

ITEM: 2

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| Application Reference | DC/075825 |
| Location: | Land Adjacent To 1A Abergele Street Cale Green Stockport SK2 6HE |
| PROPOSAL: | Removal of existing brick piers and part external steps and construction of a two-storey dwelling house and associated works |
| Type Of Application: | Full Application |
| Registration Date: | 29.01.2020 |
| Expiry Date: | 20200325 |
| Case Officer: | Dominic Harvey |
| Applicant: | Mr Saqib Hussain |
| Agent: | Mr Frank Summerfield |

DELEGATION/COMMITTEE STATUS

Central Area Committee (10 objections contrary to recommendation)

DESCRIPTION OF DEVELOPMENT

This application seeks full planning permission for the removal of existing brick piers and part external steps and construction of a 2-bedroom 2-storey end-terraced open market house and associated works. The proposed house comprises a ground floor Living Room and Dining/Kitchen, and two first floor Bedrooms. The property will have a private rear garden and an off-street storage area for domestic refuse/recycling bins. The brick piers are redundant and are to be removed to enable the construction of the new house. The alterations to a small flight of external steps are required to allow access to the new rear garden, and to allow the construction of a new boundary wall to face Kennerley Road. The palette of materials includes facing brickwork, Artstone cills and heads together with natural grey roof slates to match neighbouring dwellings. The design and appearance of the dwelling is best appreciated by reference to the submitted plans.

SITE AND SURROUNDINGS

The site comprises previously developed land adjacent to No.1A Abergele Street in use as a parking area for the adjacent commercial property. The proposed two-storey house would be added to the end of an existing residential terrace fronting the Western side of Abergele Street. To the north of the site there is a terrace of housing, including terraced dwelling (DC/004980 granted permission on 22 November 2001). The site is under the same ownership as 233-235 Bramhall Lane and 104-108 Kennerley Road.

To the south, the area is open and forms part of the parking /servicing curtilage for the commercial property No.104 Kennerley Road. To the west is a private yard within the curtilage of No.233 Bramhall Lane/No.104-108 Kennerley Road, and the eastern boundary is at back of pavement to Abergele Street, facing the gables of adjacent terraced properties. The site although small, is of equivalent in area to No.1A

Abergele Street and relates primarily to the residential terraces to the east, rather than the commercial properties fronting Bramhall Lane/Kennerley Road. To the west is a private yard within the curtilage of No.233 Bramhall Lane/104-108 Kennerley Road, and the eastern boundary is at back of pavement to Abergele Street.

The site lies within a 'Predominantly Residential Area' and Cale Green Conservation Area (Article 4(2) Direction) and borders the Davenport Park Conservation Area (Article 4(1) & 4(2) Direction) as identified on the Proposals Map of the Stockport Unitary Development Plan Review. The site has no nature conservation designations, legal or otherwise, there are no trees on the site or immediately adjacent to it. 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

HC1.3: SPECIAL CONTROL OF DEVELOPMENT IN CONSERVATION AREAS
EP1.7 DEVELOPMENT AND FLOOD RISK
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
H-3: Affordable Housing

CS8: SAFEGUARDING AND IMPROVING THE
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/004980: Land adjacent to No.1 Abergele Street, construction of 2/3 bed, end terraced property, granted 22-NOV-01.

NEIGHBOUR'S VIEWS

The owner/occupiers of neighbouring properties have been notified by letter and has been advertised as affecting the setting of a Conservation Area by Site and Press Notice, to date ten representations expressing objection have been received raising the following concerns: -

Lack of notification from both the Council and landlord

Questioning the validity of the application given the change in ownership since the application was first submitted.

Lack of detail given that the plans do not give a clear picture of the impact on neighbouring properties.

Site Plan refers to new steps for 108 Kennerly Road should this be 104, if so the back steps/door of 104 which provides a fire exit will be affected.

The back steps would be remodelled, and accordingly concerns are raised with regards suitability of the steps for staff and service users with mobility issues.

Space in the car park used for a walkway and bin storage will reduce the car park from 4 to 3 spaces.

Under the proposal the rear door of 104 Kennerley Road will have a reduced area to open the security gate and have a reduced width of steps. This door is a fire exit and

I have concerns that this will affect the use of it as such for our disabled or vulnerable adults and it might not meet required fire regulations. If these steps are also made steeper that would further exasperate this issue.

Removal of part of the car park used by our service will reduce the capacity from 3 to 2 cars, this carpark is used by our elderly, disabled or vulnerable clients and is an essential facility for our service.

The landowner named on the application is not the applicant, we believe the applicant does own this land so is this an error?

On the proposed site plan there are two errors: firstly, the car park is labelled as being for 108 Kennerley Road and secondly the rear door is labelled as rear access to 108 Kennerley Road. Currently the car park is used by 104 Kennerley Road and the rear door is access to 104 and used as our fire exit. Are these errors or is there a proposed change of use for the car park and alterations to the building to make the door an access to 108?

There is no parking allocated to the new address, parking is already tight in the area and there is currently double yellow lines where the proposed property is to be built, meaning a car cannot be parked outside on the road.

CONSULTEE RESPONSES

Environmental Health Officer (Contaminated Land): The proposed development site has not been identified as potentially contaminated and there are no landfills within close proximity either, as such could I please just request the CON2 informative for the decision notice should the developer find any unforeseen contamination.

Conservation Officer: This site lies within the Cale Green Conservation Area. The development of a new dwelling in this location would not result in harm to the special interest of the conservation area providing care is taken with the selection of external materials and subject to appropriate architectural detailing, replicating the adjacent property (No 1A). Blank gables are typical of properties within the area and it is recommended that the window re-arrangement to the gable is re-considered to provide for principal windows to be front/back facing.

Condition: Notwithstanding the information shown on the submitted drawings, no external construction shall take place until a detailed schedule of all of the proposed materials of external construction has been submitted to and approved in writing by the local planning authority and samples have been made available on site. Samples of brick and slate shall comprise at least 1 square metre in area and a sample panel of brickwork including mortar jointing shall be made available. The schedule shall also include details of design, materials and finish of verges, eaves, rainwater goods, windows and doors. All windows and doors shall be set back from the face of the building within the window and door reveals by a minimum of 90mm and accord with the approved details. Development shall not be carried out except in accordance with the agreed schedule and samples.

Reason: In order to preserve or enhance the special architectural, artistic, historic or archaeological significance of the heritage asset, in accordance with Development Management Policy SIE-3 (Protecting, safeguarding and enhancing the

environment) of the adopted Stockport Core Strategy, and in order to preserve or enhance the character or appearance of the Cale Green Conservation Area in accordance with saved UDP Review Policy HC1.3, "Special Control of Development in Conservation Areas".

Condition: Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no development falling within classes A-H of Part 1 of Schedule 2 and classes A & C of Part 2 of Schedule 2 and Class C of Part 11 of Schedule 2 of that Order shall be carried out.

Reason: In order to preserve or enhance the special architectural, artistic, historic or archaeological significance of the heritage asset, in accordance with Development Management Policy SIE-3 (Protecting, safeguarding and enhancing the environment) of the adopted Stockport Core Strategy, and in order to preserve or enhance the character or appearance of the Cale Green Conservation Area in accordance with saved UDP Review Policy HC1.3, "Special Control of Development in Conservation Areas".

Senior Highway Engineer: Proposal is to construct a dwelling on land adjacent to 1a Abergele St and 104-8 Kennerley Rd. The new dwelling will effectively be an additional terraced dwelling to the end of the existing row. No off-street parking is to be provided; whilst this might be the norm in the area it is noted that a resident's permit parking scheme is in operation on the western side of Abergele St. adjacent to the site and No Waiting at Any Time order is in place along the site frontage. There should be no assumption that any new resident will be eligible for any parking pass.

Parking provision for 104-8 Kennerley Rd is retained.
Cycle parking facilities are to be provided for the new dwelling.

The site is close to public transport facilities with bus stops on Bramhall Lane and Davenport Rail Station at 240m distance. There is an assortment of local shops within easy walking distance. Given the accessibility of the site, minimising the need for car use, it is accepted in principle that residential development is appropriate and would not result in any significant detrimental impact on the safety or operation of the local highway network. I do not wish to object to the proposal subject to concerns on matters of detail, which may be addressed by condition.

In the interests of safety and to comply with SMBC policies, adequate intervisibility is to be provided between pedestrians on Abergele St and drivers exiting the parking area for 104-108 Kennerley Rd. A visibility splay 1m x 1m to each side of the vehicular access is to be retained. A short length of fence or a bollard suitably positioned adjacent to the wall of the new dwelling would secure this.

The footway fronting the site is to be resurfaced following construction and utility company supplies being installed to return the footway to a safe and commodious state.

Given the close proximity of neighbours, a Construction Method Statement will be required to protect the amenity of neighbours. Recommendation: no objection subject to conditions.

Construction method statement

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

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

Post construction footway reconstruction: submission of details

Condition: A detailed drawing outlining a scheme to reconstruct the existing footway that abuts the site (which shall include the removal of any footway or verge crossings) shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until the footway has been reconstructed in accordance with the approved drawing.

Reason: In order to ensure that there are safe and high quality pedestrian facilities adjacent to the site and ensure that development can be accessed in a safe manner in accordance with Policies SIE-1 'Quality Places', CS9 'Transport and Development' and T-3 'Safety and Capacity on the Highway Network' of the Stockport Core Strategy DPD, supported by paragraph 5.30, 'Post development footway reinstatement', of the SMBC Sustainable Transport SPD.

Cycle parking: dwellings

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

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

Network' of the Stockport Core Strategy DPD, supported by paragraph 5.6, 'Cycle Parking', of the SMBC Transport and Highways in Residential Areas SPD.

Upgrade access (visibility splays) submission of details

Condition: No work shall take place in respect to the upgrading of the site's existing access until a detailed drawing outlining a scheme to upgrade the access, which shall include proposals to:

1) Provide a 1m x 1m pedestrian visibility splay to vehicle access alongside wall to new development has been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until the access has been upgraded in accordance with the approved drawing and is available for use. No structure, object, plant or tree exceeding 600mm in height shall subsequently be erected or allowed to grow to a height in excess of 600mm within the pedestrian visibility splays.

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

INFORMATIVES

Minor highway works

In addition to planning permission, the applicant / developer will need to obtain the consent of / enter into an agreement with the Highway Authority (Stockport Council) for the approved / required highways works. There will be a charge for the consent / to enter into an agreement. Consent will be required / the agreement will need to be in place prior to the commencement of any works. The applicant / developer should contact the Highways Section of Planning Services (0161 474 4905/6) with respect to this matter.

Construction Method Statement

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

United Utilities:

Drainage

In accordance with the National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG), the site should be drained on a separate system with foul water draining to the public sewer and surface water draining in the most sustainable way. We request the following drainage conditions are attached to any subsequent approval to reflect the above approach:

Condition 1 – Surface water: Prior to the commencement of any development, a surface water drainage scheme, based on the hierarchy of drainage options in the National Planning Practice Guidance with evidence of an assessment of the site conditions shall be submitted to and approved in writing by the Local Planning Authority.

The surface water drainage scheme must be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards. In the event of surface water draining to the combined public sewer, the pass forward flow rate to the public sewer must be restricted to 5 l/s.

The development hereby permitted shall be carried out only in accordance with the approved drainage scheme.

Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution. This condition is imposed in light of policies within the NPPF and NPPG.

Condition 2 – Foul water: Foul and surface water shall be drained on separate systems.

Reason: To secure proper drainage and to manage the risk of flooding and pollution.

The applicant can discuss any of the above with Developer Engineer, Neil O'Brien, by email at wastewaterdeveloperservices@uuplc.co.uk.

Please note, United Utilities are not responsible for advising on rates of discharge to the local watercourse system. This is a matter for discussion with the Lead Local Flood Authority and / or the Environment Agency (if the watercourse is classified as main river).

If the applicant intends to offer wastewater assets forward for adoption by United Utilities, the proposed detailed design will be subject to a technical appraisal by an Adoptions Engineer, as we need to be sure that the proposal meets the requirements of Sewers for Adoption and United Utilities' Asset Standards. The detailed layout should be prepared with consideration of what is necessary to secure a development to an adoptable standard.

This is important, as drainage design can be a key determining factor of site levels and layout. The proposed design should give consideration to long-term operability and give United Utilities a cost-effective proposal for the life of the assets. Therefore, should this application be approved, and the applicant wishes to progress a Section 104 agreement, we strongly recommend that no construction commences until the detailed drainage design, submitted as part of the Section 104 agreement, has been assessed and accepted in writing by United Utilities. Any works carried out prior to the technical assessment being approved is done entirely at the developers own risk and could be subject to change.

Management and Maintenance of Sustainable Drainage Systems

Without effective management and maintenance, sustainable drainage systems can fail or become ineffective. As a provider of wastewater services, we believe we have a duty to advise the Local Planning Authority of this potential risk to ensure the longevity of the surface water drainage system and the service it provides to people. We also wish to minimise the risk of a sustainable drainage system having a detrimental impact on the public sewer network should the two systems interact.

We therefore recommend the Local Planning Authority include a condition in their Decision Notice regarding a management and maintenance regime for any sustainable drainage system that is included as part of the proposed development.

For schemes of 10 or more units and other major development, we recommend the Local Planning Authority consults with the Lead Local Flood Authority regarding the exact wording of any condition. You may find the below a useful example:

***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:*

- a. Arrangements for adoption by an appropriate public body or statutory undertaker, or management and maintenance by a resident's management company; and*
- b. 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.*

Please note United Utilities cannot provide comment on the management and maintenance of an asset that is owned by a third-party management and maintenance company. We would not be involved in the discharge of the management and maintenance condition in these circumstances.

Water Supply

If the applicant intends to obtain a water supply from United Utilities for the proposed development, we strongly recommend they engage with us at the earliest opportunity. If reinforcement of the water network is required to meet the demand, this could be a significant project and the design and construction period should be accounted for.

To discuss a potential water supply or any of the water comments detailed above, the applicant can contact the team at DeveloperServicesWater@uuplc.co.uk.

Please note, all internal pipework must comply with current Water Supply (water fittings) Regulations 1999.

United Utilities' Property, Assets and Infrastructure

A public sewer crosses this site, and we may not permit building over it. We will require an access strip width of six metres, three metres either side of the centre line of the sewer.

Where United Utilities' assets exist, the level of cover to the water mains and public sewers must not be compromised either during or after construction.

For advice regarding protection of United Utilities assets, the applicant should contact the teams as follows:

Water assets – DeveloperServicesWater@uuplc.co.uk

Wastewater assets – WastewaterDeveloperServices@uuplc.co.uk

It is the applicant's responsibility to investigate the possibility of any United Utilities' assets potentially impacted by their proposals and to demonstrate the exact relationship between any United Utilities' assets and the proposed development.

A number of providers offer a paid for mapping service including United Utilities. To find out how to purchase a sewer and water plan from United Utilities, please visit the Property Searches website; <https://www.unitedutilities.com/property-searches/>

You can also view the plans for free. To make an appointment to view our sewer records at your local authority please contact them direct, alternatively if you wish to view the water and the sewer records at our Lingley Mere offices based in Warrington please ring 0370 751 0101 to book an appointment.

Due to the public sewer transfer in 2011, not all sewers are currently shown on the statutory sewer records, and we do not always show private pipes on our plans. If a sewer is discovered during construction; please contact a Building Control Body to discuss the matter further.

Should this planning application be approved the applicant should contact United Utilities regarding a potential water supply or connection to public sewers. Additional information is available on our website <http://www.unitedutilities.com/builders-developers.aspx>

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.

Contaminated Land

In respect of contamination, the Council's Environmental Health Officer (Contaminated Land) remains satisfied the development could be carried out safely without unacceptable risks in accordance with the provisions of Policy SIE-3.

Sustainable Drainage

Policy SIE3 states that in respect of flood risk all development will be expected to comply with the approach set out in national policy, with areas of hard-standing or other surfaces, should be of a permeable construction or drain to an alternative form of Sustainable Drainage Systems (SuDS). Moreover, Policy SD-6 requires a 50% reduction in existing surface water runoff and incorporation of SUDS to manage the run-off water from the site through the incorporation of permeable surfaces and SuDS. In overall terms, 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. In accordance with the provisions of SD-6, it is appropriate to secure details of the drainage of the site, which should adopt the hierarchical approach set out in the NPPF through conditional control.

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.

The overall design approach would build upon the established character of the area and the proposal would be sympathetic in terms of its 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, character, and the efficient use of land in accordance with the provisions of Policy CS3. Given the size and configuration of the site, the proposal would not be prominent or out of character with the general pattern of development and would not undermine the quality and attractiveness of the surrounding area in accordance with the provisions of policies SIE-1 and H-1 and the SPD.

The proposal is considered to be of a design and scale in keeping with the character of the Conservation Area and the Council's Conservation Officer raises no objection. Overall, the layout and form of development represents a considered response to its context and would avoid any undue impact on the amenity of neighbouring properties, and for future occupiers by reason of visual intrusion, overshadowing, loss of daylight, overlooking or loss of privacy.

The development would provide adequate standards of amenity and privacy for both the occupiers of existing housing, which neighbour the site, and future occupiers of the proposed housing. Separation distances and private amenity reflect the surrounding built form and urban grain, whilst maintaining existing privacy for existing residents and providing sufficient amenity for the new homes whilst respecting the surrounding area. The size of the proposed rear garden exceeds the size of some existing rear gardens in the immediate area (see for example the rear gardens to houses on Abergele Street and would provide adequate amenity space for residents to sit out and dry washing etc. it is also noted that the site is near Local Open Space on the corner of Bramhall Lane and Kennerley Road. 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 acknowledges that no off-street parking is to be provided and notes that a resident's permit parking scheme is in operation on the western side of Abergele St. adjacent to the site and No Waiting at Any Time order is in place along the site frontage. In noting that the site lies within a highly accessible location close to public transport facilities with bus stops on Bramhall Lane and Davenport Rail Station with an assortment of local shops within easy walking distance, minimising the need for car use, the Council's Senior Highway Engineer concludes that there would be no significant detrimental impact on the safety or operation of the local highway network and accordingly raises no objection subject to conditional control regarding matters of detail. Overall, in terms of highway considerations the proposal accords 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%. Whilst 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 a New Dwelling Energy Efficiency Checklist explaining how low/zero carbon technologies have been considered, has been submitted in accordance with the requirements of Policy SD-3.

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).

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 and a commuted sum (£4,488.00) secured through a planning obligation under S106 which has already been signed and sealed and in compliance with Regulation 122 of the CIL Regulations and payment has been received to satisfy the requirements of Policy SIE-2.

RECOMMENDATION

Grant