of each site.’*

Para.126 *“The creation of high quality, beautiful and sustainable 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 *“Planning policies and decisions should ensure that developments: a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; 39 c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities); d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;”*

Para.134 *“Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design⁵², taking into account any local design guidance and supplementary planning documents such as design guides and codes. Conversely, significant weight should be given to: a) development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes; and/or b) outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.”*

Para.157 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.219 *“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

There are no historic planning applications registered against the application site.

NEIGHBOUR'S VIEWS

Following the submission of the original proposals, the owners/occupiers of 16 surrounding properties were notified in writing of the proposal. In response to the original submission, 4 objections were received against the application. The comments made are summarised below:

- On my deeds, these garages were built for purpose of the property’s 15,13,11 & 9 Norfolk Avenue to allow them to park their vehicles, I’ve been told by the neighbouring property owners that there is a restriction that nothing else other than like for like garage can only be built.
- We use the space in front of the garages to turn our vehicle around safely, removing this turning space will cause issues. Cars will have to reverse back down to the main road, which makes it very dangerous.
- There is already inadequate car parking space in the street. Allowing more vehicles to park which possibly could be up to 4 more vehicles, will cause more problems.
- The view from the front of my house is clear from any buildings plus I have my privacy and I would like it to stay that way.
- More people, more noise and more issues/problems.
- Properties to the rear of the site on Howard Avenue will be overlooked by the proposed terrace. We feel that our privacy will be compromised.
- Our view will be worsened by the development. In the visuals provided this has not been taken into consideration.
- There will be noise disturbance from the development during the demolition and construction. we work from home and this will have a major impact on us.

- It looks like security and surveillance is an issue, again the impact of this on us/ our property has not been considered.
- There is no mention of the two mature trees that are on the proposed site, they are a habitat for birds and other wildlife and add to the green environment. The proposed development area has lots of trees and shrubs and it would be very sad to see any of these go as they provide nice views.
- The proposed outdoor terrace is an unusual and unattractive proposal. Apart from being out of keeping with the other properties in the area, it will also overlook our garden significantly and will, additionally, create significant outside noise at the first floor level when in use which will travel directly into the windows of our bedrooms. This is not acceptable in terms of privacy or in terms of the noise nuisance. Garden noises would normally be largely absorbed by garden fences / shrubs etc but this will clearly not happen if a garden terrace is placed at first floor level looking down on surrounding neighbours.
- The construction will be noisy and messy (again we have a baby who naps in the day) and could well cause vehicles to park on Howard avenue, which would otherwise not park there and the street is already very cramped with limited passing and turning room.
- This house will have straight overlooking in my garden and i will be unable to sit out.
- How can they have windows to the rear of house and looking straight into my garden.
- They will overlook me from the top.
- Can you please stop this application and tell them to change the plans with no overlooking.
- The garages are just too small to be converted to a house and as a result they have submitted the plans to have our privacy compromised.
- They need to change the plans with no rear windows in my garden and no side windows in my garden and no open terrace on the side which will straight look into my garden.

Following the receipt of the above comments, the applicant worked to amend the proposals to address the concerns raised. Amended plans were then submitted and a full re-notification of all original neighbours and contributors was completed.

Following this notification exercise, 2 further objections were received against the application. However, members should note that one was received from an address in Flixton, Manchester. Further comments were also received from one of the previous representatives.

The further comments received are as follows:

- Parking is an issue due to lack of driveways and garages, therefore, another dwelling would make this even more difficult for residents.
- Design not in keeping with the surrounding properties.
- We believe that there is a schedule of restrictive covenants on the land opposite the properties 9 to 17 incl. the land the garages current sit on, preventing dwellings to be built. This needs to be investigated with Land Register as a matter of urgency. The land would be best served as parking for existing residents to help with the issues they experience with parking or as allotments as intended by Lord Everton.
- Having further considered the plans uploaded on 2 November they needed to be switched 180 degrees to view and are consistent with the revised plans from 22 October. We have no objection to the property itself or the overall

aesthetic, however the revision to place the three stories to the right hand side will severely impact on the view from our property. This will be the same for the residents new property who will look directly at our property from across all 3 floors instead of just one.

- In the previous plans the view out from our property was in keeping with the current single story view to the garages, with floors 2 and 3 positioned so that they would look onto our driveway.
- It is also our understanding that the deeds for the land where the garages are currently situated restrict building on the site to single story only. It is on this basis that our position to object is submitted.
- Please note that this is well overdeveloped and trying to get a quart out of a pint pot.
- I will not agree to the plans they have submitted as they will have parties on the terrace and will be looking straight in my garden while having open terrace parties in summer and we are mostly spending our time in the garden.
- Our house is a bungalow and having a 3 story house with an open terrace and rear windows looking straight over us is an oversight and privacy issue with us.
- We will strongly oppose this development as there is no space to have a house there.

CONSULTEE RESPONSES

Highways

Original Comments 06.09.2021

Whilst the proposal only includes parking for one vehicle, the site lies within easy walking distance of extensive public transport provision on the A6, is therefore reasonably accessible, and does comply with SMBC parking standards which are based on a maximum provision of 2 spaces. I am satisfied that the proposed development would not result in any significant detrimental impact on the operation of the local highway, nor on highway safety and therefore find no reason to raise any objection to the principle of development but there remain some items of detail to resolve.

The application refers to the provision of a garage but plans seem to suggest an open ended car port. A garage would not be acceptable as the door would not be set back far enough to permit vehicles to wait off highway whilst door opened or shut.

To comply with current policies a new dwelling should provide an electric vehicle charge point. Details of this are required. New dwellings require the provision of a secure covered cycle store for one cycle; details required.

Where the driveway meets the back of footway pedestrian 1m x1m visibility splays are required to each side within which nothing obstructs visibility above 600mm above ground level. This can be secured by the provision of a 1m length of low level wall or fence extending from the site boundary (to the left as leaving the drive). This should be noted on plan together with the visibility splay to the other side of drive referencing planting being restricted to 600mm high.

RECOMMENDATIONS - Defer for revision/further information.

Further comments following receipt of Amended Plans 01.11.2021

Whilst the proposal only includes parking for one vehicle, the site lies within easy walking distance of extensive public transport provision on the A6, is therefore reasonably accessible, and does comply with SMBC parking standards which are based on a maximum provision of 2 spaces. I am satisfied that the proposed development would not result in any significant detrimental impact on the operation of the local highway, nor on highway safety and therefore find no reason to raise any objection to the principle of development but there remain some items of detail to resolve.

To comply with current policies a new dwelling should provide an electric vehicle charge point. Details of this are required. New dwellings require the provision of a secure covered cycle store for one cycle; details required.

Where the driveway meets the back of footway pedestrian 1m x 1m visibility splays are required to each side within which nothing obstructs visibility above 600mm above ground level. This can be secured by the provision of a 1m length of low level wall or fence extending from the site boundary (to the left as leaving the drive). This should be noted on plan together with the visibility splay to the other side of drive referencing planting being restricted to 600mm high.

RECOMMENDATIONS - No objection subject to conditions

CONDITIONS

1) *No work shall take place in respect to the construction of the approved access/s until a detailed drawing of the access/s, which shall include:*

a) *Details of proposals to provide 1m by 1m pedestrian visibility splays at either side of the access.*

b) *Details of proposals to provide a dropped kerb footway crossing has been submitted to and approved in writing by the Local Planning Authority. The approved development shall not be occupied until the access has been constructed in accordance with the approved drawing and is available for use. No structure, object, plant or tree exceeding 600mm in height shall subsequently be erected or allowed to grow to a height in excess of 600mm within the pedestrian visibility splays.*

Reason: In order that the site will benefit from safe and practical access arrangements in accordance with Policies SIE-1 'Quality Places', CS9 'Transport and Development' and T-3 'Safety and Capacity on the Highway Network' of the Stockport Core Strategy DPD.

2) *A detailed drawing outlining a scheme to reconstruct the existing footway that abuts the site (which shall include the removal of any footway crossings/garage access) shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until the footway has been reconstructed in accordance with the approved drawing.*

Reason: In order to ensure that there are safe and high quality pedestrian facilities adjacent to the site and ensure that development can be accessed in a safe manner in accordance with Policies SIE-1 'Quality Places', CS9 'Transport and Development' and T-3 'Safety and Capacity on the Highway Network' of the Stockport Core Strategy DPD, supported by paragraph 5.30, 'Post development footway reinstatement', of the SMBC Sustainable Transport SPD.

3) No work shall take place in respect to the construction of the approved driveway until a detailed drawing of the driveway has been submitted to and approved in writing by the Local Planning Authority. Details shall include how the driveway will be surfaced (which shall be tarmac, block paving or other non-loose material) and drained (which must be to a soakaway / SuDS system). The approved development shall not be occupied until the driveway has been provided in accordance with the approved drawing and is available for use. The driveway shall thereafter be kept clear and remain available for parking of vehicles for the development.

Reason: To ensure that adequate 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, supported by Chapter 10, 'Parking', of the SMBC 'Sustainable Transport' SPD.

4) A charging point for the charging of electric vehicles shall be provided for the approved dwelling. Prior to its provision, details of the charging point shall be submitted to and approved in writing by the Local Planning Authority. The dwelling shall not be occupied until the charging point has been provided in accordance with the approved details and is available for use. The charging point shall thereafter be retained (unless replaced with an upgraded charging point in which case that 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', SIE-3: Protecting, Safeguarding and enhancing the Environment, 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 Paragraphs 110, 170 and 181 of the National Planning Policy Framework.

5) No work shall take place in respect to the provision of cycle parking within the site until details of proposals to provide a long-stay cycle parking facility for the approved dwelling (which shall be in the form of a covered and secure cycle store that will accommodate a minimum of one cycle) have been submitted to and approved in writing by the Local Planning Authority. The approved dwelling shall not be occupied until the cycle parking facility for that dwelling has been provided in accordance with the approved details. The cycle parking facility shall then be retained and shall 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' and T-3 'Safety and Capacity on the Highway Network' of the Stockport Core Strategy DPD and the cycle parking facilities are appropriately designed and located in accordance with Policies SIE-1 'Quality Places' and T-3 'Safety and Capacity on the Highway Network' of the Stockport Core Strategy DPD, supported by paragraph 5.6, 'Cycle Parking', of the SMBC Transport and Highways in Residential Areas SPD

INFORMATIVES

1) In addition to planning permission, the applicant / developer will need to obtain the consent of / enter into an agreement with the Highway Authority (Stockport Council) for the approved / required highways works. There will be a charge for the consent / to enter into an agreement. Consent will be required / the agreement will need to be in place prior to the commencement of any works. The applicant / developer should

contact the Highways Section of Planning Services (0161 474 4905/6) with respect to this matter.

2) The applicant's / developer's attention is drawn to the fact it is an offence (under Sections 131, 148 and 149 of the Highways Act 1980) to allow materials to be carried from a site and deposited on, or damage, the highway, from uncleaned or badly loaded vehicles. The applicant / developer should therefore ensure that adequate measures are implemented to ensure that this does not take place. The Highway Authority (Stockport Council) may seek to recover any expense incurred in clearing, cleaning or repairing highway surfaces and may prosecute persistent offenders.

3) A condition of this approval requires the construction / widening of a footway along the site frontage. The applicant should ensure that the threshold level / finished floor level of the ground floor of the building takes into account the finished level of the back of the footway and this should be agreed with the Council prior to the commencement of any development. For further information, the applicant / developer should contact the Highways Section of Planning Services (0161 474 4905/6).

4) A condition/s of this planning consent requires the submission of detailed drawings / additional information relating to the access arrangements / parking / works within the highway. Advice on the discharge of highways related planning conditions is available within the 'Highways and Transport Advice' section of the planning pages of the Council's web-site (www.stockport.gov.uk). The applicant is advised to study this advice prior to preparing and submitting detailed drawings / the required additional information.

Environmental Health (Air Quality)

The submitted Air Quality Assessment is considered to be acceptable and therefore, no objections to the proposals.

Arboriculture

Original comments 31.08.2021

The proposed development site is located within the commercial/residential plot of the site predominantly on the existing informal grounds and former building footprint areas. The plot is comprised largely of building footprint, informal grounds and associated infrastructure.

Conservation Area Designations:

The proposed development is not within or affected by a conservation Area.

Legally Protected Trees:

There are no legally protected trees within this site or affected by this development.

Recommendations:

The proposed development footprint is indicated at this time within the vicinity of the existing site and it is assumed the proposed new developments will potentially impact on the trees and hedges within the site or neighbouring site as the development site is located in proximity of several low amenity trees or the hedges on the site.

A full tree survey has not been supplied as part of the planning application to show the condition and amenity levels of the existing neighbouring trees and where applicable which trees will have a potential impact on the proposed development, in addition any layout plan need to fully consider the need to be given to tree planting throughout the site to increase the amenity levels of the site with replanting of semi-mature trees or fruit trees.

A detailed landscaping scheme will also need to be considered/drawn up as part of any planning application submitted which clearly shows enhancements of the site and surrounding environment to improve the local biodiversity and amenity of the area especially along the highway frontage.

In principle the main works and design will have a negative impact on the trees on site, in neighbouring properties on all the boundaries, but as long as enhancement planting is considered especially on the road frontage then this can be considered favourable.

In its current format it could be considered favourably with further information, site extents and the need to off-set any loss proposed, so it would require the submission of full details as requested above showing improved landscaping design to include a detailed landscaping scheme that includes a greater number of new trees to improve the amenity and aesthetics of the site for users and making sure a percentage of these are native large species and fruit trees at every opportunity either on or off site in line with policy.

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 received following detailed Landscape Plans 12.11.2021

The proposed landscape plans are considered to be acceptable, however I would prefer to see something along the lines of Prunus amanagowa or Sorbus aucuparia than the ornamental maple to assist in pollinating and biodiversity.

Nature Development

Original comments 06.09.2021

The site is located on Norfolk Avenue in Heaton Chapel. The application is for the demolition of 4 No. residential garages and the erection of 1 No. three storey four bedroom dwelling with single garage.

Nature Conservation Designations:

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

Legally Protected Species:

Many buildings 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 (Amendment) (EU Exit Regulations 2019)). Breeding birds and their nests are protected by 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 are considered to offer very limited bat roosting potential owing to their construction. I would therefore not consider it reasonable to request a bat survey as part of the current planning application.

Recommendations:

In this instance I do not consider it reasonable to require a bat survey as part of the current planning application as the risk to roosting bats is considered to be very low. Bats can however sometimes roost in seemingly unlikely places and so I would recommend that an informative is attached to any planning permission granted so that the applicant is aware of the potential for buildings 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

If any demolition works are proposed during the nesting bird season (which is typically March-August, inclusive), then the following informative should be used as part of any future planning consent: 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.

Biodiversity enhancements are expected as part of developments in line with local (paragraph 3.345 of the LDF) and national planning policy (NPPF). It is therefore

advised that suitable measures are incorporated within the proposed scheme to ensure the development makes a positive contribution to the protection and enhancement of biodiversity and the natural environment within the borough.

Suitable measures include:

- Landscape planting should include locally native species and comprise a mix of species known to be beneficial to biodiversity so as to maximise benefits.
- Provision of locally native tree planting on site.
- It is also advised that a native species hedgerow is planted to demark the site boundary (currently a close-boarded fence is indicated on the plans). If the use of fencing is unavoidable then access gaps for hedgehogs will need to be provided (see <https://www.hedgehogstreet.org/help-hedgehogs/link-your-garden/>).
- It would also be expected that a minimum of one bat or bird box would be provided (ideally integrated) within the new property. Details regarding the proposed number, type and location of bat and/or bird box(es) to be provided should be submitted to the LPA for review. This should be secured via a pre-commencement of construction condition since it is difficult to retrofit integrated features.

The above can be secured via a condition for a Biodiversity Enhancements Plan which can detail the above measures.

Any proposed lighting should be sensitively designed so as to minimise impacts on wildlife associated with light disturbance (following principles outlined in Bat Conservation Trust guidance: <https://www.bats.org.uk/news/2018/09/new-guidance-on-bats-and-lighting>).

Further comments received following detailed Landscape / Biodiversity Plans 16.11.2021

The recommendations of the Arboriculture team are seconded regarding the provision of a native tree such as rowan (rather than the ornamental maple).

I would encourage locally native species to be used within the planting schedule wherever possible – for example planting holly or yew instead of the box, however ornamental planting would be acceptable given the relatively urban context of the site.

I would also recommend that previously requested features (including hedgehog access gaps in fencing and integrated bat or bird box in the new dwelling) are detailed on the landscape plan (proposed location, number and type to be detailed) – alternatively these features can be conditioned.

Contaminated Land

The proposed development site comprises of garages, these have the potential for contamination in particular hydrocarbon contamination. The end use is of a sensitive residential nature and as such the developer should undertake a site investigation to determine that there is no unacceptable risk to the end users. Therefore, the standard contaminated land conditions are requested to be included in the decision notice.

LLFA (Drainage)

Original Comments 06.09.2021

Documents reviewed:

- VIABILITY_REPORT-1430989
- PRELIMINARY_RISK_ASSESSMENT-1383466
- DAS_REPORT-1383468

We need a full drainage strategy here, which has not been submitted. We welcome the use of permeable paving but we can't see any evidence of feasibility. The borehole logs demonstrate stiff clays and made ground; testing should be carried out to test whether the proposal is feasible or not. Here is a reminder of what we need:

1. A FRA and drainage strategy to be submitted along with evidence that SuDS is used and has been considered. The hierarchy should be followed as per the National Planning Practice Guidance which should include an assessment of source control SuDS components. Please present the drainage strategy in a drawing format.
2. A feasibility assessment of options as far up the hierarchy as possible. As part of this, we will require any necessary testing to be carried out (BRE 365 infiltration testing, ground contamination tests etc) and the results provided.
3. Evidence of existing and proposed surface water run-off rates. We will require a minimum of a 50% reduction on surface water run-off using SuDS for a brownfield site.
4. Please include an assessment and calculation for 1in 1yr, 30yr and 100yr + 40% climate change figure critical storm events showing flood exceedance routes.
5. Once a strategy has been agreed, please provide a maintenance schedule. This should include a method for managing and maintaining the drainage components, how often the duties will be undertaken and who will be undertaking them.

Further comments following submission of Additional Information 10.11.2021

We have reviewed:

- 46515_001_-_DRAINAGE_STRATEGY-1470072
- 46515_FLOW_-_SURFACE_WATER_ATTENUATION_TANK-1470073
- SKETCH_LANDSCAPE_PRPS-1474209

There is no strategy report to explain the proposed drainage regime.

The drawing shows attenuated surface water discharge to a combined sewer. Our records suggest the area may be poor for infiltration. However as this is the least favourable option on the SuDS hierarchy the potential for infiltration methods will need to be further investigated incorporating site based data.

We suspect UU will request the same before they would agree to a connection.

The use of permeable paving and partial sedum roof is noted. There appears to be further potential to incorporate other source control components such as tree pits and rain gardens which would further mitigate impact on the combined sewer.

To summarise, it is considered that the drainage proposals are acceptable in principle subject to confirmation that infiltration is not feasible and potential incorporation of further source control.

United Utilities

United Utilities wishes to draw attention to the following as a means to facilitate sustainable development within the region.

Drainage:

In accordance with the National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG), the site should be drained on a separate system with foul water draining to the public sewer and surface water draining in the most sustainable way.

The NPPG clearly outlines the hierarchy to be investigated by the developer when considering a surface water drainage strategy. We would ask the developer to consider the following drainage options in the following order of priority:

1. into the ground (infiltration);
2. to a surface water body;
3. to a surface water sewer, highway drain, or another drainage system;
4. to a combined sewer.

We recommend the applicant implements the scheme in accordance with the surface water drainage hierarchy outlined above.

Planning Policy (Energy)

Original Comments 06.09.2021

The submitted energy statement is not fully compliant with Core strategy Policy SD3 in that there is no evidence of a full assessment of all low / zero carbon (LZCs) within the submitted energy statement. It is appreciated that the statement makes mention of future proofing the heating system for an air source heat pump and this is welcomed.

In order to assist with this, I have endeavoured to draft an appropriate additional table and text which can be added to the energy statement based on the submitted paperwork. This additional information does not commit the applicant to any use of renewable energy technologies but does provide appropriate assessment of the LZCs as required by Stockport's Core Strategy Policy SD3, taking account of technologies for their technical feasibility (pertinent to the site) and, where relevant, their financial viability (evidence of costs). If the applicant is happy with the content of the table then I would suggest they add it to a revised energy statement and re-submit it as a policy compliant energy statement.

It should be noted that these findings are a simple desk-based feasibility assessment for the development. Any options identified should be checked with an appropriate installer for technical accuracy if they are of interest. Such installers can be researched using the site post code to search on the following website

Additional suggested text has been provided.

Of further note is that the running costs of the property would be reduced such that the cost of installing technically feasible technologies could be offset in an appropriate uplift in sale value which could be marketed to potential buyers – free guidance on uplift in value and marketing of low carbon homes is attached. This would ensure that this property contributes immediately to the GM Zero Carbon target for 2038 and prevent the need for costly retrofit of the property in the near

future to achieve net zero carbon – another positive marketing factor for the development. However the proposed future proofing is welcomed.

The need for low carbon buildings is reflected in Stockport Council's declaration of a climate emergency and adoption of the Climate Action Now Strategy.

Further comments following receipt of Amended Energy Statement 13.10.2021

The resubmitted energy statement is now compliant with Core Strategy Policy SD3. Despite not triggering policy targets, the design proposes to exceed Stockport's minimum 13% carbon reduction target for dwellings and achieve a 15% reduction in carbon emissions over current Part L. This will be achieved through design specification using high levels of insulation and air tightness with a Mechanical Ventilation with Heat Recovery System.

ANALYSIS

Policy 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.

In view of the above factors, the principle of a new residential unit at the site, within a Predominantly Residential Area, in an accessible and sustainable location, on a previously developed 'brownfield' site 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.

However, Saved UDP policy L1.2, Core Strategy DPD policy SIE-2 and the Open Space Provision and Commuted Payments SPD identify the importance of open space and children's play facilities to meet the needs of the community and a require the include provision for recreation and amenity open space either on-site or off-site, dependent on the population of the proposed development. As will be outlined in more detail in the section 'Developer Contributions' below, no contributions are proposed under this application to provide future residents with access to new or improved formal recreation or children's play facilities. Therefore, this application is considered to be a departure from the development plan. This will now be explored in full below.

The other main issues for consideration are as follows:-

- 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.

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 1 dwelling, there is no requirement for affordable housing provision within the development.

Saved UDP policy L1.2, Core Strategy DPD policy SIE-2 and the Open Space Provision and Commuted Payments SPD identify the importance of open space and children's play facilities to meet the needs of the community and a require the include provision for recreation and amenity open space either on-site or off-site, dependent on the population of the proposed development.

As there is no space on the application site to accommodate formal recreation or children's play facilities, Core Strategy SIE-2 and the 2019 Open Space Provision and Commuted Payments SPD requires the payment of commuted sums to fund and maintain off-site provision. The proposed development generates a total commuted sum requirement of £7,408.00.

In this instance, the applicant has argued that in this case, financial viability prohibits the payment of any commuted sums and has submitted a viability assessment to support their position. In the assessment of the submitted appraisal, the Council has appointed a specialist consultant to undertake an independent assessment of the information. The applicant has highlighted that this is a self build project to build a home for his family, and therefore there is no intention to sell the land or the future property if planning permission is granted. The assessment outlines that the proposal with the required Section 106 Contribution applied would make an 8.95% return on investment, which is borderline unviable. Should the Section 106 Contribution be enforced by the Council, the self build development most certainly would not be viable.

After careful analysis, the District Valuer has concluded that the development profit falls beneath an acceptable level of profit to justify the requested £7,408 S106 contribution. They are satisfied with the responses provided by the applicant and therefore, it has been confirmed that the Viability Assessment provides relevant justification for not complying with the usual Open Space contributions.

Based on the assessment of the information submitted, it is concluded that the applicant has demonstrated that it would not be viable for the scheme to include any recreational open space contributions and still deliver the development. Therefore, as the development is considered to be policy compliant in all other aspects, it is considered that open space commuted sums should be waived in this case in order to promote the delivery of the development. This policy shortfall does however weigh against the proposals in the overall planning balance.

Design and Siting

Objections have been received in relation to the proposed contemporary design of the new dwelling. As outlined within the submitted Design and Access Statement, this application includes a new residential dwelling by proposing a soft, sensitive development that has been inspired by its setting and vernacular style. The design is contemporary and does not exactly match the style of the existing properties on the street. However, there are numerous styles of dwellings on Norfolk Avenue already, and the proposed design despite being contemporary in approach, complements the existing properties in terms of scale and materiality.

The proposed design is considered to be of a high quality, using architectural features such as sawtooth brick patterns and varying elevational profiles to create visual interest to the dwelling. Good quality traditional materials are also proposed through red/brown rustic bricks and terracotta cladding to blend with the existing tones of the street. There are many other instances within the Stockport borough where contemporary design sits very well in a more traditional setting and it is considered that this could also be successfully accommodated on Norfolk Avenue.

The proposed design provides glazed areas to improve the natural light within the new dwellings, create activity and natural surveillance to the street scene, whilst protecting the privacy of the existing dwellings around the site. The scale and height of surrounding existing properties are either 2 or 2 ½ storeys with traditional proportions, which means the scale of the new development is similar or subservient to the other residential buildings on the surrounding plots. The only exception to this is No. 6 Norfolk Avenue, which is a single storey bungalow. However, the design has incorporated a single storey element to the building closest to the boundary with No. 6 to replicate this lower scale and not create an overbearing relationship to this existing single storey property.

The proposed dwelling has been sited to respect the existing building line set by the existing properties along the south eastern side of Norfolk Avenue. This also means that the distance across the street between dwellings and their windows is also respected and replicated by the development. As outlined above, the taller element of the dwelling has been sited specifically towards the north eastern part of the site to provide an adequate distance from the adjacent single storey bungalow. This has been the design from the outset of the development, and has not changed throughout the life of this application as suggested in a resident objection. The siting of the dwelling on the site will also ensure the retention and protection of the existing mature trees along the boundaries.

It is acknowledged that the new property would result in a development with a much larger bulk and mass than the original single storey garages. However, the site is currently occupied by a low quality building and boundary treatments, that adds nothing to the visual appearance of the site and wider street scene. It is considered that the proposed high quality contemporary design will significantly improve the appearance of the site within this residential context to the benefit of the street and area as a whole.

The impact of the siting and scale 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.

A private amenity space would be provided to the rear of the dwelling. It is acknowledged that this would be below the standards as recommended by the Design of Residential Development. The development originally also included a roof terrace for outdoor use above the single storey garage. However, following the concerns that were received from some of the neighbouring properties in relation to overlooking and a loss of privacy, the applicant amended the proposals to omit the terrace from the application.

Despite this shortfall, it should be acknowledged that the development does have a rear and private space within the curtilage and is also located extremely close to the public open space located just at the end of Norfolk Avenue. This is within a very short distance of the property and could be used by the future occupants of the new dwelling.

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.

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

The application site is bounded on 3 sides by existing residential properties, No. 6 Norfolk Avenue, No. 10 Howard Avenue and the properties across Norfolk Avenue (Nos. 7, 9 and 11). The assessment on each of these properties will be assessed below.

No. 6 Norfolk Avenue

The south western or right hand side boundary of the site is shared with the site of the existing single storey property of No 6. Norfolk Avenue. This is the closest relationship between an existing property and the proposed new dwelling. The boundary is shared with the side driveway / hardstanding area of this existing property and therefore, the relationship is side to side elevations. Within this area to the side of No. 6 Norfolk Avenue, there is a large double garage, a car port and a number of mature trees, and therefore, views of the property from the application site are very limited. There are no windows in the side elevation of No. 6, however there is a conservatory located on the side elevation of the extended rear outrigger. However, again due to the location of the outbuildings and trees, there would be a limited impact from the development on this conservatory.

Not including the single storey garage located just inside the site boundary with No. 6 Norfolk Avenue, the taller first floor elements of the new dwelling would, at the closest point, be 5.5m away from the site boundary, and 12m from the existing side elevation of No. 6 Norfolk Avenue. The 3 storey element of the building would then be a further 3.7 metres away from the adjacent property.

As outlined above, the first floor roof terrace that was originally proposed close to the site boundary with No. 6 Norfolk Avenue has been removed from the scheme following negotiations with the planning officer due to the objections received from properties located further away. Therefore, it is considered that there is no detrimental relationship between the new dwelling and the habitable room windows of the existing dwelling.

It should also be noted that no objections have been received from the occupants of No. 6 Norfolk Avenue against the application.

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. 6 Norfolk Avenue by reason of overshadowing, overdominance, visual intrusion, loss of outlook, overlooking or loss of privacy.

No. 10 Howard Avenue

The south eastern or rear boundary of the site is shared with the site of the residential dwelling at No. 10 Howard Avenue. The boundary is shared with the side garden area of this existing property and therefore, the relationship is rear elevation to side / front garden. The new dwelling would, at the closest point, be approx. 1m away from the site boundary. However, this site boundary is shared with a large L-shaped outbuilding with a parking area to the front of it. The property of No 10 Howard Avenue is located approx. 11m away from the boundary shared with the application site, and it is comprised of multiple outbuildings and parking areas. The useable garden space for No. 10 appears to be located approximately 20m away from the site boundary and therefore, there should be no impact on this property's private garden area. The side elevation of the property and any windows that may be present are completely screened by the existing outbuildings and mature trees on the site.

The proposed rear elevation of the new property contains only one window and this is a high level window on the second floor to provide natural light to the associated bedroom. Due to the height of this window, it would not possible no stand in this window and look down into the garden or property at No. 10 Howard Avenue. Again this has been amended by the applicant following the concerns received from representations. Therefore, there would be no overlooking or loss of privacy caused from the siting of the development and it is considered that there is no detrimental relationship between the windows of the new dwelling and the habitable room windows of the existing dwelling.

Furthermore, the boundary with No. 10 has again a tree that would assist to screen of the new dwelling from this existing property.

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. 10 Howard Avenue by reason of overshadowing, overdominance, visual intrusion, loss of outlook, overlooking or loss of privacy.

Nos 7 – 11 Norfolk Avenue

The north western or front boundary of the site is comprised of Norfolk Avenue and the properties at Nos. 7 to 11 beyond. The boundary is shared with the public highway and therefore, the relationship is the public or street side of the dwellings. The front of the new property is in line with the existing properties on this side of Norfolk Avenue, and therefore the relationship between the windows on the new property and the properties on the opposite side is the same as the existing situation of this street. It is acknowledged that this is approx. 8m and is therefore, less than is defined within the SPD, however as this is the existing relationship between the properties on the street, this distance is considered to be acceptable in this urban context.

Due to the nature of the existing use as 4 garages and that part of the existing vehicular access point into the site would be used for this single dwelling, it is not anticipated that there would be any additional comings and goings associated with the proposed development than is currently the case with the existing 4 garages.

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. 7 to 11 Norfolk Avenue by reason of general disturbance, overshadowing, overdominance, visual intrusion, loss of outlook, overlooking or loss of privacy.

The north eastern boundary is shared by a piece of land that is currently vacant. Therefore, there should be no impact from the proposed development on this piece of land. There are 2 windows in the elevation that faces this land, however, as these would be to serve the stairwell, there would be no overlooking created over this land. This would mean that the proposed development would not affect or preclude this land also being brought forward for redevelopment in the future.

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 a new 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.

Whilst the proposal only includes parking for one vehicle, the site lies within easy walking distance of extensive public transport provision on the A6, is therefore reasonably accessible, and does comply with SMBC parking standards which are based on a maximum provision of 2 spaces. It is considered that the proposed development would not result in any significant detrimental impact on the existing parking situation on Norfolk Avenue, the operation of the local highway, nor on highway safety and therefore find no reason to raise any objection to the levels of parking for the development.

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 one dwelling 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 to the site would be less in number than is currently lawfully experienced and therefore, there are no objections in this respect.

The applicant has clarified the position in relation to the existing garages and existing parking on the site. The issue of the legal covenant will be covered within a separate section below in this report. However, the four garages are not utilised and are used mainly for left over storage and not the parking of vehicles. None of the garages are used in associated with any immediately surrounding interests and the use as garaging is not conditional on any extant planning permission.

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.

Conditions are recommended with respect to construction management, 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.

Although the application has not been accompanied by an Arboricultural Impact Assessment/Method Statement, there are no existing trees within the application site itself, with the trees seen in the street scene being in adjacent properties / land. There are no proposals to complete works or remove any of these trees as part of the proposals.

A detailed landscaping plan has been submitted for the proposed development, which includes the planting of hedges, shrubs, topiary and a new tree within the rear garden. Further to comments made by the Council's Arboricultural Officer regarding landscape design, the applicant has been advised of the preferred species for the planting plan and this will either be changed prior to a final decision or an appropriately worded condition will be included.

Therefore, 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 submitted a detailed landscape and biodiversity plan. The proposals now include a sedum roof, which will contribute to the biodiversity offer of the site. This has been assessed by Nature Development and further recommendations have been made to improve the proposals from an ecological perspective. On this basis, the final scheme 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.

Energy Efficiency and Climate Change

Despite not triggering policy targets, the design proposes to exceed Stockport's minimum 13% carbon reduction target for dwellings and achieve a 15% reduction in carbon emissions over current Part L. This will be achieved through design specification using high levels of insulation and air tightness with a Mechanical Ventilation with Heat Recovery System.

Following the submission of an amended Energy Statement, the Council's Planning Policy Energy officer has now confirmed that the resubmitted energy statement is now compliant with Core Strategy Policy SD3.

Land Contamination

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

It is noted that no land contamination reports have been submitted in support of the application, therefore the applicant/developer will need to undertake an investigation for soil and gas, which would be secured by appropriately worded phased planning conditions. Subject to compliance with such conditions, it is considered that the proposed development would not be at risk from land contamination, in accordance with Core Strategy DPD policies CS8 and 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. The application has been accompanied by a drainage strategy and this has been assessed by the LLFA, who have confirmed that the proposals appear to be acceptable subject to the submission of further information. 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.

Legal Matters / Garages

As a result of neighbour consultation, it appears that the neighbouring properties believe that there are legal documents/conveyances dated 1861 restricting the development. This matter has been investigated by the Council's Legal department and it has been confirmed that the presence of legal covenants does not stop planning permission from being granted.

Restrictive covenants are not a consideration material to the granting of planning permission. Planning authorities are not permitted to take covenants into account or seek to analyse covenant's true meaning and legal effect. However, if there are no other grounds for refusing the application, then it should be granted. Any planning permission granted does not override the civil laws around covenants and the potential breach of a covenant is the applicant's own risk.

As outlined in the report above, the proposed development is considered to be acceptable and compliant with local and national planning policies. Therefore, in this case, the presence of a covenant from 1861 alone does not warrant the refusal of this planning application.

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 - Should Members agree the recommendation, the application should be referred to the Planning and Highways Regulation Committee for determination as a departure from the Development Plan.