

## **ITEM**

<b>Application Reference</b>	<b>DC/082329</b>
<b>Location:</b>	Railway Cottage 7A Rydal Avenue Hazel Grove Stockport SK7 5AW
<b>PROPOSAL:</b>	Application for Outline Planning Permission with Access and Layout to be considered, all other matters reserved, for the erection of 2no. three-bedroom detached dwelling houses (Use Class C3(a)) within the garden of 7a Rydal Avenue, including associated parking and incidental development.
<b>Type Of Application:</b>	Outline Application
<b>Registration Date:</b>	19.10.2022
<b>Expiry Date:</b>	20221214
<b>Case Officer:</b>	Dominic Harvey
<b>Applicant:</b>	Mr Andrew
<b>Agent:</b>	Architectural Solutions Ltd

## **DELEGATION/COMMITTEE STATUS**

Stepping Hill Area Committee (receipt of 9 objections)

## **DESCRIPTION OF DEVELOPMENT**

The application seeks permission for the “*erection of 2no. three-bedroom detached dwelling houses (Use Class C3(a)) within the garden of 7a Rydal Avenue, including associated parking and incidental development*”. The application has been submitted in outline with details of Access and Layout and all other matters reserved, accordingly approval is sought for the following: -

- The accessibility to and within the site, for vehicles, cycles, and pedestrians in terms of the positioning and treatment of access and circulation routes and how these fit into the surrounding access network; and
- The way in which buildings, routes and open spaces within the development are provided, situated, and orientated in relation to each other and to buildings and spaces outside the development.

The widened access with pedestrian visibility splays at the junction with Rydal Avenue provides space for vehicles to pass on the shared driveway and for bin storage on bin collection days. The proposed site plan depicts 2no. three-bedroom detached dwellings to the far north-western part of the site with indicative elevations and 3D views (appended to this report) depicting 2-storey dwellings each served by rear gardens and 2 car parking spaces. Turning within the site has also been accommodated to avoid the need for cars/vans to exiting the site in reverse gear. Whilst the access drive will not accommodate fire appliances to enter, turn and exit

within the site a sprinkler system is proposed to be accommodated within each dwelling. Whilst the loss of two trees will be necessary to accommodate siting details of 'Landscaping' including planting of trees, hedges, shrubs, or grass are reserved for future consideration. Whilst details of 'Appearance' are reserved for future consideration, the applicant's agent indicates that facing brickwork and render will be the primary external materials.

N.B. Appearance, that being the visual impression the building or place makes, including the external built form of the development, its architecture, materials, decoration, lighting, colour and texture; Landscaping, including fences, walls or other means of enclosure and the planting of trees, hedges, shrubs or grass, and Scale, including the height, width and length of each building proposed within the development in relation to its surroundings are reserved for future consideration and do not form part of this application.

The application is supported by the following: -

Application Form.

Topographical Survey, Drawing No.SSL:19519:200:1:1.

Site Location Plan.

Site Plan Existing, Drawing No.02, Rev B.

Site Plan Proposed, Drawing No.02, Rev F.

Phase 1, Preliminary Risk Assessment (GeoCon Site Investigations Ltd) July 2021.

Measurement of Environmental Noise Report, Ref No.12011-1

Extended Phase 1 Habitat Survey (nlg ecology ltd) August 2022.

Design and Access Statement.

Energy Statement.

## **SITE AND SURROUNDINGS**

The site (0.14 hectares) comprises a backland garden plot which accommodates 'Railway Cottage', No.7a Rydal Avenue a detached bungalow, surrounded on three sides by gardens of neighbouring two-storey semi-detached houses on Rydal Avenue, Walden Avenue, and Gower Avenue and a railway line immediately to the northeast. The site is served by a vehicular/pedestrian access off Rydal Avenue a residential cul-de-sac. The site which is broadly level includes hard landscaped areas and a large expanse of lawned areas which contains trees that remain unprotected by Tree Preservation Order. The site lies wholly within a Predominantly Residential Area as identified on the Proposals Map of the SUDP.

## **POLICY BACKGROUND**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 ("PCPA 2004") requires that planning applications be determined in accordance with the development plan unless material considerations indicate otherwise.

**The Development Plan includes-**

Policies set out in the Stockport Unitary Development Plan Review adopted 31<sup>st</sup> May 2006 which have been saved by direction under paragraph 1(3) of Schedule 8 to the Planning and Compulsory Purchase Act 2004; &

Policies set out in the Stockport Local Development Framework Core Strategy Development Plan Document adopted 17<sup>th</sup> March 2011.

N.B. As the SUDP and CS were adopted prior to publication of the National Planning Policy Framework (NPPF), the weight to be attached to Development Plan policies are judged against whether they accord with the NPPF and the more recent National Planning Practice Guidance.

### **Saved policies of the SUDP Review**

NE3.1 Protection and Enhancement of Green Chains

L1.1 Land for Active Recreation

L1.2 Children's Play

MW1.5 Control of Waste from Development

### **LDF Core Strategy/Development Management policies**

CS1 Overarching Principles: Sustainable Development – Addressing Inequalities and Climate Change

SD-1 Creating Sustainable Communities

SD-3 Delivering the Energy Opportunities Plans – 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

CS8 Safeguarding & Improving the Environment

SIE-1 Quality Places

SIE-2 Provision of Recreation and Amenity Open Space in New Developments

SIE-3 Protecting, Safeguarding and Enhancing the Environment

CS9 Transport & Development

CS10 An Effective and Sustainable Transport Network

T-1 Transport & Development

T-2 Parking in Developments

T-3 Safety & Capacity on the Highway Network

### **Supplementary Planning Guidance**

Supplementary Planning Guidance does not form part of the Statutory Development Plan; nevertheless, it does provide non-statutory Council approved guidance that is a material consideration when determining planning applications.

'Recreational Open Space and Commuted Payments' (2006), 'The Design Of Residential Development' (2007), 'Transport & Highways in Residential Areas' (2006), 'Sustainable Transport' (2007), 'Sustainable Design and Construction' (2012).

The Design of Residential Development SPD's overall purpose is to achieve high quality design in residential development; the document has three broad aims: 1. promote high quality inclusive design; 2. ensure efficient use of resources; 3. endorse developments that make a positive contribution to the townscape and landscape character of the local area.

The Design of Residential Development SPD states that despite their small scale, 'infill' developments can have a significant effect upon the appearance of an established street, although much depends upon the character of the area and the sensitivity of the design. As with house extensions, the potential impact upon neighbours also needs to be addressed. Consequently, it is vital to consider how an infill scheme will relate to its surroundings.

### **National Planning Policy Framework**

A Revised National Planning Policy Framework (NPPF) issued by the Secretary of State for Housing, Communities and Local Government (MHCLG) on 19th February 2019 replaced the previous NPPF (originally issued 2012 & revised 2018). The NPPF has not altered the fundamental legal requirement under Section 38(6) of the Planning and Compulsory Purchase Act 2004 that decisions must be made in accordance with the Development Plan unless material considerations (such as the NPPF) indicate otherwise.

The NPPF representing the governments up-to-date planning policy which should be considered 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.

### **RELEVANT PLANNING HISTORY**

J/30583: Rear Of 11A Walden Crescent, Hazel Grove, 1 detached bungalow. (outline), granted 02-MAY-84.

J/32077: Rear Of 11A Walden Crescent, Hazel Grove, proposed bungalow (Approval of details), granted 08-NOV-84.

J/66619 9 Rydal Avenue Hazel Grove, 2 storey-rear extension, granted 01-APR-97.

DC/074327: Railway Cottage, 7A Rydal Avenue, Hazel Grove, outline application (access and layout) for single dwelling in the garden of 7A Rydal Avenue, withdrawn 8-NOV-19.

DC/079577: Railway Cottage, 7A Rydal Avenue, Hazel Grove, application for outline planning permission with access and layout to be considered, all other matters reserved, for the erection of a single dwelling house (Use Class C3(a)) within the garden of 7A Rydal Avenue, including associated parking, landscaping, and boundary treatments, withdrawn 16-MAR-21.

## **NEIGHBOUR'S VIEWS**

The application has been advertised as a Development of Public Interest by way of Site Notice and the occupiers of nearby properties have been individually notified in writing, to date nine representations raising objections have been received; the grounds of concern relate to the following: -

Detrimental impact on wildlife including protected species.

Development will exacerbate existing problems of flooding of neighbouring gardens.

Devaluation of neighbouring properties.

Harmful impact on the levels of natural daylight to neighbouring properties.

Access to the site would be limited due to cars parking on the surrounding roads.

There is not enough room for emergency service vehicles or refuse wagons to access the proposed properties.

The access will not accommodate a 17-tonne standard hijab delivery vehicle its largest vehicle would be a transit van size, it would be totally impractical for the materials to be off loaded in the road.

The development will increase noise pollution.

Problems associated with construction dust.

Vehicles parked legally outside Nos.7 & 9 Rydal Avenue makes it virtually impossible to exit No.7a safely.

There is also no mention of logistically how they intend to deliver the building materials.

The previous owner of No.7A Rydal Avenue has applied for one house previously, and the planning authority refused the permission.

Removing trees can affect the natural drainage system, the atmosphere, and the area's appearance.

Two large detached 3-bedroom houses represent a too high a density, and an over development of an existing bungalow garden plot.

Out of character with the existing bungalow, within an enclosed area, and the small semi-detached buildings of Gower Avenue. Walden Crescent and Rydal Avenue that surround this garden plot.

Two-storey detached buildings would be overbearing in their location which due to the over-development have been pushed right back towards all the surrounding neighbours' gardens.

Quality of life would be adversely affected by the two large two-storey buildings directly overlooking all our gardens, resulting in a distinct loss of privacy.

Loss of trees.

Significant increase in vehicular traffic on surrounding roads.

Air pollution

Walden Crescent and the surrounding roads are already extremely busy due to the traffic and people parking to use Stepping Hill hospital, having additional builder's traffic would be horrendous.

Cars from the existing properties that legitimately park on the road would be damaged and scratched as building vehicles would not fit through the gaps on the road.

### **CONSULTEE RESPONSES**

**Highway Engineer:** I have no concern with the principle of development but there are matters of detail to be resolved. The level and type of traffic generated by two dwellings is not judged to result in any significant detrimental impact on operation of the local highway network.

Parking for 2 cars is provided for each dwelling which meets standards.

A condition is recommended requiring the provision of a sprinkler system to each dwelling to operate in the event of fire to mitigate against any potential difficulties in direct access for fire tenders.

The widened access provides space for vehicles to pass and for bin storage on bin collection days. The widened access gives adequate pedestrian/vehicle intervisibility when vehicles exit at the centre of the drive. It is recommended that markings be laid at the entrance to encourage this practice and an appropriate condition is recommended.

Any changes to the footway crossing and dropped kerbs will require additional permissions outside any granted by planning approval.

New dwellings require electric vehicle charging facilities, and secure covered cycle storage. Full details of same required. I recommend conditions to be applied to any approval.

Given close proximity to other dwellings and restricted access I recommend that a condition be applied requiring submission of a construction management statement. I advise the applicant to refer to the council's advice within the website where a suitable template is provided.

Recommendation: No objection subject to conditions: -

## CONDITIONS

### Construction method statement (Pre-commencement Condition)

No development shall take place until a method statement detailing how the development will be constructed (including any demolition and site clearance) has been submitted to and approved in writing by the Local Planning Authority. The method statement shall include details on phasing, access arrangements, turning / manoeuvring facilities, deliveries, vehicle routing, traffic management, signage, hoardings, scaffolding, where materials will be loaded, unloaded, and stored, parking arrangements and mud prevention measures. Development of the site shall not proceed except in accordance with the approved method statement.

*Reason: To ensure that the approved development is constructed in a safe way and in a manner that will minimise disruption during construction, in accordance with Policy T-3 'Safety and Capacity on the Highway Network' of the Stockport Core Strategy DPD. The details are required prior to the commencement of any development as details of how the development is to be constructed need to be approved prior to the commencement of construction activities.*

### Amended dropped-kerb access

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

Details of proposals to provide 1m by 1m pedestrian visibility splays at either side of the access by application of road markings to the access drive.

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

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

### Domestic parking: details to be submitted

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

*Reason: To ensure that adequate parking facilities are provided and that they are appropriately located and are of a safe and practical design, in accordance with Policies SD-6 'Adapting to the impacts of climate change', SIE-1 'Quality Places', T-1 Transport and Development', T-2 'Parking in Developments' and T-3 'Safety and Capacity on the Highway Network' of the Stockport Core Strategy DPD, supported by Chapter 10, 'Parking', of the SMBC 'Sustainable Transport' SPD.*

#### Electric vehicle charging points

A charging point for the charging of electric vehicles shall be provided for each approved new dwelling. Prior to provision, details of the charging points shall be submitted to and approved in writing by the Local Planning Authority. A dwelling shall not be occupied until the charging point for that dwelling has been provided in accordance with the approved details and is available for use. The charging points shall thereafter be retained (unless replaced with an upgraded charging point in which case that should be retained).

*Reason: To ensure that adequate parking with facilities for the charging of electric vehicles are provided in accordance with Policies SD-6 'Adapting to the impacts of climate change', SIE-3: Protecting, Safeguarding and enhancing the Environment, T-1 Transport and Development', T-2 'Parking in Developments' and T-3 'Safety and Capacity on the Highway Network' of the Stockport Core Strategy DPD and Paragraphs 110, 170 and 181 of the National Planning Policy Framework*

#### Cycle parking: dwellings

No work shall take place in respect to the provision of cycle parking within the site until details of proposals to provide a long-stay cycle parking facility for the approved dwellings (which shall be in the form of a covered and secure cycle store that will accommodate a minimum of one cycle for each dwelling) have been submitted to and approved in writing by the Local Planning Authority. Any approved new dwelling shall not be occupied until the cycle parking facility for that dwelling has been provided in accordance with the approved details. The cycle parking facilities shall then be retained and shall remain available for use at all times thereafter.

*Reason: To ensure that safe and practical cycle parking facilities are provided so as to ensure that the site is fully accessible by all modes of transport in accordance with Policies CS9 'Transport and Development', T-1 'Transport and Development' and T-3 'Safety and Capacity on the Highway Network' of the Stockport Core Strategy DPD and the cycle parking facilities are appropriately designed and located in accordance with Policies SIE-1 'Quality Places' and T-3 'Safety and Capacity on the Highway Network' of the Stockport Core Strategy DPD, supported by paragraph 5.6, 'Cycle Parking', of the SMBC Transport and Highways in Residential Areas SPD.*

#### Sprinkler System

Details of a scheme to provide a mist sprinkler system within each of the approved dwellings in lieu of providing an access drive and turning area for fire appliances shall be submitted to and approved in writing by the Local Planning Authority. Each of the approved dwellings shall not be occupied until the mist sprinkler systems has been



provided within the dwelling in accordance with the approved details. The mist sprinkler systems shall thereafter be retained and maintained in a working condition.

*Reason: To ensure that the adequate firefighting measures are provided within the development in lieu of providing an access drive that will allow fire appliances to enter, turn within and exit the site, having regard to Policies SIE-1 'Quality Places' and T-3 'Safety and Capacity on the Highway Network' of the Stockport Core Strategy DPD.*

## INFORMATIVES

### Permission for vehicle dropped crossing

In addition to planning permission, consent will also be required from the Highway Authority (Stockport Council) for the approved / required vehicle dropped crossing and/or closure of any redundant vehicle dropped crossing. Applications for consent can be made on-line at the Council's web-site ([www.stockport.gov.uk](http://www.stockport.gov.uk)) or via the Council's contact centre. Consent must be obtained prior to the commencement of any works.

### Advice on the discharge of highways related planning conditions

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

### Mud or other material on the public highway

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

### Construction Method Statement

A condition of this planning consent requires the submission of a Construction Method Statement. In order to ensure that the statement includes all the required information the applicant / developer is advised to use the Council's template Construction Method Statement. This can be obtained from the 'Highways and Transport Advice' section within the planning pages of the Council's web-site ([www.stockport.gov.uk](http://www.stockport.gov.uk)).

**LLFA:** Having reviewed the documentation for this application.

We require a Drainage Strategy for the site.

Our records indicate that infiltration may be viable. Please provide results of infiltration investigations.

Surface water discharge rates must be reduced by 50% on developments.

Investigate the use of permeable paving or landscaping features such as green roofs, tree pits and rainwater harvesting.

Establish if a connection to a watercourse is viable.

Establish if a connection to a surface water sewer is viable.

**Arboriculture Officer:** The proposed development site is located within the existing grounds of the residential site predominantly on the formal grounds of the buildings. The plot is comprised largely of informal grounds and associated infrastructure.

The proposed building footprint area is shown within the side of the site in the informal grounds/former hard standing areas of the existing site, and it is assumed the proposed new developments will potentially impact on the trees as the site currently has a poor level of vegetation.

A full tree survey has not been supplied but due to the lack of any trees of merit it would not be required at this time as the works are away from any mature trees as there is limited impact on trees and the survey would only show the condition and amenity levels of the trees in or around the red edge and where applicable which trees could be retained to increase the amenity levels of the site with retained mature trees.

A detailed landscaping scheme will be required to show the potential enhancement of the site in accordance with council policy to improve the amenity through native species planting. Consideration should be given to improving SUDs potential through the tree and soft planting and perpetuity tree cover for the surrounding environment to improve the local biodiversity and amenity of the area.

In principle the main works and design will not require the removal of trees of any merit to implement the design, as such site enhancements could easily be considered to enhance the site as part of any landscaping scheme which can be conditioned and comply with council policy.

In its current format the scheme proposals minimal loss of trees of merit in the semi-urban location which is acceptable as long as some consideration is given to the improvement of the landscaping design that includes new trees and shrubs to improve the amenity and aesthetics of the site for users and local community making sure a percentage of these are native large species, as well as increased fruit trees at every opportunity. The following conditions would be relevant to any planning application relating to the site.

**Condition Tree 1:** No existing trees other than those proposed for removal within the site shall be cut down, topped, lopped, uprooted, wilfully damaged, or wilfully destroyed without the prior written approval of the local planning authority, with the exception of

those indicated otherwise on the approved plan. Any hedgerows, woody plants or shrubbery removed without such consent or dying or being severely damaged or being seriously diseased, within 5 years of the development commencing, shall be replaced within the next planting season with trees of such size and species as may be approved in writing by the local planning authority.

Condition Tree 3: No development shall take place until details of all proposed tree planting, including the intended dates of planting, have been submitted to and approved in writing by the local planning authority. All tree planting shall be carried out in accordance with the approved details prior to the development being brought into use.

### **Nature Development Officer:**

#### **Site Context**

The site is located on Rydal Avenue in Hazel Grove. The application is for Outline Planning Permission with Access and Layout to be considered, all other matters reserved, for the erection of 2no. three-bedroom detached dwelling houses (Use Class C3(a)) within the garden of 7a Rydal Avenue, including associated parking and incidental development.

#### **Nature Conservation Designations**

The site has no nature conservation designations, legal or otherwise as listed in Stockport's current Local Plan. The railway line to the north of the application boundary (approx. 5m away) is designated as Green Chain. It is important that any proposed development does not compromise the functionality of the Green Chain as a wildlife corridor.

Part of the site has also 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.

#### **Legally Protected Species**

An Extended Phase 1 Habitat survey has been carried out and submitted with the application. The survey was carried out in August 2022 by a suitably experienced ecologist and followed best practice survey guidance. The survey identified habitats present on site and assessed the potential for protected species to be present.

Many trees have the potential to support roosting bats. All species of bats, and their roosts, are protected under Section 9 of the Wildlife and Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2017. 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.

The trees on site were assessed as offering negligible potential to support roosting bats. The building on site was not included within the assessment as it is understood the existing dwelling will not be impacted by the proposals.

Trees, scrub, and ruderal vegetation offer suitable nesting habitat for breeding birds. All breeding birds and their nests are protected by the Wildlife and Countryside Act 1981 (as amended).

A pond was identified within the site during the survey. Ponds and their surrounding terrestrial habitat have the potential to support amphibians such as great crested newts (GCN) and toads. GCN have the same legal protection as bats (outlined above) and toads are a UK Biodiversity Action Plan (UKBAP) Priority Species and are included on Section 41 of the NERC Act 2006 as a species of principle importance. A Habitat Suitability Index assessment of the pond scored the pond as having 'below average' suitability for GCN. The pond is un-vegetated and steeply sided with very limited ingress/egress opportunities for amphibians. This together with the lack of nearby ponds (no other ponds appear to be present within 100m of the site), means that the risk of GCN being present within the application site is considered to be low. Furthermore, previous eDNA GCN survey work at ponds in Mirrlees Fields, which is located northwest along the railway line were negative.

No evidence of badgers was observed during the survey although it is noted within the report that the land along the railway adjacent to north-east of the site provides ideal commuting and foraging opportunities for badger. This area was not surveyed due to access limitations. Badgers and their setts are legally protected under the Protection of Badgers Act 1992. Records for badgers exist within the railway embankment further north of the site and so although it is acknowledged that no works will encroach directly within this area, it is important that a precautionary approach is adopted. Due to the nature of the proposals, it is considered that implementation of precautionary working measures are appropriate to minimise potential impacts to badgers, should a sett be present along the embankment – further detail is provided below.

#### Recommendations:

No potential bat roosting features were recorded within the trees on site and so the proposed works are considered to be of very low risk to roosting bats. As a precautionary measure an informative should be attached to any planning consent granted so that the applicant is aware that protected can sometimes be found in unexpected places. It should also state that the granting of planning permission does not negate the need to abide by the legislation in place to protect biodiversity. If at any time during works, evidence of bats, or any other protected species, is discovered on site and are likely to be impacted, works must stop, and a suitably experienced ecologist be contacted for advice.

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

To minimise the potential risk to badgers, the following measures should be implemented during works:

All excavations to be carried out in a careful manner, if excavations breach any obvious mammal tunnels, works must immediately stop, and an appropriately qualified ecologist must be contacted for further advice.

Where any trenches or other excavations are to be left open overnight these should be fitted with mammal ramps or should have the sides battered to form a slope to allow badgers to escape.

A tidy works area should be maintained during construction and any hazardous substances should be fenced off to remove any badger hazards from the site.

No excavations to be carried out within 5m of the railway boundary fence, unless under supervision of an appropriately qualified badger ecologist.

The proposals are considered to be low risk to GCN. As a precautionary measure Reasonable Avoidance Measures should be adopted during works to minimise the risk of wildlife (such as frogs, toads, hedgehogs) being impacted should they pass through the site and prevent the site from becoming more attractive to wildlife during works (e.g. building materials providing potential refuge sites). The following measures should be conditioned as part of any planning consent granted:

If at any time during works evidence of GCN (or any other protected species) is discovered on site then works must cease and a suitably experienced ecologist be contacted for advice.

Vegetation removal to be carried out sensitively and in a phased manner [i.e. – First cut any scrub and other tall vegetation to a height of c.250mm with all arisings removed; 48hrs later cut remaining vegetation to a height of c.150mm. The second phase should be undertaken in a directional manner, moving towards suitable areas of retained habitat, with arisings removed from the site. Soil strip can progress 48hrs after the second phase of vegetation clearance, again working towards retained habitat areas; Once soil strip has been undertaken it is advisable to maintain the area as bare earth to minimise the likelihood of amphibians entering the site; effective vegetation clearance should be undertaken during the active season for amphibians, (typically February to October inclusive when temperatures are >5C), and should avoid prolonged periods of hot dry weather when activity is reduced]

Any works which involve the creation of trenches or with pipes shall include creation of sloping escape ramps for wildlife, which may be achieved by edge profiling of trenches/excavations or by using planks placed into them at the end of each working day.

Materials to be stored on raised pallets or in skips

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

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

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. Mitigation for proposed tree loss will be required via new tree planting on site and the Council's Arboriculture Officer will be able to provide further guidance on this.

Biodiversity enhancements are expected as part of developments in line with local (paragraph 3.345 of the LDF) and national planning policy (NPPF). Tree planting should be maximised within the site and any landscape planting should comprise wildlife-friendly (preferably locally native species) and be selected to provide a nectar/berry resource across the seasons. Enhancement measures should be detailed on a Landscape and Biodiversity Enhancements Plan and submitted to the LPA for review, and would be expected to include:

Native tree and/or fruit tree planting

Provision of mixed species native hedgerows at site and plot boundaries where possible (rather than the currently proposed fencing)

A minimum of one bat and/or bird box to be provided within/mounted on each new dwelling. Boxes should be integrated (ideally) or be made from woodstone/woodcrete for greater longevity.

Where the use of close-board fencing is unavoidable, gaps should be provided at the base (130mm x 130mm – minimum one gap per elevation) to maintain habitat connectivity for wildlife such as hedgehog.

These measures would be particularly welcomed given the designation of the site as an opportunity area within the LNRS for Greater Manchester.

**Environmental Health Officer (Noise):** E2 were commissioned for the assessment of noise with relation to the above application. there is suggestion that mitigation is

introduced as a result of the Railway noise. Therefore, there are No objections providing the mitigation proposed in report 12011-11 is fulfilled.

**Environmental Health Officer (Contaminated Land):** The proposed development site has not been identified as potentially contaminated; however, it is adjacent to a railway line which can be a source of contamination. Given the additional sensitive receptors introduced to the site, the developer will need to undertake a limited site investigation. I would recommend the following conditions: CTM1 CTM2 CTM3.

**Network Rail:** With reference to the protection of the railway, Network Rail has no objection in principle.

**United Utilities:** No objection.

## **ANALYSIS**

### **Principle of Development & Housing Policy**

At the heart of the NPPF is a **presumption in favour of sustainable development** where para 11 reconfirms this position and advises that for decision making this means © approving developments that accord with an up to date development plan without delay; or (d) where the policies which are most important for the determination of the application are out of date (this includes for applications involving the provision of housing, situations where the LPA cannot demonstrate a 5 year supply of housing), granting planning permission unless (i) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework as a whole.

In this respect, given that the Council cannot demonstrate a 5-year deliverable supply of housing, the relevant elements of Core Strategy policies CS4 and H2 which seek to deliver housing supply that are out of date. That being the case, the tilted balance as referred to in para 11 of the NPPF directs that permission should be approved unless the adverse impacts of approving planning permission (such as the impact on residential amenity, highway safety etc) would significantly and demonstrably outweigh the benefits.

Policy CS2 of the Core Strategy seeks to ensure that a wide range of homes are provided to meet the needs of existing and future Stockport households. The focus will be on providing housing through the effective and efficient use of land within accessible urban areas.

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

Policy H-2 confirms that when there is less than a 5-year deliverable supply of housing (as is currently the case) the required accessibility scores will be lowered to allow the deliverable supply to be topped up by other sites in accessible locations. This position has been regularly monitored to ensure that the score reflects the ability to 'top up'

supply to a 5-year position. However, the scale of shortfall is such that to genuinely reflect the current position in that regard the score has been reduced to zero.

As such the application site is in an accessible location and accords with policies CS4 and H-2 of the Core Strategy and the provision of 2 dwellings will contribute and assist in addressing that shortfall, weight should therefore be given to this element of the proposed development.

Core Strategy policy CS3 confirms that developments in accessible suburban locations may be expected to provide the full range of houses from terraced properties to large detached and should contain fewer flats. Development in accessible urban locations such as the application site should achieve a density of 30 dph.

The NPPF at para 119 outlines that planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Para 124 confirms that planning decisions should support development that makes efficient use of land considering several factors including the desirability of maintaining an area's prevailing character and setting (including residential gardens) and the importance of securing well designed and attractive places. Para 125 confirms that where there is a shortage of land for meeting identified housing need it is especially important that policies and decisions avoid homes being built at low densities and ensure that developments make optimal use of the potential of each site.

The density of the proposed development equates to 21 dwellings per hectare (dph) which is below the minimum expected density of 30 dph for this location. Nonetheless it is important to recognise that the consideration of density is not simply the application of a numerical figure and regard also must be paid to the impact of the development upon the character of the area, amenities of existing and future occupiers together conditions of highway safety. Subject to a satisfactory assessment in this respect (set out below), the density may be considered acceptable and in generally in compliance with policy CS3.

### **Character & Appearance**

The NPPF at para 126 confirms that the creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

By virtue of the backland form of development the proposal would not be visible from any of the surrounding streets and would only be seen from the nearby properties. The 'Design of Residential Development' SPD does not prevent backland development but indicates that it needs careful design to ensure it maintains the character of the area. In particular the SPD identifies the main area of focus are the maintenance of a reasonable garden sizes, appropriate spacing between dwellings, and appropriate scale and massing.

Policy H-1 of the Core Strategy requires that the design and build standards of new residential development should be high quality, inclusive, sustainable and contribute to



the creation of successful communities. Proposals should respond to the townscape and landscape character of the local area, reinforcing or creating local identity and distinctiveness in terms of layout, scale, and appearance, and should consider the need to deliver low carbon housing. Good standards of amenity, privacy, safety/security, and open space should be provided for the occupants and maintained for the occupants of existing housing.

Policy SIE-1 of the Core Strategy states that 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.

In this case the character of the locality is derived from traditional domestic scale comprising predominantly two-storey 1930's semi-detached housing on Rydal Avenue, Walden Avenue, and Gower Avenue. In considering the impact of the development upon the character of the locality, regard can only be paid to the layout and scale of the development noting that details of the appearance are reserved for future consideration. The layout of the development around a shared driveway with small front garden and larger rear gardens is considered an appropriate response to the locality.

Overall, the proposal is considered to strike the correct balance between the need to consider local character and the need to consider the efficient use of land in accordance with policy CS3.

### **Living Conditions**

Policy SIE1 of the Core Strategy confirms that development that is designed to the highest contemporary standard paying high regard to the built environment within which it is located will be given positive consideration. Whilst details of 'Appearance' are reserved the indicative plans depict two-storey dwellings of a standard traditional design which would be sympathetic to the character of the surrounding area and prevailing urban grain. Overall, the details of 'Layout' accord with the provisions of Core Strategy policies H1, CS8 and SIE1 of the Core Strategy subject to a condition requiring the development to be no more than two-storeys high as per the illustrative elevations.

Core Strategy policy H1 confirms that good standards of amenity and privacy should be provided for the occupants of new and existing housing. This is reinforced by Core Strategy policy SIE1 which confirms that satisfactory levels of amenity and privacy should be maintained for future and existing residents. The NPPF confirms that development should create places that promote health and well-being, with a high standard of amenity for existing and future users. Regard is also paid to the Council's SPD 'Design of Residential Development' which advises on privacy distances and garden sizes.

The closest residential properties to the proposed dwellings are No.7a Rydal Avenue a detached bungalow within the application site and Nos.22-28 (evens inclusive) Gower Avenue and Nos.1-5 (odds inclusive) Walden Avenue, semi-detached housing. The layout of the development comfortably exceeds all privacy/minimum separation distances set out in the SPD and overall, the proposal would not result in any

significant loss of privacy to nearby residents and would not have an overbearing impact on the occupiers of the surrounding houses. Although the view from the surrounding houses and their rear gardens would change, the proposal would not have an unacceptable impact on the outlook from them.

In terms of gardens, the SPD advises that whatever the size or location of a dwelling there will always be a requirement for some form of private amenity space. Private amenity space should be usable, accessible, reasonably free from overlooking, allow for adequate daylight and sunlight, and have regard to the size of the dwelling and the character of the area. Unusable spaces such as narrow strips of ground adjacent to roads and parking, steeply sloping areas or those in excessive shade should be avoided. Except in exceptional circumstances the standard of 75m<sup>2</sup> for a three-bedroom dwelling will apply. The rear garden to each dwelling is some 90m<sup>2</sup> and the residual private garden of some 225m<sup>2</sup> serving No.7a Rydal Avenue would all comfortably exceed the minimum size recommended by the SPD thus ensuring a high level of amenity for the future occupiers of the proposed development and existing occupier of No.7a Rydal Avenue. Overall, for the reasons outlined the 'Layout' would not unacceptably harm the living conditions of nearby residents with particular regard to privacy, noise and disturbance, outlook and light and in accordance with the provisions of Core Strategy policies H-1 and SIE-1 which, amongst other things, requires development to provide good standards of amenity for both existing and future residents.

### **Access/Highway Considerations**

Core Strategy policies CS9, T1, T2 and T3 together with the NPPF and the Council's SPDs seek to ensure that development is directed towards accessible locations, causes no adverse impact upon the safe and effective operation of the highway, and provides access and parking that is safe and practical to use. The site is in an acceptable location for new residential development being accessible by public transport, cycling and walking. The level of development sought will not give rise to levels of traffic that will be harmful to highway safety. Details of 'Access' in the form of a widened access with pedestrian visibility splays at the junction with Rydal Avenue provides space for vehicles to pass on the shared driveway and for bin storage on bin collection days. Turning within the site has also been accommodated to avoid the need for cars/vans to exiting the site in reverse gear. Whilst noting the access drive will not accommodate fire appliances to enter, turn within and exit the site a sprinkler system is proposed to be accommodated within each dwelling. The provision of 2 parking spaces and electric charging points per dwelling accords with the Council's maximum parking standards and guidelines. Overall, the Council's Highway Engineer remains satisfied with the means of access, parking and servicing arrangements subject to conditional control as such the proposal accords with Core Strategy policies CS9, T-1, T-2 and T-3.

### **Other Matters**

The application site is located within Flood Zone 1. That being the case and noting the small scale of the proposed development there is no requirement for a Flood Risk Assessment. As suggested by the LLFA and in accordance with the provisions of Core Strategy policy SD-6 a condition should be imposed to secure a Drainage Strategy

which should adopt the hierarchical approach set out in the NPPF (that being the discharge of water in the following order of priority: to an adequate soakaway or some other form of infiltration system; to an attenuated discharge to watercourse or other water body, an attenuated discharge to public surface water sewer and finally an attenuated discharge to public combined sewer).

The Council's Arboriculture & Habitat Officer and Nature Development Officer raise no objection subject the requirement for biodiversity enhancements, tree protection and planting which can be secured through conditional control and a subsequent reserved matters application for 'Landscaping' in accordance with the provisions of Core Strategy policy SIE-3. In respect to railway noise from the neighbouring railway line it is noted that the submitted noise assessment and mitigation measures proposed are to the satisfaction of the Council's Environmental Health Officer and mitigation can be secured through conditional control in accordance with the provisions of Core Strategy policy SIE-3. In respect of contaminated land, the Council's Environmental Health Officer raises no objection subject to conditional control as such the development can be carried out in accordance with the provisions of Core Strategy policy SIE-3. The submitted Energy Statement outlines how the redevelopment aims for delivery of Stockport's carbon reduction policy targets using fabric enhancements and low carbon strategies and technology in accordance with the provisions of Core Strategy policy SD-3 which requires the consideration of including micro-generation technologies to reduce CO2 emissions.

#### Saved UDP policy

Saved UDP policy L1.1 confirms that the Council will seek to achieve an overall minimum standard for the Borough of 2.4 hectares per thousand population for active recreation. Provision of land for formal sports is below the desired level. Within this standard, 0.7 hectares per thousand population should be available within easy access of homes for children's play. Saved UDP policy L1.2 Core Strategy confirms that in considering development proposals the Council will take account of children's play needs and will require where appropriate the provision of suitable and accessible space and facilities to meet these needs. This policy will be applied using standards and through the detailed consideration of development proposals. Saved UDP policy SIE2 confirms that development is expected to take a positive role in providing recreation and amenity open space to meet the needs of its users/occupants. In those parts of the Borough with a deficiency in recreation and amenity open space, small new residential developments will be required to contribute towards the provision of open space for formal and casual recreation and children's play in locations which are accessible to future occupiers.

To address the shortfall of children's play and formal recreation within the Borough, these policies seek to ensure that residential development contributes towards the provision and maintenance of such facilities. Whilst contributions towards formal recreation are secured on all applications for new residential development those in relation to children's play are only sought when there is an existing facility within the threshold distances of the site as set out in para 3.340 of Saved UDP policy SIE2. In this instance there is a children's play areas within the threshold distances and such the proposal is required to make provision in respect of both formal recreation and

children's play. This contribution will be secured by way of a S.106 if the recommendation to grant planning permission is agreed.

### **Conclusions – Sustainable Development**

The delivery of residential development on this site accords with policies CS2, CS3, CS4 and H2 of the Core Strategy DPD.

The proposal is thereby in accordance with Core Strategy policies H1, CS8 and SIE1. The layout of the proposed development accords with and exceeds the guidance set out in the Council's SPD and therefore will cause no harm to the amenities of existing or future residential occupiers in accordance with Core Strategy policies H1 and SIE1.

The development provides for safe access and parking in accordance with the Council's maximum standards and will not give rise to conditions prejudicial to the free flow of traffic on the adjacent highway network. The proposal therefore accords with Core Strategy policies CS9, T1, T2 and T3.

Subject to the imposition of conditions and informatives there will be no harm arising in relation to biodiversity, drainage, or contamination. The proposal therefore accords with policies SD6 and SIE3 of the Core Strategy DPD.

Overall, there are no outstanding issues of concern, having regard to the tilted balance in favour of the residential development as set out at para 11 of the NPPF, the proposal represents Sustainable Development. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that the application be granted subject to a Section 106 agreement to secure a commuted sum payment towards the provision and maintenance of recreation and amenity open space and conditional control outlined above.

### **RECOMMENDATION**

Defer and Delegate the Grant of Outline Planning Permission pending the signing and sealing of a S.106 Legal Agreement.

### **Summary of Stepping Hill Area Committee – 1<sup>st</sup> August 2023**

The Planning Officer (PO) introduced the application as follows:

This application relates to 7a Rydal Avenue, which comprises a detached bungalow set within a garden, with parking accessed off Rydal Avenue. 7a Rydal Avenue is surrounded on three sides by gardens of neighbouring two-storey semi-detached houses on Rydal Avenue, Walden Avenue, and Gower Avenue. A railway line runs immediately to the northeast of the site.

The site lies wholly within a Predominantly Residential Area as identified on the Proposals Map of the SUDP.

The application to be considered is an Outline application for planning permission for the erection of 2 three-bedroom detached dwelling houses within the garden of 7a Rydal Avenue, including off-street parking for 2 cars for each house and turning space within the site.

Matters of Access and Layout are to be considered, all other matters, including Scale, Landscape and Appearance, are reserved matters to be considered within future applications.

The application is before you for decision, as representations regarding the application have been received from 9 contributors objecting to the application as laid out within the report before you.

Overall, for reasons set out within the report, it is assessed that the proposed development accords with planning policy and the Council's Design of Residential Development SPD. The proposed development constitutes a sustainable form of residential development, which would not harmfully impact upon residential amenity or the highway and provide much needed homes.

The NPPF accordingly provides that the development be approved with conditions, without delay.

#### **RECOMMENDATION**

The recommendation is respectfully therefore, to grant planning permission, subject to conditions and a S.106 Legal agreement regarding the payment of open space commuted sums.

#### **Questions were asked of the PO by members of the Committee:**

Questions included what objectors concerns are? The PO advised as to what the neighbours' objections are, including the proposed access.

Queried trees to be lost and highways matters of details referred to within the report.

The PO advised that 2 unprotected trees are proposed to be felled within the footprint of development, with a replacement landscape scheme to be provided in mitigation.

The PO advised that the matters of highways detail required are those matters to be secured by the proposed highways conditions listed in the report.

Queried construction management. The PO advised a Construction Management condition would be applied.

#### **A neighbour spoke in objection to the application:**

The neighbour advised they oppose the application regarding: the restricted access, already issues with parking related to Stepping Hill Hospital obstructing accesses;

access for cars, emergency and refuse vehicles would be difficult; the site has a high water table and the land floods, don't believe proposed soakaway would work; believes covenant states houses over one-storey cannot be built on the land; there would be an adverse impact upon wildlife on the site; and would like Committee to visit and see the site.

**Members asked questions of the neighbour:**

Neighbour advised land upon the site slopes to neighbouring houses, has had land drains installed on own land and proposed houses won't help existing flooding issues.

The PO was asked to comment and advised that the LLFA have assessed the application and require a detailed Drainage Strategy to be submitted for assessment and implementation, to be secured by condition.

Member advised need to visit the site, as concerned by constraints including access. PO clarified that the proposed access would be 5.5 metres wide adjacent to Rydal Avenue (for an area of 10 metres into the site).

Member queried community consultation? Neighbour advised none. Believes there is a covenant on the land.

The PO advised that a covenant would relate to a separate area of law to be addressed, as applicable, by the relevant regime. The existence or otherwise of a covenant should not be part of the consideration of the planning application.

Member asked whether the existing bungalow at 7A is occupied. Neighbour advised it is occupied.

**There was no one present to speak in support of the application.**

The PO clarified that previous applications were withdrawn rather than refused, to allow amendments to the access, including proposed widening. Bins would be stored within curtilages and collected from the junction with Rydal Avenue on collection day. Confirmed the Council's Ecologist has been consulted and does not object, subject to conditions regarding appropriate mitigation in relation to wildlife/ecology.

**Members commented upon the application:**

Concern was expressed regarding the safety of the access in terms of intensification of use and visibility at the junction with Rydal Avenue. Would like a site visit for the Committee to assess the access in more detail.

**Determined:**

Members made no recommendation regarding the decision and unanimously agreed that they would like Planning and Highways Regulation Committee to conduct a site visit prior to considering the application for determination.

Above is a summary of committee with the meeting webcast available: [Stepping Hill Area Committee - Tuesday 1 August 2023, 6:00pm - Start video at 1:46:37 - Stockport Council Webcasting \(public-i.tv\)](#)