

ITEM 3

Application Reference	DC/090152
Location:	48 Brinnington Road Portwood Stockport SK1 2EX
PROPOSAL:	Demolition of single-storey garage, site clearance and erection of a 2-bedroom, 2-storey detached house.
Type Of Application:	Full Application
Registration Date:	25.10.2023
Expiry Date:	20231220
Case Officer:	Dominic Harvey
Applicant:	Mr Steve Broadway
Agent:	RBA Town Planning

DELEGATION/COMMITTEE STATUS

Central Area Committee (4 objections contrary to recommendation)

DESCRIPTION OF DEVELOPMENT

This re-submitted application seeks full planning permission for the demolition of single-storey garage, site clearance and erection of a 2-bedroom, 2-storey detached house. The dwelling would have a frontage to Yates Street, and this would include the vehicular access point to the highway. The dwelling would have accommodation over two floors. To the ground floor will be a kitchen/dining area with living room, and a porch/cloak area at the entrance. The two bedrooms and a bathroom will be located on the first floor. The site will provide off-street parking for two vehicles and has provision for a cycle storage at the rear of the site. The design and appearance of the dwelling is best appreciated by reference to the submitted plans.

N.B. This is a resubmission of an identical application (DC/085693), refused planning permission 11th November 2022 against officer recommendation and which was subject to a planning appeal which although dismissed the Planning Inspector found that the proposal was acceptable in respect of the effect of the proposed development on the living conditions of the occupiers of neighbouring properties and future occupiers of the proposed dwelling, with particular reference to garden sizes.

The reason for the dismissal was that the Planning Inspector could not justify a pre-commencement condition which would require the applicant to enter into a planning obligation.

The agent has confirmed that the applicant is willing to enter into a Sec.106 planning obligation and as such the proposal has been resubmitted for consideration with the aim of ensuring an agreement is reached to secure a commuted sum in respect of the provision of recreation and amenity open space.

SITE AND SURROUNDINGS

The site comprises previously developed land to the rear of No.48 Brinnington Road, Portwood, the main frontage and access to the dwelling lies directly off Brinnington Road with a small front garden and on street parking. The site is separated from the dwelling by an alleyway with the main access from the rear from Yates Street. The surrounding area accommodates two-storey dwellings with a dense urban grain and

there are a number of large garages/outbuildings. The site lies within a 'Predominantly Residential Area' as identified on the Proposals Map of the Stockport Unitary Development Plan. The site has no nature conservation designations, legal or otherwise, there are no trees on the site or immediately adjacent to it and the site is not within an Air Quality Management Area. The site is within Flood Zone 1 and therefore has a low risk of fluvial flooding with less than 1 in 1,000 annual probability of flooding where all forms of development are considered acceptable.

POLICY BACKGROUND

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications be determined in accordance with the development plan unless material considerations indicate otherwise. Case law (R. Cummins v Camden LBC 2001) has established that for a proposal to be in accordance with the Development Plan it is not necessary for it to accord with each and every policy, rather it should conform to the plan as a whole. Other material considerations include the National Planning Policy Framework ('the Framework') and associated Planning Practice Guidance ('the Guidance'), as well as Supplementary Planning Guidance documents.

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

EP1.10: AIRCRAFT NOISE

L1.1: LAND FOR ACTIVE RECREATION

L1.2: CHILDRENS PLAY

MW1.5: CONTROL OF WASTE FROM DEVELOPMENT

LDF Core Strategy/Development Management Policies

CS1: OVERARCHING PRINCIPLES: SUSTAINABLE DEVELOPMENT - ADDRESSING INEQUALITIES AND CLIMATE CHANGE

SD-1: Creating Sustainable Communities

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

SD-6: Adapting to the Impacts of Climate Change

CS2: HOUSING PROVISION

CS3: MIX OF HOUSING

CS4: DISTRIBUTION OF HOUSING

H-1: Design of Residential Development

H-2: Housing Phasing

CS8: SAFEGUARDING 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 Documents and Guidance

Supplementary Planning Guidance (Saved SPG's & SPD's) 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.

'Open Space Provision and Commuted Payments' (2019), 'The Design of Residential Development' (2007), 'Transport & Highways in Residential Areas' (2006), 'Sustainable Transport' (2007), 'Sustainable Design and Construction' (2012), Adopted Parking Standards (Appendix 9).

Strategic Housing Land Availability Assessment – 1st April 2023 (SHLAA).

“SHLAA forms the basis for understanding the capacity of the borough's existing urban areas to accommodate new housing development. The NPPF requires Local Authorities to prepare an Annual Position Statement setting out the 5-year housing land supply position with a base date of 1 April. Stockport currently has 3.78 years of housing land supply, which is less than the minimum 5-year requirement set out in the NPPF assessed against the most up-to-date local housing need assessment and based on the recent government consultation, with a 20% buffer applied”.

Stockport Council Housing Delivery Test: Action Plan August 2023

'Brownfield First' Strategy

The increasing pressure to release Greenfield and Green Belt land for new housing development in Stockport is well documented. In response to this, the Council has adopted a Brownfield First approach which seeks to identify all brownfield land across the borough and, through proactive intervention, work with land and building owners to unblock site delivery where sites are deemed to have stalled. The Council is concentrating resource to ensure that all options are explored on these sites. The approach includes the preparation of master plans and planning briefs to offer more certainty to developers. The Council will also explore the potential to utilise its Compulsory Purchase Order (CPO) powers and to undertake development back to back with a preferred developer. In this way, the Council is seeking to ensure that any required release of Greenfield and Green Belt land is kept to an absolute minimum.

This is an ongoing action and is being progressed by the Council's Strategic Housing Team, with support from Regeneration Officers and Planning Officers”.

Stockport Climate Action Now (Stockport Can)

The Council declared a climate emergency in March 2019 and agreed the ambition to become carbon neutral by 2038.

As well as large-scale improvements in health and wellbeing around the world, bold climate action can deliver economic benefits in terms of new jobs, economic savings, and market opportunities.

Subsequently, in December 2020 the Council adopted the Stockport CAN Climate Change Strategy, it sets out the initial actions that Stockport Council will take to make a difference on climate change over the next five years as it begins the journey to net-zero 2038. This document is read alongside current planning policies and is being used to inform work in developing a new local plan.

National Planning Policy Framework

A revised National Planning Policy Framework (NPPF) published by the Secretary of State for Levelling Up, Housing and Communities on 19th December 2023 replaced the previous revised/updated NPPFs. 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 is central government planning policy that should be taken into account in dealing with applications. It 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.

Planning Practice Guidance

The Planning Practice Guidance (NPPG) is a web-based resource which brings together planning guidance on assorted 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

DC/085693: Demolition of single-storey garage, site clearance and erection of a 2-bedroom, 2-storey detached house, refused planning permission 11-NOV-22 against officer recommendation to grant for the following reasons: -

Reason 1. *“The proposal will result in the overdevelopment of the site leaving an unacceptably low level of private amenity space for the existing dwelling and proposing an unacceptably low level of amenity space for the new dwelling, contrary to policies CS4 Distribution of Housing, H-1 Design of Residential Development and SIE-1 Quality Places of the Stockport Core Strategy DPD, para 130 of the NPPF and advice in the Council's SPD 'Design of Residential Development’”*

Reason 2. *“The proposal will result in the overdevelopment of the site leaving an unacceptably low level of private amenity space for the existing dwelling and proposing an unacceptably low level of amenity space for the new dwelling, contrary to policies CS4 Distribution of Housing, H-1 Design of Residential Development and SIE-1 Quality Places of the Stockport Core Strategy DPD, para 130 of the NPPF and advice in the Council's SPD 'Design of Residential Development’”.*

Subsequently dismissed on appeal the Planning Inspector found that the proposal was acceptable in respect of Reason 1. the effect of the proposed development on the living conditions of the occupiers of neighbouring properties and future occupiers of the proposed dwelling, with reference to garden sizes. The reason for the dismissal related to Reason 2. where the Planning Inspector could not justify a pre-commencement condition which would require the applicant to enter into a planning obligation.

DC/060942: Change of use of basement into one bedroom studio apartment and alterations to front elevation including formation of balustrade, installations of windows within side elevation, granted 05-MAY-16.

J/26607: Garage, granted 01-NOV-82.

J/24825: Conversion of an existing dwelling into three self-contained flats and lounge extension, granted 09-FEB-82.

J/24524: Proposed conversion to three flats, refused 08-DEC-81.

J/24271: Conversion of an existing dwelling to three self-contained flats and a lounge extension - ground floor, refused 12-NOV-81

NEIGHBOUR'S VIEWS

The owner/occupiers of neighbouring/surrounding properties have been notified and the application. To date four representations expressing objection have been received raising the following concerns: -

- Overlooking and loss of privacy.
- Ground stability and drainage.
- Contrary to Human Rights Act which states that a person has the right to peaceful enjoyment of all their possessions which includes the home and other land.
- The proposed development would have a dominating impact.
- Loss of light.
- The development is out of character with existing properties and the area.
- On-street car parking problems.
- Disappointment in seeing this application (DC/090152) since an identical application (DC/085693) refused and dismissed on appeal. The application that has been submitted DC/090152 is a word for word copy of the previous application, with the identical plans submitted.
- Development would be unduly dominant, visually intrusive, and out of character with the street scene on this side of Yates Street.
- Would adversely affect the existing greenery, especially several trees in the garden of number 50.

- With high level, obscured windows to the rear and sides, the small rooms, distances to existing properties under the minimum recommendations, and a garden less than half the size of the building regulations.
- A previous planning permission (DC/060942) relating to a basement conversion into a single, self-contained studio flat has been halted, half finished, for several years, with filled rubble bags propped against the front wall and the external construction of this development still grey breezeblock and not in any way similar to the red brick appearance of the rest of the building or area.

CONSULTEE RESPONSES

Drainage Engineer: Having reviewed the documentation for this application, the proposals are acceptable in principle subject to detail design.

Highway Engineer: Proposal includes off street parking for two cars. Existing dropped kerbs in place. Driveway surfacing is noted as permeable, but no additional details are provided. Full details of drive construction and drainage required to demonstrate compliance with sustainable drainage requirements. No surface water from development is to discharge onto highway. New dwelling is required to include EV charging facilities; details required. Secure covered storage for a cycle is required. 1m x 1m visibility splays are required at each side of the access where meeting back of footway within which nothing obstructs visibility above 600mm from pavement. No objection subject to conditions.

Coal Authority: In accordance with the agreed approach to assessing coal mining risks as part of the development management process, if this proposal is granted planning permission, it will be necessary to include The Coal Authority's Standing Advice within the Decision Notice as an informative note to the applicant in the interests of public health and safety.

United Utilities: Following our review of the submitted Drainage Strategy, we can confirm the proposals are acceptable in principle to United Utilities and therefore should planning permission be granted we request the following conditions are attached: -

Condition: The drainage for the development hereby approved, shall be carried out in accordance with principles set out in the submitted Foul & Surface Water Drainage Design Drawing 5812-CIV-DS10, Rev P1 - Dated May 2022 which was prepared by LD. No surface water will be permitted to drain directly or indirectly into the public sewer. Prior to occupation of the proposed development, the drainage schemes shall be completed in accordance with the approved details and retained thereafter for the lifetime of the development.

Reason: To ensure a satisfactory form of development and to prevent an undue increase in surface water run-off and to reduce the risk of flooding.

Condition: Prior to occupation of the development a sustainable drainage management and maintenance plan for the lifetime of the development shall be submitted to the local planning authority and agreed in writing. The sustainable drainage management and maintenance plan shall include as a minimum: (i) Arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a resident's management company; and (ii)

Arrangements for inspection and ongoing maintenance of all elements of the sustainable drainage system to secure the operation of the surface water drainage scheme throughout its lifetime. The development shall subsequently be completed, maintained and managed in accordance with the approved plan.

Reason: To ensure that management arrangements are in place for the sustainable drainage system in order to manage the risk of flooding and pollution during the lifetime of the development.

Environmental Health Officer (Contaminated Land): I have no objection to the proposed new dwelling; however, the proposed works involve demolition of the existing garage/outbuilding; which can be potentially contaminative source. In addition to this asbestos containing materials (ACM) may have been incorporated within the built structures in the past; the disturbance of any such materials may result in asbestos being present within the sub surface surrounding the buildings.

Given the sensitive residential receptor end use, the developer will need to need appoint an Environmental Consultant to undertake a Phase 1 desktop study/site walkover to determine if a Phase 2 site investigation and subsequent remediation and validation is required. This is a phased approach, and I would recommend the following conditions for the decision notice;

CTM1: No development shall take place until an investigation and risk assessment into contamination at the site, in accordance with a scheme to be approved in writing by the local planning authority, has been carried out. The investigation and risk assessment shall include recommendations for remedial action and the development shall not be occupied until these recommendations have been implemented.

CTM2: No development shall take place until a detailed remediation scheme to bring the site to a condition suitable for the specified use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment has been submitted to and approved in writing by the local planning authority. The scheme to be submitted shall specify but not be limited to:-

(i) the proposed remediation objectives and remediation criteria

(ii) all remedial works to be undertaken including the quantities of materials to be removed from and imported to the development site.

(iii) the proposals for sourcing and testing all materials imported to the site including testing schedules, sampling frequencies and actual and allowable contaminant concentrations (as determined by appropriate risk assessment in accordance with the document "Model Procedures for the Management of Land Contamination" (CLR11)).

CTM3: The development shall not be occupied until the approved remediation scheme required to be submitted by Condition [XXXX] has been carried out. Within 3 months of completion of remediation measures, a validation report assessing the effectiveness of the remediation carried shall be submitted to and approved in writing by the local planning authority. The report shall specify any further remediation measures necessary and indicate how and when these measures will be undertaken.

Environmental Health Officer (Noise Consultation): No objection, subject to a condition requiring the submission of a Noise Impact Assessment.

Nature Development Officer:

Site Context

The site is located to the rear of 48 Brinnington Road in Portwood. The application is for demolition of single-storey garage, site clearance and erection of a 2-bedroom, 2-storey detached house.

Legislative and Policy Framework

Nature Conservation Designations

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

Legally Protected Species

Many buildings have the potential to support roosting bats. All species of bats and their roosts are protected under UK (Wildlife and Countryside Act 1981 (as amended)) and European legislation (The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations, 2019).

Buildings and vegetation can support nesting birds. All breeding birds and their nests are protected by the Wildlife and Countryside Act 1981 (as amended).

Paragraph 016 of the Natural Environment Planning Practice Guidance (<https://www.gov.uk/guidance/natural-environment#biodiversity-and-ecosystems>) states that the local authority should only request a survey if they consider there is a reasonable likelihood of a protected species being present and affected by development.

From review of information submitted with the application, the garage which would be demolished to accommodate the new dwelling is considered to offer limited bat roosting potential owing to its construction. I would therefore not consider it reasonable to request a bat survey as part of the current application.

LDF Core Strategy

Core Policy CS8 Safeguarding and Improving the Environment
Biodiversity and Nature Conservation

3.296

DEVELOPMENT MANAGEMENT POLICY SIE-3

A) Protecting the Natural Environment

Protecting, Safeguarding and Enhancing the Environment

3.345, 3.364 and 3.369

Recommendations:

In this instance I would not consider it reasonable to require a bat survey as part of the current application relating to the site. However, bats can sometimes roost in seemingly unlikely places and so I would recommend that an informative is attached to any planning permission granted so that the applicant is aware of the potential for buildings to support roosting bats. It should also include information stating that the granting of planning permission does not negate the need to abide by the laws which are in place to protect biodiversity. Should at any time bats, or any other protected species be discovered on site, work should cease immediately, and Natural England/a suitably experienced ecologist should be contacted.

The nesting bird season is typically March-August (inclusive) and so demolition and vegetation clearance works should be avoided during this period where possible. Should any demolition or vegetation clearance works be required during the nesting bird season then the following informative should be used as part of any planning consent: Trees, scrub, hedges, and structures are likely to contain nesting birds between 1st March and 31st August inclusive. Some of these features are present on the application site and are to be assumed to contain nesting birds between the above dates, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period and it is absolutely certain that nesting birds are not present.

Developments are expected to achieve net gains for biodiversity in line with local (paragraph 3.345 of the LDF) and national planning policy (NPPF). It is therefore advised that biodiversity enhancements are incorporated within the proposals in line with local and national planning policy. Suitable measures can be secured by condition and would be expected to include:

- A minimum of one bat and/or bird box to be provided within/mounted on the new dwelling – details of the proposed number, location, and type to be submitted to the LPA / detailed on the landscape plan. Boxes should be integrated or be made from woodstone/woodcrete for greater longevity.
- Landscape planting should be maximised and comprise wildlife-friendly species (preferably locally native) to maximise biodiversity benefits. The submitted plans show box planting – yew would be an example of a suitable alternative to this (locally native species). Or alternatively ornamental planting comprising a mix of species selected to provide a nectar/berry resource across the seasons.
- Any close-board boundary fencing to incorporate gaps (130m x 130mm) to maintain habitat connectivity for wildlife (e.g., hedgehogs)
- Details of proposed biodiversity enhancement measures should be submitted to the LPA for review.
- Any proposed lighting should be sensitively designed so as to minimise impacts on wildlife associated with light disturbance (following the principles outlined in Bat Conservation Trust guidance: <https://www.bats.org.uk/news/2023/08/bats-and-artificial-lighting-at-night-ilp-guidance-note-update-released>)

ANALYSIS

Tilted Balance

The NPPF outlines that decisions should apply a presumption in favour of sustainable development which means approving development proposals that accord with an up-to-date development plan; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date (where the LPA cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer, as set out in para.77 of the NPPF).

In respect to the presumption in favour of sustainable development it is noted that Stockport is in a position of significant housing undersupply (3.78 years) against the minimum requirement of 5 years +20% buffer as set out in the NPPF. Accordingly, the policies which are most important for determining the application are out-of-date which '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 Framework taken as a whole.

Provision of Housing

The NPPF puts additional emphasis upon the government's objective to "significantly boost the supply of housing", rather than simply having land allocated for housing development. The NPPF outlines that decisions should promote an effective use of land in meeting the need for homes where strategic policies should make as much use as possible of previously-developed land and indicates that decisions should promote and support the development of under-utilised land, especially if this would help to meet identified needs for housing where land supply is constrained.

Moreover, the NPPF recognises that small and medium sized sites can make an important contribution to meeting housing requirements and are often built out quickly. To promote the development of a good mix of sites local planning authorities should support the development of windfall sites through their policies and decisions - giving great weight to the benefits of using suitable sites within existing settlements for homes.

Policy CS2 states that a wide choice of quality homes will be provided to meet the requirements of existing and future Stockport households. Policy H2 states that the delivery and supply of new housing will be monitored and managed to ensure that provision is in line with the local trajectory, the local previously developed land target is being applied and a continuous 5-year deliverable supply of housing is maintained, and notes that the local previously developed land target is at least 90%. This applies from 2011 onwards when there is a five-year deliverable supply. Policy CS4 directs new housing towards three spatial priority areas (the town centre, district, and large local centres, and finally, other accessible locations)

In situations of housing undersupply Policy CS4 allows Policy H-2 to come into effect bringing housing development on sites, which meet the Council's accessibility criteria. For the purposes of applying Policy H-2, the current minimum accessibility score (AS) is set at 'zero'. To summarize taking into account the under delivery of housing within the Borough the contribution to overall housing supply carries significant weight and in accordance with the tilted balance, the redevelopment accords with Policies CS4 and H2 and aligns with aims and objectives of the Council's Housing Delivery Test Action Plan 2023 which advocates a 'brownfield first' approach and assists in reducing pressure for development within the Green Belt.

Policy CS3 states that all new housing should contribute to the provision of an appropriate borough-wide mix of housing. The scheme will provide a 2-bedroom house, which would be attractive to a range of potential occupiers and provide a source of more affordable accommodation, and as such the development will also help towards meeting local demand for housing and providing variety to the housing tenure available.

Aircraft Noise

Whilst the site is located in an area affected by aircraft traffic using Manchester Airport, the existence of other dwellings in the locality suggests that noise is not a barrier to residential uses but nonetheless measures to mitigate aircraft noise can be addressed at detailed design/condition discharge stage to ensure satisfactory living conditions in accordance with the provisions of Policy EP1.10.

Sustainable Drainage

Policy SD-6 requires a 50% reduction in existing surface water runoff and incorporation of Sustainable Drainage Systems (SuDS) to manage the run-off water from the site through the incorporation of permeable surfaces and SuDS and it is noted that the Council's Drainage Engineer remains satisfied that the submitted Drainage Strategy is acceptable in principle.

Living Conditions, Amenity, Design, Character & Appearance

Policy SIE-1 sets out that development should be designed with high regard to the built or natural environment in which it is sited; and sets out that the provision, maintenance, and enhancement (where suitable) of satisfactory levels of access, privacy and amenity for future, existing and neighbouring users and residents should be taken into account.

Policy H-1 requires that the design and build standards of new residential development should be high quality, inclusive, sustainable and contribute to the creation of successful communities. Proposals should respond to the townscape and landscape character of the local area, reinforcing or creating local identity and distinctiveness in terms of layout, scale, and appearance, and should consider the need to deliver low carbon housing. Good standards of amenity, privacy, safety/security, and open space should be provided for the occupants of new housing and good standards of amenity and privacy should be maintained for the occupants of existing housing.

'The Design of Residential Development' SPD's overall purpose is to achieve high quality design in residential development; the document has three broad aims: 1. promote high quality inclusive design; 2. ensure efficient use of resources; 3. Endorse developments that make a positive contribution to the townscape and landscape character of the local area. The SPD outlines that despite their small scale; 'infill' developments can have a significant effect upon the appearance of an established street, although much depends upon the character of the area and the sensitivity of the design. Moreover, guidance states 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 between new dwellings, where relaxation of standards will be judged on a case-by-case basis. Whilst standards should be taken into consideration as, an aid to judgement weight should be given to the fact that the proposal lies within an established residential area where the prevailing high density and building form drive how the site should be best developed.

To the rear of the site lies No.48 Brinnington Road which incorporates habitable room windows within its rear elevation facing the application site. The separation distance of 12 metres would meet the distance recommended within 'The Design of Residential Development' SPD, 'between habitable room windows and a blank elevation, elevation with non-habitable rooms or with high level windows'. To the front, the separation between habitable room windows in the proposed dwelling and those in facing houses on Yates Street would be between approximately 18.4 metres

to 20.8 metres. This is marginally below the 21.0 metres separation recommended within 'The Design of Residential Development' SPD, however it is not considered that this relationship warrants the withholding permission given that typically front facing windows between houses in this area already exhibit separation distances below 21.0 metres, for example, houses further along Yates Street have separation distances of only approximately 17.0m.

The size of the proposed rear gardens for the new property and the existing property are substandard when assessed against 'The Design of Residential Development' SPD. This proposes minimum garden areas for each house of 75m² and 50m² respectively, whereas the proposed gardens would be approximately 37m² and 19.5m² which both exceed the size of some existing rear gardens in the immediate area (see for example the rear gardens to houses on Yates Street, Caistor Street and Gill Street). Whilst the gardens are small, they would nonetheless provide amenity space for residents to sit out and dry washing etc. it is also noted that the site is in walking distance of open space/sports pitches at Warf Meadow. Moreover, to withhold permission on the grounds of inadequate private amenity space would be clearly unsustainable in light of the Inspectors conclusions relating to the previous appeal (DC/085693). Whilst the appeal was dismissed it is important to acknowledge that the Inspector found that the proposal was acceptable in respect of the effect on the living conditions of the occupiers of neighbouring properties and future occupiers of the proposed dwelling, with reference to garden sizes. Nonetheless, should permission be forthcoming then it would be appropriate to impose a condition withdrawing permitted development rights for extensions, alterations, and outbuildings.

The overall design approach is sympathetic in terms of siting, scale, massing, design, roofline, and materials and would be broadly in keeping with the character and appearance of the immediate surroundings. The density of development strikes the correct balance between the need to safeguard amenity and local character and the efficient use of land in accordance with the provisions of Policy CS3. The layout and form of development represents a considered response to its context, reflecting the surrounding built form and urban grain and would avoid any undue impact on the amenity of neighbouring properties, which overlook the site, and for future occupiers by reason of visual intrusion, overshadowing, loss of daylight, overlooking or loss of privacy. Overall, the proposal accords with the provisions of Policies CS8, SIE-1 and H-1 and guidelines set out in the Design of Residential Development SPD. Bin storage would be accommodated in accordance with the provisions of Policy MW1.5.

Highway Implications

Policy CS9 states that the Council will require development to be located in areas, which are accessible. Development should consider the needs of the most vulnerable users first, using a hierarchy, which puts pedestrians first. Policy T-1 states that new developments should maintain and enhance the connectivity, accessibility, convenience, safety, and aesthetic attractiveness of the walking and cycling networks and other public rights of way for all users. The layout of new developments and their links to the surrounding walking network should take account of design features, which discourage crime and antisocial behaviour. The policy refers to the Council's adopted parking standards, including cycle and disabled parking standards. Policy T-2 requires that developments provide car parking in line with the maximum parking standards for the proposed land use, as per the adopted parking standards. Policy T-3 notes that development, which will have an adverse impact on the safety and/or capacity of the highway network, will only be permitted if mitigation measures are provided to sufficiently address such issues. Developments

are required to be of a safe and practical design, with safe and well-designed access arrangements, internal layouts, parking, and servicing facilities. For the reasons outlined above the Council's Senior Highway Engineer remains satisfied with the means of access, off-street parking, and servicing arrangements subject to conditional control requiring cycle storage, electric vehicle charging provision, full details of driveway/parking surfacing in accordance with the provisions of policies SIE-1, SD-6, CS9, T-1, T-2 and T-3.

Energy/ Carbon Emissions

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. Policy SD3 requires development to demonstrate how it will assist in reducing carbon emissions through its construction and occupation through the submission and approval of an energy statement. Members may however be aware that new Building Regulations came into force on 15th June 2022 which include changes to 'Part L' of the Regulations focussing on greater fabric performance, lower energy demand, and a move away from fossil fuels (gas and oil boilers) to electric heating systems. The changes should cut carbon dioxide (CO2) emissions from new homes by around 31%. The carbon reductions required through the new Building Regulation standards, that the development would need to comply with if constructed, are now higher than those required by the current Core Strategy Policy SD-3. This makes the need to submit an energy statement in this instance redundant.

Open Space and Commuted Sum Payments

Policy L1.1 confirms that the Council will seek to achieve an overall minimum standard for the Borough of 2.4 hectares per thousand population for active recreation. Provision of land for formal sports is below the desired level. Within this standard, 0.7 hectares per thousand population should be available within easy access of homes for children's play. The Council will seek to achieve and maintain these standards; however, calculations will also be made in response to particular proposals. Policy L1.2 confirms that in considering development proposals the Council will take account of children's play needs and will require where appropriate the provision of suitable and accessible space and facilities to meet these needs.

Policy SIE2 confirms that development is expected to take a positive role in providing recreation and amenity open space to meet the needs of its users/occupants. In those parts of the Borough with a deficiency in recreation and amenity open space, small new residential developments will be required to contribute towards the provision of open space for formal and casual recreation and children's play in locations which are accessible to future occupiers.

The requirement to make provision and maintenance of recreation and amenity open space and facilities in a timely manner to meet the needs generated by the development under the provisions of Policy SIE-2 can be satisfied through a commuted sum (£4,488.00) secured through a planning obligation under Section 106 of the Town & Country Planning Act 1990 (as amended) and in compliance with Regulation 122 of the CIL Regulations.

Population Capacity 3

Open Space

Children's Provision	£1,207.50
Children's Maintenance	£557.50
Formal Provision	£1,683.00
Formal Maintenance	£1,020.00
Total	£4,488.00

Monitoring Fee £500 or £400 if paid within 1 month of the agreement.

Affordable Housing

Notwithstanding the provisions of Policy H-3, there is no requirement for affordable housing given that the NPPF states that the provision of affordable housing should not be sought for residential developments that do not comprise major developments (10 residential units).

Ecology and Biodiversity

Policy CS8 states that development will be expected to make a positive contribution to the protection and enhancement of the borough's natural environment, biodiversity, and geodiversity. Sites, areas, networks, and individual features of identified ecological, biological, geological, or other environmental benefit or value will be safeguarded. 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 will be given positive consideration. Policy SIE-3 confirms that, inter alia, 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.

The Council's Nature Development Officer has raised no objection, subject to a condition to secure one bat roosting or bird nesting feature within the proposed dwelling. An informative would be included on any decision notice (if the application is granted) that any proposed lighting should be sensitively designed to minimise impacts on wildlife (following the principles outlined in Bat Conservation Trust guidance).

Summary - 'Sustainable Development/Planning Balance'

Given the persistent under delivery of housing para.11(d) of the NPPF ('the tilted balance') is engaged.

The purpose of the planning system is to contribute to the achievement of sustainable development, which is multi-faceted, encompasses three overarching objectives - economic, social, and environmental, which are interdependent and need to be pursued in mutually supportive ways. Decisions should play an active role in guiding development towards sustainable solutions, but in doing so should consider local circumstances, to reflect the character, needs and opportunities of each area.

Economic benefits consist of supporting the efficient use of a previously developed accessible site and contributing to the local economy. Social benefits are associated with the contribution to boosting the supply of housing when Stockport currently remains in a position of continued and significant under supply. Environmental benefits include enhancing the environment using underused site in a highly sustainable and accessible location. Decisions should play an active role in guiding

development towards sustainable solutions, but in doing so should consider local circumstances, to reflect the character, needs and opportunities of each area.

Overall, the provision of a house will make a small but valuable contribution to the overall supply of housing at a time of continued and significant under supply where there is a requirement to identify sites for new housing development should be considered. When the range of considerations are weighed in the overall planning balance there are no adverse impacts which would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.

The proposal amounts to Sustainable Development in accordance with the Development Plan; where Section 38(6) requires that the grant of permission subject to conditions be deferred and delegated to secure a commuted sum (£4,488.00) through a planning obligation under S106 in compliance with Regulation 122 of the CIL Regulations and to satisfy the requirements of Policy SIE-2.

RECOMMENDATION

Defer & delegate the grant of planning permission.