

ITEM 1

Application Reference	DC/087511
Location:	Site of former 1-19 Higher Hillgate, Stockport At The Corner Of Higher Hillgate And Higher Barlow Row
PROPOSAL:	Demolition of existing buildings on site and construction of 24no. apartments with associated hard and soft landscaping and car parking.
Type Of Application:	Full Application
Registration Date:	23.12.2022
Expiry Date:	23.08.23
Case Officer:	Chris Smyton
Applicant:	Stockport Homes
Agent:	TADW Architects

DELEGATION/COMMITTEE STATUS

PHR – Departure to the Development Plan

DESCRIPTION OF DEVELOPMENT

The application proposes the clearance of the site and the erection of of 24 no. apartments (17 x 2-bed and 7 x 1-bed) in a single block, with associated hard and soft landscaping and car parking. As part of the proposal, Higher Barlow Row would be improved, including its junction with Higher Hillgate.

The proposed building, that would be constructed of brick with timber sash windows, a natural slate roof, cast stone window cills/ surrounds and infill panels, and metal frame guarding with glass infill to the balconies, would be 3 storeys high. Pedestrian access to four apartments would be directly from Higher Hillgate, together with a main entrance and postal lobby to access the remainder of the building, with a single rear communal entrance. Vehicular access to a rear 17 space car park (including 3 disabled spaces) will be taken from Higher Barlow Road. The plans also show cycle parking, EV charging points and bin storage.

The application is best appreciated by the plans appended to this report.

The application has been accompanied by a viability appraisal. This demonstrates that the Council's normal planning policy requirements in respect of affordable housing and 'recreational open space provision and maintenance' are unviable for the proposed development. Notwithstanding this, all the apartments would be offered by the applicant as affordable housing subject to Homes England Grant Funding.

Whilst it is overwhelmingly unlikely that development could take place without Homes England and other funding support, planning approval would be subject to a legal agreement in relation to clawback that would seek delivery of off-site affordable housing and an open space contribution commensurate with the policy requirements.

SITE AND SURROUNDINGS

The enquiry site is situated on the corner of Higher Hillgate and Higher Barlow Row. It is partly occupied by a vacant and boarded up former kitchen and heating warehouse, hardstanding and self-seeded overgrown vegetation.



It is located within an allocated Town Centre Gateway site (TCG3.6 'South East Quadrant') and the Hillgate Conservation Area. It is also within the setting of the historic building complex comprising No's. 21- 23 Higher Hillgate, with No. 23 being Grade 2 Listed.

<https://interactive.stockport.gov.uk/shed/Search/ViewDetails/34%20StatutoryListed>

This forms a visual group with no 27, as detailed in the list entry.

<https://interactive.stockport.gov.uk/shed/Search/ViewDetails/35%20StatutoryListed>

The site is bounded by:

- to the north: by a narrow cobbled road called Higher Barlow Row;
- to the east : by Council land and the boundary wall to the housing development;
- to the south: by No's. 21- 23; and
- to the west: by Higher Hillgate.

POLICY BACKGROUND

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

The Development Plan includes-

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

Saved policies of the SUDP Review
EP1.7 Development and Flood Risk

EP1.10 Aircraft Noise
L1.1 Land for Active Recreation
L1.2 Children's Play
MW1.5 Control of Waste from Development
TCG3.6 South East Quadrant

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
H3 Affordable Housing
CS7 Accommodating Economic Development
CS8 Safeguarding and Improving the Environment
SIE-1 Quality Places
SIE-2 Provision of Recreation and Amenity Open Space in New Developments
SIE-3 Protecting, Safeguarding and Enhancing the Environment
CS9 Transport and Development
T-1 Transport and Development
T-2 Parking in Developments
T-3 Safety and Capacity on the Highway Network

Supplementary Planning Guidance

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

Sustainable Design and Construction SPD
Sustainable Transport SPD
Design of Residential Development SPD
Recreational Open Space Provision and Commuted Payments SPG
Affordable Housing SPG

National Planning Policy Framework

A Revised National Planning Policy Framework (NPPF) issued by the Ministry of Housing, Communities and Local Government (MHCLG) in July 2021 replaced the previous versions of the NPPF. 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”.

Planning Practice Guidance

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

RELEVANT PLANNING HISTORY

Various applications but nothing recent of any relevance.

NEIGHBOUR'S VIEWS

The receipt of the application has been publicised by way of a site and press notice. The occupiers of 59 neighbouring properties were also notified in writing.

2 letters have been received objecting on the following grounds:-

- The development will block all natural light to facing apartments poorly impacting the health of residents, particularly children.
- This section of Higher Hillgate is somewhat narrow and the impact of the building will be significant.
- The plans are too large using the car park as well.
- I wonder why the public right of way and footpath was shut when demolition people left site. The footpath and street light have been in use for at least 30 years prior to this. The footpath is shown on SMBC maps

(Officer note: When researching this application the Highway Engineer discovered that historic mapping shows that, historically, there were two highways (Royal Oak Passage and Bay Street) within the site. Although these streets are not now recorded as being publically maintained highway, the mapping suggests they have been highways for over a century. The Engineer has not seen any records to suggest that they have been stopped up as highway, they are still accessible as highways and it is noted that there are local authority street lighting columns to the southern ends of Royal Oak Passage and Bay Street. As such, these will need to be stopped up).

- The power supply to the new build is not “very green”.

The consultation period has expired.

CONSULTEE RESPONSES

Conservation Officer - This site is located within the Hillgate Conservation Area and lies within the immediate setting of a Grade II listed building, 23 Higher Hillgate. As detailed in the list entry, no 23 forms part of a visual group with 27 Higher Hillgate, also listed Grade II.

Further information on these designated heritage assets is available from these links :

[Hillgate Conservation Area Text Only Character Appraisal 2011 \(live-iag-static-assets.s3-eu-west-1.amazonaws.com\)](https://live-iag-static-assets.s3-eu-west-1.amazonaws.com/)

<https://interactive.stockport.gov.uk/shed/Search/ViewDetails/34%20StatutoryListed>

From a conservation perspective there is no objection to site clearance, including the demolition of an abandoned former C20th retail warehouse unit and associated reconfiguration of the Higher Hillgate/ Higher Barlow Row junction, in order to facilitate the comprehensive redevelopment of the site. The principle of residential development of the site, contained within a linear 3 storey apartment block set close to the back of footway, with parking and amenity space set at the rear with vehicular access from Higher Barlow Row, is welcomed and supported. The massing of the block has been broken down in order to provide visual breaks and variation along its elevation, responding to changes of level and providing for an active frontage to Higher Hillgate. Subject to careful specification of external materials and architectural detailing, the proposals will enhance the special character and appearance of the conservation area, helping to restore elements of its historic identity and contributing to its long term conservation-led regeneration.

It is recommended that planning conditions are applied to any approval to address the detailed design and specification of the following matters:

- (i) External materials
- (ii) External architectural details eg windows, doors, embellishments such as window heads/cills, balconies, eaves/verges
- (iii) External plant equipment
- (iv) Landscaping, including surfacing materials, railing design, boundary treatments etc.

Director of Public Health – We welcome this application for a development within the Hillgate area, and in particular the developments proposed provision of 100% affordable housing.

Affordable Housing: the proposed affordable housing is very welcome - 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](#)).

Sustainable Transport / Active Travel: any comments made and conditions proposed by the Council's Highway Engineer are critical to enabling the use of sustainable (including active) travel modes in and around this development and have been discussed with representatives of the Public Health and Transport Policy teams. An accurate assessment of transport options should inform this application. Design needs to take account of the works taking place as part of the Town Centre Access Package, especially given that occupants of these homes may not have use of a car.

The proposed provision of cycle parking is welcomed by 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](#)). In addition, an appropriately designed built environment can contribute to reducing social exclusion, as well as offering cycle and pedestrian routes for commuters, shoppers and recreational users.

Green Infrastructure: any comments made by the Council's Planning Officer responsible for open space / children's play should be carefully considered. Given the relatively low levels of sport and active recreation for adults in the Borough, it is critical that the built environment contributes to benefiting provision or maintenance of recreational spaces. 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 ([Stockport's JSNA](#)). We note that the proposed development does not include provision of additional green spaces and play spaces, or propose relevant contributions to the same. While noting the challenges around viability, we would encourage the developer to consider any steps they can take to include play provision on-site or contribute to provision off-site.

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. Any comments of the Council's Senior Tree & Arboricultural Officer should be taken into careful consideration regarding opportunities to improve biodiversity since this can have public health benefits. 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](#)).

Drainage (LLFA) – Having reviewed the documentation for this application. The LLFA would like to record the following comments:

- The approach to use infiltration is acceptable.
- We have asked the question on why the permeable paving is not being used in the parking area and the response was that the area is sloped and agreed.

We recommend approval of the application and the drawings to be referred in the Decision Notice are:

- 294-652-FRA-0 - _FRA_DRAINAGE_STRATEGY_-_APPENDIX_F-2029665
- Drawing Number 294-653-004

EHO (Air Quality) – I have looked at the above application and have no objections.

EHO (Contaminated Land) – No objection, subject to conditions. The developer would need to undertake a site investigation to ensure the site is suitable for its

intended use. CTM1-3 requiring investigation, followed by remediation and validation (if required).

EHO (Noise) – The above proposal, has been assessed in relation to impact upon the environmental quality of life to:

- Existing sensitive receptors, in proximity to the proposed development
- New residential receptors, introduced at this location.

This service accepts the submitted NIA methodology, conclusion and recommendations, and no objections are raised subject to conditions.

Estates – The intended scheme is loss-making, even with the injection of grant funding. We agree with the conclusion reached within the Financial Viability Appraisal, namely that the intended scheme is unable to support requested planning contributions. We recommend a clawback provision, to protect the Council's position.

GMP (Design for Security) – on behalf of Greater Manchester Police, we are happy to support the application at this stage. Consequently, if the Local Planning Authority is minded to approve the application, I respectfully suggest the inclusion of the following condition:

The development hereby approved shall, where feasible, be designed and constructed in accordance with the recommendations and specification set out in sections 3 and 4 of Crime Impact Statement, ref.2021/0388/CIS/01, Version A dated 27.09.21, unless otherwise agreed in writing by the Local Planning Authority, and the agreed measures shall be retained and maintained thereafter.

Reason: In the interests of crime prevention and community safety, having regard to Core Strategy Policy and the National Planning policy Framework.

If permission is granted the applicant would then need to apply for the SBD accreditation and achieve either Bronze, Silver or Gold accreditation at which point we would support the discharge of said condition

Greater Manchester Archaeological Advisory Service – The advice below is limited to the below-ground archaeological potential of the site. GMAAS reserve comment on those elements of the application that refer to the historic built environment and potential harm to the settings of designated heritage assets and the Hillgate Conservation Area as these will be dealt with by the Conservation Officer(s) for Stockport Council.

The application is supported by a Design and Access Statement (TADW Architects, December 2022) which mentions that an Historic Environment Desk-Based Assessment (DBA) has been prepared by The Environment Partnership (TEP) and submitted with the application. The DBA is not listed amongst the documentation available on the planning portal, but Ian Miller (Heritage Management Director at GMAAS) provided comments on a draft that was sent to GMAAS by TEP in October 2022. The comments advised that further information was required to inform a robust and targeted evaluation strategy for the site, but a potential strategy for appropriate investigation was outlined in the comments. It is unknown if any edits were made or if the DBA was finalised by TEP for submission with the application.

Comments on the draft DBA hinged around the lack of appreciation of the development of the site throughout the Industrial Period - a period with a specific date range in the current *North West Historic Environment Research Framework* that

is not specifically mentioned within the DBA, but to which the majority of the potential archaeology dates. Inclusion of further historic mapping would enable a better understanding of the types of buildings that occupied the site in the 19th century, their evolution and, crucially, whether 20th-century development is likely to have removed any remains. With regard to the *Research Framework*, back-to-back dwellings (especially those containing cellars), warrant further research / investigation, but what of the other types of buildings that occupied the site in the 19th century? The *Research Framework* also highlights the interest in enclosed yards that served court housing.

Specific areas of interest that would benefit from further desk-based study include:

- a block of back-to-back houses at the eastern end of Trafalgar Place
- buildings along the west side of Royal Oak Passage, which appear to contain cellars (which increases the likelihood of below-ground structural remains)
- the group of buildings lining the north side of Trafalgar Place - commercial or residential, any indications of cellars?
- The Royal Oak public house. Given its location on a principal historic route into Stockport, did it serve travellers and, specifically, did it boast stables, and was food and lodging offered in addition to beer? If so, is there any chance for a pub midden in the rear yard?

There is certainly enough archaeological potential highlighted in the DBA for the development to warrant an archaeological investigation, via evaluative intrusive investigation in the first instance (as stated in sections 6.62-6.66 of even the draft DBA). As stated in Ian Miller's original comments on the draft DBA, initial reaction is that the footprint of the back-to-backs, the single-depth properties on Royal Oak Passage, and the enclosed yards all are probably worthy of intrusive investigation, but a strategy needs to be fully informed by further research. If the suggested further research has not yet been provided in an updated DBA, then it should at the very least be incorporated into a Written Scheme of Investigation (WSI).

The WSI should also include a thorough understanding of the specific impacts of the proposed development. Is it to be assumed that the entire site is subject to substantial ground-breaking works, or can the potential impact be targeted more closely? Having established the extent of ground works, what are the former buildings / areas of the site of key archaeological interest (as defined by their potential to inform current Research Objectives within the Framework) that will be removed as part of the development works? It would be useful to highlight these on a plan and develop, in consultation with GMAAS, a robust strategy for targeted evaluation. This may take the form of evaluation trenches and/or area strip-map-record, but as with many sites of this nature the results of the evaluation will inform the necessity for a more detailed mitigating phase of works, i.e. excavation. GMAAS acknowledges that any remains within the application site will be of no more than local or regional significance, and that they could be appropriately investigated by a scheme of archaeological investigation in advance of the onset of development groundworks. This scheme of archaeological work should be secured through a condition of planning consent, worded as follows:

No development shall take place until the applicant or their agents or successors in title has secured the implementation of a programme of archaeological works. The works are to be undertaken in accordance with a Written Scheme of Investigation (WSI) submitted to and approved in writing by the local planning authority. The WSI shall cover the following:

1. Informed by the current North West Historic Environment Research Framework, a phased programme and methodology of investigation and recording to include:

i – further detailed research to inform an appropriate and robust evaluation strategy

ii - informed by (i), archaeological evaluation via trenching and/or strip-map-record

iii - informed by (ii), more detailed targeted excavation (subject of a new WSI).

2. A programme for post investigation assessment to include:

i - analysis of the site investigations records and finds

ii - production of a final report on the investigation results.

3. Deposition of the final report with the Greater Manchester Historic Environment Record.

4. Dissemination of the results commensurate with their significance.

5. Provision for archive deposition of the report and records of the site investigation.

6. Nomination of a competent person or persons/organisation to undertake the works set out within the approved WSI.

Reason: In accordance with NPPF Section 16, Paragraph 205 - To record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible.

The work should be undertaken by a suitably experienced and qualified archaeological contractor, funded by the applicant, and in accordance with guidance provided by GMAAS who would also monitor the implementation of the works on behalf of Stockport MBC.

Highway Engineer – The proposed apartment building would be located in a fairly accessible location and the vehicle movements that would be generated by the development should not have a material impact on the local highway network. Parking will be provided in accordance with the adopted parking standards and although the proposed level of parking may not meet all the parking demand of the development, parking surveys have demonstrated that sufficient capacity should be available on street to meet any parking demand that cannot be accommodated within the site. I do, however, consider it important that measures are put in place to minimise parking demand and vehicle movements to / from the site and to allow and encourage occupiers and their visitors to travel by sustainable modes of transport. As such, I recommend that any approval granted is subject to conditions relating to the implementation of travel plan measures and the provision of cycle parking. Subject to matters of detail, I also consider the layout of the development and proposed highway works acceptable and consider the development should be able to be accessed and serviced in a safe and practical manner. I do, however consider that there is a need to amend and extend the existing parking restrictions on Higher Hillgate and Higher Barlow Row. This will require the applicant to fund the associated Traffic Regulation Order and therefore any approval granted will need to be subject to the applicant entering into a legal agreement requiring the payment of £7000 (with indexation) to fund this..

Nature Development Officer –
Site Context

The site is located at the corner of Higher Hillgate and Higher Barlow Row. The application is for demolition of existing buildings on site and construction of 24no. apartments with associated hard and soft landscaping and car parking.

Legislative and Policy Framework **Nature Conservation Designations**

The site has no nature conservation designations, legal or otherwise as listed in Stockport's current Local Plan (e.g. Site of Biological Importance, Local Nature Reserve, Green Chain).

Part of 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. The submitted DEFRA metric does not include this designation within the strategic significance however the difference in metric calculations when the strategic significance is adjusted is negligible.

Habitats and Biodiversity Net Gain Assessment

A preliminary ecological assessment was carried out in August 2022 (TEP, PEA). Habitats on the site comprise a building, hard standing/sealed surface, scattered trees, bramble scrub and modified grassland

A Biodiversity Net Gain (BNG) Assessment Report (TEP, March 2023) has been submitted using the DEFRA Metric to assess baseline conditions and inform the impact assessment. The DEFRA Metric 3.1 was also submitted to the LPA in March 2023 (updating the metric and BNG report following amendments to the proposed landscaping).

The Metric calculations currently show a **loss of 0.12 Habitat Units (-37.25%) and gain of 0.30 Hedgerow Units BNG** (not possible to report the hedgerow gain as a % since the baseline is 0).

Additional native hedgerows and tree planting have been included within the landscape plans to try and maximise on-site biodiversity enhancements. Since the overall BNG for habitat units is currently a loss, options for habitat offsetting will need to be explored and details submitted to the LPA as part of the determination process. An option for offsetting via payment of a commuted sum to the LPA is outlined below.

The strategic significance of the site within the metric is currently recorded as low. Part of the site has been identified as an opportunity area within the Local Nature Recovery Strategy for Greater Manchester. However, amending the strategic significance results in negligible changes to the overall metric calculations since the biodiversity units involved are small.

The trading rules of the metric have not been satisfied due to the loss of bramble scrub (which has a distinctiveness score of medium), meaning some broad habitat or higher distinctiveness is required. The proposed native species hedgerows will however benefit biodiversity as although hedgerows are linear (and so not included as part of the habitat area calculations within the metric) they have similar ecological functionality to areas of scrub and so would help mitigate for loss of this habitat type.

Legally Protected Species

Many buildings and trees offer the potential to support roosting bats. All species of bats and their roosts are protected under the Wildlife and Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2010. 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, or to hibernate or migrate.
 - b) the local distribution of that species.
- 3) Damage or destroy a breeding place or resting site of such an animal.

An external inspection of the building was carried out as part of the PEA. No potential external roosting features, or access points into the building were observed. Owing to its construction and lack of potential roosting opportunities the building was assessed as offering negligible potential to support roosting bats. Similarly no potential roosting features were recorded in any of the trees on site.

The trees and scrub within the site offer potential habitat for nesting birds. Nesting opportunities within the building are considered to be limited. All breeding birds and their nests are protected under the Wildlife and Countryside Act 1981 (as amended).

The ecology report assessed the site as having potential to support hedgehog. Whilst this species receive no legal protection as such, they are listed under Section 41 of the NERC Act 2006 as Species of Principal Importance.

No evidence of, or significant potential for any other protected species was recorded during the survey.

Invasive Species

Himalayan balsam was recorded on site. 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 species in the wild.

LDF Core Strategy

Core Policy CS8 Safeguarding and Improving the Environment Green Infrastructure

3.286

Biodiversity and Nature Conservation

3.296

DEVELOPMENT MANAGEMENT POLICY SIE-3

A) Protecting the Natural Environment

Protecting, Safeguarding and Enhancing the Environment

3.345, 3.347, 3.361, 3.362, 3.363, 3.364, 3.365, 3.366, 3.367 and 3.369

Recommendations:

Biodiversity enhancements are expected as part of developments in line with local (paragraph 3.345 of the LDF) and national planning policy (NPPF). There is an increase of 0.3 hedgerow units but a small deficit in habitat units once BNG has been maximised on site. This would need to be addressed via delivery of off-site BNG to ensure the development achieves measurable BNG overall. It is advised that a minimum 10% BNG is sought as this is stated within the Environment Act 2021 which has received Royal Assent. A minimum of 10% BNG is also required in accordance with the GMCA BNG Guidelines for Greater Manchester (February 2021).

In terms of habitat offsetting, SMBC can accept £15,000 per biodiversity unit for offsetting plus an appropriate management and monitoring fee (in the region of 10%) along with adjustments for inflation. This is an interim figure based on advice from the Greater Manchester Ecology Unit (GMEU) following pilot studies carried out within Greater Manchester and work undertaken by DEFRA.

To achieve 10% gain in biodiversity units, this would result in an offsetting payment in the region of:

[habitat units lost + 10% of baseline habitat units = 0.151 units required]

0.12 habitat units + (0.31 x 0.1) x £15000 = £2265*

*plus management and monitoring fee (10%) and adjustments for inflation. Please note that the final figure is also subject to change following any future amendments to the landscape plans

This commuted sum can be secured via a legal agreement to cover the habitat enhancement, maintenance and monitoring costs at the receptor/off-setting site. A suitable site for delivery of BNG offsetting for this application is off Alberta Street approximately 70m to the northeast of the application site at SJ 8994 8990. Alternatively the applicant may wish to pursue other potential options in order to deliver BNG - such as using a Habitat Broker, but the mechanism to deliver BNG will need to be agreed prior to determination of the application to provide assurances that measurable net gains for biodiversity will be secured in accordance with the NPPF.

Notwithstanding the above, other comments on the application are:

Further biodiversity enhancements should include provision of bat and bird roosting and nesting facilities. The PEA report advises provision of a minimum of 3 bat boxes and 3 bird boxes on site (paras 5.11 and 5.12 in the PEA report). These measures can be secured by condition.

No evidence of roosting bats was recorded on site and the building on trees were assessed as offering negligible bat roosting potential. Bats can sometimes roost in seemingly unlikely places and regularly switch roost sites. As a precautionary measure, an informative should be attached to any future planning consent to 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 roosting bats (or any other protected species) is discovered on site, works must cease and a suitably experienced ecologist contacted for advice.

In relation to breeding birds, the following condition should be used: No building demolition or vegetation clearance works should take place between 1st March

and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of buildings/vegetation for active birds' nests immediately (no more than 48 hours) before vegetation clearance works commence and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site.

Site clearance works should be undertaken with care to prevent potential impacts to hedgehog. Section 5.8 of the PEA report advises a Precautionary Working Method Statement is prepared and this can be secured via pre-commencement condition.

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

Landscape planting should be maximised and comprise a range of wildlife-friendly species (locally native where possible). The submitted proposed landscape strategy include species rich grassland areas and native species hedgerows, which are welcome, particularly given the designation of the site as an opportunity area within the LNRS for Greater Manchester. Appropriate habitat management to reach stipulated target conditions 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. This needs to consider the roles and responsibilities for delivery of subsequent long-term (for a minimum of 30 years) management measures and can be secured via condition: A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by the LPA prior to the commencement of development. The content of the LEMP shall include the following:

- a) Description and evaluation of features to be managed
- b) Ecological trends and constraints on site that might influence management
- c) Aims and objectives of management
- d) Appropriate management options for achieving aims and objectives and target habitat conditions
- e) Prescriptions for management actions
- f) Preparation of a work schedule (including an annual work plan to be rolled forward for long-term management for a minimum of 30 years)
- g) Details of the body or organisation responsible for implementation of the plan
- h) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. Regular update monitoring reports will be submitted to the LPA for review to demonstrate delivery of the required BNG (i.e. in years 1, 2, 5, 10, 15, 20, 25, 30). The approved plan will be implemented in accordance with the approved details.

Prior to the commencement of development, an invasive non-native species protocol shall be submitted to and approved by the LPA, detailing the

containment, control and removal of Himalayan balsam on site. The measures shall be carried out strictly in accordance with the approved scheme.

It is important that any lighting is sensitively designed so as to minimise impacts on wildlife (e.g. foraging/commuting bats) associated with light disturbance. Lighting should follow the principles outlined in Bat Conservation Trust guidance: http://www.bats.org.uk/pages/bats_and_lighting.html and section 5.6 of the PEA report.

Light spill should be <3 lux on semi-natural habitats which may be used by lights and lights should also be 3000 Kelvin or less. Studies have light levels > 3 lux can significantly impact bat activity, whilst warmer coloured LED lights (less than or equal to 3000K) have less impact on bat activity.

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.

Planning Policy (Energy) – The UK has set into law a target to bring all its greenhouse gas emissions to net zero by 2050. In March 2019, Stockport Council declared a climate emergency, and agreed that Stockport should become carbon neutral by 2038, in advance of the UK 2050 target.

The Stockport CAN strategy was developed to underpin this agreement and was approved by full council in October 2020. The strategy sets out to ensure that Stockport achieves carbon neutrality by 2038, in order to support global efforts to prevent global warming going above 1.5°C. The Environmental Law Foundation has suggested that climate emergency declarations should be regarded as material considerations in the determination of planning matters.

Meeting our 2038 carbon neutrality target will require new development to achieve net zero carbon in advance of then, and we should not be building homes, workplaces, community uses or schools which will require retrofitting in the near future. The definition of net zero carbon development has been established by the UK Green Building Council. <https://www.ukgbc.org/ukgbc-work/net-zero-carbon-buildings-aframework-definition/> It is important to note that most microgeneration technologies (e.g. solar panels), and other climate change mitigation / adaptation measures are significantly easier to install at the time of building rather than retrofitting later.

Paragraph 8 of the NPPF places mitigating/adapting to climate change as an overarching objective for the planning system, to ensure sustainable development. Objective 1 of the Core Strategy relates to climate change, this is supported by a number of policies that seek to deliver this primary objective.

- 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, in order to address both the causes and consequences of climate change. In particular, all development will be required to demonstrate how it will contribute towards reducing the Borough's carbon footprint by achieving carbon management standards.”*
- Policy SD-3 sets out CO2 reduction targets for different types of development

- across the borough.
- Policy SD-6 states that: *“Development should be designed in such a way as to*
- *avoid, mitigate or reduce the impacts of climate change.”*
- Paragraph 3.68 of Policy SD-6 states that: *“Development, particularly within the urban area of the Borough, that takes into account the urban heat island effect and incorporates measures to reduce this phenomenon will be given positive consideration. Measures might include:*
 - o *Provision of appropriate greencover (shaded green space and tree cover);*
 - o *Provision of green roofs, walls and boundaries;*
 - o *Urban design that encourages air flow throughout the development;*
 - o *Passive cooling that allows natural ventilation to cool the building or development in preference to mechanical cooling;*
 - o *Solar shading designed into buildings to avoid internal overheating;*
 - o *or*
 - o *Water features such as lakes, ponds, fountains and watercourses.”*

Energy and carbon emissions

I have reviewed the Energy and Sustainability Statement (ESS) submitted in support of the application. The fabric first approach is supported, as is the incorporation of Mechanical Ventilation and Heat Recovery (MVHR), and the use of an internal ASHP for domestic hot water.

-Page 9 of the ESS indicates that 10kWp photovoltaic array may be provided as part of the scheme *“if required to achieve Part L 2022 targets”*. Although the incorporation of solar PV is welcomed and supported, the proposed amount would be approximately 0.42kWp per apartment, which is a de minimis amount.

-Page 10 states that *“it is anticipated that consumption levels will range between 4,000kWh – 5,000kWh of regulated energy per dwelling per annum”*.

I have also reviewed the plans, in particular drawing number 08 issue P2 which shows the proposed roof plan. This plan indicates that panels will be located on a small area of the roof area. Further consideration has been given to increasing the amount of solar PV panels into the design of the scheme from the outset to respond to the challenges of the climate emergency, however due to heritage considerations this is not possible on outward facing roof slopes. In addition, the east-north-east facing inner roof slope is less efficient for solar PV than the west-south-west slope where PV is currently shown to help power the communal areas. The energy strategy is designed to show a route to compliance with the recently released current building regulations and the option of providing additional PV's has been explored.

Urban heat island effect

A landscaping plan has been prepared. In broad terms this is a satisfactory approach to help mitigate the urban heat island effect, and the elements of the proposal are supported. (Detailed comments from ecologists should additionally be sought on the provision of green infrastructure at this location.)

Planning Policy Housing - No objections.

Play and Infrastructure Officer - The development falls within the catchment area of three sites Mottram St Piazza (LEAP), Covent Garden (LEAP) and St Thomas Recreation Ground (NEAP). I would recommend the recreational open space

contribution for play be allocated to St Thomas Recreation Ground (NEAP) and the sport to the Formal Sport Priority List.

Strategic Housing – The 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 contains 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 5%-15% in the Town Centre.

The HNA found that 155 households are in need of affordable housing the Town Centre. In terms of tenure, the preference in this location is for intermediate (shared ownership) tenure.

With regards affordable house type the predominant need in this area is for 1 and 2 bedroom houses with level access.

It is proposed to develop the whole site at Higher Hillgate as affordable housing as this allows the registered provider to lever in public subsidy in the form of additional Homes England Affordable Housing Grant. The applicant has demonstrated within their Affordable Housing Statement that the level of subsidy is significantly more than would be required for a policy compliant scheme. In addition, the applicant has also demonstrated that the proposed tenure will be affordable to people in need of intermediate tenure affordable housing as identified in the Stockport Housing Needs Assessment 2019.

Conclusions

There is a significant need for affordable housing in the Town Centre and across the borough as a whole. As a result, the proposal to develop the whole site for 24 new shared ownership affordable units is supported as is the fact that this development will bring in substantially more public subsidy into Stockport than a policy compliant scheme. In this case, the developer, Stockport Homes Group, is a partner registered provider under the Stockport Housing Partnership and therefore their application for affordable housing grant can be supported..

In addition to the above, the proposed development is for 1 and 2 bed units which is in line with the findings of the HNA and will bring forward a brownfield, derelict site for residential development.

Tree Officer – In principle the main works and design will have a negative impact on the trees on site. However, due to the limited amenity value and with the right landscaping plan and consideration given to protective fencing erected around the retained trees at the front of the property during development, the application can be considered favourably.

ANALYSIS

The application site occupies a visually prominent position on Higher Hillgate. The applicant's proposals for this site have been the subject of lengthy discussion with Officers, encompassing both pre application advice and following formal submission.

The application raises a number of key issues for consideration, and those most pertinent are as follows:

- Principles of development in terms of land use
- Visual impact and residential amenity
- Pollution (noise, air and ground)
- Highway impacts
- Ecology, trees and landscaping
- Flood risk and drainage
- Crime Reduction; and
- Open Space Provision

The NPPF reminds us that purpose of the planning system is to contribute to the achievement of sustainable development. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs (para 7). Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):

a) an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;

b) a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and

c) an environmental objective – to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area (para 9).

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

- approving developments that accord with an up to date Development Plan or

- where the policies which are most important for the determination of the application are out of date (this includes for applications involving the provision of housing, situations where the LPA cannot demonstrate a 5 year supply of housing), granting planning permission unless:

- the application of policies in the Framework that protect areas or assets of importance provides a clear reason for refusing planning permission or
- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework as a whole.

In this respect, given that the Council cannot demonstrate a 5 year deliverable supply of housing, the relevant elements of Core Strategy policies CS4 and H2 which seek to deliver housing supply are considered to be out of date. As such, and noting that in relation to this proposal there are no policies in the Framework that protect areas or assets of importance, the NPPF directs that planning permission should be approved unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the Framework as a whole. This assessment is set out below.

Principle of Development

The site is currently occupied by a vacant warehouse, formerly a kitchen and heating merchants. As the site is covered by saved UDP Review Policy TCG3.6 (Town Centre Gateway Site), and this permits residential development, there is no policy objection to either the loss of the existing use or the proposed use in land-use terms.

The NPPF confirms that to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay (Para 60).

In terms of housing need, the NPPF requires local planning authorities to identify and maintain at least a 5-year housing land supply against its defined housing requirements (para 74). Where there is an undersupply of housing local planning authorities should identify actions to increase delivery in future years (para 77).

The NPPF at para 119 confirms that planning decisions should promote an effective use of land in meeting the need for homes while safeguarding the environment and ensuring safe and healthy living conditions. Para 124 confirms that planning decisions should support development that makes efficient use of land taking into account several factors, including the desirability of maintaining an area's prevailing character and setting and the importance of securing well designed and attractive places. 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. Local planning authorities should refuse planning applications which they consider fail to make efficient use of land (para 125).

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.

Core Strategy policy CS3 confirms that a mix of housing, in terms of tenure, price, type and size will be provided to meet the requirements of new forming households, first time buyers, families with children, disabled people and older people. New development should contribute to the creation of more mixed balanced communities by providing affordable housing in areas with high property prices and by increasing owner occupation in areas of predominantly social rented housing. On sites that are capable of accommodating a range of housing types and sizes, developments should contribute to the provision of an appropriate borough-wide mix of housing, reflecting the different types and sizes of housing likely to be required over the plan period. Sites in the most central locations, such as the Town Centre areas and within District and Local Centres, are the most suitable for flats.

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 and Large Local Centres; and other accessible locations). This policy confirms that the focus is on making effective use of land within accessible urban locations with the priority for development being previously developed land in urban areas. The site is located within Stockport's Town Centre.

The proposed development is for 1 and 2 bed units which is in line with the findings of the latest housing needs assessment. It will bring forward a brownfield, derelict site for residential development. The principle of providing 24 dwellings in this area is compliant with the above-mentioned policy position.

Affordable Housing and Viability

The NPPF advises that where a need for affordable housing is identified, it is expected that this will be met on-site unless off-site provision or an appropriate financial contribution in lieu can be robustly justified; and the agreed approach contributes to the objective of creating mixed and balanced communities (para 63). Affordable housing should not be sought on schemes that are not major development. Where major development involving the provision of housing is proposed, planning policies and decisions should expect at least 10% of the total number of homes to be available for affordable home ownership (para 65).

Core Strategy policy H-3 confirms that affordable housing is required on sites providing 15 dwellings (gross) or more and sites of 0.5 hectares or more. The proportion of affordable housing sought varies across the borough to take account of property prices and economic viability. Subject to viability, the Council will negotiate to achieve 5% to 15% affordable housing within the Town Centre areas (Core Strategy policy H3). This would necessitate the provision of one affordable unit in this case.

The 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 there is still a considerable affordable housing need in Stockport.

The HNA found that 155 households are in need of affordable housing the Town Centre. In terms of tenure, the preference in this location is for intermediate (shared ownership) tenure. With regards affordable house type the predominant need in this area is for 1 and 2 bedroom houses with level access.

The NPPF advises at para 58 that where up-to-date policies have set out the contributions expected from development, planning applications that comply with them should be assumed to be viable. It is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage. The weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case, including whether the plan and the viability evidence underpinning it is up to date, and any change in site circumstances since the plan was brought into force. The issue of viability is therefore pertinent to the consideration of children's play and formal recreation.

Submitted with this application is a Financial Viability Assessment (FVA), which seeks to demonstrate that the development will not be viable if a policy compliant scheme including a single affordable unit is provided. This has been subject to independent scrutiny by the Council's supported Surveyor. It is concluded that having regard to the costs associated with the development, and even allowing for the funding that will be secured to enable the development to proceed, the development will not be financially viable nor would it proceed if the required affordable unit is provided.

Clearly the lack of contribution to affordable housing within this development is regrettable, however the NPPG confirms that where contributions are reduced below the requirements set out in policies to provide flexibility in the early stages of a development, there should be a clear agreement of how policy compliance can be achieved over time. Review mechanisms are not a tool to protect a return to the developer, but to strengthen local authorities' ability to seek compliance with relevant policies over the lifetime of the project. Whilst it is overwhelmingly unlikely that development could take place without Homes England and other funding support, the council needs to ensure that the affordable housing policy position is protected in the event that the situation changes. As such, planning permission would be subject to a legal agreement in relation to clawback. Where it is demonstrated (at an agreed point in time usually close to the completion of the development) that the viability of the development has subsequently improved, the Council would then seek to secure off-site affordable housing commensurate with the Policy guidelines.

Notwithstanding the above, the applicant has confirmed that all the apartments would be offered as affordable housing subject to Homes England Grant Funding. The applicant would seek this funding if the application is approved (it cannot be sought prior to permission due to Homes England grant conditions), and it would significantly exceed the policy requirement as set out above. Whilst the preferred tenure in this location would be for shared ownership, it is proposed that affordable housing would be delivered through whichever affordable tenure receives grant funding from Homes England. For the avoidance of doubt, however, the provision of affordable housing cannot currently be assured. Clearly the lack of provision in this respect and failure to comply with the Development Plan weighs against the proposals. Notwithstanding this, the potential lack of provision must be weighed against the benefits of the proposed development.

Impact on the Character of the Locality and Residential Amenity

Core Strategy policy CS3 confirms that sites in the most central locations, such as the Town Centre areas, are the most suitable for flats and can support high density development. Development should be of a high quality, respond to the character of the area within which they are located and provide for good standards of amenity (H1). This is reinforced in Core Strategy policy CS8 which welcomes 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.

Policy SIE-1 of the Core Strategy also confirms that development which is designed 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 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). Satisfactory levels of privacy and amenity for future, existing and neighbouring users and residents should be provided, maintained or enhanced.

Core Strategy Policy SIE-3 outlines that development which preserves or enhances the special architectural, artistic, historic or archaeological significance of heritage assets will be welcomed. Heritage assets include buildings, sites, places, areas or landscapes positively identified as having a degree of significance meriting consideration in planning decisions. Loss or harm to the significance of a heritage asset, through alteration, destruction or development within its setting, will require clear and convincing justification.

The NPPF confirms at paragraph 119 that planning decisions should promote an effective use of land in meeting the need for homes, while safeguarding the environment and ensuring safe and healthy living conditions. Planning decisions should support development that makes efficient use of land taking into account several factors including the desirability of maintaining an area's prevailing character and setting and the importance of securing well designed and attractive places (para 124). 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. Local planning authorities should refuse planning applications which they consider fail to make efficient use of land (para 125).

Chapter 12 of the NPPF confirms that the Government attaches great importance to the design of the built environment. The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities (para 126).

Planning decisions should ensure that developments function well and add to the overall quality of the area; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities); establish or maintain a strong sense of place, using spaces, building types and materials to create attractive, welcoming and distinctive places to live; optimise the potential of the site to accommodate and

sustain an appropriate amount and mix of development and create places that are safe, inclusive and accessible (para 130).

Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents. Conversely, where the design of a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development (para 132).

It is noted that the NPPF states that “where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities and ensure that developments make optimal use of the potential of each site” (Para 124). Clearly in an urban location high density development such as that proposed is encouraged, however regard must also be paid to the impact of the development in all other respects such as its impact on the character and amenities of the area, parking and amenity space provision etc. Subject to a satisfactory resolution in this respect, the density of development proposed would also be considered appropriate.

The Council's SPD 'Design of Residential Development' sets out a clear indication of the Council's expectations and helps the Council make consistent decisions on planning applications in relation to residential developments.

Paragraph 199 of the NPPF outlines that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification (paragraph 200).

The application site is located within Hillgate Conservation Area and the setting of the historic building complex comprising No's. 21- 23 Higher Hillgate, with No. 23 being Grade 2 Listed. It has been submitted with a Heritage Assessment. The Conservation Officer's comments are reproduced in full in the 'Consultee Responses' section. No objections are raised to the development, and subject to careful specification of external materials and architectural detailing it is commented that this proposal will *enhance* the special character and appearance of the conservation area. It will also safeguard and enhance the setting of the Listed Building. These elements would be controlled by planning condition. The development will help to restore elements of its historic identity.

The Tree Officer (see 'Consultee Responses' section) has raised no objections to the development, subject to conditions. These would be imposed if the application is granted. The proposed landscape scheme is acceptable, and has been agreed by the Council's Nature Development Officer.

In terms of impact on residential amenity, the proposed development has been assessed having regard to advice contained within the Council's adopted SPD 'Design of Residential Development'. To Higher Hillgate, the development will be positioned between approximately 14.0-15.0m of the front elevation (south end)

of the 4 storey apartments on the opposite side of the road. This fails to comply with the 24.0m separation distance recommended in the SPD for 3-storey development. To the nearest windows in the apartment block to the rear (17-22 Hatters Court) the separation distance will be approximately 23.0m, when again 24.0m is recommended. The SPD does, however, acknowledge that in applying these standards regard must be paid to the character of the locality. Certainly, in town centre locations there is often not the space available to secure development in accordance with these standards. The character of development in the vicinity of the site is that of a high density and close knit nature. The spacing between development is consistent with this character, and it will not give rise to an unreasonable loss of amenity through overlooking or overshadowing. It is sufficient that a reasonable standard of privacy will be safeguarded for existing and future residents. Furthermore, it must be accepted that if this site is to be developed for residential purposes, when the Council has a considerable housing shortfall, a reduction in the Council's recommended privacy distances must be accepted.

The consideration of amenity extends to future residents of the site as well as those adjacent. In this respect, the Council's SPD for the design of residential development advises that whatever the size or location of a dwelling there will always be a requirement for some form of private amenity space. Incorporating balconies is encouraged where they can be provided without compromising the privacy and amenity of neighbours, or harming the character of the area. They may be required where the private or communal space provision is insufficient. It is however accepted that compliance with the SPD is often more difficult within or adjacent to the town centre, where space and sites are more restricted than in the suburban and rural parts of the Borough. In this case, all flats with the exception of four on the ground floor will benefit from a private balcony. In the case of those without a balcony, there is a small private garden area.

In terms of amenity, consideration also needs to be given to noise, ground pollution and air quality, and the impact that this will have on the future occupiers of the site. A noise impact assessment and investigation report have been submitted, and no objections are raised from the Environmental Health Service (EHS) subject to conditions. The EHS also has no objections on the grounds of air quality. The conditions would be imposed if the application is granted. On this basis there will be no adverse or unacceptable impacts to either neighbouring occupiers or the future occupiers of the development.

For the above reasons it is considered that the proposals will deliver a form of development that not only regenerates this prominent site, but also one that respects and enhances the character of the area and safeguards residential amenity. The proposals accord with the above-mentioned policy position.

Archaeology

Core Strategy Policy CS8 confirms that development will be expected to make a positive contribution to the protection and/or enhancement of the borough's heritage assets, including sites of archaeological significance. Opportunities afforded by development for archaeological investigation will be taken advantage of, particularly at sites and within areas where such investigation is likely to reveal material of archaeological importance.

Policy SIE-3 states that where site evaluation indicates that remains of archaeological importance are likely to be present, developers will be required to excavate and record archaeological evidence prior to the development commencing.

Paragraph 205 of the NPPF advises that Local planning authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible.

The comments of the Greater Manchester Archaeological Advisory Service are reproduced in full in the 'Consultee Responses' section. No objections are raised to the development, subject to a condition. This would be imposed if the application is granted.

The proposals therefore accord with the above-mentioned policy position.

Ecology and Biodiversity

Saved UDP Review policy NE1.2 confirms that the habitats and biodiversity of sites of biological importance will be protected and enhanced where possible. Development should seek to ensure the continuing viability of the habitat or wildlife interest of the site through the nature, scale, layout and density of development, measures which remove or minimise damage to habitat and disturbance to wildlife and appropriate provision for the future maintenance of the site.

The Core Strategy at policies H1, CS8 and SIE1 requires development to be landscaped to a high standard, paying high regard to the natural environment, within which it is cited. Incorporating Green Infrastructure into development schemes also contributes to addressing key issues such as climate change. Policy SD6 also acknowledges the importance of landscaping particularly in the urban area and seeks to secure provision of appropriate green cover (shaded green space and tree cover), green roofs, walls and boundaries.

Policy SIE-3 confirms that the Borough's landscapes and biodiversity combine to create a unique and distinctive local character of importance to residents and visitors alike. Planning applications should identify mitigation measures that keep disturbance to a minimum and provide alternative habitats to sustain at least the current level of population as well as setting out a long term management for the site. Development proposals affecting trees which make a positive contribution to amenity should make provision for their retention unless there is justification for their removal to enable development to take place.

The NPPF at para 131 acknowledges that trees make an important contribution to the character and quality of urban environments, and can also help mitigate and adapt to climate change. Planning decisions should ensure that opportunities are taken to incorporate trees in development, that appropriate measures are in place to secure the long-term maintenance of newly-planted trees, and that existing trees are retained wherever possible.

Planning decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, sites of biodiversity, by minimising impacts on and providing net gains for biodiversity (para 174).

The Tree Officer (see 'Consultee Responses' section) has raised no objections to the development, subject to conditions. These would be imposed if the application is granted. The proposed landscape scheme is acceptable, and has been agreed by

the Council's Nature Development Officer. The Nature Development Officer's comments are reproduced in full in the 'Consultee Responses' section. No objections are raised to the development, subject to conditions and the payment of a habitat offsetting fee of £2,265.00 plus management and monitoring fee (10%) and adjustments for inflation. The conditions would be imposed if the application is granted, and the applicant has agreed to the fee that would be sought via a legal agreement..

On this basis, the proposals can be considered compliant with the above-mentioned policy position. The proposals will secure development that protects and enhances the biodiversity of the locality.

Highways

Policy CS9 of the Core Strategy DPD requires development to be sited in locations accessible by walking, cycling and public transport. This policy also confirms that the Council will support development that reduces the need to travel by car, a position which is followed through in policy T1. Parking (including accessible spaces and cycle parking) should be provided in accordance with the maximum standards (policy T2) and development which will have an adverse impact on highway safety and/or the capacity of the highway network will only be permitted if mitigation measures are proposed to address such impacts. Developments shall be of a safe and practical design (policy T3).

The NPPF at Chapter 9 confirms that safe and suitable access to the site should be achieved for all users. Opportunities for sustainable modes of transport should be identified and pursued. The layout of development in terms of transport should contribute to high quality places. Significant development should be focussed on locations which are or can be made sustainable to help reduce congestion and emissions and improve air quality and public health. Local parking standards should take account of accessibility, differing development types, public transport availability, local car ownership levels and the need to ensure an adequate provision of spaces for charging plug in and other ultra low emission vehicles.

In considering development proposals appropriate opportunities to promote sustainable transport should be achieved and safe and suitable access for all. The design of the highway infrastructure should reflect national guidance and any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, should be cost effectively mitigated to an acceptable degree. Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Applications for development should give first priority to pedestrian and cycle movement and secondly facilitate access to high quality public transport. The needs of people with disabilities and reduced mobility in relation to all modes of transport should be addressed and places that are safe and attractive to use should be delivered. There should be an allowance for the efficient delivery of goods and access by emergency services and development should be designed to enable the charging of plug in and other ultra low emission vehicles in safe, accessible and convenient locations.

All development that will generate a significant amount of movement should be accompanied by a travel plan and supported by a transport statement or assessment so that the likely impacts can be considered.

The Council offers guidance in the form of Supplementary Planning Documents (SPD) to inform development. In addition, whilst not with the status of an SPD guidance is also issued in relation to electric vehicle charging noting that both the Core Strategy and NPPF support measures to promote sustainable modes of travel, to reduce the impacts of climate change and improve air quality.

The application site is clearly within a highly sustainable location within the town centre, within reasonable walking and cycling distance of shops, services and places of employment and with good access to modes of travel other than the private car; it is therefore appropriate that high density development such as that proposed be delivered in this location.

Given the location of the site with good access to services and public transport it is reasonable to assume that the redevelopment of this site would reduce the need to travel by car and would be attractive to those who do not want to own a car.

The Highway Engineer's conclusions are included in the 'Consultee Responses' section. No objections are raised to the development subject to conditions, and the applicant entering into a legal agreement which requires the payment of £7000 to fund a Traffic Regulation Order in respect to the amendment/ provision of parking restrictions on Higher Hillgate and Higher Barlow Row. The conditions would be imposed if the application is granted, and the applicant is aware of the need for a highway contribution.

On this basis, the proposals can be considered compliant with the above-mentioned policy position and that delivers a development that will cause no harm to highway safety.

Flood Risk and Drainage

The application site is identified by the Environment Agency as being within flood zone 1. As such the site is at the lowest risk of flooding however given the scale of the development proposed, the application must be accompanied by a Drainage Strategy.

Core Strategy Policy SD-6 requires all development to be designed to avoid, mitigate or reduce the impacts of climate change. All development will be expected to incorporate SUDS so as to manage surface water run off from the site and development on previously developed land must reduce the unattenuated rate of surface water run off by a minimum of 50%.

The NPPF confirms at chapter 14 major developments should incorporate sustainable drainage systems with maintenance arrangements in place for the lifetime of the development.

The comments of the LLFA are reproduced in full in the 'Consultee Responses' section. No objections to the development are raised, subject to approval of the submitted details. The condition requested by the LLFA would be imposed if the application is granted.

On this basis, the proposals can be considered compliant with the above-mentioned policy position on drainage.

Sustainable Design

Core Strategy policy CS1 seeks to ensure that all development meets an appropriate recognised sustainable design and construction method where viable to do so in order to address both the causes and consequences of climate change. In particular all development will be required to demonstrate how it will contribute towards meeting the Borough's carbon footprint reduction by achieving carbon management standards. As confirmed by policy SD3, applications should include an energy statement showing how carbon reductions will be achieved.

An Energy and Sustainability Statement (ESS) has been submitted in support of the application. The comments of the Planning Policy Officer tasked with the Council's response to the climate emergency are reproduced in full in the 'Consultees Responses' section. No objections are raised.

The measures proposed are acceptable, and will secure a sustainable form of development that addresses the impacts of climate change. On this basis the proposal is compliant with the above-mentioned policy position.

Crime

Development that is designed to a high standard and which makes a positive contribution to a safe built environment will be given positive consideration (Core Strategy policy CS8). This is reinforced in the NPPF at para's 92, 97 and 130 where it confirms that decisions should aim to achieve safe places so that crime and disorder do not undermine the quality of life or community cohesion.

The application is accompanied by a Crime Impact Statement. This has been reviewed by GMP (Design for Security) on behalf of Greater Manchester Police, and its comments are reproduced in full in the 'Consultee Responses' section. No objections are raised subject to a planning condition. This would be imposed if the application is granted.

Noting that GMP raise no objection to the proposals, the application can be considered compliant with the above-mentioned policy position and will secure development that deters crime and protects residents from crime.

Open Space and Viability

The proposed redevelopment of this site gives rise to the need to make provision for children's play and formal recreation when the relevant policies in the Development Plan and advice in the NPPF are applied. In this respect, due to an under provision of children's play facilities and formal recreation across the Borough having regard to the resident population, residential developments are expected to make provision for children's play and formal recreation in accordance with UDP Review policy L1.2 and Core Strategy policy SIE2. This policy position is supported by the Recreational Open Space Provision and Commuted Payments SPG. Where it is not possible to secure the provision for children's play on-site within the development, compliance with this policy is secured by a commuted sum payment which is then invested in a play facility within the catchment area of the application site. Other than for significant major developments where there is space to make provision for formal recreation on-site, this contribution is almost always made by a commuted sum payment and then invested in existing facilities across the Borough having regard to the projects contained on the Formal Sport Priority List.

Having regard to the schedule of accommodation proposed, the commuted sum required to ensure compliance with this policy would equate to £77,902.50, comprising £19,337.50 for off-site children's play provision and maintenance and

£58,565.00 for off-site formal recreation and maintenance. The development falls within the catchment area of three play sites, Mottram St Piazza (LEAP), Covent Garden (LEAP) and St Thomas Recreation Ground (NEAP). The Play and Infrastructure Officer has recommended that any recreational open space contribution for play is allocated to St Thomas Recreation Ground (NEAP), and formal contribution to the Formal Sport Priority List.

The NPPF advises at paragraph 58 that where up-to-date policies have set out the contributions expected from development, planning applications that comply with them should be assumed to be viable. It is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage. The weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case, including whether the plan and the viability evidence underpinning it is up to date, and any change in site circumstances since the plan was brought into force. The issue of viability is therefore pertinent to the consideration of children's play and formal recreation.

Submitted with this application is a Financial Viability Assessment (FVA) which seeks to demonstrate that the development will not be viable if policy compliant contributions, as set out above in relation to children's play and formal recreation, are made. The FVA has been subject to independent scrutiny by the Council's supported Surveyor. It is concluded that having regard to the costs associated with the development, and even allowing for the funding that will be secured to enable the development to proceed, the development will not be financially viable nor would it proceed if the required contribution to children's play and formal recreation has to be paid.

Clearly the lack of contribution to children's play and formal recreation within this development is regrettable, however the NPPG confirms that where contributions are reduced below the requirements set out in policies to provide flexibility in the early stages of a development, there should be a clear agreement of how policy compliance can be achieved over time. Review mechanisms are not a tool to protect a return to the developer, but to strengthen local authorities' ability to seek compliance with relevant policies over the lifetime of the project.

As the council needs to ensure that the recreational open space policy position is protected in the event that the situation changes, if granted planning permission this would be subject to a legal agreement in relation to clawback. Where it is demonstrated (at an agreed point in time usually close to the completion of the development) that the viability of the development has subsequently improved, the Council would then seek to secure a recreational open space contribution commensurate with the Policy guidelines

For the avoidance of doubt, however, the provision of this contribution cannot currently be assured. Clearly the lack of provision in this respect and failure to comply with the Development Plan weighs against the proposals.

Notwithstanding this, the potential lack of provision must be weighed against the benefits of the proposed development.

Summary and Conclusions

The scheme as proposed would deliver considerable regenerative benefits to a prominent site within the town centre. The regeneration of this vacant site for a high quality residential led development will further the transformational regeneration underway in the town centre.

There is no policy objection to the loss of the existing building.

In terms of housing delivery, the provision of 24 no. 1 and 2 bed dwellings that will be 100% affordable subject to Homes England Grant Funding, will make a significant contribution to housing need in the Borough. This potential provision of affordable housing would be significantly in excess of that required by Core Strategy policy H-3.

In terms of visual impact, the proposed development through its layout, scale and design is considered to respond well to the character of the locality and will enhance its appearance. Across the wider town centre, high density development is evident and that proposed reflects this character by delivering a high quality scheme that will enhance and regenerate the locality.

Residents of neighbouring properties will retain an acceptable level of amenity, and residents of the development will benefit from a high level of amenity afforded from not just the layout of the development and amenity space provision but also from the specification of the development and quality of the built environment.

Noting the town centre location of the site, protection from pollution will be secured through appropriate mitigation measures such that there is no adverse impact in this respect. The proposal is therefore compliant with Core Strategy policies CS4, H1, CS8, SIE1 and SIE3 as well as advice contained in the NPPF.

The proposed development will not give rise to an adverse impact in relation to protected species and will deliver net gains to biodiversity. In this respect the proposal is compliant with saved UDP Review policies NE1.2 and NE3.1 together with Core Strategy policy SIE3 and advice contained in the NPPF.

The development will deliver a betterment to the drainage of the site, and includes sustainable measures in accordance with Core Strategy policy SD6 and chapter 14 of the NPPF.

The development will deliver sustainable development and carbon reductions required by Core Strategy policies SD1 and SD3.

The proposed development of this accessible and highly sustainable town centre site is supported. Development will offer access to sustainable transport choices, be safe and practical to use, will provide parking and servicing to support the residential dwellings proposed and will not give rise to conditions prejudicial to highway safety. On this basis the proposal is considered compliant with Core Strategy policies CS9, T1, T2 and T3 together with advice in the NPPF. There will be no adverse impact in relation to crime, and in this respect the proposal is compliant with Core Strategy policies CS8 and SIE5 together with advice contained within the NPPF.

Through the submission and consideration of a viability statement, the application has demonstrated that the development would not be viable if compliance with policies H-3, L1.2 and SIE-2 is required. Put simply, it would not proceed. Subject to a claw back clause in a S106 there would be an opportunity to review the viability of the development, and if improved secure off-site affordable housing and a recreational open space contribution commensurate with Policy guidelines. Furthermore, the development will be 100% affordable subject to Homes England Grant Funding. It is important to note, however, that

the provision of affordable housing and an open space contribution cannot be guaranteed.

Application of Paragraph 11 of the NPPF

Members are well versed with the housing land supply position and the implications this has in respect of the presumption in favour of development. In short, where there is a shortfall against the required five-year supply, footnote 8 of the NPPF deems the policies which are most important for determining planning applications to be out-of-date, with the consequence that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this framework as a whole.

This application has been considered in detail against the Development Plan and NPPF. In terms of adverse impacts, the proposal fails to provide affordable housing as required by Policy H-3, or make provision for children's play and formal recreation in accordance with policies L1.2 and SIE2. There is however the potential to secure off-site affordable housing and open space contributions up to full policy requirement through a clawback clause within a legal agreement, and the development will be 100% affordable subject to Homes England Grant Funding. .

This adverse impacts, however, must be weighed against the benefits comprising:-

- the regeneration of this prominent town centre site;
- the provision of a significant level of housing which will make a considerable contribution to assisting the continued position of undersupply;
- the delivery of a high quality development that will enhance this part of the town centre;
- the provision of a high level of amenity and safe environment for the future occupiers and users of the site, without unreasonably harming the amenities of neighbouring occupiers;
- the protection of ecology and enhancement of the site in terms of biodiversity;
- the creation of a development within an accessible location, that causes no harm in relation to traffic generation or parking;
- the delivery of a development that meets all planning requirements in relation refuse and recycling; and
- the incorporation of measures that will deliver a sustainable solution to the drainage of the site.

The phrase 'significantly and demonstrably' in paragraph 11 of the NPPF is crucial in coming to a view on this tilted balance. The fact that a proposal causes harm does not by default mean that permission should be refused. Rather, it has to be demonstrated that any harm arising from the proposal is so great that it 'significantly and demonstrably' outweighs all the benefits when assessed

against the Framework (that being the NPPF) as a whole. In applying this assessment, whilst the lack/potential lack of a contribution to children's play and formal recreation is unfortunate, it is not considered that this adverse impact significantly or demonstrably outweigh the benefits of this development when assessed against the policies of the framework as a whole. As such the presumption is favour of development is applied.

On the basis of the above the application is recommended for approval subject to the imposition of conditions and the completion of a legal agreement.

As the application is a departure to the Development Plan (no affordable housing or recreational open space payment), the decision will need to be made by the Planning & Highways Regulation Committee.

RECOMMENDATION Grant Subject to conditions and a legal agreement

CENTRAL AREA COMMITTEE 3RD AUGUST 2023

The Planning Officer introduced the application.

Members asked what the tenure of affordable housing would be. The Planning Officer advised that the affordable housing statement submitted with the application suggests that it would be 100% shared ownership. Members were however reminded that as no affordable housing can be delivered through the grant of planning permission other than that possibly secured through a clawback clause in the S106 agreement if the application is approved, the Council cannot control the tenure of what might be agreed through Homes England funding.

Members heard representations from the agent in support of the application.

Members asked the agent about Homes England funding and the tenure of the affordable housing. They were advised that this is under review and forms part of their discussions with Homes England.

Members asked how the upper floors are accessed. The agent advised that there would be stair access to all floors. In addition to this, 4 apartments on the ground floor would have their own access and one of those apartments would be designed to category 2 standards (accessible and adaptable dwellings). Due to the viability issues it has not been possible to propose a lift to the upper floors.

In commenting on the application Members expressed disappointment that there would be no affordable housing secured through the planning application and that the upper floors are not as accessible as the ground floor. That aside it will be an attractive and welcome development. Members did not agree with the definition of what is affordable and expressed the view that shared ownership is not a form of housing that we should be looking at in Stockport, rather properties should comprise social rent. It was noted however that this definition was not set by the Council, they still welcomed the application.

Members agreed the recommendation to grant planning permission subject to the imposition of conditions and completion of a legal agreement.

[Central Stockport Area Committee - Thursday 3 August 2023, 6:00pm - Start video at 0:31:06 - Stockport Council Webcasting \(public-i.tv\)](#)

