

ITEM 2

Application Reference	DC/088291
Location:	1 Eaton Close Cheadle Hulme Cheadle SK8 5EY
PROPOSAL:	Retrospective planning application for alterations to two dwellinghouses, car parking, landscaping and boundary treatments approved by planning permission reference DC/073373
Type Of Application:	Full Planning
Registration Date:	11 th May 2023
Expiry Date:	22 nd September 2023 (Extension of Time Agreed)
Case Officer:	Rebecca Whitney
Applicant:	Mr Shuaib Ishaq
Agent:	Adams Planning + Development Ltd

DELEGATION/COMMITTEE STATUS

This application is before the Committee as more than 4 objections have been received, contrary to the Case Officer's recommendation of approval.

DESCRIPTION OF DEVELOPMENT

The application seeks retrospective planning permission for the erection of 2no. two storey, 4 bedroom dwellings, with associated car parking, landscaping and boundary treatments. The application follows the granting of application DC/073373, however the development as built is not in accordance with the approved details. The site had previously been occupied by a single storey dwelling.

The alterations from the previously approved plans can be summarised as follows:

- a. Addition of a second gabled projection to the front elevations of the dwellings in place of the previously approved dormer window
- b. Increase in height and overall increase in footprint, including the addition of single storey rear projections
- c. Amendments to the layout of the parking areas, landscaping and the addition of decking area to the rear garden of Dwelling B
- d. Amendments to the design and layout of windows and doors
- e. Amendments to the materials palette.

The elevations are finished in brick and render with stone sills to the windows, and the roofs are finished in grey tiles. The front elevations have two gabled projections with feature glazing, and the openings within the side elevations would provide secondary openings to habitable rooms or serve bathrooms.

It is proposed to retain the majority of landscaping upon the site, including the mature hedging to the boundaries with adjacent residential properties. New boundary treatments are proposed within the site, to the frontage of the site and for an area to the north-eastern side of the site adjacent to 2 Eaton Close, in place of

existing hedging. Landscaping and turfed rear gardens are proposed for the houses, with decking.

Pedestrian and vehicular access would be along the unadopted highway of Eaton Close, which leads to the adopted highway of the A5149 Cheadle Road. It is proposed to widen the area of hardstanding to the frontage of the application site in order to provide additional space for passing and turning vehicles.

The application has been amended during consideration as the submitted plans were not an accurate reflection of the development built on site. Amended plans have been received, and a second neighbour consultation was issued. It was noted, following this, that the small projection to the rear elevation of Dwelling A (serving the bifold doors) was shown on the elevation drawings but not the floor plans, and this has now been included.

SITE AND SURROUNDINGS

This application relates to land known as 1 Eaton Close, Cheadle Hulme, which was formerly occupied by one bungalow, however this has since been demolished and two dwellings erected. The curtilage is bounded by mature planting, which predominantly comprises laurel hedging. The trees within the site are not protected by a Tree Preservation Order (TPO).

The site is located within a Predominantly Residential Area, as regards the development plan, and is surrounded by residential properties of varying scale and character.

Irwin Court to the southwestern side of the site, comprises an apartment building of three-storeys, located within curtilage. Some trees within the Irwin Court boundary are covered by TPOs. 2 Eaton Close to the north-western side of the site is a large dormer bungalow and 3 Eaton Close, beyond 2 Eaton Close, is a large bungalow.

Bungalows along Grange Avenue are located to the front of the application site, to the north-west. The rear gardens of the bungalows along Grange Avenue abut the access road of Eaton Close. Two-storey houses are located to the southeast, off Anfield Road, to the rear of the site, and also to the south off Cheadle Road, including number 45A Cheadle Road, which is located adjacent to the Eaton Close access road at the junction with Cheadle Road.

The application site is located within an area that is affected by noise from Manchester Airport and within Flood Zone 1 (low risk).

The vehicular access along Eaton Close is not adopted by the Council. The tarmac surfaced access is quite narrow in width, however, there is an area of pedestrian footway running alongside the roadway. It is proposed to widen the hardstanding to the frontage of the application site for passing and turning space.

The access currently serves three properties, including the application site of 1 Eaton Close, together with numbers 2 and 3 Eaton Close.

POLICY BACKGROUND

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

The Statutory Development Plan for Stockport comprises:-

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

Saved policies of the SUDP Review

EP1.7: Development and Flood Risk

EP1.9: Safeguarding of Aerodromes and Air Navigation Facilities

EP1.10: Aircraft Noise

L1.2: Children's Play

MW1.5: Control of waste from development

LDF Core Strategy/Development Management policies

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

SD-1: Creating Sustainable Communities

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

SD-6: Adapting to the Impacts of Climate Change

CS2: HOUSING PROVISION

CS3: MIX OF HOUSING

CS4: DISTRIBUTION OF HOUSING

H-1: Design of Residential Development

H-2: Housing Phasing

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

CS10: AN EFFECTIVE AND SUSTAINABLE TRANSPORT NETWORK

T-1: Transport and Development

T-2: Parking in Developments

T-3: Safety and Capacity on the Highway Network

Supplementary Planning Guidance and Documents

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

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

National Planning Policy Framework (NPPF)

A Revised National Planning Policy Framework (NPPF) issued by the Secretary of State for Housing, Communities and Local Government (MHCLG) on 20th July 2021 and replaced the previous NPPF (originally issued 2012 & revised 2018 and 2019). The NPPF has not altered the fundamental legal requirement under Section 38(6) of the Planning and Compulsory Purchase Act 2004 that decisions must be made in accordance with the Development Plan unless material considerations (such as the NPPF) indicate otherwise.

The NPPF representing the governments up-to-date planning policy which should be taken into account in dealing with applications focuses on achieving a lasting housing reform, facilitating the delivery of a greater number of homes, ensuring that we get planning for the right homes built in the right places of the right quality at the same time as protecting our environment. If decision takers choose not to follow the NPPF, then clear and convincing reasons for doing so are needed.

N.B. In respect of decision-taking the revised NPPF constitutes a “material consideration”.

National Planning Practice Guidance (NPPG)

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

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

RELEVANT PLANNING HISTORY

DC/080099 - Discharge of Conditions 14 (Boundary Treatments) and 21 (Carriageway Markings) of Planning Permission reference DC/073373 for Erection of two dwellinghouses (Use Class C3(a)) with associated car parking, landscaping and boundary treatments, following demolition of existing bungalow. Conditions Discharged 25th June 2021.

DC/076231 - Discharge of Conditions 3 (Surface Water Drainage) and 15 (Acoustic Assessment) of planning permission reference DC/073373 for the erection of two dwellinghouses (Use Class C3(a)) with associated car parking, landscaping and boundary treatments, following demolition of existing bungalow. Conditions Discharged 1st September 2021.

DC/075737 - Discharge of Conditions 2, 4, 5, 6, 7, 8, 9, 10, 12, 16, 17, 19 and 20 of DC/073373 for the erection of two dwellinghouses (Use Class C3(a)) with associated car parking, landscaping and boundary treatments, following demolition of existing bungalow. Conditions Discharged 22nd March 2023.

DC/073373 - Erection of two dwellinghouses (Use Class C3(a)) with associated car parking, landscaping and boundary treatments, following demolition of existing bungalow. Granted 15th November 2019.

DC/070618 - Erection of two dwellinghouses (Use Class C3(a)) with associated car parking, landscaping and boundary treatments, following demolition of existing bungalow. Withdrawn 8th May 2019.

NEIGHBOUR'S VIEWS

19 neighbouring properties were consulted via letter and a site notice was displayed close to the site.

In response to the original consultation, 2 individual objections have been received, and one petition on behalf of the residents of 9 neighbouring properties. The grounds for objection can be summarised as follows:

- a. Overlooking and loss of privacy
- b. The development is very different to that which was previously approved
- c. The plans submitted are not an accurate reflection of the development, with comments provided in respect of the number of rooflights in particular.
- d. Notes that the plans need to be checked in person against the dwellings
- e. Streetscene images are misleading
- f. Design is out of keeping with the other homes within the area
- g. Concerns that the single storey rear projections could be used as balconies, which are not shown on the submitted plans
- h. Concerns that if Juliet balconies are approved, there could be changed to allow access to the roof of the single storey projections
- i. The use as balconies would result in adverse impacts in respect of privacy and noise disturbance
- j. Significant extensions have been added to the rear of the dwellings as approved, the footprint of both houses exceeds that shown on the original plans, the buildings appear higher than that shown in the original plans and the windows are larger than shown in the original plans.
- k. Lack of car parking, which could impact on Cheadle Road and highway safety
- l. The plans regarding car parking are vague
- m. The previously approved plans included garages and these have not been included.
- n. The rooflights result in overlooking and noise disturbance
- o. Side elevation windows to Dwelling B are not labelled as being obscure glazed
- p. Concern that the applicant plans to remove a substantial amount of the boundary hedge, and comments are made regarding an ongoing process related to ownership
- q. The SMBC Strategic Housing Land Availability Assessment sets a target of 480 additional dwellings per year. In 2020, almost 3 times that number of dwellings were built. The density of this development cannot be justified on those grounds
- r. Queries the concrete foundation rear of Dwelling B
- s. Property values
- t. One neighbour commented that they had not received notification

The applicant submitted amended plans as those originally submitted did not accurately reflect the development on site. A second neighbour consultation was issue, and a further objection was raised on behalf of the residents of 9 neighbouring properties. The comments can be summarised as follows:

- a. The amended plans are noted, however the points raised in the earlier letter remain and need to be addressed
- b. Highlights the that the amended plan for Dwelling B shows decking in the area of the substantial concrete footing/foundation, it is believed that something other than decking alone will site on that foundation.

CONSULTEE RESPONSES

SMBC Highways Engineer – No objections subject to conditions regarding the construction of driveways, electric vehicle charging points, cycle parking, and off site works.

Safeguarding Officer for Manchester Airport – No objection subject to a condition to restrict permitted development rights regarding exterior lighting. An informative is requested regarding upward light spill.

SMBC Environmental Health Officer (Noise) – No objection.

SMBC Environmental Health Officer (Land Contamination) – No comments to make.

SMBC Nature Development Officer – No objections subject to a condition to ensure the protection of nesting birds.

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

ANALYSIS

The application seeks retrospective planning permission, and it is noted that neighbour comments to the initial consultation noted that the plans submitted are not an accurate reflection of the development, with comments provided in respect of the number of rooflights in particular. These matters have since been addressed through the submission of amended plans, and a further consultation was issued.

It was also commented that the streetscene images are misleading, however Officers note that these are taken from a certain perspective and are provided for assessment purposes only.

Neighbour comments also advise that the plans need to be checked in person against the dwellings, and it is confirmed that a site visit has been undertaken.

Principle of Residential Development

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

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

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

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

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

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

It is noted that a neighbour objection comments that the SMBC Strategic Housing Land Availability Assessment sets a target of 480 additional dwellings per year. In 2020, almost 3 times that number of dwellings were built, and therefore the density of this development cannot be justified on those grounds. Whilst this comment is noted, it should also be noted that the previous planning permission granted consent for 2no. four bedroom dwellings on this site.

Impact upon the Character and Appearance of the Area

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

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

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

Neighbour comments have been received on the grounds that the development is very different to that which was previously approved. This lack of compliance with the previously approved plans is the reason for a new planning permission to be sought.

The application is retrospective and therefore the dwellings have already been built on site, albeit some works are outstanding such as landscaping, boundary treatments and the laying out of the site access and driveways. The elevations are finished in brick and render with stone sills to the windows, and the roofs are finished in grey tiles. The front elevations have two gabled projections with feature glazing, and the openings within the side elevations would provide secondary openings to habitable rooms or serve bathrooms.

Neighbour comments note that significant extensions have been added to the rear of the dwellings as approved, that the footprint of both houses exceeds that shown on the original plans, the buildings appear higher than that shown in the original plans and the windows are larger than shown in the original plans. These observations are correct, however it should be noted that the current application is for a new planning permission in acknowledgement that the dwellings were built without being in accordance with the approved plans.

The new dwellings are approximately 30cm greater in height than the dwellings approved under application DC/073373, with the addition of a second gabled projection to the front elevation rather than a dormer window, the addition of single storey rear projections, and alternative window designs. There is also a less diverse palette of materials.

Previously approved plans clearly demonstrated that the majority of the mature landscaping at the site boundaries, including the predominantly laurel mature hedging to the boundaries with adjacent residential properties, would be retained. This is to be secured via condition. New boundary treatments are proposed within the site, to the frontage of the site, and for an area to the north-eastern side of the site adjacent to 2 Eaton Close, in place of existing hedging. Landscaping and turfed rear gardens are proposed for the houses, with areas of decking. It is proposed to widen the area of hardstanding to the frontage of the application site in order to provide additional space for passing and turning vehicles.

The siting of the dwellings is deemed to be acceptable, with the front elevations of the dwellings facing the Eaton Close access, with amenity space to the rear, as per the neighbouring dwellings at Nos.2 and 3 Eaton Close. The submitted plans show that the storage of cycles and receptacles for segregated waste disposal and recycling would be accommodated within the rear garden areas, as shown on the plans. A landscaping scheme for the site is indicated upon the plans.

Neighbour objections note that the design is out of keeping with the other homes within the area. The houses are of modern appearance, and therefore, the houses do appear different to the established form of development within the area, however, there is a mix of development within the area, and development does not have to appear similar to the existing to be acceptable, depending upon the scheme and the context.

It is considered that the brick and render, two-storey houses, incorporating gable features and glazing, would appear acceptably within the built form context, in terms of scale, architecture, siting and design. Irwin Court to the southwestern side of the

site, comprises an apartment building of three-storeys, 2 Eaton Close to the north western side of the site is a large dormer bungalow and 3 Eaton Close, beyond 2 Eaton Close, is a large bungalow.

Bungalows along Grange Avenue are located to the front of the application site, to the northwest. Two-storey houses are located to the southeast, off Anfield Road, to the rear of the site, and also to the south off Cheadle Road, including 45A Cheadle Road, which is located adjacent to the Eaton Close access road at the junction with Cheadle Road.

It is considered that the development, once complete, would have an acceptable impact upon the character and appearance of the area, in accordance with Core Strategy policies CS8 and SIE-1 and the NPPF.

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

Traffic, Transport and Accessibility

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

The Highways Engineer has assessed the proposal and raises no objections subject to conditions to ensure the construction of driveways and the provision of electric vehicle charging points, cycle parking, and off site works in accordance with the submitted details.

It is noted that neighbour objections raise concerns regarding a lack of car parking, which could impact on Cheadle Road and highway safety. Comments also note that the previously approved scheme included garages, however Officers note that the proposed provision is in accordance with the Council's standards. The Highways Engineer has commented that the amended scheme includes satisfactory parking for vehicles and cycles. Electric vehicle charge points are provided and driveways as detailed accord with sustainable drainage requirements. The works shown to Eaton Close itself remain outstanding.

In light of the above and subject to the imposition of the recommended conditions, it is not considered that the proposal would have an unacceptable impact on highway safety, or severe impact on the road network, subject to the attachment of the recommended conditions. The proposal is therefore considered to be in accordance with policies CS9, CS10, T-1, T-2 and T-3 of the Stockport Core Strategy, and the NPPF.

Airport Safeguarding and Public Safety Zones

The Safeguarding Officer for Manchester Airport has been consulted on the application and raises no objection. The Safeguarding Officer for Manchester Airport has requested that conditions are attached to any planning permission granted to restrict permitted development rights in relation to exterior lighting. Informatives are requested with regard to upward light spill.

In light of the above and subject to the imposition of the recommended condition, the development is considered to be in accordance with Saved UDP Policy EP1.9 regarding the safeguarding of aerodromes.

Impact on Residential Amenity

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

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

Privacy, Overshadowing and Overbearing Impacts

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

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

There would be in excess of 20m between the ground floor rear elevations, and approximately 23m between the first floor rear elevations, of Dwelling A and the neighbouring dwelling at No.19 Oak Tree Cottages, however the relationship between the dwellings would only permit views at an oblique angle. There would be similarly oblique views toward the rear of the neighbouring dwelling at 45 Cheadle Road, at a distance of approximately 21m. The rear elevations of bungalows on Grange Avenue would be sited in excess of 30m from the front

elevations of the new dwellings. There are no openings within the side elevation of 2 Eaton Close.

There would be in excess of 15m between the habitable room windows within Irwin Court and the side elevation of Dwelling B, which would contain a non-habitable room window serving a bathroom to the first floor and a secondary window to the open plan kitchen/dining./living area to the ground floor.

The side elevation of Dwelling A has a non-habitable room window serving a bathroom to the first floor and a secondary window to the open plan kitchen/dining./living area to the ground floor. The elevation is located approximately 2 metres from the blank side gable of 2 Eaton Close. The side gable of Dwelling A is shown to project forward of the front elevation of 2 Eaton Close by approximately 5 metres. The previous approvals permitted the removal of a section of laurel hedging from the boundary with 2 Eaton Close to accommodate Dwelling A. The hedging would be replaced by a close boarded timber fence.

It is noted that a fence would not afford the level of screening that the existing hedging provides, however, it is not considered that the removal of the hedging is in this case and location objectionable in planning terms, as regards amenity, or regarding the environment, as assessed by the Nature Development Officer and Arboriculture Officer elsewhere in this report.

The gable of 2 Eaton Close does not contain openings. Although the front elevation of Dwelling A is situated forward of the front building line of 2 Eaton Close, there would be approximately a 2 metre gap between the two properties, and the ground floor of 2 Eaton Close adjacent to the new dwelling is a garage, with the first floor dormer bedroom window set in from the side elevation. The front building line of 2 Eaton Close then steps forward. The rear building lines of 2 Eaton Close and the two storey elements of the new dwellings are comparable, and the single storey projections are considered to result in acceptable impacts.

Windows of the new houses, particularly first floor bedroom windows, would afford some views over the rear gardens/curtilages of surrounding properties, including properties within Grange Avenue, 2 Eaton Close, 45 Cheadle Road and 19 Oaktree Cottages, however, the Council's policies do not specifically seek to prevent overlooking of garden areas; the rooms at first floor are bedrooms rather than, for example, a lounge or kitchen; overlooking of garden areas is not out of character within the urban area; and there is separation between the new and neighbouring properties, with screening existing and possible.

It is acknowledged that a main three-storey elevation of Irwin Court, containing habitable room windows, would face the side elevation of Dwelling B. As advised above, with a distance between the buildings of in excess of 15m, the proposal does accord with separation guidance in the SPD. The new dwelling is located to the northeast of the apartment building, and the mature landscaping located between the two properties would also be retained to screen the new dwellings.

It is noted that neighbour objections have been received which raise concerns regarding overlooking and a loss of privacy, particularly in relation to balconies, side elevation windows and rooflights.

The single storey rear projections which have been erected are, at both dwellings, set below windows shown to have Juliet balconies. Neighbour objections have been

received which raise concerns that the single storey rear projections could be used as balconies, which are not shown on the submitted plans. There are also concerns that the use as balconies would result in adverse impacts in respect of privacy and noise disturbance. Neighbour comments raise concerns that if the Juliet balconies are approved, there could be changes to allow access to the roof of the single storey projections. Officers consider that use as balconies would result in harm to the residential amenity of neighbouring occupiers by way of overlooking and loss of privacy, and therefore this is to be prevented through the use of a suitably worded planning condition.

Neighbour objections have been received which comment that the side elevation windows to Dwelling B are not labelled as being obscure glazed. Officers note that this is the case, however as the windows, particularly to the first floor, would not serve habitable spaces, this is not considered to be strictly necessary.

Neighbour objections have been received which comment that the rooflights result in overlooking and noise disturbance. Given the location of the rooflights on the side elevation roof slopes, and noting that to each dwelling, two rooflights would serve the fourth bedroom and the other rooflights would serve the staircase, landing and bathroom, the rooflights are not considered to result in significant overlooking or noise impacts such that this would be considered harmful.

Having regard to the design and siting of the new houses, and the relationship of the new dwellings to the surrounding neighbouring properties, it is not considered that the introduction of the new dwellings would result in neighbouring residents experiencing an undue loss of amenity by virtue of a loss of light, privacy and/or overbearing impact, subject to the imposition of conditions to safeguard residential amenity, pursuant to Core Strategy Policies H-1, SIE-1, SIE-2 and SIE-3, the objectives of the Design of Residential Development SPD and the aims of the NPPF.

Amenity Space

Members are familiar with the Council's Design of Residential Developments SPD guidance which seeks garden spaces of 100sqm for large family dwellings. The submitted plans show that the dwellings as built would have garden spaces exceeding 100sqm in area.

Noise and Disturbance

Core Strategy Policy SIE-3, seeks to prevent new development from being exposed to unacceptable noise impacts, with NPPF Paragraph 109 containing broadly the same policy objectives.

With regard to noise and disturbance, it is not considered that the introduction of two family dwellinghouses to the site, within a predominantly residential area, would generate a level of activity that would result in neighbouring land users being exposed to an unacceptable increase in noise and disturbance. This is due to the compatible nature of the use and commensurate level and nature of activity.

The Environmental Health Officer for Amenity has assessed the proposal and raises no objections. Their comments note that a condition was attached to planning permission reference DC/073373 to require the submission of a noise impact assessment to include noise reduction measures. The required noise report was submitted and approved under the Discharge of Conditions application DC/076231

and the applicant has confirmed that the development was built in accordance with that report.

In light of the above, the development is considered to comply with the requirements of Saved UDP Policy EP1.10 and Core Strategy Policy SIE-3 and the NPPF in respect of noise and disturbance.

Impact on Trees

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

The site includes and is bounded by mature landscaping. The detailed arboricultural age and condition report submitted alongside application DC/073373 has been provided with an accompanying layout plan to identify individual trees and hedging. The report concluded that the majority of trees and landscaping was of low quality, but in good condition. It was proposed to remove one Goat Willow (ref. T2 – Condition C 1/2) from the rear garden area of Dwelling B, due to the proximity of the built form to the tree and root protection zone. It was also proposed to remove, for the same reasons as for the Goat Willow, a section of laurel hedging from the area of the boundary with 2 Eaton Close (ref. H1 – Condition C 1/2).

The Arboriculture Officer has reviewed the proposal and raises no objections to the removal of the trees/planting, subject to the use of a condition to secure appropriate replacement as part of a landscape scheme and conditions to protect retained trees and trees planted as part of the landscaping scheme.

Having regard to the comments of the Arboriculture Officer, the loss of the landscaping in these locations would not introduce undue residential amenity issues, through the loss of screening, it is not considered that the proposal will have a significant adverse impact upon the area, subject to the attachment of conditions to secure appropriate replacement planting and tree protection. The proposal is therefore, considered to be in accordance with Policy SIE-3 of the Core Strategy.

Neighbour objections raise concern that the applicant plans to remove a substantial amount of the boundary hedge, and comments are made regarding an ongoing process related to ownership. The applicant has confirmed that the hedging is to be retained, with the exception of a small area to the boundary of Dwelling A, and this will be secured by condition. The matters regarding ownership are a civil matter and would not carry significant weight in this planning assessment.

Impact on Biodiversity and Protected Species

The Nature Development Officer raises no objections, and requests condition to ensure the protection of nesting birds. It is commented that the alterations to the front garden and access are small in scale and unlikely to be of significant impact to biodiversity. It is noted that development on site is not complete, and there is therefore potential for further vegetation clearance to take place, and on this basis, it is considered reasonable to impose the recommended condition.

The applicant has confirmed that the development was built in accordance with the previously approved ecology report submitted under application DC/073373.

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

Land Contamination

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

The Council's Environmental Health Officer has assessed the proposal and has no comments to make. In light of the above, the development is considered to comply with Core Strategy Policy SIE-3 in respect of land contamination.

Flood Risk and Drainage

UDP Policy EP1.7 states that the Council will not permit development where it would be at risk of flooding; increase the risk of flooding elsewhere; hinder future access to watercourses for maintenance purposes; cause loss of a natural floodplain; result in extensive culverting; affect the integrity of existing flood defences; or significantly increase surface water run off unless sustainable mitigation are in place to overcome adverse effects. It goes on to state that development should incorporate so far as is practicable, sustainable drainage systems taking account of current Government guidance. Core Strategy Policies SD-6 and SIE-3 states that development should comply with national planning policies managing flood risk and where planning permission is required, areas of hard-standing or other surfaces, should be of a permeable construction or drain to an alternative form of SUDS. SD6 also makes clear that brownfield sites are required to reduce attenuated run-off by a minimum of 50% and on greenfield sites, such as the housing land, rates should not exceed existing greenfield rates.

The NPPF states that developments should ensure that flood risk is not increased elsewhere and that sustainable drainage systems should be incorporated into major developments, and the Planning Practice Guidance sets out a hierarchy of drainage solutions.

The applicant has confirmed that the development was built in accordance with the previously approved drainage strategy report submitted under application DC/076231.

In view of the above, it is considered that the development could be drained in a sustainable and appropriate manner without unduly increasing the risk of flooding elsewhere, in accordance with Core Strategy DPD policies SD-6 and SIE-3.

Energy

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

The applicant has confirmed that the development was built in accordance with the previously approved energy statement submitted under application DC/073373. On this basis, the development is considered to accord with relevant sustainable design policies in the development plan and NPPF.

Developer Contributions

Open Space

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

The dwellings would have 4 bedrooms, as would the dwellings approved under application DC/073373. In relation to that application, developer contributions were paid to the sum of £7,480 based on an increase in occupants of the site from 5 to 10 calculated by taking the occupation capacity of the 2 new four bedroom dwellings, minus the occupation capacity of the 4 bedroom bungalow which previously occupied the (based on 2 people occupying the first bedroom and 1 person occupying any bedroom thereafter).

In light of the above, the need for developer contributions associated with the development is considered to have been met.

Other Matters

Neighbour objections have been received which raise concerns that the proposed site plan for Dwelling B shows decking in the area of the substantial concrete footing/foundation, and it is believed that something other than decking alone will sit on that foundation. There is no indication of this at present, however should it be the case that the area is used for another purpose in the future, an assessment can be made as to whether or not that requires planning permission.

Neighbour objections have been received which raise concerns regarding the impact of the development on property values. This is not a material planning consideration and cannot be given weight in this assessment.

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

CONCLUSION

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

The site is located within a Predominantly Residential Area with easy access to local services and facilities, and public transport links. The application follows the grant of permission for the erection of two dwellings which make a small but modest contribution to the Council's housing supply.

The submitted details demonstrate that the two dwellings and the associated amenity space, car parking spaces and storage for cycles and refuse, can be suitably accommodated on the site without resulting in harm to the character and appearance of the area, or the residential amenity of neighbouring occupiers. In this respect the proposal is in compliance with policies CS4, H-1, CS8, SIE-1 and SIE-3 of the Core Strategy.

Further, it is considered that the development would not result in significant adverse impacts upon highway safety as a result of traffic generation or parking, and the access and parking layout is considered to be safe and practical to use in accordance with the Council's standards, in accordance with Core Strategy policies CS9, T1-, T-2 and T-3.

Subject to conditions and for the reasons set out above, the development is also considered to be acceptable in relation to trees and biodiversity, energy, drainage and land contamination, in accordance with local and national planning policies.

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

Summary

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

RECOMMENDATION

Grant subject to conditions.