

Heatons and Reddish Area Committee

23rd January 2023

DEVELOPMENT APPLICATIONS

Report of the Deputy Chief Executive and Corporate Director (Corporate & Support Services)

ITEM 1

DC/085842

SITE ADDRESS

17 Victoria Grove, Heaton Chapel, Stockport, SK4 5BU

PROPOSAL

Conversion and extension of existing dwelling into five apartments with associated parking and landscaping.

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/085842
Location:	17 Victoria Grove Heaton Chapel Stockport Stockport SK4 5BU
PROPOSAL:	Conversion and extension of existing dwelling into five apartments with associated parking and landscaping.
Type Of Application:	Full Application
Registration Date:	19.10.2022
Expiry Date:	Extension of time agreed to 28.02.2023
Case Officer:	Jeni Regan
Applicant:	Avro Homes
Agent:	Urban Imprint

DELEGATION/COMMITTEE STATUS

Heatons and Reddish Area Committee. Application referred due to receipt of 6 letters of objection, contrary to the officer recommendation to grant.

DESCRIPTION OF DEVELOPMENT

Planning permission is sought for the conversion and extension of this existing residential dwellinghouse building into 5 no. two bedroom self contained residential apartments, with associated access, car parking, cycle parking, landscaping, boundary treatments and other associated infrastructure.

The proposals include the excavation of existing land around the front, side and rear of the property to provide large lightwell areas. These areas would be to provide access, natural light and amenity spaces to the proposed basement apartments, all stabilised by brick built retaining walls topped with black metal railings.

The proposals also include a number of extensions to the front, side and rear to provide additional living accommodation for the 5 no. proposed apartments. The extensions include the following:

- Single storey extension to the front at basement level within the newly created lightwell;
- First floor bay window extension to front over existing ground floor bay;
- 2 no. small pitched roof dormer windows to front elevation;
- Proposed bay window extension to the side at ground and first floor levels with a slightly larger single storey extension at the base / basement level within the newly created lightwell;
- Two storey extension to the side/rear of the existing rear outrigger at ground and first floor levels with larger side and rear single storey extensions at the base / basement level partially above the existing ground level and partially within the newly created lightwell; and

- Dormer roof extension to the rear elevation of the main roof and side elevation of the rear outrigger roof.

The conversion would also include other elevational alterations including window/door alterations to all elevations. It is also proposed to create an external terrace / amenity area to the rear elevation over the single storey basement extension that would be bounded by a 1.7m high opaquely glazed screen and a planting screen to stop overlooking into the adjoining property and garden.

Overall, the proposal would include the conversion of all four floors of the building by creating the following:

- Basement: 2 x 2 bedroom (one ensuite bedroom in each) units with separate external entrances from newly created lightwell area and external private patios.
- Ground floor: 1 x 2 bedroom (one ensuite) unit accessed from main front entrance to property and flat roof external terrace to rear.
- First and Second (roof space) floor: 2 x 2 bedroom (one ensuite bedroom in each) duplex units.

Externally, the proposals include the use of the existing vehicular access to the front of the site from Victoria Grove, including a small widening of 0.5m and small lowering of the existing boundary wall for visibility purposes. The existing front boundary wall would be retained and made good. The existing hardstanding area to the front of the property would be resurfaced and 2 car parking spaces would be provided along with an enclosed timber bin store.

To the side of the building, again the existing hardstanding area would be resurfaced to provide vehicular access to rear of the property, where 3 no. further parking spaces would be provided, including 1 no. disabled accessible space and 2 no. electric vehicle charging spaces. A proposed enclosed timber cycle store would be provided to include 6 no. secure cycle parking spaces.

Beyond the car parking area, the existing long garden would be retained and improved to provide 208 sqm of private outdoor amenity space for the future residents. The submitted plans state that the spoil taken from the proposed excavation works would be used as levelling material within the rear garden area.

In terms of boundary treatments, the plans state that the existing boundary wall to the front and side elevation would be retained and the existing timber fencing to the side and rear boundaries around the rear garden area would be replaced with new fencing as required.

SITE AND SURROUNDINGS

The application site comprises a period semi-detached property with accommodation over four floors, with an appearance of two storeys from the front and three storeys from the rear. The property is of traditional design and construction with a pitched roof and a four storey rear outrigger shared with the attached property at No. 15 Victoria Grove. It is constructed from traditional red brick with timber sash windows, detailed window surrounds and decorative cornices.

The property is located on the southern side of Victoria Grove and is currently in a poor state of repair. The applicant has confirmed that there are areas of significant water damage internally and much of the external timber work is degraded. The site is relatively long and narrow with the land sloping from the front to the rear, with the level changes between the street level, property level and rear garden being

noticeable. There is a large rear garden that is bounded by Nos. 15 and 19 Victoria Grove to the sides and bounds No. 26 Rosedale Road along the rear / southern boundary.

Vehicular access into the site is directly from Victoria Grove on the northern boundary, with an existing driveway to the right of the dwelling with an area of garden and hardstanding for parking to the front. There are two mature trees within the front garden, and multiple others along the site boundaries all of which are to be retained.

The application site is located within an existing residential area, which is allocated as a Predominantly Residential Area within the UDP. The site is bounded on all sides by existing residential properties of varying sizes and designs. The site is not located within a designated conservation area, nor is the existing property a listed building or adjacent to any designated or non-designated heritage assets. Finally, there are no protected trees on the site itself although there are on adjacent sites.

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
- CDH1.5 : FLAT CONVERSIONS

LDF Core Strategy/Development Management policies

- CS2 : HOUSING PROVISION
- CS3 : MIX OF HOUSING
- CS4 : DISTRIBUTION OF HOUSING
- H-1 : DESIGN OF RESIDENTIAL DEVELOPMENT
- H-3 : AFFORDABLE HOUSING
- CS8 : SAFEGUARDING AND IMPROVING THE ENVIRONMENT
- SIE-1 : QUALITY PLACES
- SIE-2 : PROVISION OF RECREATION AND AMENITY OPEN SPACE IN NEW DEVELOPMENTS
- SIE-3 : PROTECTING, SAFEGUARDING AND ENHANCING THE ENVIRONMENT

- CS9 : TRANSPORT 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.

The following are of relevance to this application -

- Design of Residential Development SPD
- Affordable Housing SPD
- Open Space Provision and Commuted Payments 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 20th July 2021 replacing the previous versions of the document (originally issued 2012 and revised 2018 & 2019). 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”.

Paragraphs of relevance in this case are:

Introduction: 1, 2

Achieving sustainable development: 7, 8, 11, 12

Decision Making: 38, 47

Delivering a sufficient supply of homes: 62, 69

Promoting sustainable transport: 111

Making effective use of land: 120, 124

Achieving well-designed places: 126, 130, 134

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 associated with the application site.

NEIGHBOUR'S VIEWS

The owners/occupiers of surrounding properties were notified in writing of the application. Representations have been received from 6 objectors in response to the application, however it must be noted that 2 are from the same family / property.

4 of the representations were received in response to the original application submitted, with 3 further representations (1 from an earlier objector) being received following the submission of amended plans and additional information.

The comments received in response to the original application can be summarised as follows:

- As local residents we are opposed to this application on the grounds that it is an overdevelopment of the site and will significantly increase the traffic on the road.
- The potential of 5 new apartments with potentially 10 cars on a quiet residential street along with visitors will increase the traffic and pollution and parking congestion on the road.
- This is a private road, which the residents have direct personal responsibility for (upkeep and maintenance).
- There should be no parking outside other properties.
- It is unclear how this will be achieved with this scheme.
- There is also an unknown impact on the increased demand on the Victorian infrastructure (drains etc).
- Whilst we appreciate the need for increased housing this appears to be an overdevelopment of a small semi detached property.
- What is proposed involves a very extensive rebuild, including very large extensions, to both the side and to the rear of 17 Victoria Grove.
- it will thereby totally change the character of this Victorian residential semi-detached home for family occupancy, into 5 separate apartments.
- Five apartments represent an over development of this plot, requiring space for numerous bins and up to ten vehicles requiring parking, the majority presumably needing to be parked on street.
- The cars that can be parked within the area of 17 Victoria Grove, when exiting from the drive of 17 Victoria Grove daily, are a major risk to causing serious injury to passing pedestrians.
- The major extension to the side of the house and addition of two bay windows means that our house dining room and kitchen and bathrooms would be directly overlooked and thereby very intrusive and a major change that is unacceptable.
- Creation of 5 dwelling houses from one existing seems well beyond the reasonable for a road and space such as this.

- The road is a one-way dead end private road, with each dwelling house owning the land in front, therefore there is little if any legal or allowed visitor parking for any property, much less potentially for five new apartments.
- Adding five further apartments with only five parking spaces is very insufficient.
- Most prospective owners will either be couples or families with two cars - clearly there will not be sufficient space to park.
- The application statement that public transport will be used is unrealistic for a regular solution. Almost all have two cars, whilst still using public transport. This will cause parking issues, which may become illegal parking or cause safety issues to pedestrians or our children who will use the road.
- Additionally the properties could become lettings, sub-lettings or become holiday lettings with little regard to the surrounding neighbours.
- The application also references retaining the 3 substantial trees out front - it makes no mention that there used to be a lot more trees and bushes but they were all cleared before this application.
- The scale and mass of the extension is significant, impacting on a several amenities of properties in closed proximity. The sheer bulk of the extension will impact no 15 where it will impact habitable spaces including day light into the kitchen and children's bedrooms overshadowing these habitable rooms, were access to day light is available via the original windows, therefore the proposed plans unduly reducing access to day light to No 15. As well as visual intrusions for both properties. Number 17 will also be impacted as access to two apartments will overlooking no 17.

Inaccurate Plans

The plans given are not accurate, as the red line of the boundary in the plans is not correct. There is no straight line, currently were the 'ash shed' is, the border is then straight, then it dips in towards number 17. The original Conveyancing done back in 1910 and deeds, are a true reflection of the boundary as it is today. The house numbers historically were no 13 (no15), and 15 (now17) shown within the deeds. The purposed plans refer to existing boundary wall, but the red line is not accurate. Therefore, I wanted to raise the lack of accuracy with the plans and want this to be represented accurately in new plans.

Following the submission of the additional information, a re-notification of all original neighbours and contributors was completed. Three further responses were received, which can be summarised as follows:

- I'm seeking clarification on updated proposed landscape plans as there are two green boundary lines.
- Can confirmation that the boundary set out in the deeds is the one being reflected as its currently unclear.
- Traffic management, I don't believe a traffic survey has been undertaken. The proposed 5 apartment, 2 bed build could attract up-to 10 vehicles increasing both noise and pollution including issues with traffic movement and parking.
- This is further complicated by the two multi-occupancy properties on the street currently making this three in total. 2 either side of my home as my immediate neighbour's.
- The proposed build can only accommodate 2 car parking spaces, 2 EV parking spaces and 1 parking allocation for a disabled user, were would the remanding 5 possible vehicles park, and that of their guests?

- Scale, size, and mass. Has the severe increase in the proposed build from the original property been assessed as this looks to be grossly inflated and above tolerances.
- Our previously stated concerns remain, but these are expanded. The scale of change is significant - five apartments is excessive to replace one single dwelling house and impacts the amenities of existing local residents. Whilst the application in isolation may appear aesthetically pleasing to some, it cannot be seen to be in keeping with the street scene or local environment.
- Whilst the frontage may be largely retained, the alterations including side gable and elements of the rear will be visible - which are clearly distinct and jarring to the rest of the streetscape.
- Where other properties have been converted into flats - these have not been to the same structural expansion scale, and (arguably) their design has been more in keeping with the local area.
- Section 4.1 of the planning application states "... the design is sympathetic to the character and appearance of the existing dwelling and the character of the street." Addition of two front facing dormers cannot be seen to retain or be sensitive to the existing character or appearance and is incongruous with the character of the surrounding properties.
- These add high height overlooking the frontage of all the neighbouring front gardens and therefore directly reduce the privacy of the neighbouring properties. Multiple trees have previously been removed so the street scape view has already been altered.
- Five car spaces have been outlined. Average UK car ownership (outside of London) is 1.3 cars; many people do cycle but this is primarily recreational and is in addition to owning cars rather than in place of car ownership (according to both the UK and Manchester's own statistics). Therefore it is grossly overly optimistic to presume each new dwelling will only require one space.
- There is no right to park anywhere else on the road, and limited parking close by. Victoria Grove is an unadopted road, effectively a private cul-de-ac with each owner owning the space in front of their dwelling. This means there is no right to park for other visitors, tradespeople or if flat-owners have more than one car. This will impact the living conditions of local people and must be anticipated to cause potential friction amongst existing and new residents, or reduce the quiet enjoyment of existing local residents, in a disproportionate way to the existing single dwelling house.
- Policy dictates no more than two spaces are needed; one per dwelling is minimal and insufficient and does not cater for the average usage, or any visitors or tradespeople. Further, it's realistic to assume the cost of these flats (as none are reported to be affordable housing) will be more targeted to a higher socio-economic group, where car ownership is greater than this average thereby further exacerbating the risk.
- Proposed widening of the driveway opening reduces any space to park on the street (potentially to nil or one space maximum).
- Section 2.8 of the planning statement asserts, "...Heaton Chapel train station where direct trains to Manchester take 10 minutes and run, on average, three times an hour. Direct trains are also available to Stockport, Buxton, Macclesfield and Stoke on Trent. This is incorrect - trains peak at three per hour, but (depending on your choice of time frame) average c.2 per hour, or less including Sunday. Additionally trains do not run directly to Macclesfield or Stoke on Trent.
- Policy CS3 Mix of Housing explicitly states that the loss of family homes in some locations should be resisted, particularly suburban areas like this.

Significant demand clearly exists for this type of property locally and due recognition has not been given to this policy.

- The assertion that other buildings have historically been converted into flats, should prompt greater significance and weighting to policy CS3 to remain within the overall balanced framework and not approach 50% change of the local area (from single dwellings to flatted developments).
- Summary planning statement 4.3 asserts "The proposal [seeks]... carefully avoiding any harm to neighbouring properties' amenity" cannot be considered fair or truthful in light of the above and specifically that both the overlooking, increased traffic, potential parking problems does harm the existing amenity.
- We already have vehicles from another multi occupancy dwelling on Victoria Grove, which park on the pavement outside our property. It is unsightly and creates both noise and light pollution.
- We are also concerned that it will mean there are five additional vehicles using the road and create an additional and unnecessary risk to the many children who live on the Victoria Grove. I accept even if no. 17 was being sold for single occupancy, there is no guarantee over who move in. However, there is a risk it could be someone who constitutes a risk to the family. Increasing the occupancy to five increases that risk five-fold.
- It is grossly unfair therefore that the plans no. 15 may have for a family home and potentially, the value of their property can be compromised by a private developer seeking financial gain.

CONSULTEE RESPONSES

Highways

Original comments 05.09.2022

The proposal is for the extension of the existing building and its conversion into five apartments, with provision of car parking and landscaping.

The site is in an accessible location where residents would enjoy convenient access to public transport opportunities and other services and amenities. The site is therefore considered appropriate for increased residential development.

Whilst the site is accessed from a private road the consequent traffic generation associated with 5 apartments will not be at a level that would unacceptably harm the safety of other road users or cause congestion or delay at the junction with the A6. Victoria Grove itself is of a reasonable quality in terms of construction, benefits from footways to either side and has no concern in terms of vehicular usage or for a small increase in traffic volume.

The access to the site is relatively narrow however when I note that Victoria Grove is a cul-de-sac with limited passing traffic I cannot reasonably express concern with the access or justify any need for widening. The entrance does however require the provision and protection of pedestrian visibility splays to either side which necessitates the reduction in height of the boundary wall to 600mm for a distance of 1m on either side of the access. This will ensure that emerging drivers and footway users will have adequate visibility to each other and minimise any risk to safety. This is a matter capable of conditional control.

Within the site 5 car parking bays are proposed. When I note the availability of kerbside parking and the accessibility of the site which should help encourage travel by sustainable modes rather than reliance on car travel, I cannot reason or sustain

any opposition. Noting that the parking bays are likely to be communal in terms of usage I require a minimum of two spaces to have a facility for the charging of electric vehicles. Covered and secure parking is required for 5 cycles, these both being matters capable of conditional control.

In terms of waste and recycling the apartments require a total of 3 x 1100L Eurobins, 1 x 770L bin and 1 x 360L bin. The bin store indicated on the drawings does not appear to have sufficient capacity so it is likely the facility will need expansion into the soft landscaping area behind the boundary wall. This is a matter capable of conditional control.

Conditions:

No construction work shall take place until a method statement detailing how work will be undertaken has been submitted to and approved in writing by the Local Planning Authority. The method statement shall include details on:

- *access arrangements, turning and manoeuvring facilities;*
- *any material reclamation and removals from site and material deliveries to site;*
- *the provision on site of areas for plant, site huts and site facilities;*
- *the methods to be used and the measures to be undertaken to control the emission of dust, noise and vibration arising from the development of the site;*
- *any required and necessary traffic management;*
- *signage, hoardings and scaffolding;*
- *where materials will be loaded, unloaded and stored;*
- *contractor parking arrangements and*
- *measures to prevent the discharge of detritus from the site during construction works and ensure vehicle wheels are cleaned before leaving site.*

The development of the site shall not proceed except in accordance with the approved method statement.

Reason: To ensure that the approved development is constructed in a safe way and in a manner that will minimise disruption during construction, in accordance with Policy T-3 'Safety and Capacity on the Highway Network' of the Stockport Core Strategy DPD. The methodology for undertaking construction work needs to be approved in advance of any construction work taking place.

No part of the development shall be occupied until the means of access has been provided with a 1m by 1m pedestrian visibility splays to either side. No new structure, object, plant or tree exceeding 600mm in height shall subsequently be erected or allowed to grow within the pedestrian visibility splays and the means of access and visibility splays shall be retained for the planning life of the development.

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.

Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) no gate or other means of obstruction shall be erected across the vehicular access that will serve the approved development at any time.

Reason: In order to ensure that vehicles can enter and exit the site unhindered so that they are not required to stop of the highway and therefore be a threat to highway

safety and / or affect the free-flow of traffic in terms of 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.

No work shall take place in respect to the construction of the approved driveway and parking spaces until details of the construction, drainage and surfacing of the areas have been submitted to and approved in writing by the local planning authority. No apartment shall be occupied until the driveway and parking spaces have been constructed in accordance with the approved drawings and the driveway and spaces shall then be retained and remain available for use for access and parking at all times thereafter.

Reason: To ensure that adequate and useable driveway and parking facilities are provided in accordance with Policies SD-6 'Adapting to the impacts of climate change', SIE-1 'Quality Places', T-1 'Transport and Development', and T-3 'Safety and Capacity on the Highway Network' of the Stockport Core Strategy DPD.

Charging points for the charging of electric vehicles shall be provided to a minimum of two parking spaces within the site. Prior to their provision, details of the charging points shall have been submitted to and approved in writing by the Local Planning Authority. No apartment shall be occupied until the charging points have been provided in accordance with the approved details and are available for use and the charging points shall thereafter be retained at all times.

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 112 of the National Planning Policy Framework.

No apartment shall be occupied until it has a long-stay 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.

Details of a scheme for the provision of a bin stores within the site shall be submitted to and approved in writing by the Local Planning Authority. The bin store shall be of a size and design that ensures that it can accommodate the number and size of bins that will be required for a development of the size approved. No apartment shall be occupied until the bin store has been provided in accordance with the approved details and the bin store shall then be retained and shall remain available for use at all times thereafter.

Reason: To ensure that the development will have adequate bin storage facilities, having regard to Policies SIE-1 'Quality Places' and T-3 'Safety and Capacity on the Highway Network' of the Stockport Core Strategy DPD.

Updated comments 25.10.2022

I write with updated comments on application DC/085842.

The revised drawings received does not really give rise to any change to my comments, being supportive of the application. The detail provided for the bin store perhaps negates the needs for a pre-work type condition.

No apartment shall be occupied until the bin store has been provided in accordance with the approved details and the bin store shall then be retained and shall remain available for use at all times thereafter.

Reason: To ensure that the development will have adequate bin storage facilities, having regard to Policies SIE-1 'Quality Places' and T-3 'Safety and Capacity on the Highway Network' of the Stockport Core Strategy DPD.

Arboriculture

Original comments 02.08.2022

Conservation Area Designations

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

Legally Protected Trees

There are legally protected trees within this site or affected by this development (Rosedale Road, Heaton chapel 2005).

Recommendations:

The proposed development footprint is shown or indicated at this time within the informal grounds of the existing site. It is assumed the proposed new development will potentially impact on the trees and hedges within the site or neighbouring site as the development site is located in proximity of protected and retained trees on site and within the existing hard standing.

A full tree survey has not been supplied to show any impact on the trees or hedges on site or neighbouring site, which will clearly 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, therefore the comments are based on professional judgement alone, which is insufficient due to the proposed level of encroachment on to the trees at the front of the site.

The layout plan needed to fully consider the tree root zones with all aspects of the design and to tree planting throughout the site to increase the amenity levels of the site with replanting of semi- mature trees or fruit trees. Specific consideration needs to be given to the potential benefit urban tree planting throughout the site to enhance the biodiversity, the amenity and the SUDs capacity through hard landscaped tree pits.

A detailed landscaping scheme will also need to be considered/drawn up as part of any condition discharge, which clearly shows enhancements of the site and surrounding environment to improve the local biodiversity and amenity of the area.

In principle the main works and design will have a negative impact on the trees on site, in neighbouring properties on all the boundaries, there is a major root encroachment proposed on the front of the site through the car parking in close

proximity of the trees, as such a full arboriculture impact assessment is required to show the level of encroachment. Currently it is assumed to be over the acceptable 20% and so couldn't be considered favourably without the above details and an engineering solution submitted as they require work in the tree root protection area of the trees at the front of the site.

In its current format it could be considered favourably with the submission of full details as requested above justifying any impact on trees within proximity of the site, engineering solution for any works within root zones if under 20% encroachment and 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 local community for screening of any new development from any public highway and making sure a percentage of these are native large species and fruit trees at every opportunity.

If it is minded to approve this application against arboriculture advice then the following conditions would be required as a minimum as well as the additional information requested above.

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.

Updated comments 04.01.2023

The Arboricultural Method Statement completed by Old Oak Tree Care Ref PC22/580/AMS/rev1 now submitted is considered to be acceptable for this development, particularly in relation to the use of hand digging methods within root protection areas as recommended.

Therefore, the proposed development is now considered to be acceptable from an arboriculture perspective subject to compliance with the submitted report and inclusion of the previously recommended conditions.

Nature Development

Site Context

The site is located on Victoria Grove in Heaton Chapel. The application is for conversion and extension of existing dwelling into five apartments with associated parking and landscaping.

Nature Conservation Designations

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

Legally Protected Species

An ecology survey has been submitted with the application. The survey was carried out in July 2022 and searched for evidence of protected species/assessed the potential for them to be present on site. All survey work was carried out by a suitably experienced ecologist and followed best practice survey guidance (Whistling Beetle Ecological Consultants Ltd, 2022).

Many buildings and trees have the potential to support roosting bats. The site is located amid good quality bat foraging habitat which increases the likelihood that a bat roost is present. All species of bats and their roosts are protected under the Wildlife and Countryside Act 1981 (as amended) and The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019. The latter implements the Council Directive 92/43/EEC on the Conservation of Natural Habitats and of Wild Fauna and Flora. Bats are included in Schedule 2 of the Regulations as 'European Protected Species of animals' (EPS).

Under the Regulations it is an offence to:

- 1) Deliberately capture or kill a wild EPS
- 2) Deliberately disturb a wild EPS in such a way that significantly affects:
 - a) the ability of a significant group to survive, breed, rear or nurture young.
 - b) the local distribution of that species.
- 3) Damage or destroy a breeding place or resting site of such an animal

No evidence indicative of a bat roost was observed during the survey. The mature trees on site will be retained under the proposals. The building was found to be generally well-sealed with no significant bat roosting potential noted, although minor gaps were present under ridge tiles due to missing mortar. The building was assessed as offering low potential to support roosting bats. A dusk emergence survey was undertaken in July 2022. No bats were observed roosting within the building. Low levels of common pipistrelle bat foraging activity was recorded on site.

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

No signs of, or significant potential for, any other protected species was recorded on site during the ecology survey.

Recommendations:

There is considered to be sufficient ecological information available to inform determination of the application. The works are considered to be of low risk to roosting bats as no bat roosts were recorded on site. As a precautionary measure an informative should be attached to any planning consent granted so that the applicant is aware that roosting bats can regularly switch roost sites and can sometimes be found in unexpected places. It should also state that the granting of planning permission does not negate the need to abide by the legislation in place to protect

biodiversity. If at any time during works, evidence of bats (or any other protected species) is discovered on site and are likely to be impacted, works must stop and a suitably experienced ecologist be contacted for advice

In relation to nesting birds, building roof works and/or any vegetation clearance works should be timed to avoid the nesting season where possible and the following condition should be used: No roof works/ tree /vegetation clearance works should take place between 1st March and 31st August inclusive, unless a competent ecologist (or otherwise suitably qualified person) has undertaken a careful, detailed check of buildings/vegetation for active birds' nests immediately before (no more than 48 hours before) such works commence and confirmed that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site (e.g. implementation of appropriate buffer zones to prevent disturbance).

The sensitive working measures detailed in sections 10.7-10.9 of the ecology report should be implemented as a precautionary measure to protect wildlife that may pass through the site.

Ecological conditions can change over time. In the event that works have not commenced within two years of the 2022 survey (i.e. by July 2024) it is advised that update survey work is undertaken by a suitably experienced ecologist to ensure that the ecological impact assessment and protection measures are based on sufficiently up to date survey data and so that any required amendments to proposed mitigation can be identified and incorporated into the scheme. This can be secured by condition.

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).

All retained trees should be adequately protected from potential adverse impacts in accordance with British Standards and following advice from the Council's Arboriculture Officer.

Biodiversity enhancements are expected as part of developments in line with local (paragraph 3.345 of the LDF) and national planning policy (NPPF). Tree planting should be maximised within the site and any landscape planting should comprise wildlife-friendly (preferably locally native species) and be selected to provide a nectar/berry resource across the seasons. A revised Landscaping Plan has been submitted which shows provision of tree planting, green walls and hedgerow around the site boundary. This is an improvement on earlier proposals and as such is welcomed. I do however advise the following revisions/additional measures are incorporated into the proposals/submitted to the LPA (can be secured by condition):

- Although the provision of new hedgerows is welcome, beech is not locally native to Stockport and so should ideally be replaced with locally native species.
- Details of the proposed green/living walls should be submitted to the LPA for review. It is advised that nectar-rich species are selected to ensure successional flowering across the seasons and maximise benefits to pollinator species.
- A minimum of one bat and/or bird box to be provided within/mounted on the building – details of the proposed number, location and type to be submitted to the LPA / detailed on the landscape plan. Boxes should be integrated or be made from woodstone/woodcrete for greater longevity.

- The proposed close board boundary fencing needs to incorporate gaps (130m x 130mm) – at least one gap per elevation – to maintain habitat connectivity for wildlife (e.g. hedgehogs) – see <https://www.hedgehogstreet.org/help-hedgehogs/link-your-garden/> for more info.

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 are considered to be out of date. Stockport is currently in a position of housing under-supply, and 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 and conversion
- Impact on residential amenity
- Highway impacts
- Other matters such as ecology and trees.

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

Principle of Residential Accommodation and Conversion

The application site predominantly comprises a brownfield site in a highly accessible area, just off the main road of Wellington Road North (A6) in Heaton Chapel. Wellington Road North is well served by public transport and located close to Heaton Chapel train station. The large Local Centre of Heaton Chapel is also within a short walk and provides a range of local services, 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 retention and conversion 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.

Policy CS3 of the Core Strategy 'Mix of Housing' outlines that a mix of housing, in terms of tenure, price, type and size will be provided to meet the requirements of new forming households, first time buyers, families with children, disabled people and older people. New development should contribute to the creation of more mixed, balanced communities by providing affordable housing in areas with high property prices.

It is acknowledged that Policy CS3 also states that the loss of family homes in some locations should be resisted. However, this is a large 4+ bedroom property that has fallen into disrepair and appears to have been vacant for some time. Therefore, it has not been occupied as a family home for a period of time and the site has the potential to provide a more affordable type of accommodation in an area of high house prices to allow first time buyers or couples to live in a desirable and highly sustainable location. It is the Council's aim under Policy CS3 and CS4 to improve the housing mix and encourage the provision of smaller units / flats in sustainable locations such as these. There is a sufficient provision of family homes in the immediate area, and therefore, it is not considered that the loss of this single family dwellinghouse would be detrimental to this provision locally. Therefore, it is considered that the existing residential use of the site, its sustainable location and the proposal to improve the mix of housing locally are all in line with development plan policies.

Saved policy CDH1.5 of the UDP relates to 'Flat Conversions' and outlines that the conversion of dwellings to self-contained units of accommodation will be permitted provided that: the dwelling has 4 or more bedrooms or it can be demonstrated that the dwelling is large enough to provide adequate accommodation for the new units; useable amenity space of at least 50m² is provided; appropriately landscaped and screened car parking is included, in accordance with policy TD1.4; there are enclosed refuse storage areas at the

rear of the property. The policy goes on to explain that the conversion of large dwellings to smaller self-contained units of accommodation is a good way of using dwellings which may be unsuitable for single family occupation. Conversion of larger properties helps meet a need for small units of accommodation and preserves the established character of residential areas. In permitting conversions of this kind a high standard of amenity is required for the occupants of the dwelling and adjoining properties. The increase in traffic and parking requirements which is likely to result from the greater intensity of use must be accommodated to ensure there is no disruption to the safe movement of traffic.

In principle terms, this property has 4 or more bedrooms and the property and site is large enough to accommodate the extensions proposed and to provide adequate accommodation for the units proposed, and meets the requirements for useable amenity space, car parking adequately screened by landscaping and appropriate bin storage. The proposals include multiple areas of useable amenity space including the large rear garden (208m²), the patio areas provided within the lightwells for the basement apartments, the flat roof terrace for the ground floor rear apartment and a Juliet balcony serving the first floor rear apartment. All of these spaces contribute to provide a much greater amount of useable amenity space for the future occupants than is required by policy.

The car parking is predominantly located to the rear of the property, however the 2 spaces being provided on the existing hardstanding area to the front would be very well screened by both existing and proposed planting areas. Finally, it is acknowledged that the proposed bin storage area for the development is located within the front garden of the property rather than to the rear. However, it is proposed for the bins to be enclosed and screened through the use of a timber enclosure and again, like the car parking, will be very well screened by both existing and proposed planting areas.

Overall, it is considered that the conversion of this large vacant dwelling in this case is a good way of meeting a need for small units of accommodation whilst preserving the established character of this residential area. On this basis, the proposal is considered to comply with the principles of saved policy CDH1.5.

Design and Quality of the Accommodation

The proposals submitted under this application are to create 5 apartments within the basement, ground, first and second floors. The proposed units are all two bedroom units, ranging from 64.2 sqm in size up to 74.5 sqm. Each property would have a good sized living area, bedroom spaces, ensuite bathrooms and areas of storage. In terms of residential amenity, future occupants of the proposed development would be provided with adequate natural light, ventilation and outlook from their habitable room windows along with access to ample outdoor useable space.

The site is located close to the Heaton Chapel Local Centre, and the site also has good access to public amenity areas and local schools. The scheme will accommodate a shared outdoor amenity space to the rear of the building which will provide a space for residents to sit out, socialise and dry washing etc. The proposals will also contribute towards open space provision within the Borough as part of a S106 agreement. (see more information below).

For these reasons, the proposed development is not considered to be overdevelopment of the site or providing cramped, poor quality accommodation

and the future occupants of the proposed dwellings would be provided with a satisfactory standard of living. It is also considered that the provision of smaller units of accommodation such as this in this sustainable location would create much needed affordable housing in the Heatons area, to increase the housing choice and mix to the benefit of creating sustainable communities.

It is acknowledged that the proposals include multiple external alterations to the existing property through a number of extensions to the front, side and rear elevations. However, it is considered that the design of these extensions are traditional and in keeping with the character of the existing property, street scene and surrounding area. There are a mixture of traditional and modern designed properties within the surrounding area, with front and rear dormer extensions, bay window features / extensions and lightwells a common feature. Due to the presence of mature trees, the brick boundary wall and the proposed landscaping to the front of the site, it is not considered that the introduction of the lightwell retaining walls or front extension would have a significant incongruous impact on the character of the street scene or the neighbouring properties. The proposed dormer extensions to the front have been sympathetically designed to provide a traditional appearance and sit neatly above the existing fenestration on the front elevation. The adjacent properties have double height bay window features, and therefore, the proposed design would fit within this context.

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 the proposed extensions are subservient to the main dwelling and are not overly dominant compared to the surrounding existing properties, which also have 2, 3 or 4 storeys with traditional proportions. The flat roof dormer extension to the rear respects the existing eaves and ridge lines, and sits well within the existing main and outrigger roof lines giving it a subservient appearance. The impact of the proposed extensions 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.

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

Impact on Residential Amenity

The site is located within a predominantly residential area, the site is an existing residential property and would be retained as such, and there are residential properties surrounding the application site. The area is predominantly characterised by semi-detached and detached properties of varying designs and sizes within the vicinity of the site. As the proposal is to provide a residential use of the property, this would be appropriate for this site in this context and would not be at odds with the predominant use and character of the area.

Following the submission of the original application and the receipt of objections from neighbouring properties, the applicant has worked through the scheme and attempted to address the concerns raised in relation to amenity. This can be

seen by the submission of the amended plans within the drawing pack attached to this report. This mainly relates to the proposed extensions to the side and rear of the property. The proposed amendments made are as follows.

The ground and first floor double height extension to the rear was previously within 300mm of the site boundary with No. 15 Victoria Grove. Due to the location of existing habitable room windows at ground and first floor levels at No. 15 close to the site boundary on the rear elevation, it was considered that the impact on amenity would be unacceptable. There was also a flat roof balcony at first floor level adjacent to the site boundary, which would have caused an unacceptable level of overlooking and loss of privacy to the existing habitable room windows at No. 15.

Therefore, the proposals have been amended so that the size and form of this element of the scheme has been rearranged to move it away from the side boundary with No. 15 Victoria Grove. The proposed extension is now approx. 1.3m away from the site boundary at ground and first floor levels, is 3m in projection and now falls outside of the 45 degree view angle from the neighbouring habitable windows as required by development plan policies. The extension has a pitched roof that slopes away from the site boundary, thus reducing any overshadowing impact further. The result of the amended scale, siting and design is that the overbearing, overshadowing and overlooking concerns raised with the original proposals have been addressed.

Furthermore, the first floor balcony has now been removed from the scheme and has been replaced with a Juliette style opening, which would prevent the occupants stepping out onto a terrace and restrict views into windows of the adjoining property.

In relation to the proposed terrace to the rear of the building on the top of the larger lower ground floor extension, a 1.7m glass screen has been added along the side boundary in addition to the planting screen as originally proposed, again to restrict views into the adjoining property windows and garden, to protect the amenity of the occupants of this existing property and to direct any outlook from this terrace towards the rear garden of application site.

Members should note that there were also initial concerns raised with the applicant about the length of the proposed single storey lower ground floor extension and the proximity to the site boundary. However, following a visit to the site and the provision of further detailed elevational plans and 3D views, it was noted that this extension being at lower ground floor level, is low enough not to impede on the amenity of the adjoining property. The top of the lower ground floor element is below the height of the existing side boundary fencing and below the existing habitable room windows on the ground floor of No. 15. This can be seen on both the 'Proposed Rear Elevation Basement Level' plan and the Proposed Side Elevation (from no.15)' plan. It should be noted that the existing site boundary fence is not shown on this latter plan and would screen all of the lower ground extension and most of the glass balustrade from the adjacent property. This can be seen in the photograph below:



The glass screen around the external terrace that would protrude above the existing site boundary fence would be level with this window, however this should not cause any detrimental impact from an overbearing or overshadowing perspective due to its lightweight nature and will have no impact on the neighbours in terms of access to light or outlook.

Turning to the general and overall assessment of the proposals in relation to amenity, there are no new windows proposed in the side elevations of the property facing Nos. 15 and 19 Victoria Grove. There are certain elevational alterations to existing windows in the side elevation facing No. 19, however these are all existing window openings and so would not result in any increased overlooking. The new bay window extension on the side of the property has been designed in such a way that there are no windows facing the side elevation and the existing windows at No. 19 Victoria Grove. The windows contained within this bay extension are facing forwards toward the front of the site and backwards towards the rear garden. Due to the angle of these proposed windows, there would be no direct overlooking into the existing windows of the adjacent property. In relation to the proposed rear dormer roof extension, one window will be housed in the side elevation, which would replace the existing small window at the second-floor level. It is confirmed within the submission and can be controlled via condition, that this will be installed as obscure glazing to negate any issues of overlooking towards number 19.

Due to significant length of the rear garden of the application property, the proposed lower ground floor extension (which protrudes the furthest from the rear of the existing building) would be 27.7m from the rear site boundary and 30.3m from the side elevation of the existing property at No. 26 Rosedale Road. Therefore, this is in accordance with the privacy distances outlined within The Design of Residential Development SPD.

To the front of the property, the boundary is shared with the highway of Victoria Grove and therefore, the relationship is the public or street side of dwellings. The position of the first floor bay window extension and the 2 no. front dormer extensions are in line with or behind the existing windows on the front elevation of the existing property, and therefore the relationship between the windows on the new extensions and the properties on the opposite side is the same as the existing situation of this street. It should also be acknowledged that the front gardens to the properties on this street are substantial and are dominated by mature trees. Therefore, there would be no impact from increased levels of overlooking resulting from the proposed development. Therefore, this is also is in

accordance with the privacy distances outlined within The Design of Residential Development SPD.

The proposed extensions to the side and rear of the existing property are located a good distance away from the site boundary with the adjacent property at No. 19, with the closest part of the works being 3.5m away from the site boundary and 6.7m away from the bay window on the side of the ground floor of No. 19. Therefore, it is not considered that there would be a detrimental impact caused from an overbearing or overshadowing perspective on the existing property at No. 19 Victoria Grove.

Therefore, overall, it is considered that the proposed development could be successfully accommodated on the site without causing undue harm to the residential amenity of the existing properties around the application site by reason of overshadowing, overdominance, visual intrusion, loss of outlook, overlooking or loss of privacy.

Given that occupants of the proposed residential development will be active, there will be a level of noise and disturbance created by occupants as they go about their daily business, moving to and from the site and as they use the building and the space at the rear. However, given that this is retaining a residential use and the existing large dwelling could have been occupied by a number of people if it was a large family, it is not considered that the additional comings and goings would be significant over the existing situation. This is mirrored in relation to vehicle movements as outlined in the highways section below.

It is not considered that the use of the property as 5 self-contained apartments would result in neighbouring land users experiencing a reduction in the level of amenity they can reasonably expect to enjoy, by virtue of them being exposed to an unacceptable increase in levels of noise and disturbance.

The proposal is therefore considered to be in accordance with policies H1, SIE-1 and SIE-3 of the Stockport Core Strategy, the objectives of the Design of Residential Development SPD and the thrust of the NPPF as it would not adversely affect the level of residential amenity neighbouring residents can reasonably expect to enjoy, with the development providing future occupants with a satisfactory standard of living.

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 that the site is in an accessible location where residents would enjoy convenient access to public transport opportunities and other services and amenities. The site is therefore considered appropriate for the increased residential development proposed.

Whilst it is acknowledged that the site is accessed from a private road as highlighted by the neighbour objections, the consequent traffic generation associated with 5 apartments will not be at a level that would unacceptably harm the safety of other road users or cause congestion or delay at the junction with Wellington Road North. Victoria Grove itself is of a reasonable quality in terms of construction, benefits from footways to either side and has no issues in terms of vehicular usage that could not accommodate a small increase in traffic volume.

There is no reason to see why such a development would be dominated by car travel to the detriment of the immediate area.

In relation to the use of the existing vehicular access into the site, it is acknowledged that this is currently relatively narrow. However, an assessment of the wider site and street highlights that Victoria Grove is a cul-de-sac with limited passing traffic and therefore, it is confirmed that there are no significant concerns that would warrant or justify any need for widening. Notwithstanding that, the proposed site layout plan does show that the proposals include the widening of the existing access by 0.5m to assist with vehicle movements and visibility. It has been raised that in order to achieve the protection of pedestrian visibility splays to either side, there should be a reduction in height of the boundary wall to 600mm for a distance of 1m on either side of the access. However, following an inspection on site and noting the differences in levels between the site and the adjoining pavement, the applicant has stated that the front boundary wall has been reduced in height to 800mm to improve the visibility splay for vehicles leaving the site. Given the changes in level between the site and the pavement, the existence of mature trees along the site boundary which are to be retained, and the fact that this is an existing vehicular access point, the applicant considers this to be sufficient and does not wish to significantly reduce the height of the boundary wall which in part acts as a retaining wall to the landscaping behind.

The Council's Highways officer stated that this could be a matter capable of conditional control, and therefore, it is considered that this matter can be discussed in further detail with Highways following the inclusion of the requested condition.

In relation to car parking, it is proposed for 5 car parking bays to be provided. The Highways officer has confirmed that the accessibility of the site close to the public transport offer on the A6, the nearby train station, and the location close to many local services, should help encourage travel by sustainable modes rather than reliance on car travel. The development also includes the provision of covered and secure parking for 6 bicycles and has been confirmed that there is also availability of kerbside parking. On this basis, the Highways officer has accepted the level of on site parking and could not recommend refusal on these grounds.

As can be seen in the report above, objections have been received on the basis that Victoria Grove is a private road and not a publicly adopted highway. It is claimed that due to this, it is not permitted for cars to be parked outside other properties. It is also suggested that the development would result in an increased need for maintenance of the highway infrastructure that local residents have direct personal responsibility for. It should be noted that these are matters of civil law and cannot be given any significant weight in the consideration of this planning application. There are no TRO's on the street that prohibit the parking of cars along the highway and the Highways officer has confirmed that the consequent traffic generation associated with 5 apartments will not be at a level that would unacceptably harm the highway.

As shown on the amended plans, the scheme now includes the provision of two spaces for the charging of electric vehicles and one disabled accessible space. The bin storage area has also been amended to be of a sufficient size to store the require number and capacity of bins.

In order to address other highway related concerns raised in the neighbour objections, for a proposed development of only 5 residential units, there is no policy or guidance requirement for the application to be accompanied by a traffic survey. These are normally only required for much larger developments. The proposed development provides 5 car parking spaces for the 5 residential units proposed, which in this case is considered to be acceptable. It is a requirement under guidance for 2 of these spaces to be provided with electric vehicle charging points and for 1 to be large enough for use by a disabled user. However, this does not stop these spaces being used daily by occupants and visitors if necessary, even if they are not charging and electric vehicle for example. This would be for the future occupants of the accommodation to manage based on the occupant's requirements.

Following the amendments to the scheme, the Highway Engineer remains supportive of the proposed development. Conditions are recommended with respect to construction management, provision of visibility splays, no gates to be installed across the access, access construction; driveway construction and to secure appropriate cycle parking, bin storage 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 an Arboricultural Method Statement and a detailed Landscaping scheme, planting schedules and specifications. The submitted report has been prepared to ensure retained trees are adequately protected before and throughout the construction phase of the development and any new planting is positioned correctly and carried out to the required standard. Given the nature of the proposed works, it was required for an arboricultural method statement as well as a tree protection plan and a tree planting scheme to accompany the application. The report shows that subject to British standard tree protection methods being adhered to during the construction period, and through some crown lift works to one of the existing trees, no trees should be lost to facilitate the development.

The Council's Arboricultural Officer has assessed the report and now that the report refers to works being carried out by hand digging methods within root protection areas, is now satisfied that the proposed development would not have a detrimental impact on the existing trees at the site.

Regarding landscape design, an updated landscaping plan has been submitted for consideration. This has been welcomed by the Nature Development officer, however some further revisions/additional measures have been requested. However, it has been agreed that this, along with biodiversity measures, can be controlled and negotiated through an appropriately worded condition.

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 application has been accompanied by an Ecology Survey completed in July 2022. The Nature Development officer considers there to be sufficient ecological information available to inform determination of the application. The works are considered to be of low risk to roosting bats as no bat roosts were recorded on site. As a precautionary measure, an informative has been requested to be attached to any planning consent granted so that the applicant is aware that roosting bats can regularly switch roost sites and can sometimes be found in unexpected places. It is confirmed that the sensitive working measures detailed in sections 10.7-10.9 of the ecology report should be implemented as a precautionary measure to protect wildlife that may pass through the site and this should be conditioned. The applicant will also 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.

Other requested conditions and informatives relate to an ecological resurvey if the works have not commenced within 2 years of the July 2022 report, lighting being sensitively designed and located, and as mentioned above, amendments to the proposed landscaping scheme and biodiversity enhancement measures.

In relation to the biodiversity enhancement measures, it should be noted that the scheme includes the provision of green roof planting to some of the proposed flat roof areas, and green wall planting within the light wells, which would offer increased insulation and encouraging biodiversity. This is very much welcomed by the Nature Development officer, however further details in relation to these elements has been requested to be submitted via appropriately worded conditions.

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.

Other Resident Objections

Original concerns were raised by the adjoining neighbour that the site edge red as initially submitted was not correct and did not concur with the legal deed plans held by the neighbour. There was a concern that the site edge red included land not owned by the applicant. Therefore, the plans have now been amended

accordingly by the applicant to concur with the historic deed plans and now show the application site in red and other land under the applicant's ownership in blue, as per land registry records.

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 5 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 retention and conversion of this existing dwelling 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; and impact on protected species and ecology.

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