

ITEM 1

Application Reference	DC/087432
Location:	Lambert House Stockport Road Cheadle Stockport SK8 2DY
PROPOSAL:	Change of use from Office use (Class E(g)i) to up to 98 residential units (Class C3) with associated external alterations
Type Of Application:	Full Planning
Registration Date:	14 th December 2022
Expiry Date:	31 st August 2023 (Extension of Time Agreed)
Case Officer:	Rebecca Whitney
Applicant:	Empire Property Concepts Ltd
Agent:	DLP Planning Limited

DELEGATION/COMMITTEE STATUS

This application is a departure from the Development Plan. Should Cheadle Area Committee be minded to grant permission, under the Scheme of Delegation the application should be referred to the Planning & Highways Regulations Committee.

In addition, more than 4 objections have been received, contrary to the Case Officer's recommendation of approval.

DESCRIPTION OF DEVELOPMENT

The application seeks planning permission to change the use of Lambert House from office use (Class E(g)i) to up to 98 residential units (Class C3) with associated external alterations. The building comprises two blocks (A and B) linked by a first floor footbridge. Block A is four storeys in height and would be converted to 68 apartments, and Block B is three storeys in height and would be converted to 30 apartments. The residential accommodation would be a mix of one and two bedroom apartments. The development also proposes co-working spaces and a resident's gym, as well as associated bin storage and amenity space.

109 car parking spaces (including 10 disabled parking bays) and 100 secure, covered cycle parking spaces are proposed, along with 10 visitor cycle parking stands. The existing trees on site are to be retained, with the exception of two trees to be felled, one of which is identified within the supporting documents as being dead.

The external alterations to Lambert House include minor changes to the window and door openings to include some blanking panels, and the removal of the existing link between Blocks A and B. The proposal also includes the removal of the existing refuse and cycle stores, and the partial removal of the existing plant and enclosure.

SITE AND SURROUNDINGS

Lambert House is a purpose built, three and four storey office building comprising two blocks linked by a first floor footbridge. The wider site comprises car parking and landscaping.

The site is located within a Predominantly Residential Area as defined on the UDP Proposals Map, and is bound by residential development to the east, west and south, with the railway line to the north and Green Belt beyond. There are some commercial and light industrial uses south of the application site.

The site is located within the setting of Moseley Old Hall, a Grade II* Listed building to the west. The site is located within Flood Zones 2 and 3.

Abney Hall Local Nature Reserve (LNR) and Site of Biological Importance (SBI) is located to the north of the site, separated by the railway line.

POLICY BACKGROUND

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

The Statutory Development Plan for Stockport comprises:-

- Policies set out in the Stockport Unitary Development Plan Review (saved UDP) adopted on the 31st May 2006 which have been saved by direction under paragraph 1(3) of Schedule 8 to the Planning and Compulsory Purchase Act 2004; and
- Policies set out in the Stockport Local Development Framework Core Strategy Development Plan Document (Core Strategy DPD) adopted on the 17th March 2011.

Saved policies of the SUDP Review

EP1.7: Development and Flood Risk

EP1.8: Manchester Airport Public Safety Zone

EP1.9: Safeguarding of Aerodromes and Air Navigation Facilities

EP1.10: Aircraft Noise

UOS1.3: Protection of Local Open Space

L1.2: Children's Play

MW1.5: Control of waste from development

NE1.1: Sites of Special Nature Conservation Importance

NE1.2: Sites of Nature Conservation Importance

LDF Core Strategy/Development Management policies

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

SD-1: Creating Sustainable Communities

SD-3: Delivering the Energy Opportunities Plan – New Development

SD-6: Adapting to the Impacts of Climate Change

CS2: HOUSING PROVISION

CS3: MIX OF HOUSING

CS4: DISTRIBUTION OF HOUSING

H-1: Design of Residential Development

H-2: Housing Phasing

H-3: Affordable Housing

CS7: ACCOMODATING ECONOMIC DEVELOPMENT

AED-2: Employment and Development in District Centres

AED-6: Employment Sites Outside Protected Employment Areas

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

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

CS9: TRANSPORT AND DEVELOPMENT

CS10: AN EFFECTIVE AND SUSTAINABLE TRANSPORT NETWORK

T-1: Transport and Development

T-2: Parking in Developments

T-3: Safety and Capacity on the Highway Network

Supplementary Planning Guidance and Documents

Supplementary Planning Guidance and Documents (SPG's and SPD's) do not form part of the Statutory Development Plan. Nevertheless, they do provide non-statutory Council approved guidance that is a material consideration when determining planning applications. Relevant SPG's and SPD's include :-

- DESIGN OF RESIDENTIAL DEVELOPMENT SPD
- OPEN SPACE PROVISION AND COMMUTED PAYMENTS SPD
- PROVISION OF AFFORDABLE HOUSING SPG
- SUSTAINABLE DESIGN AND CONSTRUCTION SPG
- SUSTAINABLE TRANSPORT SPD
- TRANSPORT AND HIGHWAYS IN RESIDENTIAL AREAS SPD.

National Planning Policy Framework (NPPF)

A Revised National Planning Policy Framework (NPPF) issued by the Secretary of State for Housing, Communities and Local Government (MHCLG) on 20th July 2021 and replaced the previous NPPF (originally issued 2012 & revised 2018 and 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”.

National Planning Practice Guidance (NPPG)

The Planning Practice Guidance (NPPG) is a web-based resource which brings together planning guidance on various topics into one place (launched in March 2014) and coincided with the cancelling of the majority of Government Circulars which had previously given guidance on many aspects of planning.

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

RELEVANT PLANNING HISTORY

DC/023560 - Erection of smoking shelters. Granted 25th August 2006.

J/68586 - Construction of additional car parking to front of Lambert House. Refused 23th March 1998, appeal dismissed.

J/62499 - Erection of emergency generator exhaust flue to north elevation of Block 1. Granted 24th July 1995.

J/52064 - Installation of 0.06m microwave antenna on block A. Granted 27th February 1991.

J/50472 - Non-illuminated elevation sign. Granted 7th August 1990.

J/47445 - Internally illuminated high level sign. Refused 26th February 1990.

J/46797 - Elevation and free standing signs. Granted 27th November 1989.

J/44435 - Erection of Chiller Compound and Refuse Compound. Granted 9th March 1989.

J/41902 - Orientation of Block 2 revised and glazed link between Block 1 and 2 added (Reserved Matters). Granted 25th April 1988.

J/40980 - Proposed office development. Granted 9th February 1988.

NEIGHBOUR'S VIEWS

33 neighbouring properties were consulted via letter, site notices were displayed close to the site, and notices were published in the local press.

9 representations have been received from 8 interested parties.

6 objections have been received, on grounds which can be summarised as follows:

- a. Overlooking and loss of privacy
- b. Maintenance of existing trees
- c. Concerns regarding the growth of ivy, brambles and invasive weeds
- d. Overflow parking on neighbouring roads
- e. Neighbouring residents should be provided with contact details to address issues such as visitors blocking driveways
- f. Antisocial behaviours such as smoking and littering

- g. The previous occupier would maintain and clean the nearby private road, this should be addressed by the new owner

3 comments have been received which neither support or object to the proposed development. The comments received can be summarised as follows:

- a. Queries regarding the proposed car parking provision
- b. Concerns regarding increased traffic
- c. Comments regarding the population capacity calculation in relation to open space vs provision of car parking
- d. Concerns regarding overflow car parking on neighbouring roads
- e. Queries regarding the time period assessed during the highways analysis
- f. Queries whether the units would be for long term let or market sale
- g. Queries regarding the future management and maintenance of the site
- h. Queries and comments regarding the management and maintenance footpaths from Lambert House to Cheadle Village
- i. Queries regarding developer contributions to local infrastructure
- j. Comments that the existing vehicle barriers provide benefits and this should be given further consideration
- k. Queries regarding tree loss to the site boundaries
- l. Queries whether boundary tree planting could be provided to mitigate overlooking
- m. Queries regarding the land described as retained for potential future development.
- n. Management of refuse and recycling
- o. Lighting should not face out of the site
- p. Queries whether the contractor would be signed up to the Considerate Contractors Scheme
- q. Antisocial behaviours including littering
- r. Impact on GP surgery capacity
- s. Extent of neighbour consultation

CONSULTEE RESPONSES

SMBC Highways Engineer – Recommends refusal on the grounds that the development would fail to provide sufficient parking spaces with facilities for the charging of electric vehicles.

No objections are raised to the other elements of the proposed development, subject to conditions regarding improvement works to the footpath link, pedestrian crossing, and details of the bin storage enclosures.

Transport for Greater Manchester – No objection, comments provided.

SMBC Public Rights of Way Officer – No objection.

Safeguarding Officer for Manchester Airport – No objection subject to a condition to restrict permitted development rights regarding the installation of solar panels.

SMBC Strategic Housing Lead – No objections subject to a legal agreement to secure affordable housing contributions should the scheme be found viable.

SMBC Conservation Officer – No objection.

Greater Manchester Archaeological Advisory Service (GMAAS) – No objection.

Environment Agency – No objection in principle, requests additional information.

SMBC Lead Local Flood Authority – Raises comments that there do not seem to be proposals to reduce run-off from the site or provide any SuDS, and that flood risk does not seem to be fully realised. It is advised that the developer must provide a 50% reduction for run-off using SuDS and requests supporting evidence regarding flood risk.

SMBC Environmental Health Officer (Noise) – No objections subject to conditions to ensure compliance and maintenance in accordance with submitted details.

SMBC Environmental Health Officer (Land Contamination) – No objection subject to an informative regarding unexpected contamination.

SMBC Environmental Health Officer (Air Quality) – No objection.

SMBC Planning Policy Officer (Energy) – No objection subject to a condition regarding the proposed solar panels.

SMBC Planning Policy Officer (Employment) – No objections subject to a minor amendment to the Planning Statement.

Greater Manchester Ecology Unit – No objection subject to a condition to require the adoption of Reasonable Avoidance Measures regarding bats, and to require biodiversity enhancement measures.

SMBC Nature Development Officer – No objections subject to conditions to secure a Biodiversity Net Gain, a Landscape and Ecological Management Plan, compliance with the recommendations within the submitted Preliminary Ecological Appraisal and Biodiversity Net Gain Assessment, and to secure review of the ecological assessment should development not commence within 2 years of the survey.

SMBC Arboricultural Officer – No objection subject to conditions to require the protection and retention of existing trees, and new planting.

Director of Public Health – No objection, comments provided regarding affordable housing, sustainable and active travel, and green infrastructure.

Designing Out Crime Officer for Greater Manchester Police – Concerns raised that the entire development would be publicly accessible which could generate antisocial or criminal behaviour; it is recommended that access to the sides and rear of the buildings and access between the blocks is restricted to residents; there are a number of ground floor flats with patio doors which would be vulnerable and should be omitted from publicly accessible areas of the building; changes should be in accordance with Secured by Design standards.

Electricity North West – No objection, comments are provided.

Network Rail – If there are no works proposed for within 10m of the railway boundary and no tower crane working then Network Rail has no objection, comments are provided.

SMBC Waste Management – No objection.

ANALYSIS

Loss of Employment Land

Paragraph 81 of the NPPF notes that planning decisions should help create the conditions in which businesses can invest, expand and adapt.

Paragraph 83 of the NPPF requires that planning decisions should recognise and address the specific locational requirements of different sectors.

Paragraph 123 of the NPPF states that a positive approach should be taken to applications for alternative uses of land which is currently developed but not allocated for a specific purpose in plans, where this would help to meet identified development needs.

The site is not designated as an employment area. Core Strategy Policy AED-6 states that “Proposals for the change of use or redevelopment of employment sites outside designated employment areas which result in the loss of that use will not normally be permitted unless:

- a. it can be demonstrated that the site is no longer viable as an employment use;
- b. the proposal will not adversely affect the operations of neighbouring premises;
- c. the loss of employment land would not lead to significantly longer journey to work patterns; and
- d. the development does not conflict with other policies“

The Planning Policy Officer for Employment has assessed the proposal and provided their comments. The applicant has submitted an Employment Land Assessment within the Planning Statement which addresses each of the four criteria of Policy AED-6. It is accepted that the impact on neighbouring premises will be minimal given the surrounding residential uses and that journey to work patterns will not be detrimentally affected. The arguments presented in respect of viability are thorough and clearly set out that the property has been marketed and that expressions of interest for the continuation of its current use as offices have not resulted in formal offers. In addition, Paragraphs 9.15 to 9.17 note the lack of suitability of and poor demand for office space in buildings such as Lambert House going forward and the modern, sustainable and accessible alternatives in the town centre. The 2022 Employment Land Review supports this finding, recommending that high quality, green building stock is more suited to the market and that existing employment areas and the town centre should be the focus for future office floorspace.

Within the Employment Land Assessment, the evidence within the Employment Land Review 2018 has been evaluated as the 2022 review was published around the time of the submission of the application. It has been requested that the statement be updated to take account of the latest evidence, however it is noted that the 2022 update does not include the site within the qualitative assessment and so the analysis is likely to be similar.

The Planning Policy Officer considers that any conflict with other policies is a matter for the final Committee Report and so, subject to this and the update to the Employment Land Assessment, as referred to above, considers that the requirements of Policy AED-6 have been met.

Core Strategy Policy AED-2 states that “the Council will encourage development of office uses in District Centres, including the redevelopment of existing office space which is currently underused”. This policy is referred to within the submitted Planning Statement but is not applicable as the office building is not within the Cheadle District Centre boundary.

Principle of Residential Development

The site is located within a Predominantly Residential Area as defined on the UDP Proposals Map, and is currently occupied by vacant office accommodation.

Paragraph 60 of the NPPF puts additional emphasis upon the government's objective to "significantly boost the supply of homes". Stockport is in a position of housing undersupply (3.2 years) against the minimum requirement of 5 years +20% buffer as set out in paragraph 74 of the NPPF.

Policy CS2 of the Core Strategy places a focus on providing new housing through the effective and efficient use of land within accessible urban areas, and confirms a previously developed land target of at least 90%. The site is previously developed, and it does offer easy access to services and facilities, and onward travel options via public transport.

Policy CS4 of the Core Strategy directs new residential development towards the more accessible parts of the Borough identifying 3 spatial priority areas (Central Housing Area; Neighbourhood Priority Areas and the catchment areas of District/Large Local Centres; and other accessible locations).

Policy H-2 states that the delivery and supply of housing will be monitored and managed to ensure provision is in line with the housing trajectory, the local previously-developed land target is being achieved and a continuous five year deliverable supply of land for housing is maintained. The local previously-developed land target only applies when there is a five year deliverable supply, and the required accessibility score stipulated in the Policy for sites outside the first and second spatial priorities will be lowered if necessary to maintain such a deliverable supply. Having regard to housing under-supply in the Borough, the current minimum accessibility score is set at ‘zero’.

A critical element in relation to housing provision is whether a Local Authority has a five-year deliverable supply of housing land, as required by the NPPF. The current housing land position in Stockport is 3.2 years, clearly indicating that there is insufficient land with associated permissions to meet that requirement. In this respect, given that the Council cannot demonstrate a 5 year deliverable supply of housing, the relevant elements of Core Strategy policies CS4 and H2 which seek to deliver housing supply are considered to be out of date. That being the case, the tilted balance as referred to in Paragraph 11 of the NPPF directs that permission should be approved unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole.

The proposed development would make a substantial and valuable contribution to the Council’s housing supply, when there are insufficient available and deliverable housing sites in Stockport to meet and maintain a five year housing land supply position. This would be a substantial benefit, and would weigh in favour of the proposal.

The site is located within a Predominantly Residential Area, and therefore, in light of the above, the principle of residential development can be supported, subject to all other material planning considerations as assessed within this report.

Housing Density

The application form confirms that the site measures 1.1ha. The proposed development would therefore result in a housing density of approximately 89 dwellings per hectare, which would exceed the indicative standards set out in Policy CS3 of the Core Strategy which seeks densities of 70dph in town centre locations, decreasing to 40-50dph outside of central locations, and a minimum of 30dph in suburban locations. It is acknowledged, however, that the proposed development would involve the change of use of an existing building for use as apartments, and is considered to represent an efficient use of land. Further, the Planning Statement confirms that each residential unit exceeds the Nationally Described Space Standards, and the conversion would include the provision of communal work spaces and a resident's gym.

Developer Contributions

It is noted that neighbour comments have been received which raise queries regarding developer contributions to local infrastructure, and these will be addressed within this section.

Affordable Housing

Policy H-3 of the Core Strategy requires that, subject to viability, the Council will negotiate to achieve 20-25% affordable housing in the inner urban areas of the borough such as the Central Housing Area, Cheadle Heath, Heaviley, Little Moor, Offerton, Bredbury and Reddish.

The Council's Strategic Housing Lead has commented that a Housing Needs Assessment, undertaken in 2019, identified a shortfall of 549 affordable units per annum in the Borough taking account of affordable housing need and supply. As there has always been a significant need for affordable housing in Stockport, the Core Strategy sets a strategic target of 50% of total provision of all housing. The number of units procured through the planning system or through procuring other resources is significantly less than the annual requirements, meaning that there is still considerable affordable housing need in Stockport.

Development Management Policy H-3 addresses the site size and thresholds. The policy states that Affordable housing is required on sites providing 15 dwellings (gross) or more and sites of 0.5 hectares or more and that, subject to viability, the Council will negotiate to achieve 20-25% affordable housing in the inner urban areas of the borough such as the Central Housing Area, Cheadle Heath, Heaviley, Little Moor, Offerton, Bredbury and Reddish.

The HNA found that in the Cheadle, Cheadle Heath, Edgeley, Shaw Heath, Adswold and Davenport (West) areas of the borough a total of 857 household are in need of affordable housing. When coupled with the overall shortage of affordable housing supply across the borough, means that the subject development should provide 25% of its dwellings as affordable.

In terms of the affordable housing tenures required to meet affordable housing need in the area, the 2019 HNA found that in 30% should be for social rent and 70% should be for intermediate tenure (shared ownership).

Further guidance on affordable housing requirements in Stockport is provided within an explanatory note on the Council's website

The Council's Strategic Housing Lead has noted that the applicant has submitted a viability assessment that they feel demonstrates that no affordable units can be provided as part of this development. Should an assessment of the viability statement agree that the scheme is currently unviable with either policy compliant on site provision of affordable housing or a contribution towards provision off site for the balance of the policy compliant affordable dwellings, then it is requested that a legal agreement be entered into that includes a mechanism for clawback if excess profit is made and that these excess profits be utilised by the Council for provision of affordable housing elsewhere in the Borough.

The Director of Public Health has commented that it is disappointing that the site makes no contribution to affordable housing in the borough, it is important to note that a lack of affordable housing can be argued to contribute to widening health inequalities, with additional pressure on the Council's public health and related budgets. Evidence is available to show that affordable housing benefits health in a variety of ways including reducing the stress of unaffordable homes, enabling better food budgets for more nutritious food, access to better quality homes that do not impact negatively on health (including management of chronic illnesses), support for domestic violence survivors to establish a safe home, mental health benefits of a less stressful expensive home and benefit to the environment as well as the residents through low carbon housing that doesn't cost the earth to run (The Impacts of Affordable Housing on Health). The Director of Public Health comments that any viability assessment used to demonstrate the need to exclude affordable housing from this development needs to be robustly reviewed and challenged, with due consideration given to the value that can be assigned to the development space to the rear of the site.

Open Space

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

Developer contributions would be required to the sum of £338,096 based on the number of bedrooms and therefore the number of predicted occupants (266 residents in 68no. 1 bedroom apartments and 30no. 2 bedroom apartments, based on 2 people occupying the first bedroom and 1 person occupying any bedroom thereafter).

Viability

Whilst the contributions set out above, plus a monitoring fee, are sought by planning policies, the applicant has submitted a Viability Assessment and justification as to why developer contributions toward affordable housing and the provision and maintenance of formal recreation and children's play space and facilities within the Borough could not be supported by the development.

The Council's Viability Consultant has assessed the Viability Assessment. A number of queries raised by the consultant regarding gross development value and construction costs have been satisfactorily addressed through the application process, including through the preparation of sensitivity analysis.

The Council's Viability Consultant agrees that the resultant profit would fall well below the norm for a development of this nature and therefore accepts the statement made within the applicant's response, namely "this clearly underpins the conclusion in the submitted viability report that the scheme cannot support any S106 or affordable housing."

It is however considered necessary that a viability review mechanism be included within a legal agreement to require that developer contributions be paid if this is later found to be viable for any reason. This would ensure that developer would not unfairly benefit from the lack of developer contributions.

In order to make the development acceptable in planning policy terms, it is recommended that planning permission only be granted for the proposed development if the Council enter into a legal agreement with the applicant to secure the following heads of terms:

A viability review is to be carried out to require that surplus funds realised following the delivery of the development be paid to the Council for:

- a. the provision and maintenance of formal recreation and children's play space and facilities up to the policy requirement of £338,096
- b. the delivery of affordable housing in accordance with the Council's adopted policies and guidance, up to a ceiling equivalent to the 25% policy requirement

These heads of terms are considered to satisfy the legal tests that require planning obligations to be:

- necessary to make the development acceptable in planning terms
- directly related to the development
- fairly and reasonably related in scale and kind to the development.

Impact upon the Character and Appearance of the Area

The NPPF sets out the Government's most up to date position on planning policy and confirms that the Government attaches great importance to the design of the built environment.

Core Strategy Policy CS8 and the NPPF welcome development that is designed and landscaped to a high standard and which makes a positive contribution to a sustainable, attractive, safe and accessible built and natural environment. This position is supported by Core Strategy Policy SIE-1 which advises that specific regard should be paid to the use of materials appropriate to the location and the site's context in relation to surrounding buildings (particularly with regard to height, density and massing of buildings).

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

The proposed external alterations are limited to minor changes to the window and door openings to include some blanking panels, the removal of the existing link between Blocks A and B, and the partial removal of the plant enclosure.

The proposed development would result in a limited impact upon the character and appearance of the building and therefore its contribution to the streetscene. It is considered that the development would have a minor positive impact upon the

character and appearance of the area, in accordance with Core Strategy policies CS8 and SIE-1 and the NPPF.

The proposed development is considered to satisfactorily respond to the constraints of the site and is considered to be in accordance with Core Strategy policy SIE-1, regarding designing quality places.

Impact on Heritage Assets

The application is supported by a Planning Statement which incorporates a section on heritage, which benefits from consultation with the Greater Manchester Historic Environment Record. This provides a description of the designated heritage assets and their setting in the vicinity of the application site, and especially the Grade II* listed Moseley Old Hall, and an assessment of their significance, in accordance with Paragraph 194 of the NPPF. It is concluded in the Planning Statement that the proposed development will not have a detrimental impact on any heritage assets or their setting.

The Greater Manchester Archaeological Advisory Service (GMAAS) has assessed the proposal and has commented that the conclusions above seem reasonable. The Planning Statement also concludes that the proposed development will not have any impact on below-ground archaeological remains. Having consulted its records, GMAAS concurs with this conclusion and advises that no further consideration of archaeological matters is required in this instance.

The Council's Conservation Officer has also assessed the proposals and raises no objection. Their comments note that the Heritage Assessment provides a useful overview of the surrounding heritage assets, an assessment of their significance and the likely impact of the proposed works on these heritage assets. It is noted that the Planning Statement concludes that the proposed development will not have a detrimental impact on any heritage assets or their setting. The Conservation Officer has commented that this conclusion appears sound, particularly given the intervening development between the application site and the above ground historic assets, and the nature of the development that would be contained within and limited to the existing building at the application site.

Traffic, Transport and Accessibility

Policies CS9, CS10, T1, T2 and T3 of the Core Strategy seek to ensure that development is delivered in accessible locations and is of a design and layout that is safe to use, considers the needs of the most vulnerable road users following a hierarchical approach, provides sufficient parking and does not have an adverse impact on highway safety or the capacity of the highway network.

Transport for Greater Manchester has assessed the proposals and provided its comments.

Trip Assessment

Neighbour comments have been received which raise concerns regarding increased traffic. In relation to trip assessment, the TRICS assessment contained within the Transport Statement demonstrates that the development is likely to generate 22 two-way trips in the AM Peak hour and 14 two-way trips in the PM Peak hour.

The assessment work also demonstrates that when compared to the previous use of the site, the proposals are likely to result in a net reduction of 56 two-way trips in the AM Peak hour and 47 two-way trips in the PM Peak hour.

In view of the above, TfGM consider that the development is unlikely to result in a material impact on the highway network.

Access Arrangements

In relation to the proposed access arrangements, the Transport Statement confirms that existing vehicle access arrangements serving the site from Old Road via the A560 Stockport Road will remain unchanged. Transport for Greater Manchester would refer to the Local Highway Authority to confirm whether the proposed access arrangements are acceptable.

Servicing Arrangements

The Transport Statement confirms the proposed servicing arrangements, noting that a service bay is proposed within the northern part of the site. Accompanying swept paths plans have been provided to demonstrate that the largest intended service vehicle can be accommodated within the car park, entering and exiting the site in a forward gear, carrying out turning manoeuvres on site. Transport for Greater Manchester would refer to the Local Highway Authority to confirm whether the proposed servicing arrangements are acceptable.

Parking Provision

Neighbour objections and comments raise concerns regarding parking provision and the potential for overflow parking to result in issues on neighbouring roads.

The Transport Statement confirms that 119 car parking spaces will be provided within the on-site car park in accordance with Stockport Council's adopted standards, and Members are advised that this has since been reduced to 109 spaces. Transport for Greater Manchester would refer to the Local Highway Authority to confirm whether the proposed car parking arrangements are acceptable, and the Highways Engineer has not raised an objection in this regard.

It is noted that the Director for Public Health has commented that the design needs to take account of the proposed Cheadle rail station, which will transform this site into a considerably more sustainable location. As such, it is commented that the applicant should review whether the proposed amount of car parking is excessive. The Council's parking standards seek a maximum provision of 2 spaces per dwelling. Whilst it is noted that parking would be provided at a ratio of more than one space per residential unit, Officers do not consider the proposed provision to be excessive such that this would not be acceptable.

Neighbour representations have been received which comment regarding the population capacity calculation in relation to open space vs provision of car parking. The population capacity assessment regarding open space includes children which would not be reflected in car ownership and therefore parking requirements.

Construction Management Plan

Transport for Greater Manchester has also commented that a robust Construction Traffic Management Plan should be employed as part of the development should be required by a condition attached to any planning permission granted.

Neighbour comments have been received which ask whether the contractor would

be signed up to the Considerate Contractors Scheme, and it is recommended that this be addressed within the Construction Management Plan.

Public transport

In respect of public transport, Transport for Greater Manchester has commented that the nearest bus stops are within a 2-3-minute walk of the site, located on the A560 Stockport Road. These stops provide services to Stockport and Altrincham at regular intervals, which will provide future residents with some opportunities to access public transport services.

Active Travel

In order to maximise the benefits of the site's location in relation to active travel, it should be ensured that the pedestrian and cycling environment is designed to be as safe, convenient and attractive as possible, so as not to discourage people from accessing the site on foot / by bicycle. This should be applied both throughout the site layout, and also between the site and existing active travel networks and can be achieved through measures such as the appropriate use of surfacing materials, landscaping, lighting, signage and road crossings. This is addressed in the Highways Engineer's comments later in this assessment.

Transport for Greater Manchester has commented that the applicant should ensure the provision of continuous 2 metre wide footways throughout and surrounding the development, as well as reinstating any redundant vehicle crossings which previously served the site, installing tactile paving at junctions/crossing points and renewing any substandard footways.

In particular, the internal layout should ensure provision of a safe walkway through the car park, with appropriate lighting surrounding the building. In this respect, it should be noted that the building itself and the car parking layout are established, and the proposed amendments are minor.

Cycle Parking

The Transport Statement confirms that 100 cycle spaces will be provided for residents within three enclosed lockable cycle stores. Additionally, 5 Sheffield stands (10 spaces) will be provided for visitors. Transport for Greater Manchester has commented that the cycle store should benefit from sufficient lighting and CCTV, with cycle maintenance tools made available for use.

The proposed provision of cycle parking is also welcomed by the Director of Public Health since promoting active travel (which includes sufficient infrastructure for active travel modes) contributes to management of good public health in the Borough, especially healthy weight. In Stockport 42.3% of adults and 86.4% of 15 year olds are not physically active enough to maintain their health in the medium to long term (as measured against the Chief Medical Officer for England guidance).

Travel Plan

Transport for Greater Manchester has commented that a robust Travel Plan is required, with effective measures for bringing about modal shift, i.e. the use of incentives, provision of onsite and offsite infrastructure, along with a clear monitoring regime with agreed targets.

A Travel Plan should include:

- A Travel Plan budget and resources for the implementation and day to day management of travel plan measures;
- Appropriate management structures;

- Detailed time frames for the delivery;
- Handover arrangements for the travel plan or its components, when the developer's responsibility ceases; and
- Targets and monitoring arrangements.

Ideally a Full Travel Plan should include tailored measures to overcome specific barriers or take advantage of opportunities presented by the site in order to encourage future residents and staff to use sustainable modes of travel for appropriate journeys.

In order to encourage sustainable journeys to mitigate the traffic impact of the development, through the Travel Plan, incentives should be offered to encourage staff and residents to use public transport and active travel modes through measures such as concessionary bus fares, discounted cycles, journey planning etc.

It is recommended that a condition to require the development, submission, implementation and monitoring of a Full Travel Plan is attached to any planning permission granted.

The Council's Highways Engineer has assessed the proposal and, following amendments, considers it to be acceptable with the exception of the provision of electric vehicle charging facilities.

Electric Vehicle Charging Facilities

The applicant has maintained a view that the development will not deliver more than 10 parking bays with a facility for the charging of electric vehicles. Officers have consistently advised that to adhere to the Council's requirements and the NPPF, the development must provide electric vehicle charging facilities to at least 21% of the bays within the site, that is 23 bays.

In light of discussions with the applicant and the continued proposal of only 10 electric vehicle charging bays, the Highways Engineer recommends refusal on the grounds that the development would fail to provide sufficient parking spaces with facilities for the charging of electric vehicles, contrary to Policies SD-6 'Adapting to the impacts of climate change' and T-3 'Safety and Capacity on the Highway Network' of the Stockport Core Strategy DPD and Paragraphs 112 and 186 of the National Planning Policy Framework, supported by SMBC Electric Vehicle Charging Guidance April 2021.

Officers agree that 23 electric vehicle charging bays are required to accord with local and national planning policy and guidance, however, consider that this could reasonably be required by condition. Such a condition would meet the tests set out in the NPPF in that it would be necessary for the development to be acceptable, relevant to planning, relevant to the development, enforceable, precise, and reasonable in all other respects. It is therefore recommended that a condition is attached to any planning permission granted to require the submission and implementation of a scheme for the provision of a minimum of 23 electric vehicle charging facilities in order to ensure compliance with Core Strategy Policies SD-6, T-3, the NPPF and the Council's Electric Vehicle Charging Guidance April 2021.

Footpath Links

The Highways Engineer's initial comments noted that the footpath links that run East to West between Old Road and Cuthbert Road, Cuthbert Road and Cromer Road and Cromer Road to Newland Road have high potential to be the principle and preferred route for residents travelling to and from Cheadle Centre, various services

and amenities and the future train station off Manchester Road.

It was commented that the link from Old Road to Cuthbert Road requires landscape clearance and a widened surfaced route at 3.5m wide, to be suitably cambered or cross-falling for surface water run-off, and a lighting review. It was commented that this should be achievable on land within the applicant's control.

The links from Cuthbert Road to Cromer Road and Cromer Road to Newland Road require landscape clearance, resurfacing and lighting review. The Highways Engineer acknowledges that widening beyond the existing achievable boundary to boundary width is not achievable so would be looking to optimise the width and route quality between existing constraints.

The Highways Engineer commented that these works could be required by condition but will need the applicant to provide a drawing indicating improvement works, which could then be conditioned for completion prior to first occupation. Work is either on land within the applicant's control or definitive highway routes, so the works would be capable of delivery under highway control.

It was advised that the applicant did not consider the works above to be necessary, however they would explore the improvements that could be made to the extent of the footpath within the application site.

Following discussion and in response to the comments of the Highways Engineer, the applicant has provided a drawing that suggests that some improvement would be undertaken to the footpath link between the site frontage/Old Road and Cuthbert Road. Whilst this is supported in principle, the Highways Engineer has commented that the lack of detail is somewhat concerning. The Highways Engineer considers it essential that the route is landscape cleared, widened to 3.5m, suitably reconstructed/resurfaced and reviewed/improved in terms of drainage and street lighting. The Highways Engineer and Officers are in agreement that this matter could be resolved under a carefully worded planning condition. The Highways Engineer has commented that it is disappointing that the application does not bring forward improvement to links that go beyond Cuthbert Road and toward Cheadle Centre, however, on balance they consider improvement along the site frontage would offer a reasonable level of mitigation and benefit for non-motorised users, connectivity and site accessibility.

The Director of Public Health has requested that consideration be given to the upgrading of the route along the southern edge of the site to a paved surface for shared pedestrian/cycle use connecting into Cuthbert Road to further contribute to this objective, and this is considered to have been addressed.

It is noted that an objection has been received on the grounds that the previous occupier would maintain and clean the nearby private road, commenting that this should be addressed by the new owner. Similarly, neighbour comments have been received which raise queries and comments regarding the management and maintenance footpaths from Lambert House to Cheadle Village. The footpath improvements to be required by the condition referred to above will need to include management and maintenance by the applicant, and this can also be secured via condition.

Connectivity for Pedestrians and Cyclists at Old Road

The Highways Engineer commented that the site entrance from Old Road needs improved connectivity for pedestrian and cycle traffic. The absence of dropped

kerbed crossing points does not give vulnerable traffic an ideal and safer route to and from the site. Connection between the highway and the walkways within the site are required. A walkway from the small car park opposite the main site is also required.

Following discussion and in response to the comments of the Highways Engineer, the applicant has provided a drawing that indicates improved connectivity and crossing points for pedestrians accessing the site from Old Road and from the small car park that would serve the site, eastern side of Old Road. The Highways Engineer accepts that this addresses their earlier concern, the detail is a matter capable of conditional control.

The Director of Public Health has requested that consideration be given to aligning a footpath to meet the pedestrian desire line for those walking onto the site from the west, and this is considered to have been addressed.

Refuse Collection

It is noted that neighbour comments have been received which raise queries regarding the management of refuse and recycling. The Highways Engineer's initial comments advised that refuse and recycling require sufficient receptacle provision having regard to Council standards. Receptacles need to be located around the site/within buildings, to minimise travel distance for residents. A convenient collection day arrangement is also required, ideally a collection area where all bins will be wheeled to on a given day as it is unlikely that waste operatives will enter buildings.

In addition, it was advised that the site must accommodate the movements of 11.3m refuse and recycling vehicles, not the 8.5m version as has been suggested in the supporting transport appraisal. Swept path analysis is required to show such a vehicle accessing through the site, utilising the servicing layby area and turning within the site.

The applicant advised that refuse collection would be by a private contractor with a smaller vehicle. It was confirmed that the Council has a statutory duty to collect waste and recycling from households so the minimum expectation is that appropriate vehicles can access a site. Any departure from the Council collection service with for example the use of a private collection (which is not typical or ideal given that households will be paying for the Council service in any case and then paying again for a private service) will need a legal agreement in perpetuity. It was also noted that it could not be ensured that any waste collector would undertake to deliver a service reliant on the use of smaller vehicles in perpetuity.

Following discussion and in response to the comments of the Highways Engineer, The applicant has provided a drawing that indicates adequate provision of waste and recycling receptacles within the site. There are matters of detail to address including the means of enclosure of the external receptacle storage areas, this is capable of conditional control.

The applicant has also demonstrated that larger scale refuse and recycling vehicles would be able to enter the site, stand without causing obstruction, manoeuvre and safely leave the site.

Disabled Parking Bays

The Highways Engineer's initial comments advised that the 10 proposed disabled

parking bays are acceptable, however all bays, or at least the vast majority, need 1200mm hatching area to both sides, for ease of car access by either disabled drivers or passengers.

The applicant has provided a drawing that indicates disabled parking bays laid out in compliance with design standards.

Other Matters

The Highways Engineer also requested the provision of internal ground floor delivery storage/refrigeration areas due to home deliveries becoming more prominent and convenient for residents. It was advised that the applicant does not wish to provide this facility. The Highways Engineer commented that this is disappointing, however they do not raise an objection on this basis as the development is well provided with car parking and home deliveries may not prove as critical as would be the case for a development with less parking provision.

The Director of Public Health has requested that consideration be given to reducing the excessive width of Old Road where it meets Stockport Road, which contributes to an unwelcoming environment for pedestrians in this area and hinders the connection between the site and areas to the west. This improvement would not be considered necessary or proportionate to the proposed development.

Neighbour comments have raised queries regarding the time period assessed during the highways analysis. Within the Transport Statement the relevant timescales are identified; for example, it is confirmed that accident data has been assessed over a three year period, and that trip data has been assessed using the TRICS database with Appendix B referring to a survey date range of 1st January 2014 to 4th May 2021.

Summary

It is considered that the Highways Engineer's objection regarding electric vehicle charging provision can be adequately addressed through the imposition of a condition to require adequate provision.

In view of the above, in the absence of objections from Transport for Greater Manchester or the Highways Engineer on other grounds and subject to the imposition of conditions recommended by the Highway Engineer, the proposal is considered acceptable from a traffic generation, accessibility, parking and highway safety perspective. On this basis, the proposal is considered to comply with Core Strategy DPD policies SD-6, SIE-1, CS9, T-1, T-2 and T-3 and the Sustainable Transport SPD.

Public Rights of Way

The Public rights of Way Officer has assessed the proposal and commented that the lane along the southern boundary of the site is not shown on the Council's Definitive Map as a Right of Way (and is merely described as an alleyway on the Street Gazetteer). It has clearly been in use for many years and is visible on maps as far back as the 1882 edition of the 6" OS map. As such, it is almost certainly a highway and would likely be subject to a claim if blocked. It is however, acknowledged as such in the planning statement and there are no other Rights of Way issues relevant to the proposal.

Airport Safeguarding and Public Safety Zones

Saved UDP Policy EP1.8 and EP1.9 states that development within Public Safety Zones, and developments that would adversely affect the operational integrity or safety of Manchester Airport or Manchester Radar will not be permitted.

The Safeguarding Officer for Manchester Airport has been consulted on the application and raises no objection. The Safeguarding Officer for Manchester Airport has requested that conditions are attached to any planning permission granted to restrict permitted development rights in relation to the installation of solar panels. Informatives are requested with regard to cranes and tall equipment.

Railway

The application site is south of the railway line. Network Rail has assessed the proposal and comments that if there are no works proposed within 10m of the railway boundary and no tower crane working then Network Rail has no objection. Comments have been provided regarding obligations, lighting, drainage and noise, and these have been shared with the applicant.

It is noted that Network Rail has commented that the applicant's lighting design must demonstrate no overspill of light onto Network Rail land to ensure the ongoing safety of the operational railway. It is recommended that a condition is attached to any planning permission granted to require that details of any external lighting is submitted to and approved in writing by the Local Planning Authority. This is also considered to address neighbour comments that lighting should not face out of the site.

Impact on Residential Amenity

Development Management policy SIE-1 advises, "development that is designed and landscaped to the highest contemporary standard, paying high regard to the built and/or natural environment within which it is sited, will be given positive consideration. Specific account should be had of..." a number of factors including, "the site's context in relation to surrounding buildings and spaces (particularly with regard to the height, density and massing of buildings);" "Provision, maintenance and enhancement (where suitable) of satisfactory levels of access, privacy and amenity for future, existing and neighbouring users and residents; The potential for a mixture of compatible uses to attract people to live, work and play in the same area, facilitating and encouraging sustainable, balanced communities."

Regard has also been paid to the Design of Residential Development SPD. This SPD provides guidance as regards the implementation of Core Strategy Policy H-1 regarding new housing design and standards. The aim of the SPD, as regards the section regarding 'Space About Dwellings' (pages 32-33) is to ensure that there is sufficient space around developments, that overlooking is kept to a minimum and that which does occur is not unacceptable or out of keeping with the character of the area. The SPD is, however, a guide, and it is acknowledged within the guidance (page 33) that "rigid adherence to the standards can stifle creativity and result in uniformity of development. The Council therefore encourages imaginative design solutions and in doing so may accept the need for a flexible approach," depending upon the context.

Privacy, Overshadowing and Overbearing Impacts

In terms of privacy both within habitable rooms and garden areas, the Council's Design of Residential Developments SPD confirms that the design and layout of a development should minimise overlooking and should not impose any unacceptable loss of privacy on the occupiers of existing dwellings. It is noted that neighbour objections raise concerns in respect of overlooking and a loss of privacy.

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

It is noted that neighbour objections raised concerns regarding overlooking and a loss of privacy. The relationship between Lambert House and the neighbouring properties would not be altered as a result of the proposed development. The lawful use for offices would cause the windows to serve habitable spaces, as the proposed residential use would. The windows facing toward the dwellings on Cuthbert Road to the west are located approximately 25m from the site boundary and approximately 34m from the rear elevation of the dwellings at the nearest point. The southernmost part of Lambert House has an elevation with windows facing south-west however these windows would provide views primarily to toward a gap in the residential development on Cuthbert Road.

The windows facing east toward the neighbouring commercial use would be separated by a distance of approximately 15m at the closest point, and from the residential development to the northern side of Old Road by approximately 35m at the closest point.

Noting the lawful use and the established relationship between Lambert House and the neighbouring properties, it is not considered that there would be a significant impact in terms of overlooking or a loss of privacy.

The proposed alterations to the building include the demolition of some elements and would not include extensions. As a result, the proposed development would not result in an increase in overbearing impacts or overshadowing of the neighbouring residential properties.

The proposed development is not considered to result in significant adverse impacts upon the residential amenity of future or neighbouring occupiers as a result of overlooking, overshadowing or overbearing impacts.

Amenity Space

The Planning Statement confirms that a total of 2,152sqm of external amenity space is proposed, with three areas of amenity space at ground floor level and an additional area of amenity space provided via a rooftop terrace above Block A.

Members are familiar with the Council's Design of Residential Developments SPD guidance which seeks a balcony area of 5sqm or communal amenity space with a minimum provision of 18sqm per unit for 1 bed apartments, and 35sqm communal

amenity space for apartments with 2 or more bedrooms. The communal amenity space sought by the SPD would therefore be 2,274sqm based on the proposed development of 68no. 1 bedroom apartments and 30no. 2 bedroom apartments.

The proposed development would have a shortfall of 122sqm amenity space when considered against the guidance set out within the Design of Residential Developments SPD. It should however be noted that the site is located south of Abney Hall Park, separated by the railway line, which can be accessed via the Strategic Recreation Route which runs along Old Road to the east of the site, which provides a route to a non-vehicular access point approximately 260m from the application site. Alternatively, the Park can be accessed by routes travelling west from the application site. Whilst the shortfall in on-site amenity space is noted, it is also noted that residents would be within easy walking and cycling distance of outdoor recreation facilities to the north of the application site. In addition, the Diamond Jubilee Park to the south west of the site (along Stockport Road) provides further opportunities for play and recreation.

The Director of Public Health has commented that it is critical that the built environment contributes to benefiting provision or maintenance of recreational spaces given the relatively low levels of sport and active recreation for adults in the Borough. Child obesity levels in the Borough remain higher than the previous decade, and have been exacerbated by the COVID-19 pandemic. Achieving healthy weight reduces risks of other lifestyle diseases such as hypertension, coronary heart disease and stroke. Reducing risks of such diseases also reduces pressures on current and future public sector health budgets.

The Director of Public Health has commented that despite there being ample space available on site, the proposal appears to propose neither development of play space on-site nor a contribution to such a development off-site. This deficiency should be rectified and secured by an appropriate condition. Officers note the requirement within Core Strategy Policy SIE-2 that large new residential developments such as this should provide open space at a standard of 1.7ha per 1,000 population for formal recreation and 0.7ha per 1,000 population for children's play and casual recreation. The supporting text to the policy requires that larger housing development likely to accommodate 100 or more people will be expected, in most circumstances, to provide both formal and casual open space on site in accordance with the Council's adopted standards.

It is noted in this circumstance that the build form at Lambert House is existing and the space available around the site for amenity is limited for this reason. It is noted, however, that future residents of the proposed development would have easy access to the play and recreation opportunities available at Abney Hall Park north of the site, and the Diamond Jubilee Park to the south west, as considered above. In respect of contributions to off-site provision, as assessed earlier in this analysis, it is not viable for developer contributions to be made toward the provision and maintenance of formal recreation and children's play space and facilities within the Borough.

Noise and Disturbance

Core Strategy Policy SIE3, seeks to prevent new development from being exposed to unacceptable noise impacts, with NPPF Paragraph 109 containing broadly the same policy objectives.

Network Rail's comments identify points to note regarding noise and vibration, including the potential for the level of usage of the railway to change, both in terms of

timings and nature, and that works can be carried out at night.

The Environmental Health Officer for Amenity has assessed the proposal, including the submitted Noise Impact Assessment, and raises no objection subject to a condition to require that the development is carried out in accordance with the recommendation mitigation measures set out within the Assessment and that the mitigation scheme is maintained during the use of the development.

The methodology, conclusion and recommendations for internal habitable rooms set out within the Noise Impact Assessment are accepted. In respect of the external amenity space, it is acknowledged that current planning guidance, policies and BS8233:2014 acknowledge that some external environmental noise is acceptable and permitted to occur in external amenity space.

Whilst the external noise level shall exceed BS8233 upper guideline value of 55dB LAeq, 16h, this is an existing residential area, with a number of existing residential gardens within the same aircraft noise contour area and therefore on balance, the Environmental Health Officer has commented that it could be reasoned that the proposal is considered to be acceptable in terms of aviation noise impact. Officers have considered the comments of the Environmental Health Officer and are of the view that the impacts can be considered acceptable for the reasons outline above.

In addition, it is requested that an informative is attached to any permission granted regarding the internal layout of residential units and acceptable working hours for demolition and construction.

Air Quality

The site is located adjacent to an Air Quality Management Area. An Air Quality Assessment would be required if the development would be likely to result a significant change in light duty vehicle traffic flows on local road. The Transport Statement confirms that the proposals will reduce traffic flows on local roads, and therefore there is no requirement to demonstrate the effect of the development on the Air Quality Management Area. In light of the above, the Environmental Health Officer for Air Quality raises no objections.

Impact on Trees

Core Strategy Policy SIE-3 states that development proposals affecting trees, woodland and other vegetation which make a positive contribution to amenity should make provision for the retention of the vegetation unless there is justification for felling, topping or lopping to enable the development to take place. Even where there is a strong justification for a proposal the design should maximise the potential for retaining some mature planting, and replacement planting of appropriate species and covering a similar area should be provided within the site or nearby.

The site is not located within a Conservation Area and there are no protected trees within or adjacent to the site. The Arboriculture Officer has assessed the proposal and comments that the proposed new works will potentially impact on a small section of the trees on site, however the current amenity value of these trees is limited and can easily be off-set with a good landscaping plan. A full tree survey has been supplied as part of the planning application to show the condition and amenity levels of the existing trees and where applicable which trees could be retained to increase the amenity levels of the site. It is commented that this survey is a true

representation of the trees on site, and the proposal therefore only requires an improved landscaping plan.

It is noted that neighbour comments have been received which raise queries regarding the loss of trees to the site boundaries. The submitted details show that the existing trees on site are to be retained, with the exception of two trees to be felled, one of which is identified as being dead. The retained trees on site are to be retained and protected in accordance with British Standards, to be secured by condition.

It is noted that neighbour objections have been received which comment regarding the ongoing maintenance of the trees on site. The submitted Tree Protection Plan provides details of recommended works which include the felling of two trees. Works are not recommended to the trees to be retained.

It is noted that concern is raised regarding the impact of the proposed works on the existing trees as the site is restricted. A Tree Constraints Plan has been provided, and this should be adhered to, to be secured by condition.

The submitted details do not show any tree planting and therefore it is recommended that a condition is attached to any planning permission granted to require the submission of details of additional tree planting. It is noted that neighbour comments query whether trees could be planted to the site boundaries to provide mitigation to overlooking. Whilst trees could not be relied on to provide protection from overlooking in the long term, it is noted that such mitigation is not considered to be necessary as assessed above. Notwithstanding this, Officers note that the grassed areas to the site boundaries, particularly to the west, could provide a suitable location for additional planting.

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 policy SIE-1 and SIE-3.

It is noted that a neighbour comment has been received which raises concerns regarding the growth of ivy, brambles and invasive weeds. Impacts regarding invasive species are assessed below, having regard to the comments of the Nature Development Officer.

Impact on Biodiversity and Protected Species

Background

The application is supported by a Preliminary Ecological Appraisal and Biodiversity Impact Assessment which have been updated during the application process. The Nature Development Officer has assessed the proposal and provided their comments.

The site itself has no nature conservation designations, legal or otherwise. Abney Hall Local Nature Reserve (LNR) and Site of Biological Importance (SBI) is located to the north on the other side of the railway line. It is important that it is demonstrated as part of the application how the designated site would be adequately protected from any potential impacts (including indirect impacts).

The site has been identified as an opportunity area within the Local Nature Recovery Strategy (LNRS) pilot study for Greater Manchester. This is not necessarily a barrier

to development and does not confer protection or prevention of land uses but shows that such areas have been prioritised for restoring and linking up habitats.

An updated Preliminary Ecological Appraisal has been submitted as part of the application. The survey was carried out in October 2022 (Weddle Landscape Design, March 2023). The survey followed best practice guidelines and mapped the habitats present on site and assessed the potential for protected species to be present and impacted by the proposals.

Habitats on site include buildings, hard standing, modified grassland, introduced shrub, trees and scrub. Many buildings and trees have the potential to support roosting bats. All 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

An internal and external inspection of the buildings (B1, B1a and B2) was carried out. No evidence of roosting bats was recorded. In general the buildings were found to be well sealed with minimal roosting potential but some low potential roosting features were noted due to missing tiles, missing mortar, missing dry verge cap. The ecology report states however that these features will not be impacted by the proposals. Providing that this is the case and these features will not be subject to disturbance during works, there is considered to be a low risk of a bat roost being impacted by the proposed works (should a roost be present). Reasonable Avoidance Measures (as outlined in the submitted ecology report) should be implemented during works to further minimise this risk. No potential roosting features were observed in the trees on site.

The trees, introduced shrub and hedgerows on site offer potential nesting habitat for birds. Nesting opportunities within the buildings appear to be limited. All breeding birds and their nests are legally protected by the Wildlife and Countryside Act 1981 (as amended).

Habitats to the north offer potential to support badger. Badgers and their setts are protected under the Protection of Badgers Act 1992. No evidence of badger was recorded during the ecology survey.

Ponds and their surrounding terrestrial habitat offer potential to support amphibians such as great crested newt (GCN) and toad. GCN receive the same level of legal protection as bats (outlined above), whilst toad are listed under Section 41 of the NERC Act 2006 as a Species of Principle Importance. Ponds are located within 100m of the application site. Terrestrial habitats within the application area are largely suboptimal for amphibians and so it is considered that the risk of GCN and/or toad being present on site and impacted by the proposals is low. Precautionary reasonable avoidance measures (as outlined in the ecology report) should be adopted during works to further minimise this risk.

The shrub and hedgerows offer suitable habitat for hedgehog. Hedgehog are listed under Section 41 of the NERC Act 2006 as a Species of Principle Importance. Any site clearance works should be carried out in a sensitive manner to minimise the risk of impacting this species.

Cotoneaster horizontalis was recorded within the application area. This species is listed on Schedule 9 of the Wildlife and Countryside Act 1981 (as amended), which makes it an offence to spread or otherwise cause to grow this invasive species in the wild.

Biodiversity Net Gain

A Biodiversity Impact Assessment report has been submitted along with submission of a DEFRA Metric 3.1 to demonstrate habitat losses and gains associated with the proposals.

The March 2023 Metric calculations report that there would be an increase of 0.56 habitat units (increase of 13.45%), and an increase of 0.24 hedgerow units (increase of 21.65%). There is a minor error in the metric, where the proposed 0.117ha of mixed scrub is recorded as urban tree – once this is amended within the metric the overall BNG score is further increased to an increase of 0.61 habitat units (increase of 14.62%).

This exceeds the minimum 10% Biodiversity Net Gain required to accord with the Greater Manchester Combined Authority Biodiversity Net Gain Guidelines for Greater Manchester and the Environment Act. Biodiversity Net Gain will be delivered by enhancement of hedgerow habitat, creation of wildflower grassland and via planting mixed native scrub and trees.

Assessment

The Nature Development Officer has commented that all retained trees and hedgerows should be adequately protected from potential adverse impacts in accordance with British Standards and following advice from the Council's Arboriculture Officer.

The Nature Development Officer has commented that the works are considered to be of low risk to roosting bats as the potential roosting features are located away from proposed roof works and will not be subject to disturbance during works. A condition should be attached to any planning consent granted to ensure that the potential roosting features detailed in Figure 12 within the Preliminary Ecological Appraisal report are protected and retained. The Reasonable Avoidance Measures detailed in section 5.1.4 of the Preliminary Ecological Appraisal report should also be implemented in full.

An informative should be attached to any planning consent granted to ensure that the applicant is aware of the legal protection that bat roosts receive. No works/disturbance to the potential roosting features shall be carried out without further survey work and appropriate mitigation (as required) having first being implemented. If at any time during works, evidence of roosting bats (or any other protected species) is discovered on site, works must stop and a suitably experienced ecologist be contacted for advice.

In relation to nesting birds, the Nature Development Officer recommends that a condition is attached to any planning permission granted regarding the need for tree, hedgerow and vegetation clearance works to be carried out outside of the bird

nesting season. However as this is a matter addressed by law, Officers consider it reasonable to instead attach an informative to any planning permission granted.

The proposals are considered to be of low risk to other protected species (including badger, Great Crested Newt and hedgehog). The Reasonable Avoidance Measures detailed in sections 5.1.3 and 5.1.6 of the PEA should be fully implemented during works to further minimise potential impacts and this can be secured via condition.

The Biodiversity Net Gain Assessment report details provision of bat and bird boxes on site to enhance bat roosting and bird nesting opportunities. The proposed locations of 3 starling boxes, 6 swift boxes and 4 bat boxes are shown. These are welcomed within the proposals and 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 Note that this guidance is due to be updated imminently). Any proposed lighting strategy should be submitted to the LPA for review and this can be secured by condition.

The Nature Development Officer has commented that whilst it is acknowledged that Abney SBI and LNR is sufficiently separate from the application site that direct impacts on the designated site are highly unlikely, disturbance impacts may arise as a result of increased recreational pressure given the nature of the proposals (residential development). It is commented that a financial contribution towards management and enhancement of Abney Hall SBI and LNR would be welcomed to help offset such impacts, noting that this would also help ensure that the proposed development accord with Saved UDP Policies NE1.1 and NE1.2 of the retained UDP. Officers do not consider there to be a planning policy justification for a financial contribution in this regard.

A Non Native Species Method Statement has been submitted as part of the application to demonstrate how the spread of the existing *Cotoneaster horizontalis* will be avoided, it be removed from site and any subsequent re-growth treated. This Method Statement should be implemented in full, and this can be secured by condition.

Information submitted with the application includes a landscaping scheme and demonstrates delivery of Biodiversity Net Gain. Appropriate habitat management and details of monitoring can be detailed in a Landscape and Ecological Management Plan (LEMP) to ensure diversification and management of habitats to benefit wildlife in conjunction with the landscaping scheme. This needs to consider the roles and responsibilities for delivery of subsequent long-term (for a minimum of 30 years) management measures. This can be secured via condition.

Ecological conditions can change over time. In the event that works have not commenced within two years of the 2022 survey (i.e. by October 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.

The Greater Manchester Ecology Units has also assessed the proposal. It recommends that a condition is attached to any planning permission granted to

ensure Reasonable Avoidance Measures regarding bats, and this is considered to have been addressed in the Nature Development Officer's comments above.

Similarly, it recommends that a condition is attached to any planning permission granted to require the submission of a scheme of biodiversity enhancement measures and this is also considered to have been addressed in the Nature Development Officer's comments above.

In view of the above, in the absence of objections from the Nature Development Officer and Greater Manchester Ecology Unit and subject to the imposition of the recommended conditions, the proposal is considered acceptable in terms of its impact on protected species, biodiversity and the ecological interest of the site. On this basis, the proposal is considered to comply with Saved UDP Policies NE1.1 and NE1.2 and Core Strategy DPD policies CS8 and SIE-3.

The Director of Public Health has commented that consideration of trees and biodiversity are key to enabling public health benefits from green infrastructure enhancement not just around addressing flood risk but also in terms of tackling stress and its exacerbating effect on health, through provision of pleasant relaxing environments and views. Planting offers opportunities for the site to contribute beneficially to the nearby Green Chain asset. The summertime comfort and well-being of the urban population has become increasingly compromised. In contrast to rural areas, where night-time relief from high daytime temperatures occurs as heat is lost to the sky, the urban environment stores and traps heat. This urban heat island effect is responsible for temperature differences of up to 7 degrees (Centigrade) between urban and rural locations. The majority of heat-related fatalities during the summer of 2003 were in urban areas (Designing urban spaces and buildings to improve sustainability and quality of life in a warmer world).

Land Contamination

Core Strategy Policy SIE-3 states that development of contaminated land will be permitted provided that it can be clearly demonstrated that there are no remaining risks from contaminants or that satisfactory remediation measures will be undertaken to make the site suitable for end-users. This policy position is reflected in Paragraph 183 of the NPPF.

The Council's Environmental Health Officer has assessed the proposal and provided their comments. There would be very little breaking of ground, and therefore the developer will be required only to keep a watching brief for any unexpected contamination. Should any be found or suspected, this should be reported to the Local Planning Authority. An informative to this effect should be attached to any planning permission granted.

Flood Risk and Drainage

UDP Policy EP1.7 states that the Council will not permit development where it would be at risk of flooding; increase the risk of flooding elsewhere; hinder future access to watercourses for maintenance purposes; cause loss of a natural floodplain; result in extensive culverting; affect the integrity of existing flood defences; or significantly increase surface water run off unless sustainable mitigation are in place to overcome adverse effects. It goes on to state that development should incorporate so far as is practicable, sustainable drainage systems taking account of current Government guidance. Core Strategy Policies SD-6 and SIE-3 states that development should

comply with national planning policies managing flood risk and where planning permission is required, areas of hard-standing or other surfaces, should be of a permeable construction or drain to an alternative form of SUDS. SD6 also makes clear that brownfield sites are required to reduce attenuated run-off by a minimum of 50% and on greenfield sites, such as the housing land, rates should not exceed existing greenfield rates.

The NPPF states that developments should ensure that flood risk is not increased elsewhere and that sustainable drainage systems should be incorporated into major developments.

Planning Practice Guidance sets out a hierarchy of drainage solutions. Generally, the aim should be to discharge surface runoff as high up in the hierarchy as possible. In order of priority the drainage options are: into ground (infiltration), to a surface water body, to a surface water sewer and finally to a combined sewer.

Flood Risk

The Lead Local Flood Authority has requested the submission of supporting evidence to the conclusions reached within the submitted Flood Risk Assessment, commenting that the flood risk does not seem to be fully realised and flood risk needs to be understood and mitigated as part of the re-development.

Notwithstanding the above, the Environment Agency has assessed the proposal and raises no objections to the principle of development, but makes comments following its review of the Flood Risk Assessment. It is commented that the Flood Risk Assessment refers to safe access and egress routes, but a detailed emergency/access and egress plan does not appear to be included. It is therefore commented that a flood emergency plan should be made in consultation with the Local Planning Authority's emergency planners and agreed with the Local Planning Authority prior to planning consent. Noting that the Environment Agency does not raise an objection to the principle of development, it is recommended that a condition is attached to any planning permission granted to require the submission of a flood emergency plan prior to the commencement of development.

The Environment Agency also advises the Local Planning Authority that signing up to the Environment Agency's flood alert and flood warning system should be included in any emergency planning brought forward as part of this planning proposal.

Drainage

The submitted Flood Risk Assessment confirms that the proposal would retain and utilise the existing surface water drainage infrastructure and means of surface water disposal.

The Lead Local Flood Authority has assessed the proposal and has commented that there does not seem to be any proposals to reduce run-off from the site or to provide any sustainable drainage systems (SuDS), and that the proposals suggest there to be a limited action approach which would continue to use the existing sewer system with no consideration for any alternatives. The Lead Local Flood Authority advises that this is re-development and as such the developer must provide 50% reduction for run-off using SuDS. Whilst the policy position is clear, Officers also note that the proposal is for the conversion of the existing building without additional footprint and with the reuse of the existing car parking areas and landscaping. It would therefore not be proportionate to the scale and nature of the development to require new or amended SuDS or sewer drainage systems.

In view of the above and in the absence of objections from the Environment Agency, on balance and subject to conditional control, it is considered that the proposed development could be drained in a sustainable and appropriate manner without unduly increasing the risk of flooding elsewhere, in accordance with Core Strategy DPD policies SD-6 and SIE-3.

It is noted that Network Rail has commented that all surface waters and foul waters must drain away from the direction of the railway boundary, soakaways for the proposal must be placed at least 30m from the railway boundary, and any drainage proposals for less than 30m from the railway boundary must ensure that surface and foul waters are carried from site in closed sealed pipe systems. As noted above, the existing surface water drainage is to be retained, however the comments from Network Rail have been shared with the applicant.

Energy

Core Strategy Policy CS1 states that the Council will seek to ensure that all development meets an appropriate recognised sustainable design and construction standard where viable to do so particularly in respect of the achievement of carbon management standards. CS Policy SD3 requires all major developments such as this to achieve levels of CO2 reduction based on a benchmark set by the Target CO2 Emissions Rate (TER) embodied in the 2006 Building Regulations. In this case, Policy SD3 requires a 40% reduction in CO2 for the proposed new dwellings. These policy objectives and requirements are broadly reflective of the policies contained within the NPPF.

The applicant has submitted an Energy Statement in support of their application which has been amended through the application process and is now considered acceptable (however it is noted that the amended Energy Statement advises that the development would be zero carbon which is incorrect).

The Statement proposes the use of solar photovoltaic panels, with a plan provided to show their indicative location. It is recommended that a condition is attached to any planning permission granted to require the submission of full details of the solar panels in order that their impact upon the character and appearance of the area and aerodrome safeguarding can be assessed. Subject to the recommended conditions, the proposals are considered to accord with relevant sustainable design policies in the development plan and NPPF.

Crime and Security

Neighbour comments have been received which raise objections and comments regarding antisocial behaviours such as smoking and littering. The application is supported by a Crime Impact Statement which found the development to be acceptable in principle, but required further consideration of boundary treatments and landscaping, and access control.

Greater Manchester Police has assessed the proposal and has raised concerns that the entire development would be publicly accessible which could generate antisocial or criminal behaviour; it is recommended that access to the sides and rear of the buildings and access between the blocks is restricted to residents; there are a number of ground floor flats with patio doors which would be vulnerable and should be omitted from publicly accessible areas of the building; changes should be in accordance with Secured by Design standards.

In response to these comments, amendments have been made to the elevations which include the replacement of the external doors to habitable rooms at Block A being replaced with windows (this is not relevant to Block B). Officers do not consider that boundary treatments which would secure the spaces around the site and between the blocks would be detrimental to the enjoyment of these spaces and the character and appearance of the site.

It is noted that recommendations within the Crime Impact Statement regarding an access control system, management of mail boxes and the lobby arrangement are not matters subject to planning control.

Other Matters

Electricity North West

Electricity North West has assessed the proposal and considers that it could have an impact on its infrastructure. Comments have been provided regarding encroachment and the need for care to be taken to protect electrical apparatus and personnel, and health and safety. These comments have been shared with the applicant.

Waste Management

The Waste Management Officer has assessed the proposal and has commented that the document 'SMBC Recycling Planning' should be read to ensure that the site plan/usage meets with the Council's waste storage and access requirements.

It is requested that Officers ensure that sufficient storage room is allocated for the number of waste bins at the required capacity.

If opting for steel bin containers, there needs to be sufficient access, width of entrance, turning circle enough for a heavy goods sized vehicle, in order that residents have the use of the Council's waste collection services.

Other Matters

Neighbour objections and comments have been raised which request that neighbouring residents be provided with contact details to address issues such as visitors blocking driveways, and query the future management of the proposed development.

Neighbour comments have also asked whether it is proposed that the apartments would be for sale or long term let. It has been advised that the intention is for all apartments to be for sale.

Representations have been received which comment that the existing vehicle barriers provide benefits in terms of security and slowing vehicle movements, and this should be given further consideration. The application proposes the removal of these barriers, and specialist consultees in terms of highway safety and crime and security have raised no objections to this.

Neighbour comments have also raised concerns regarding the impact of the proposed development on local GP surgery capacity. These concerns are noted, however the potential impact is not considered to be so significant as to warrant refusal of the planning application.

Neighbour comments have raised queries regarding future development proposals

on the land described as being retained for potential future development. A planning application has not been received which relates to this land, and therefore this cannot be considered a material planning consideration.

Neighbour comments and objections have been received which raise concerns regarding the extent of the neighbour consultation. Officers are satisfied that the public consultation through letters and notices displayed on site and in the local press are compliant with the relevant legislation.

CONCLUSION

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications should be determined in accordance with the Development Plan unless material considerations indicate otherwise. At a national level, the NPPF is a material consideration which the Local Planning Authority must have regard to. This material consideration 'tilts' the balancing exercise for this application, from being neutral to one where the application should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole.

The proposed development would make a substantial and valuable contribution to the Council's housing supply. The site is located within a Predominantly Residential Area with easy access to local services and facilities, and public transport links. A Viability Assessment has been submitted which has been subject to robust review by the Council's Viability Consultant, and it is accepted that it is not viable for developer contributions to affordable housing or open space to be paid.

Whilst the housing density is greater than that sought by the indicative standards set out in Policy CS3 of the Core Strategy, it is clear that the proposed development, including car parking spaces and storage for cycles and refuse, can be suitably accommodated on the site, representing an efficient use of previously developed land. It is acknowledged that there is a minor shortfall in amenity space and that provision would not be made for recreation and play space, however this is considered to be adequately mitigated by the easy pedestrian and cycle access to the nearby Abney Hall Park and Diamond Jubilee Park.

The existing built form and site arrangements would be altered as a result of the proposed development, and the details submitted indicate that the development proposed can be accommodated on the site without resulting in significant harm to the character and appearance of the area, nor amenities of the neighbouring occupiers. In this respect the proposal is in compliance with policies CS4, H-1, CS8, SIE-1 and SIE-3 of the Core Strategy.

The Highway Engineer's objection regarding the under-provision of electric vehicle charging points can be satisfactorily mitigated through the imposition of a suitably worded condition. Further, it is considered that the proposed development would not result in significant adverse impacts upon highway safety as a result of traffic generation or parking, and the proposed access and parking layout is considered to be safe and practical to use in accordance with the Councils standards, in accordance with Core Strategy policies CS9, T1-, T-2 and T-3.

Additional information is required in relation to design details, solar panels, tree planting and biodiversity enhancement, and these can be suitably managed through the imposition of suitably worded conditions. Similarly, additional information in respect of flood risk can be secured via condition.

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

Summary

In considering the planning merits against the NPPF, the proposal would, as a whole, represent a sustainable form of development; and therefore, Section 38(6) of the Planning and Compulsory Purchase Act 2004 would require that the application be granted subject to conditional control and a Section 106 Agreement to secure developer contributions should the development be found viable in the future.

RECOMMENDATION

Grant subject to:

- a. Conditions, and
- b. The completion of a Section 106 legal agreement securing the heads of terms detailed above