

## ITEM

<b>Application Reference</b>	<b>DC/088401</b>
<b>Location:</b>	Land & Buildings At The Corner Of Chestergate & King Street West Stockport
<b>PROPOSAL:</b>	Demolition of existing buildings and the erection of a new residential development together with associated works including landscaping and parking.
<b>Type Of Application:</b>	Full Application
<b>Registration Date:</b>	15.05.2023
<b>Expiry Date:</b>	20230814
<b>Case Officer:</b>	Jane Chase
<b>Applicant:</b>	Great Places Housing Association
<b>Agent:</b>	Savills

### **DELEGATION/COMMITTEE STATUS**

Planning & Highways Regulation Committee – Scale of the proposed development and departure to the development plan.

### **DESCRIPTION OF DEVELOPMENT**

The application proposes the demolition of all the buildings on the site and as originally submitted, the erection of 2 buildings rising to 8 storeys high and occupying most of the frontages to King Street West and Chestergate. During the course of the application the proposals have been amended in respect of the siting and external design of the development together with refuse and cycle storage and are presented to Members as follows:

The erection of 2 buildings on the site accommodating 148 apartments comprising a mix of 1 and 2 beds of varying size (59 no. 1 bed flats and 89 no. 2 bed flats). All 148 dwellings are proposed as being affordable housing with 47 being offered as rent to buy and 101 as affordable rent. The buildings, which would be separated by an area of open space extending from Chestergate to the river Mersey would be positioned parallel with the frontages to both King Street West and Chestergate. A riverside walkway with stepped access to King Street West is proposed (gated to the west until such a time as access on other sites is achieved). Vehicle access is proposed from Chestergate through the larger building proposed to the west of the site leading to a parking area extending the depth of the site to accommodate 8 disabled parking spaces each with an electric vehicle charging point and a turning space for delivery vehicles.

The eastern building fronting and parallel to King Street West would be 5 to 7 storeys high with the greater height to King Street West and lower to Chestergate. This flat roofed building would be constructed mainly from brickwork with slightly recessed openings to the apartments and stepped elevations to both frontages. Within the ground floor of this building is a lobby with stair and lift access to all floors, parking for 52 cycles, refuse storage, a plant room and a parcel/post room. A roof terrace over the lower element of this building accessible from the 5<sup>th</sup> floor level would offer external amenity space to complement the communal gardens. In addition to this

private balconies are proposed to the apartments at 6<sup>th</sup> floor level. All 47 apartments in this building would be offered as rent to buy.

The western building fronting and parallel to Chestergate would be of the same design as that to King Street West rising 7 to 8 storeys high with an L shaped footprint. Within the ground floor of this building is a lobby with stair and lift access to all floors, parking for 103 cycles, a post room, refuse store, substation, plant room and small office (for visiting Great Places staff). At ground floor level also, 4 of the apartments to the west, side elevation of this building would benefit from private garden areas with a smaller area of communal amenity space proposed to the northernmost, rear elevation. A roof terrace over the lower element, accessible from the 7<sup>th</sup> floor level would offer external amenity space to complement the communal gardens. All 101 apartments in this building would be offered as affordable rent.

Given the large number of plans submitted with this application, not all have been appended to this report. Rather, a selection has been chosen which, it is considered, will afford Members a sufficient understanding of the development proposed. If however Members wish to view the application in its entirety then they can do so via the Council's website.

The application is also supported by the following documents:

- Planning Statement
- Design & Access Statement
- Heritage Statement
- Archaeological Assessment
- Building Survey and Archaeological Evaluation
- Affordable Housing Statement
- Financial Viability Appraisal
- Transport Assessment
- Road Safety Audit
- Interim Travel Plan
- Phase 1 Geo-Environmental Site Assessment
- Phase 2 Geo-Environmental Site Assessment
- Noise Report
- Air Quality Assessment
- Flood Risk Assessment
- Drainage Strategy and Maintenance Document
- Crime Impact Statement
- Fire Statement
- Energy Statement
- Arboricultural Impact Assessment and Method Statement
- Landscape Design Statement
- Extended Phase 1 Habitat Survey (Preliminary Ecological Appraisal)
- Water Vole & Otter Survey Report
- Bat Survey
- Bat Roost Assessment
- Daylighting Assessment

## **SITE AND SURROUNDINGS**

This 0.5ha application site is located at the north west junction of King Street West and Chestergate. The site, which is positioned outside of but immediately to the west of Stockport town centre (as defined on the UDP Proposals Map), is largely undeveloped and open save for 3 buildings comprising:

- Mentor House, a 2 storey building that is formally designated as being locally listed. This building which historically accommodated the Chestergate Hat Company offices has been vacant for over 15 years.
- A single storey building attached to Mentor House which having been vacated over a year ago, was last occupied as an indoor children's play centre and
- A 2 storey detached building on Chestergate which was last used over 15 years ago for retail purposes.

Elsewhere the site is devoid of buildings and is covered by hardstanding and/or areas of overgrown vegetation. The site is enclosed to King Street West by a 1.8m weldmesh fence and has most recently been used for the open storage of motor vehicles. The site is bounded immediately to the north by the river Mersey, to the east by King Street West, to the south by Chestergate and to the west by Kingston Mill which is now used for self storage.

The site is defined on the UDP Proposals Map as being within an Employment Area. To King Street West and to the north of the site is the locally listed bridge over the river Mersey whilst on the opposite east side of the road is Weir Mill, a grade 2 listed building which is currently undergoing redevelopment as part of a mixed use (commercial and residential) development. Beyond Weir Mill to the east is the imposing railway viaduct (grade 2\* listed). Kingston Mill to the west of the site is a locally listed building and opposite this on the south side of Chestergate is 213 Chestergate, also a locally listed building.

The character of the locality in the immediate vicinity of the site is currently generally that of commercial development. The redevelopment of Weir Mill will however deliver over 250 new homes alongside flexible commercial floorspace (DC079225 refers). Elsewhere the former car wash to the south of the site on King Street West is being redeveloped to provide 73 apartments all of which will be offered as affordable housing (DC086371 refers).

### **POLICY BACKGROUND**

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

#### **The Development Plan includes-**

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

The application site is identified on the UDP Proposals Map as being within an Employment Area and an area at risk of flooding. A strategic recreation route runs along Chestergate. The policies set out below are therefore relevant to the determination of this application.

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

NE1.2 Sites of Nature Conservation Importance  
EP1.7 Development and Flood Risk  
EP1.9 Safeguarding or Aerodromes and Air Navigation Facilities  
EP1.10 Aircraft Noise  
L1.1 Land for Active Recreation  
L1.2 Children's Play  
L1.8 Strategic Recreation Routes  
L1.9 Recreation Routes and New Development  
E3.1 Protection of Employment Areas  
MW1.5 Control of Waste from Development

<https://www.stockport.gov.uk/topic/current-planning-policies>

### **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 Energies Opportunities Plan  
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  
H2 Housing Phasing  
H3 Affordable Housing  
AS-2 Improving Indoor Sports, Community and Education facilities and Their Accessibility  
CS7 Accommodating Economic Development  
AED3 Employment Development in Employment Areas  
CS8 Safeguarding & Improving the Environment  
SIE-1 Quality Places  
SIE-2 Provision of Recreation and Amenity Open Space in New Developments  
SIE-3 Protecting, Safeguarding and Enhancing the Environment  
SIE5 Aviation Facilities, Telecommunications and Other Broadcast Infrastructure  
CS9 Transport & Development  
T-1 Transport and Development  
T-2 Parking in Developments  
T-3 Safety and Capacity on the Highway Network

<https://www.stockport.gov.uk/topic/current-planning-policies>

### **Supplementary Planning Guidance**

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

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

<https://www.stockport.gov.uk/topic/current-planning-policies>

## **National Planning Policy Framework**

A Revised National Planning Policy Framework (NPPF) issued by the Secretary of State for Housing, Communities and Local Government (MHCLG) on 19th December 2023 replaced the previous NPPF (originally issued 2012 & subsequently revised thereafter). The NPPF has not altered the fundamental legal requirement under Section 38(6) of the Planning and Compulsory Purchase Act 2004 that decisions must be made in accordance with the Development Plan unless material considerations (such as the NPPF) indicate otherwise.

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

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

Relevant paragraphs within the NPPF include:-

Para. 1-2: Introduction

Para. 7-14: Achieving Sustainable Development

Para. 38, 47, 55-58: Decision Making

Para. 60, 64-66, 70, 77: Delivering a Sufficient Supply of Homes

Para. 85: Building a Strong, Competitive Economy

Para. 96, 99, 102, 104: Promoting Healthy & Safe Communities

Para. 108, 109, 114-117: Promoting Sustainable Transport

Para. 123, 124, 127, 128: Making Effective Use of Land

Para. 131, 135-136, 139-140: Achieving Well Designed Places

Para; 157, 159, 162-163, 165, 168-173, 175: Meeting the Challenge of Climate Change, Flooding & Coastal Change

Para. 180, 186, 188-194: Conserving and Enhancing the Natural Environment

Para. 195, 200-203, 205-214: Conserving and Enhancing the Historic Environment

Para. 224, 225: Implementation

[National Planning Policy Framework.](#)

## **Planning Practice Guidance**

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

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

## **Town Centre West MDC and Stockport Town Centre West Regeneration Framework (SRF).**

The Council's long-term ambition for the future of Town Centre West as a location for up to 3,500 new homes, 1,000,000ft<sup>2</sup> new employment floorspace, and the social infrastructure and amenity needed to support a growing community was set out in the 2019 Strategic Regeneration Framework (SRF) for Town Centre West.

The SRF was created to inspire, excite, and engage with existing and future residents and businesses as well as with developers and investors. It set out a vision, masterplan, and delivery strategy for how Town Centre West could be

reshaped over ten to fifteen years as Greater Manchester's newest, coolest, and greenest urban neighbourhood. Though not a planning policy document, it is a material consideration in the determination of this application.

The application site is located in the SRF's 'Brinksway' neighbourhood. The Framework notes that the area is characterised by a mix of low rise employment spaces, historic mill buildings, a variety of warehouses, the banks of the river Mersey, Hollywood Park and Chestergate. Over time, the historic grain has been eroded making way for larger forms of commercial buildings and their associated servicing areas, creating a disjointed collection of historic buildings and spaces dominated by car parking and storage. From within Brinksway, the viaduct is visible from the main links into the town centre as well as from along sections of the Mersey. The existing warehouses vary in scale and form which frame views of the viaduct. Kingston Mill provides enclosure and drama to the area as it sits close to the back of the street. In contrast the warehouses create a varied and human-scaled environment. Opportunities exist to celebrate these qualities with a variety infill, human-scaled spaces, distinctive landmark buildings and sustainable links to the town centre.

For Brinksway, amongst other things, the SRF proposes:

- Higher density residential development located on key streets, helping to define and enclose;
- Landmark buildings along the Mersey, capitalising upon views over the Mersey and towards Hollywood Park;
- Responding to the Mersey by improving accessibility to its banks through a new pedestrian and cycle link;
- Utilising roof space with a variety of green roof spaces, contributing to the sustainable performance of the neighbourhood and the green infrastructure provision across the area;
- The streetscape will be designed for active and sustainable travel. Investment in segregated footways and cycle lanes will enable residents to make safe, seamless journeys;
- Zero emissions will be the aim, with electric vehicle charging points and dockless e-bikes the norm;
- Loading and servicing will be designed into buildings and streets to have minimal impact on the ability to enjoy the streetscape created;
- Brinksway will be the ideal place to establish a car sharing scheme and/or car club to reduce reliance on the private car and single occupancy car trips;
- Brinksway will be a priority area for the Mayoral Development Corporation in part due to the scale of change proposed but also due to Stockport Council's land ownership in the area. The repositioning of Brinksway will be critical to the transformation of Town Centre West as this area offers the potential to accommodate a different type of community that can act as an exemplar across Greater Manchester and beyond. New development should embrace new techniques in their delivery and embrace innovation in how people live and work in the area and move through it. It is anticipated that given past uses

and the river, viability is likely to be an issue for some sites due to potential high abnormal costs.

### **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.

### **RELEVANT PLANNING HISTORY**

J/59944 - Mentor House. Change of use from car repair centre to indoor children's playground. Full planning permission approved May 1994

J/62417 - Mentor House. Change of use to car valeting and alterations to form access ramps. Full planning permission approved June 1995

DC/066705 - Mentor House. Temporary period (3 years) for use of hard standing for vehicle storage and sales with installation of a portable staff welfare cabin. Full planning permission approved November 2017

DC/071741 - Land Adjacent Mentor House. Erection of B1 light industrial / B8 storage and distribution warehouse units (any trade counter use to involve trading floorspace not exceeding 25% of net internal floorspace) with associated means of access, parking, servicing and landscaping. Full planning permission refused April 2019 due to loss of employment land and introduction of retail use; exclusion of Mentor House would prejudice its future use and preservation and harm its significance; fails to respond to the context of the site and fails to demonstrate that the development would not impact on Mentor House in terms of access, parking and servicing.

### **NEIGHBOUR'S VIEWS**

The receipt of the application has been advertised by way of a site and press notice. The occupiers of 58 neighbouring properties have also been notified of the application in writing.

1 letter has been received objecting to the application on the following grounds:-

There needs to be car parking for the residents of the development. Not everyone will use public transport including those who are disabled.

### **CONSULTEE RESPONSES**

SMBC Regeneration – No objections to the amended proposals and are supportive of the development.

Planning Policy (Employment) – The loss of the employment floorspace represents a departure to the development plan having regard to saved UDP policy E3.1 and

Core Strategy policy AED-3. It is however judged that there are other material considerations that should be factored into any decision on the loss of part of this Employment Area noting the prominent location of the site, the masterplan within the MDC Strategic Regeneration Framework for residential development in this area and the changing role of town centres to move towards a mix of uses.

Planning Policy (Housing) – No objections to the amended proposals.

SMBC Strategic Housing – Fully supportive of the proposed development as amended in terms of affordable housing delivery.

SMBC Conservation Officer – In commenting on the amended proposals, objects.

This site contains a locally listed building, the former hat works on King Street West (also known as Mentor House), which was added to Stockport's list of buildings of local architectural and historic value in 2009. In 2020 an Article 4(1) Direction was put in place by the Council to provide for its long term protection. The building was considered to be of positive benefit to public amenity and wider public interest and its local architectural or historic value made it worthy of special planning controls in order to seek its long term retention, consistent with local and national planning policies in place to protect heritage assets.

The site lies within a cluster of heritage assets and development of the site has potential to impact upon their setting and significance – these include Weir Mill (listed Grade II), the Railway Viaduct (listed Grade II\*), Kingston Mill (locally listed), King Street West Bridge (locally listed) and 213 Chestergate (locally listed). Collectively these heritage assets are representative of the industrial development in this part of Stockport and represent the evolution of the local townscape, illustrating the historic importance of the textile and clothing industry to the town and its relationship with the river, and represent surviving examples of a once more prevalent type of industrial building, many of which have been lost to redevelopment over time. The road bridge and railway viaduct are illustrative of improving transport as a result of increased industrialisation.

There is no clear explanation why the redevelopment of the site could not take place in conjunction with the repair/adaption/extension and complementary re-use of Mentor House, and still achieve comparable regenerative benefits whilst delivering a more environmentally sustainable development. Mentor House, primarily due to the building's association with the hat making industry in Stockport, has considerable heritage value, reflected in its status as a building of local architectural and historic value.

The building is one of the very few surviving examples of a hat works building in Stockport and this rarity value contributes greatly to its significance and the remaining fabric of the building incorporate the highest quality architectural elements of the original buildings. It is noted that its interior has not been assessed; its vacancy and condition are erroneously used as factors in assessing its significance; and no evidence is provided to demonstrate that its retention is unviable or other uses cannot be found.

It is recommended that the opportunities for retention and re-use of the heritage asset are reviewed in order to enable the delivery of a sustainable development on this site, consistent with the National Planning Policy Framework that seeks to ensure that new development adds to the quality of an area, is sympathetic to local

character and the surrounding built environment, and establishes, or maintains, a strong sense of place.

The impact of the development upon the setting of the heritage assets listed above would need to be reviewed in the context of a revised scheme. As it stands whilst there is no concern from a conservation and/or townscape perspective over the principle of introducing the block adjacent to Kingston Mill, the scheme as submitted would cause harm to the character and appearance of the area and setting of heritage assets, particularly through the introduction of the block fronting King Street West that would challenge the scale and primacy of Weir Mill. The views analysis submitted in support of the present scheme is weak and it is recommended that an accurate analysis of townscape impact containing verified views is undertaken.

Whilst it is acknowledged that the proposal would have a neutral effect on some of the nearby heritage assets (notably 213 Chestergate and Kingston Mill), it would cause less than substantial harm to the setting of the Grade II listed Weir Mill and, through total demolition, would be harmful to the significance of the former Hat works Building. The Framework requires that great weight is given to the conservation of designated heritage assets, irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm. The Framework also requires that the effect of an application on the significance of a non-designated heritage asset should be taken into account.

Any harm to, or loss of, the significance of a designated heritage asset, including from development within its setting, requires a clear and convincing justification. Whilst there are undoubtedly some regeneration benefits to the scheme which weigh moderately in its favour, it would also cause harm to the setting of a designated heritage asset and, as a minimum, great weight has to be given to that harm. To this needs to be added the great harm that would result to the non-designated heritage asset.

Presently there is no clear and convincing justification for the harm to heritage assets. The scheme would not comply with the relevant requirements of Policies CS8, SIE-1 and SIE-3 of the Core Strategy which collectively seek to ensure, among other matters, that new development is of a high standard of design that has regard to the historic environment and makes a positive contribution to the protection and/or enhancement of heritage assets.

Greater Manchester Archaeological Advisory Service – In commenting on the amended proposals raises no objection.

Given that the extant buildings and potential below-ground archaeological remains are not going to be of national, but of regional or local significance, GMAAS would be content to see the archaeological investigation conditioned on the planning consent and undertaken in accordance with a written scheme of investigation.

Historic England – In respect of the amended proposals defers comment to the views of the Council's specialist conservation adviser and archaeological advisers, as relevant.

Places Matter Design Review – In response to the amended plans, it has been demonstrated that the development will not have a negative impact on daylight and sunlight. The lack of private balconies remains a concern, so whilst this has been much improved from the original proposals, it is suggested that this be reconsidered. There are too many material and the scheme feels a little commercial. Look again at

refining the use of Corten and also the colour and predominance of the spandrel panels. The dangerous condition of Mentor House is noted and it is suggested that some element of it be embedded into the landscape and consider salvaging some of the feature details of the main elevation, to “make a virtue out of its sad loss”. This is a much-improved proposition, especially on the landscape design, but there is still some work to do to refine and enhance the scheme.

SMBC Tree Officer – No objection to the amended proposals subject to an enhanced landscaping scheme which can be secured by condition.

SMBC Nature Development Officer – No objections to the amended proposals subject to conditions to secure revisions to landscaping, biodiversity enhancements and the management of both.

GMP Secured by Design – No objections to the application as originally submitted subject to the development being built to Secured by Design standards.

SMBC Highway Engineer – No objections to the amended proposals subject to contributions and conditions.

The proposed development, located close to the Town Centre in an area where residents can conveniently access public transport, services and amenities, is essentially being promoted and provided as a car free form of development. Provision is being made for some disabled persons to park safely within the site but no general parking is proposed. The lifestyle choice for new residents would effectively be to be able to live car free and travel primarily on foot, cycle and public transport.

National and Local Planning Policies are clear that development should be located to offer a genuine choice of transport modes, that opportunities to promote walking, cycling and public transport are identified and pursued, that safe and suitable access to a site can be achieved for all users and that priority should be given to pedestrian and cycle movements both within the scheme and neighbouring areas, which could include measures that are demonstrated to improve accessibility to an appropriate degree.

A car free type of development will inevitably give rise to significant numbers of movements by persons on foot or cycle, commuting, for retail purposes, visiting amenities, leisure purposes, as part of a linked trip or for a vast number of reasons. The cumulative number of sustainable travel trips will clearly result in a change to the existing movements in the area. Whilst the location of the site has good potential for living a more sustainable lifestyle transport wise, there is reliance on infrastructure proposals that are being considered and developed by the Council and Stockport Mayoral Development Corporation (MDC) for Town Centre West.

This proposal is therefore being determined having regard to the existing surrounding highway infrastructure where there are a number of deficiencies that could be argued to be counter to ensuring suitable access for all travel modes and users. The immediate surrounding highway area currently lacks a LTN1/20 compliant segregated cycle track facilities particularly on site frontage approach to the junction with King Street West and furthermore, it lacks suitably located facilities to enable non-motorised traffic travelling west out of Town to conveniently cross Chestergate and continue a journey. These matters will be incorporated into the wider Town Centre West work.

The submitted site layout has been configured to afford a built environment that would not prejudice and would protect sufficient land to enable the potential Highways Masterplan that is being developed by the Council and Stockport MDC to be delivered in the future. This is welcomed and there is a lot of merit in protecting, forming and dedicating land as highway to ensure a scheme can be implemented in the future to provide an enhanced active travel route along Chestergate.

I do welcome that this scheme is presenting and delivering a frontage that would include highway (footway) widening to futureproof enabling improved cycle infrastructure and potential junction improvements. Footway widening and construction details are a matter that is capable of conditional control and it is reasonable to presume, having been discussed and acknowledged, that the developer will dedicate the land as highway upon completion of the work.

I also welcome that the applicant has agreed to make a £60,000 financial contribution towards the future provision of crossing facilities on Chestergate for non-motorised users. It is considered that accepting a contribution seems reasonable and in proportion at this time and consistent with the approach taken with similar developments in and close to the Town Centre where future highway schemes were known and under consideration.

In summary, whilst the wider masterplan work has not been completed, I do not feel I can reasonably sustain an argument against the proposal on the grounds of accessibility and safe access when I have regard to the footway works and contribution that support the application.

In regards to servicing the development, a lay-by is proposed on King Street West and a smaller servicing/delivery area would be provided within the parking/realm area accessed from Chestergate. The lay-by has been redesigned and I am comfortable that refuse/recycling and larger sized vehicles can access the facility in a safe manner. There is also sufficient length to the lay-by to allow larger vehicles to be stopped and operatives and/or delivery drivers to safely access the rear of a vehicle.

The lay-by will need regulation to prevent any vehicle stopping other than for short term deliveries, the cost for amending the Traffic Regulation Order along King Street West would be covered by a commuted sum payment from the applicant secured under the terms of an appropriate legal agreement.

It is proposed that for refuse and recycling collection, receptacles from both buildings would be brought to the lay-by area by site management on collection day. It would not be good practice to have numerous receptacles being dragged from the Chestergate building, along the footway to a collection point, as this could inhibit the safety of footway users both in the shorter term and in the event that a wider strategy for the area is delivered. Another concern is the extent of the holding area alongside King Street West for receptacles to be stored on collection day. There does not appear to be sufficient space for the storage of the likely number of receptacles on a given collection day, thus the risk of overspill onto the footway. Whilst being concerned, as I feel that insufficient consideration has been given to refuse and recycling requirement within the design of the buildings, I acknowledge it may be the case that a robust waste and recycling management plan can be offered to control practices on collection days.

I understand that the Council's Waste Management Team has been engaged and is accepting that the number of receptacles proposed to serve the two buildings will

meet the likely demands for the number of households proposed. Notwithstanding this, I have misgivings about the layout of the receptacle storage areas, which are both extremely compromised in terms of size and usable practicality for residents. I question how residents would actually access the majority of receptacles in either of the storage areas, them being stacked deep in rows and there being no space around the majority of receptacles for access purposes. Perhaps a management plan could control that receptacles will be swapped around by site management when becoming full. This matter could be conditioned to ensure an acceptable scheme is delivered.

An area is identified within the parking area accessed off Chestergate for daily or other deliveries, typically for home delivery type vehicles. Swept paths show that the area is practical to use and I am therefore accepting of this. The lay-by area on King Street West will also be usable by smaller delivery vehicles without causing unacceptable operational or safety issues.

The site entrance on Chestergate would be better formed as a dropped crossing or 'Dutch style' footway crossing in order to retain pedestrian and future cycle priority across the access. It may also be the case that a line of bollards is required to discourage indiscriminate kerbside parking.

The applicant's ethos behind the development is that it will essentially be car free and no general car parking is proposed within the site. Accessible parking will be provided with eight disabled spaces to be laid out, with all these spaces having electric vehicle charging points. Whilst I have some discomfort with a proposal that has only eight disabled parking bays identified, noting that Council standards require one space per 10 residential units, I do not feel in isolation that this would present a sustainable reason to oppose the scheme.

The site occupies an accessible location in the town centre and is close to the Interchange. It is anticipated that the development will in the main, appeal to residents who do not own a car. Whilst this will help restrain the volume of traffic generated by the site and the consequent impact on the surrounding highway network, it is evident from the accompanying traffic generation exercise that the development will generate a level of traffic movement that, albeit relatively small numerically, cannot be accommodated on site when no general parking is to be provided. There will be some demand for vehicle parking off site, in particular associated with a likely small number of households who will own a car and need to park off site and for visitors to the development.

It is reasonable to expect that the majority of people choosing central and urban locations to reside would have done so in the knowledge that they can live without needing to own or sometimes even to use a car. The site being close to the Town Centre with convenient access to public transport, services and amenities meets the reasonable and realistic criteria for car-free living and it is difficult to argue that the site will not appeal to people who do not prioritise car ownership. It is fair and reasonable to acknowledge that a car free proposal in this location will assist in meeting local and national policy that seeks to reduce dependence on car use, improve air quality and achieve carbon savings. Research does show that residents have a tendency to choose their home location to satisfy these different priorities. To some extent, this suggests that a site with car parking available will attract existing car owners whereas a car free site will inform choice by those who do not see car travel as an essential requirement.

Whilst this leads me to conclude that the fact that no general parking is proposed within the development does not cause concern, there is still the reality that residents will need at times to be able to access a vehicle, some households will own a vehicle and will seek parking off site and some visitors to the site will be reliant on car travel and need space to park. I am satisfied that there is sufficient spare capacity within the public car parks that offer short and long stay and contract parking in the Town Centre and that these have spare capacity. This approach is within the spirit of the Town Centre West SRF and I am also satisfied that existing parking controls around the site should effectively manage and discourage overspill parking that could give rise to road safety concerns.

The likelihood that some residents will need at times to be able to access a vehicle drives the benefits of car clubs to compliment this form of development. The availability of a car club which has sufficient capacity to meet the likely demands generated by households that do not have access to their own private car is considered necessary and I note that Stockport has the Enterprise Car Club that has potential to serve this part of town and the development.

There is an evident need for additional car club vehicles to be located in the western area of the town centre, which can serve this site and other community in this area. The nearest car club bays to this site are circa 850-900m distant, about an 11-minute walk away. The preference of Enterprise is for the vehicles to be located on street where visibility is maximised and the wider community can understand that these vehicles are available for use by the public. I therefore consider it essential, as has been the case for other town centre car free forms of development, that additional car club bays are identified and provided within the surrounding area and additional vehicles are provided to address the issue of vehicle availability and capacity.

It is understood from Enterprise's experience that that one vehicle generally meets the demand associated with 60-70 residential units so two vehicles would be a reasonable expectation in this case to meet the increase in demand for use that will be likely to arise. Following discussion, the applicant has agreed to cover the cost, to the sum of £36,000, of providing two additional vehicles. Details and delivery mechanism will need discussion with Enterprise, a matter that could be progressed after any planning decision is taken. This contribution will need covering under the terms of a S106 Agreement with the applicant to provide the sum a timeline/trigger of occupancy to be agreed. The applicant has also agreed to cover the cost for the relevant Traffic Regulation Orders for establishing car club bays on street, estimated at £10,000. I am comfortable that this sum will be sufficient to also cover the cost of implementing the appropriate regulatory control of the new lay-by on King Street West.

For residential development in Town Centre or other accessible locations where a reduced level of or no car parking is provided, the number of electric charging points provided should be based on the number of residential units. This is set out in the Councils supplementary document on EV charging. Charging points should be provided for at least 26% of the number of residential units for a development that is likely to be first occupied in 2026, which is considered a realistic timeline. Where charging points are to be provided on a communal basis it is considered reasonable and acceptable that one charge point will provide for the charging for two vehicles, with potential for a full charge for a vehicle in the daytime and a second vehicle charge overnight.

It also has to be noted that it is Government Policy that the sales of new petrol and diesel cars and vans will be phased, that Greater Manchester has declared a climate

emergency and has a carbon neutral agenda and at a local level, Stockport Council made a resolution in November 2018 on electric vehicle charging point provision. I consider it essential that development complies with the Council's standards for EV charging provision and it must be seen to be contributing to the medium to longer term objectives of reducing vehicle emissions and improving air quality.

In this case and consistent with the approach that has been and continues to be taken with other similar forms of development, my view is that this proposal should follow and be providing the facilities and capacity to charge 38 electric vehicles (148 residential units x 26%). Noting it is proposed that the eight disabled parking bays on the site will each have a charge point and the reasonable logic that each charge facility can cater for two full charges per day, this provides charging for 16 vehicles. The residual shortfall is therefore 22 charging opportunities. The Council has for other Town Centre developments and will continue to accept, the provision of charging points to parking bays that are off site, either in public car parks or on street. Notably, as such facilities will be public and communal and each charge point could reasonably account for the demand for charging for two vehicles, the development can address this shortfall off site, equating to 11 EV charge points. This matter could be covered under conditional control or alternatively by provision of a financial contribution under the terms of a S106 agreement, whereby the estimated cost for each charge point is £7,500, equalling a financial contribution of £82,500.

Provision should be made within the site for a minimum of 2 powered two wheelers, this matter can be conditionally controlled on any decision. Cycle parking and further revision to the layouts show storage providing for a total of 155 cycles. This provision includes space for nine larger cycles, for example three-wheelers, cargo type, tandems and cycles with paniers. The extensive use of and reliance on two tier cycle stands within the two stores is far from ideal as such facilities can give rise to user difficulty, it therefore being critical that suitable electronic or hydraulic systems are introduced and maintained. This matter can be covered by conditional control.

Transport for Greater Manchester – In response to the amended proposals, give advice on highway matters and accessibility noting that the likely traffic generation does not trigger the requirement for any further highway impact assessment work. The access benefits from an acceptable level of visibility and has been located to avoid prejudicing the safeguarded future Metrolink alignment. Noting the level of parking proposed a review of traffic regulation orders should be carried out in the vicinity of the development to confirm whether additional control is required and to discourage pavement parking. A robust traffic management plan should be employed.

The site is well served by public transport and residents will be provided with genuine public transport alternatives to car travel. Improvements to the pedestrian environment are required to help encourage the uptake of active travel modes by future residents. The level of cycle parking proposed is welcomed. The development should be accompanied by a full residential travel plan.

Trans Pennine Trail – In response to the amended proposals comment that the Transport Assessment and Design & Access Statement do not reference the Trans Pennine Trail. There is no reference in the Transport Assessment to safe access for cyclists. Cycle parking could be increased to provide 1 space per bedroom. A minimum 3m wide segregated pedestrian access route (beyond the 2m proposed) should be provided to accommodate walkers, wheelers and cyclists. The width of the shared walking and wheeling path fronting the west of the site on Chestergate

should be 4.5m minimum. It is not clear how the cycle lane to the east of the site on Chestergate will connect with the A560.

National Highways – No objections to the amended proposals.

Greater Manchester Fire – No objections in commenting on the application as originally submitted. No further comments have been received in relation to the amended plans.

Health & Safety Executive (Fire) – No objections to the amended proposals.

SMBC Environmental Health Officer (Contaminated Land) – No objections to the application as originally submitted subject to conditions to secure a remediation strategy and verification report together with measures to prevent the migration of landfill gas into the site.

SMBC Environmental Health Officer (Air Quality) – No objections to the amended proposals.

SMBC Environmental Health Officer (Noise) – No objections to the amended proposals subject to conditions to secure a construction environmental management plan in relation to noise, dust and vibration and the construction of the development in accordance with the submitted Noise Impact Assessment.

Environment Agency – No objections to the amended proposals in relation to flood risk subject to the imposition of conditions to ensure the carrying out of the development in accordance with the flood risk assessment in terms of finished floor levels and compensatory storage.

In relation to contaminated land the EA confirm that they have no objections to the amended proposals subject to the imposition of conditions requiring the submission of a remediation strategy and verification report. Piling should not be carried out other than with the consent of the Planning Authority and where there is no risk to groundwater. No drainage systems for the infiltration of surface water are permitted without the consent of the planning authority and must be supported by an assessment of the risk to controlled waters.

Lead Local Flood Authority – In commenting on the amended proposals raises no in principle objection subject to the imposition of conditions.

The development compromises the existing flood plain, however, the mitigation / compensation storage proposals are acceptable in principle, and we concur with the Environment Agency consultation response. The drainage strategy indicates that total impermeable run off is reduced but does not quantify it or provide any details for the existing drainage regimes. Storm storage appears to be primarily via traditional buried storage. There are some rain gardens and tree pits but again the relative storage volumes are not identified. We would query whether surface based green SuDS storage could be incorporated as part of the earthworks for flood storage compensation. Surface level SuDS should be incorporated into the drainage design with the use of rainwater gardens and tree pits.

The strategy, which is reasonable, assumes infiltration is feasible, but it should incorporate the caveat with respect to EA comments regarding contamination and what the alternative strategy would be if that risk proved significant. The resolution of the strategy can be secured by condition.

United Utilities – No objection to the amended proposals subject to the imposition of a condition to secure the implementation of the foul and surface water drainage drawing.

Planning Policy (Energy) – No objection to the amended proposals subject to conditions.

Manchester Airport – No objections to the amended proposals subject to conditions to secure measures during construction to minimise smoke and dust, the capping of external light with no upward spill and preventing the installation of solar PV without the consent of the Planning Authority.

Planning Policy (Education) – There is a surplus of school places in the area at primary level and as such no contribution is required in this respect. There is however a deficiency in secondary places and having regard to the schedule of accommodation proposed which would yield 0.7 secondary pupils, the development should contribute £18,785 towards increasing this provision. Given the nature and schedule of accommodation proposed it is not forecast that the development would give rise to the need for additional SEND places.

Director of Public Health – In commenting on the amended proposals, welcomes the development in relation to sustainable travel/active travel, green infrastructure and affordable housing. The scheme does not however include any play provision for children and should be reconsidered in this respect to help tackle obesity and lifestyle diseases. Noting the height of the development above 4 storeys (10m) a suicide prevention risk assessment may be helpful.

Electricity North West – In response to the amended proposals make comment about the potential impact of the development upon their infrastructure.

Cadent Gas – No objections to the amended proposals subject to the imposition of an informative to prevent damage to their assets or interference with their rights.

## **ANALYSIS**

By way of introduction, the application site occupies a visually prominent site adjacent to Stockport town centre and as a result of its vacant nature and general condition, causes blight to the locality. The applicant's proposals for this site have been the subject of lengthy discussion with Officers over a significant period of time seeking to clarify elements of the proposal and address consultation responses. The application raises a number of key issues for consideration and these are discussed in the report below.

Planning law requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise. For the purposes of this application the saved policies of the UDP Review and the Core Strategy DPD form the development plan. The NPPF, MDC SRF and Council's SPD's are material considerations.

The NPPF confirms that the purpose of the planning system is to contribute to the achievement of sustainable development. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs (para 7). Achieving sustainable development means that the planning

system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):

- a) an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;
- b) a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and
- c) an environmental objective – to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

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

At the heart of the NPPF is a presumption in favour of sustainable development (para 10). Para 11 reconfirms this position and advises that for decision making this means:-

- approving developments that accord with an up to date development plan or
- where the policies which are most important for the determination of the application are out of date, granting planning permission unless the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework as a whole.

In response to para 11, given that the Council cannot demonstrate a 5 year deliverable supply of housing, the relevant elements of Core Strategy policies CS4 and H2 which seek to deliver housing supply are considered to be out of date. Areas or assets of particular importance are defined as including designated heritage assets (such as listed buildings). Noting the location of the site within the immediate setting of the grade 2 listed Weir Mill, the NPPF directs that planning permission should be approved unless the application of policies in the Framework relating to this asset of importance direct refusal or any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when assessed against the Framework as a whole. This assessment is set out below.

## Land Use

The site is designated as an Employment Area, comprising of B8 open storage and vacant buildings previously in B1 office, small-scale retail and sui generis use. Saved UDP policy E3.1 protects the site for employment and requires traditional employment uses of B1, B2 or B8, but also considers alternative employment generating uses as appropriate where they meet specified criteria. Core Strategy policy AED-3 includes similar flexibility. Noting that the alternative uses listed in E3.1 do not include housing and which is highlighted as an 'unacceptable' use, the loss of employment floorspace represents a departure from the development plan.

In considering this departure, regard must be had as to whether material considerations exist to justify the proposed loss of employment floorspace. As noted above, the existing site is largely vacant and underused despite being in a highly accessible location for employment. There is an absence of traditional employment uses and any stock in use is of generally low quality. Allied to this, according to evidence on market demand there is no reasonable prospect of such uses, particularly industrial/logistics, coming forward at this location.

The site also holds a prominent position at the edge of the Mayoral Development Corporation area for Stockport Town Centre West. The Strategic Regeneration Framework for Stockport Town Centre West was adopted by the MDC in 2019 and sets out a masterplan for a new urban neighbourhood incorporating 3,500 new homes and up to 100,000 sqm of employment floorspace. The site is part of the proposed 'Brinksway' neighbourhood which envisages a mixed use live and work community with high density residential development and repurposed buildings to offer flexible workspaces to meet a range of occupiers.

Whilst the NPPF at chapter 6 confirms that planning decisions should help create the conditions in which businesses can invest, adapt and expand and that significant weight should be given to the need to support economic growth (para 85), it also acknowledges at chapter 7 that planning decisions should support the role that town centres play at the heart of local communities by taking a positive approach to their growth, management and adaptation (para 90). Whilst the application site is just outside of the designated centre (with the boundary running along King Street West) it is immediately adjacent to it and is of a mixed character. The changing role of town centres as advocated in the NPPF is more generally to move towards a mix of uses and not just a focus on retail/commercial use. Policies in the NPPF are geared towards taking a positive approach to the growth and adaptation of town centres, the importance of introducing residential uses and the reuse of previously developed land also lend support.

Having regard to the condition of the site, the length over which it has been vacant and the fact that no alternative employment uses have been forthcoming, it is considered that significant weight should be given to the NPPF and MDC SRF, both of which advocate the changing role of this locality and the need to introduce residential development.

Core Strategy policy CS2 confirms that a wide choice of homes should be provided to meet the needs of existing and future households in Stockport. The focus will be providing new housing through the effective and efficient use of land within accessible urban areas. CS3 confirms that a mix of housing will be sought in terms of tenure, price, type and size. Sites within the most central locations are the most suitable for flats and here densities of 70dph and above are commonplace.

CS4 seeks to direct residential development to the more accessible parts of the Borough in line with 4 spatial priorities including Neighbourhood Renewal Priority Areas such as this (those being within a 10 minute walk, up to 800m of a centre). The focus is therefore clearly on making effective use of land within accessible urban areas with the priority for development being on previously developed land.

The NPPF confirms at para 123 that planning decisions should promote an effective use of land in meeting the need for new homes. Decisions should give substantial weight to the value of using brownfield land for homes and support the development of under utilised land and buildings especially if this would help to meet identified need for housing (para 124).

Planning decisions need to reflect changes in the demand for land. Where the local planning authority considered there to be no reasonable prospect of an application coming forward for the use allocated in a plan it should, prior to updating the plan, support applications for alternative uses where the proposed use would contribute to meeting identified development needs (para 126).

Whilst the site is allocated for employment purposes in the UDP Review there is little prospect of employment development coming forward. Against the requirement of the NPPF for a 5 year deliverable supply of housing (plus 20% buffer), the Council has for many years been in a position of undersupply. At present this supply is only 3.78 years.

The delivery of 148 apartments (59no. 1-beds and 89no. 2-beds) on this brownfield site adjacent to Stockport town centre is therefore welcomed and is supported not only by policies CS2, CS3 and CS4 but also the NPPF and MDC SRF. The proposal makes good use of land, at 288 dwellings per hectare and, as proposed, will deliver a significant level of housing, thus helping to improve the Council's general housing land supply position.

Stockport's Housing Needs Assessment 2019 found that, affordable housing need analysis identifies that there is a net annual imbalance of 549 affordable dwellings across the Borough. As there has always been a significant need for affordable housing in Stockport, the Core Strategy at policy H3 sets a strategic target of 50% of total provision of all housing. The number of units procured through the planning system or through procuring other resources is significantly less than the annual requirements, meaning that there is still considerable affordable housing need in Stockport. The HNA found that 155 households are in need of affordable housing in this location. In terms of tenure, the preference in this location is for intermediate (shared ownership) tenure and in terms of type the predominant need in this area is for 1 and 2 bedroom houses with level access.

Core Strategy policy H3 confirms that affordable housing is required on sites providing 15 dwellings (gross) or more and sites of 0.5 hectares or more. The proportion of affordable housing sought varies across the borough to take account of property prices and economic viability. Subject to viability, the Council will negotiate to achieve 20% to 25% affordable housing within the inner urban areas of the Borough such as this location.

The NPPF advises that where need for affordable housing is identified, it is expected that this will be met on-site unless off-site provision or an appropriate

financial contribution in lieu can be robustly justified; and the agreed approach contributes to the objective of creating mixed and balanced communities (para 64). Where major development involving the provision of housing is proposed, planning policies and decisions should expect at least 10% of the total number of homes to be available for affordable home ownership (para 66). Exemptions to this 10% requirement should be made where the proposed development is exclusively for affordable housing (para 66).

The application is submitted by Great Places (a partner registered provider of social and affordable housing) who have secured funding from Homes England to part fund the development. All 148 dwellings are proposed as being affordable housing with 47 being offered as rent to buy and 101 as affordable rent, both of which are recognised as intermediate affordable housing tenures. By way of clarification, affordable rent is defined as housing where the rent is set in accordance with the Government's rent policy for Social Rent or Affordable Rent or is at least 20% below local market rents (including service charges where applicable). Rent to buy offers tenants the opportunity to pay a reduced rent allowing them to save for a deposit, eventually having the opportunity to buy their property. The proposed amount and tenure of the proposed new homes can be adequately secured by planning condition and the applicant is in agreement with this (noting that if carefully worded, this will not impact on their ability to secure funding from Homes England).

Members are advised that subject to the imposition of a condition to secure the level and tenure of affordable housing, the proposal not only accords with but significantly exceeds the requirements of policy H3. Given the shortfall of affordable housing within the Borough, particularly in the location, the delivery of 148 affordable homes carries very significant weight in the determination of the application.

Considering the proposed land uses as a whole and notwithstanding the loss of employment land and floorspace, Members are advised that there is a strong case in favour of the proposed development for the following reasons:

- The site has been vacant for many years and causes harm to the character of the locality through its vacant nature.
- There is little or no prospect of an employment use coming forward in the foreseeable future.
- The site holds a prominent position and is identified in the MDC SRF for mixed use development including new homes.
- The development will deliver up to 148 new homes at a time of continued housing undersupply and as such will make a welcomed and much needed contribution to housing supply within the Borough.
- The development will also deliver all 148 new homes as affordable dwellings again at a time of continued undersupply. The proposal therefore significantly exceeds the requirement of policy H3 and will make a welcomed and much needed contribution to affordable housing supply within the Borough.

On the basis of the above Members are advised that there is a strong case for justifying a departure to saved UDP Review policy E3.1 and Core Strategy

AED3. This is supported by the NPPF which advocates the need for flexibility and the use of brownfield land for homes where this would meet an identified need for housing.

#### Impact on the Character of the Area, Heritage Assets & Archaeology

Core Strategy policy CS8 welcomes development that is designed and landscaped to a high standard and which makes a positive contribution to a sustainable, attractive, safe and accessible built and natural environment. This is reiterated in Core Strategy policies H1 and SIE1.

Development which preserves or enhances the special architectural or historic significance of heritage assets will be welcomed. Loss or harm to the significance of a heritage asset through destruction or development within its setting will require clear and convincing justification. Substantial harm to or loss of designated heritage assets will only be permitted if there is clear evidence that there is no viable means of securing its preservation and that no viable alternative use can be found or, the benefits to the community arising from the loss would outweigh the loss resulting from demolition (Core Strategy policy SIE3).

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

Planning decisions should ensure that developments function well and add to the overall quality of the area; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities); establish or maintain a strong sense of place, using spaces, building types and materials to create attractive, welcoming and distinctive places to live; optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development and create places that are safe, inclusive and accessible (para 135).

Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents. Conversely, significant weight should be given to development that reflects local design policies and government guidance on design and supplementary planning documents (para 139).

Chapter 16 confirms the importance of the historic environment reminding that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance.

The character of the area in the immediate surroundings to the application is mixed. The site itself is largely vacant save for the 2 storey form of Mentor House adjacent to King Street West bridge and the single storey form extending from it to the junction with Chestergate. On the east side of King Street West is the development being constructed on the Weir Mill site which will take the form of

three blocks of accommodation rising from six storeys at the western edge of the site with King Street West to eight storeys at its centre and peaking at eleven storeys at its eastern edge (aligned with the Piccadilly axis). To the north of the site across the river Mersey, the railway viaduct is a dominant feature in the townscape in contrast to the 2 storey form of the commercial development on the west side of King Street West (and north bank of the river).

On the diagonal (south east) corner of the junction of Chestergate and King Street West is the double height mass of the bus station with development on the south side of Chestergate opposite the application site being of single storey and double height/2 storey form. Proceeding along Chestergate to the west the street scene is dominated by the 6 storey mass of Kingston Mill.

The proposals for this site have been the subject of much discussion both before and after the submission of this application. At pre application stage the applicant engaged with Places Matter seeking a design review and the local planning authority to seek feedback and guidance on their proposals. Post submission of the application and following advice from Officers that the layout of the development should be amended further to address the relationship of the development with the wider locality and river frontage, further design advice was sought from Places Matter prior to the submission of the plans which are appended to this report. As such it is clear that the applicant has fully engaged with the planning authority and other stakeholders in order to inform and evolve their proposals; this approach is welcomed and encouraged.

In terms of archaeology, the application is supported by a written scheme of investigation to be carried out prior to the commencement of development in the event that planning permission is approved. GMAAS being the statutory consultee on this document advise that as the existing buildings and potential below-ground archaeological remains are of only regional or local significance (as opposed to national), that such investigations can be secured by condition. With no evidence to suggest a contrary approach, Members are advised that the proposed development includes appropriate measures for the recording of archaeological remains.

With regard to the proposed development, the objection by the Council's Conservation Officer is noted and must be considered. Members are reminded that in considering the impact of the proposal upon the designated and non designated heritage assets, the NPPF confirms that:

- In respect of the non designated assets (Mentor House, the King Street West bridge, Kingston Mill and 213 Chestergate) a balanced judgement is required having regard to the scale of any harm or loss and the significance of the asset.
- In respect of the designated assets (Weir Mill and the railway viaduct) any harm to the significance of a designated heritage asset from development within its setting, should require clear and convincing justification. Where a proposal will result in less than substantial harm, this harm should be weighed against the public benefits.

Members are advised that of the following:

- In relation to the non designated assets, the supporting documentation to this application includes an assessment of the development upon Mentor House concluding that its retention and refurbishment would render the

development unviable. Whilst there is no evidence of deliberate neglect, Mentor House is severely dilapidated and it is understood, would require significant amount of work to successfully convert it to meaningful use. Despite marketing for more than 15 years, no viable interest has been expressed in retaining and repurposing the building.

- The application makes the case that as the majority of Mentor House has been demolished, it is now an incomplete building. Whilst it has some local interest, it is not worthy of statutory listing and therefore is of a low heritage value.
- In relation to the designated assets, the supporting documentation to this application notes that the current setting of Weir Mill is artificial, in that application site has been cleared of development over several decades and therefore the primacy of Weir Mill as it stands today is a modern construct. Historically the application site was almost completely covered by factory buildings and houses along Chestergate and arguably Kingston Mill had a greater primacy in this area. Views of Weir Mill from the west were largely restricted to the approaches along King Street West. The historic setting of Weir Mill was densely built up with buildings fronting the backs of pavement with very little in the way of setting beyond the building footprints. In that regard, the views presented in the Heritage Statement demonstrate that the proposals will not alter the extent to which Weir Mill is appreciated along King Street West and Chestergate.
- In terms of any impact on the setting of Weir Mill and the railway viaduct, construction works are well underway affecting both sites. Members will be familiar with both the Weir Mill and Stockport Interchange developments both of which comprise high rise buildings in some instances significantly taller than that proposed by this application. Noting the acceptance of these schemes by the planning authority in relation to any impact on the significance and setting of these designated assets, it is difficult to conclude that the development proposed by this application would have any impact that would justify the refusal of planning permission.
- The Stockport Town Centre West SRF identifies the application site as a location where high rise/ high density development should be located. The plans for Brinksway also show the aspiration for development to front King Street West which the application proposals have followed. It follows that the Council and Stockport MDC are actively promoting the high density redevelopment of this site, having already assessed the potential impacts through the adoption of the SRF and having found these to be acceptable.
- In terms of public benefits it is considered that the development will support the growth and vitality of the locality and the adjacent town centre. The delivery of 148 dwellings, all of which will be affordable, will make a significant contribution to housing within the Borough and meeting need and unmet demand. The development proposes the opening up of the river frontage to public access, an approach that will be continued as other adjacent sites come forward for redevelopment. The location of the development within a highly sustainable area with close proximity to public transport and services will reduce the dependence on the private car.

Notwithstanding the objection of the Conservation Officer, Members are advised that given the low heritage value of Mentor House, the low impact of the development upon the setting of the adjacent listed buildings and the public benefits that will arise from the development, the development accords with Core Strategy policy SIE3 together with chapter 16 of the NPPF.

In terms of the impact of the development upon the character of the wider locality, that proposed is considered to be of a scale reflective of the area and reflects the aspirations of the MDC SRF. The applicant has listened and responded to advice originally given by the design review panel of Places Matter in terms of addressing the corner of King Street West and Chestergate, enhancing the detailing of the brickwork and façade treatment and reviewing the central space so as to provide an active frontage. The elevational treatment of the buildings seeks to reference the historic character of the area in presenting a contemporary approach to a mill building. There is a meaningful separation between both buildings through the landscaped area that will extend from Chestergate to the riverside and which will promote visual interest and activity within the development. Materials are indicated as mainly red brick with Corten steel detailing and recessed windows. Precise details can be secured by condition.

On the basis of the above, Members are advised that the proposed development accords with the development plan, NPPF and MDC SRF.

#### Impact on Residential Amenity

Core Strategy policy H1 confirms that development should provide for good standards of amenity. This is reinforced in Core Strategy policy SIE-1 confirming that satisfactory levels of privacy and amenity for future, existing and neighbouring users and residents should be provided, maintained or enhanced.

Noting the location of the site within the town centre and under the flightpath into and out of Manchester airport, saved UDP Review policy EP1.0 and Core Strategy policy SIE3 both seek to ensure that the amenities of residential occupiers is safeguarded in terms of noise pollution.

The NPPF confirms at para 123 that planning decisions should promote an effective use of land in meeting the need for homes while safeguarding the environment and ensuring safe and healthy living conditions.

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

The consideration of amenity applies not only to those who may live adjacent to a proposed development but also the future occupiers of that proposed development.

The nearest adjacent residential occupiers will be those within the development being constructed on the opposite side of King Street West at Weir Mill. The layout of this adjacent development is such that the apartments within in will be positioned at an angle to the street frontage rather than directly facing it. The interface between the proposed development and that adjacent under construction is considered appropriate for this high density urban location and will not give rise to an unacceptable impact on residential amenity by way of visual intrusion, overlooking or loss of light.

Within the application site the two buildings are positioned either side of an area of open space. At its closest interface there will be a separation of circa 25m increasing to circa 62m at its greatest. Having regard to this separation and the high level of amenity that will be afforded by the public space separating both buildings, it is considered that there will be no unacceptable impact by way of visual intrusion, overlooking or loss of light.

The Council's SPD 'Design of Residential Development' confirms a requirement for some form of private amenity space ranging from balconies, roof gardens and communal private space associated with flats. Private amenity space should be usable, accessible, reasonably free from overlooking, allow for adequate daylight and sunlight, and have regard to the size of the dwelling and the character of the area. Unusable spaces such as narrow strips of ground adjacent to roads and parking, steeply sloping areas or those in excessive shade should be avoided. Incorporating balconies and roof gardens is encouraged where they can be provided without compromising the privacy and amenity of neighbours or harming the character of the area. 1 bed apartments should have either a 5m<sup>2</sup> balcony or a minimum of 18m<sup>2</sup> communal amenity space per unit; 2 bed apartments should have 35m<sup>2</sup> communal amenity space per unit.

The application proposes a mix of private amenity space in the form of small gardens and balconies together with communal space afforded by that separating both buildings and roof gardens. Within an urban area where land is at a premium and there is a drive to secure a higher density of development, it is not possible to fully accord with the requirements of the SPD in relation to amenity space. This challenge is presented in this application and notwithstanding the comments of Places Matter, Officers are satisfied that all occupiers of the development would have access to an acceptable level of amenity space within the development and as such would not be subject to an unacceptable provision in this respect.

The application is supported by a Noise Impact Assessment (NIA) which assesses the impact of noise generated from the construction and occupation of the development upon existing neighbouring occupiers. This assessment also considers the quality of the development in terms of the impact of external noise upon the future occupiers of the development. The report concludes that subject to the inclusion of sound insulation for external windows, walls and roofs, mitigation to ensure that mechanical ventilation systems are run to less than 30sB in bedrooms and living rooms and mitigation being provided for external plant, there will be no harm to residential amenity. Compliance with the NIA and securing of details relating to external plant (and the mitigation thereof) can be secured by condition. A construction management plan should also be secured by condition to ensure that appropriate measures are incorporated during construction to minimise noise and dust pollution.

On the basis of the above, Members are advised that the proposed development accords with the development plan and NPPF.

#### Biodiversity & Landscaping

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

disturbance to wildlife and appropriate provision for the future maintenance of the site.

The Core Strategy at policy CS8 confirms that development will be expected to make a positive contribution to the protection and enhancement of the Borough's natural environment and biodiversity. This is reiterated in policy SIE3 where it is also confirmed that planning applications should identify mitigation measures that keep disturbance to a minimum and provide alternative habitats to sustain at least the current level of population as well as setting out a long term management plan for the site. Development proposals affecting trees which make a positive contribution to amenity should make provision for their retention unless there is justification for their removal to enable development to take place.

The NPPF at para 135 that planning decisions should ensure that developments include effective landscaping. Trees make an important contribution to the character and quality of urban environments and can also help mitigate and adapt to climate change. Planning decisions should ensure opportunities are taken to incorporate trees in development, that appropriate measures are in place to secure the long-term maintenance of newly planted trees, and that existing trees are retained wherever possible. Applicant's and local planning authorities should work with highway officers and tree officers to ensure that the right trees are planted in the right places and that solutions are found that are compatible with highway standards and the needs of different users (para 136).

Planning decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, sites of biodiversity, by minimising impacts on and providing net gains for biodiversity (para 180). When determining planning applications if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused (para 186).

The application site does not benefit from any formal ecological designation. It is however located adjacent to the River Mersey which has been identified as a key ecological corridor within Stockport's Ecological Network Study. It has also been identified as an opportunity area within the Local Nature Recovery Strategy (LNRS) pilot study for Greater Manchester. This is not necessarily a barrier to development and does not confer protection or prevention of land uses but shows that such areas have been prioritised for restoring and linking up habitats.

The application is supported by a bat survey, otter/water vole survey and a preliminary ecological assessment. These reports confirm:

- That no bats were observed on the site however it is used regularly for commuting and foraging.
- That no signs of otter or water vole were observed during the surveys. However, it should be noted that otter have been recorded on the Mersey within the vicinity of the site on previous occasions.
- That the site was assessed for the presence of badgers, great crested newts, hedgehogs, nesting birds, reptiles and invasive non native species. Whilst there is limited potential for nesting birds, no other species were found to be present on site although there is potential hibernation habitat for hedgehogs.

The application is also supported by an arboricultural impact assessment which confirms that the site itself has very little tree cover with general scattered self-seeded Buddleia scrub with the main tree cover located to the north of the site and retaining wall at the river Mersey bankside level. None of the trees on the site benefit from legal protection through a preservation order or Conservation Area status and only 1 tree, an ash located to the rear of the detached building to the west of the site on Chestergate, needs to be felled to facilitate the proposed development. 4 small groups of laurel and buddleia positioned on the Chestergate frontage will also be removed. The lower branches of overhanging canopies of trees along the river bank will be cut back where necessary.

A plan is included with the application which details the landscaping proposals. To the street frontages will be a mix of grass verging, small front gardens, hedging and street trees whilst within the site is a large landscaped area between the two buildings extending from Chestergate to the riverside together with small private gardens to some of the ground floor apartments. A sedum roof is proposed to both buildings. Whilst there is no detailed planting schedule currently proposed, the landscaping scheme proposes the planting of 25 trees within the site along with areas of ornamental shrub planting and grassed areas.

In response to the proposals Members are advised that a sufficient level of ecological survey work has been carried out to inform the determination of the application.

There is considered to be a negligible risk to roosting bats so as a precautionary measure an informative should be attached to any planning consent granted so that the applicant is aware that bats can sometimes be found in unexpected places. It should also state that the granting of planning permission does not negate the need to abide by the legislation in place to protect biodiversity. If at any time during works, evidence of roosting bats, or any other protected species is discovered on site and are likely to be impacted, works must stop and a suitably experienced ecologist be contacted for advice.

No evidence of badger was recorded during the ecological surveys. However, given the location of the site adjacent to the River Mersey corridor precautionary measures are recommended. This can be incorporated into a condition which secures the submission, approval and implementation of a construction environmental management plan (CEMP). To protect badgers and other wildlife which may pass through the site and prevent potential disturbance during construction work (which involve the creation of trenches or with pipes) reasonable avoidance measures must be undertaken to protect badgers from being trapped in open excavations and/or pipework. This can be incorporated in to the CEMP condition.

No vegetation clearance or demolition works should take place between 1st March and 31st August inclusive, unless a competent ecologist (or otherwise suitably qualified person) has undertaken a careful, detailed check of vegetation/buildings for active birds' nests immediately before (no more than 48 hours before) such works commence and provided written confirmation that no birds will be harmed and that there are appropriate measures in place to protect nesting bird interest on site. This can be incorporated into the CEMP condition. The CEMP should also include measures to secure precautionary measures to protect otter and hedgehogs, avoid the spread and detail of treatment (where appropriate) of invasive species, avoid pollution of or negative impact on the river

and other sensitive ecological features during construction and protect all retained features of biodiversity interest.

Noting that ecological conditions can change over time and surveys often require updating around 2 years after they have been completed (depending on the species and circumstances), update survey work may be needed to ensure that the ecological impact assessment and protection measures are based on sufficiently up to date survey data and so that any required amendments to proposed mitigation can be identified and incorporated into the scheme. This can be secured by condition.

Whilst the development is not regulated by the recent changes to the Planning Act requiring a minimum of 10% biodiversity net gains (due to the date of submission), it is still expected to secure net gains. This can be achieved by a landscape environmental management plan (LEMP) which will detail the implementation of measures to secure enhancements to biodiversity together with the long term management thereof along with a biodiversity enhancements plan. These measures are particularly important to contribute to the green infrastructure network within the centre of Stockport and should include the following:

- Habitat connectivity on and of the site has been improved but further enhancements to the river corridor buffer zones should be designed into the landscape plan. Indicative species have been provided and it is recommended that a greater number of locally native species and insect-attracting species are incorporated into the planting schedule wherever possible to ensure biodiversity benefits are maximised.
- Bat boxes on buildings and trees to replace existing roosting opportunities and enhance the site for bats. A minimum of 16 bat boxes / bricks / tubes can be incorporated into the construction of the building and designed to blend in e.g. habitat bricks.
- Bird boxes should be in-built (minimum of 10 no.) and include at least 2 sparrow terraces.
- Hedgehog gaps in means of enclosure to maintain habitat connectivity.

In terms of landscaping, noting that none of the existing trees are legally protected, the very limited loss proposed is considered acceptable. Whilst the planting of 25 trees is welcomed, it is considered that there should be greater provision to the frontages of the site so as to enhance the public realm. The sedum roof to both buildings is welcomed in terms of the contribution that this will make to biodiversity; details of the planting specification can be secured by condition together with the management of these areas. The river front remains hard standing and should be improved in terms of tree planting given its importance as an ecological corridor. The courtyard garden planting is described as a wildlife friendly area. There is an opportunity to create something with a greater provision for wildlife including a greater diversity of native plant species, and features to encourage invertebrates such as bee bricks, bee pole, invertebrate hotels etc. This can be secured as part of the landscaping and LEMP conditions.

It is vital that lighting is sensitively designed so as to minimise impacts on wildlife (e.g. foraging/commuting bats and otter) associated with light disturbance and

ensuring the river corridor is protected from light spill/remains an unlit zone is of particular importance. Careful landscape planting should also be used to ensure light is directed away from ecologically sensitive habitats following the principles outlined in Bat Conservation Trust guidance. A condition should therefore be imposed to secure a lighting design strategy for biodiversity.

On the basis of the above, Members are advised that the proposed development accords with the development plan and NPPF.

### Highways

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

The NPPF confirms at para 109 that significant development should be focussed on locations which are or can be made sustainable through limiting the need to travel and offering a genuine choice of transport modes in order to reduce congestion and emissions and improve air quality and public health (para 109). In considering development proposals appropriate opportunities to promote sustainable transport should be achieved and safe and suitable access for all users (para 114). Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe (para 115).

Applications for development should give first priority to pedestrian and cycle movement and secondly facilitate access to high quality public transport. The needs of people with disabilities and reduced mobility in relation to all modes of transport should be addressed and places that are safe and attractive to use should be delivered. There should be an allowance for the efficient delivery of goods and access by emergency services and development should be designed to enable the charging of plug in and other ultra low emission vehicles in safe, accessible and convenient locations (para 116).

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

In response to the above, Members are advised that the application site is positioned within a highly sustainable location where residents will have excellent access to services and public transport. It is therefore wholly appropriate and policy compliant that the proposed development be delivered in this location. It is however expected that opportunities to promote walking and cycling are considered and improvements sought where there is clearly a need arising from the proposal and where there are deficiencies in the area. Given the number of apartments proposed, it is clear that there will a large number of new residential occupiers in this locality arising from this development. Noting also the largely car free nature of the proposals, the majority of these residents and their visitors will

access the site on foot or by cycle from all directions. Whilst there are adequate crossing points in the immediate vicinity of the site, they are lacking to the west of the site further along Chestergate. There is also a lack of segregated cycle routes again, particularly along Chestergate.

Members will be aware that the Council and MDC have aspirations for highway improvements to Chestergate that will improve sustainable travel. It is important that developments do not fetter these proposals in terms of off site highway works. Importantly, the siting and layout of the development itself would not prejudice the improvements being considered to this corridor and would protect sufficient land to enable them to be delivered at some point in the future. The scheme will also deliver a frontage that would include highway (footway) widening to futureproof cycle infrastructure and potential junction improvements. Furthermore, the applicant is offering a commuted sum of £60,000 towards the provision of a crossing point on Chestergate. This can be secured by S106 agreement and upon the implementation of the proposals, can then be invested by the Council such that the development will include measures that enhance the accessibility of the site by sustainable modes of travel.

In relation to servicing, sufficient space is proposed within the development to store refuse bins and to King Street West within the highway for their collection and other servicing requirements. The costs of TRO's for this layby will be met by the applicant and secured by S106 agreement. Concerns raised by the Highway Engineer in relation to the movement of bins to this collection area and storage within it can be addressed through the imposition of a condition that requires the submission, approval and implementation of a servicing management plan. Sufficient space within the site, accessed from Chestergate is proposed for smaller delivery vehicles to enter, turn and leave in forward gear.

The layout of the development is acceptable and will benefit from access that is safe and practical to use. Whilst the provision of only 8 disabled parking spaces is less than the 10% (15) required by the parking standards, the inclusion of electric vehicle charging points to all of these spaces is welcomed. The shortfall of 7 spaces, must however be weighed against the other planning merits of the proposal and is discussed further in this report in terms of the application of para 11 of the NPPF. The Council's parking standards for the remaining, general use car parking are maximum standards. As such there is scope for less than 2 spaces per dwelling and indeed no spaces per dwelling in sustainable locations that are well served by public transport and have good access to services, such as within the town centre. Given the sustainable location of the site, the provision of only disabled car parking is considered appropriate and acceptable.

Given that some residents, whilst not owning or having access to a private car, may still have the need for the use of one on occasion, the applicant has offered a contribution of £36,000 towards the funding of 2 cars within a car club and £10,000 towards the cost of providing the necessary traffic regulation orders to bays associated with it within the vicinity of the site. Members are advised that this contribution, which will be secured by S106 agreement, is proportionate to the development proposed noting that one vehicle generally meets the demand associated with 60-70 residential units. As such the funding of two vehicles would be a reasonable expectation in this case to meet the increase in demand for use that will be likely to arise.

Whilst the development is largely car free, it is still possible that some residents may own or have access to a car and will seek off street parking (through a

permit) and that visitors will generate demand for on street parking. Sufficient capacity exists on street and within car parks to accommodate this however, there is also likely to be increased demand off site as a result of the proposed development for electric vehicle charging. It is noted that the Highway Engineer seeks a commuted sum contribution of £82,500 towards the provision of additional off site charging bays within the vicinity of the application site.

Submitted with this application is a Financial Viability Assessment (FVA) which seeks to demonstrate that whilst some S106 contributions can be made, the development will not be viable if all policy compliant S106 contributions are required of it. Put simply if all such contributions were required then the development would not proceed. Having regard to this position, the applicant presents the case that a contribution cannot be made in respect of off site electric vehicle charging.

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

The FVA has been the subject of considerable scrutiny and discussion with the applicant. It is concluded that having regard to the abnormal and expected costs associated with the development and even allowing for elements of the funding that will be secured to enable the development to proceed, that the development will not be financially viable nor would it proceed if the required contribution to electric vehicle charging has to be paid.

The lack of contribution in this respect weighs against the proposals however the NPPF confirms that viability is a material consideration that must be afforded weight in the determination of the applications. In this instance, were it not for Homes England and GMCA funding, the development would not be viable at all and it is only because of that funding that it can proceed. Homes England funding however is granted for the delivery of affordable housing and does not extend to the provision of S106 contributions. When this is discounted from the consideration of viability and even allowing for the GMCA funding, the viability is so considerably adrift that there is no prospect of a contribution to off site electric vehicle charging being secured even if economic conditions improve. As such, it is not proposed that the applicant should enter into a S106 agreement with the Council to secure a review of viability at a later stage in the construction of the development as it is not considered that this will reveal any additional profit that could be attributed to such facilities.

Details of on site parking for powered two wheelers can be secured by condition as can the detail relating to the types of racking provided within the cycle storage areas. Crucially in respect of cycle parking, sufficient space is proposed to accord with the Council's standards.

On the basis of the above, and other than the reduced provision of disabled parking, the proposal accords with the Development Plan and NPPF.

### Accessible Development

Accessibility for all is key to the attainment of sustainable development and is recognised as such within Core Strategy policies CS1, SD1, CS3, H1, CS8, SIE1, CS9, T1 and T2 which seek to influence the design and layout of new development. This is reflected throughout the NPPF in seeking to create places that are inclusive and accessible.

The application advises of the following:

- The external ramps within the amenity space will have a maximum slope of 1:20 which will provide Part M Building Regulations compliant movement across the site for wheeled users.
- The external steps will have a maximum 150mm rise for users with limited mobility as this is favourable in some instances over a long continuous gradient.
- All apartments have step free access from external entrances.
- All parking spaces are fully accessible and include EV charging points.
- Except for the steps in the amenity space and linking the riverside walk with King Street West, all external areas have level access to ensure no spaces become inaccessible to wheeled users.
- Internally, all ground floor apartments will have level access showers for users with limited mobility.
- All apartments above ground floor are serviced by a lift allowing for persons of limited mobility to occupy or visit every dwelling with ease.
- All other accommodation including the office space will have level access and the office includes a fully accessible WC in accordance with Part M Building Regulations.

This level of accessibility both externally and internally is welcomed in terms of securing an inclusive development. For this reason, the proposal accords with the development plan and NPPF.

### Fire Safety

This issue is generally a matter for consideration as part of the Building Regulations where detailed design and construction matters are considered; there are no development plan policies or advice within the NPPF that specifically refer to the need for fire prevention measures however development is expected to be safe (policy H1, CS8, SIE1 and para's 97, 112, 119 and 130).

The NPPG also advises that following the Grenfell Tower fire on 14 June 2017 the Government commissioned the Independent Review of Building Regulations and Fire Safety led by Dame Judith Hackitt. The report highlighted the need to transform the fire and building safety regime and recommended that *“some minimum requirements around fire safety will need to be addressed when local*

*planning authorities are determining planning applications and will require input from those with the relevant expertise.”*

Government made a commitment in ‘A Reformed Building Safety Regulatory System: Government Response to the ‘Building a Safer Future’ Consultation’ to introduce ‘planning gateway one’. Planning gateway one has two key elements:

- to require the developer to submit a fire statement setting out fire safety considerations specific to the development with a relevant application for planning permission for development which involves one or more relevant buildings, and
- to establish the Health and Safety Executive (HSE) as a statutory consultee for relevant planning applications.

Noting that ‘relevant buildings’ comprises development that contains two or more dwellings or educational accommodation and meet the height condition of 18m or more in height, or 7 or more storeys, the proposed development is expected to demonstrate consideration of this issue.

The application is therefore accompanied by a Fire Statement which documents the principles, concepts and guidance relating to fire safety that will be applied to the scheme, in so far as these can reasonably be established at the project planning stage, as required at Planning Gateway One.

In this respect the fire statement is intended to support the consideration of information on fire safety issues relevant to land use planning matters e.g. where fire safety issues relate to site layout and access. It is not a full consideration of Building Regulation or Fire Safety Order requirements as further detailed design is required to establish these.

The Fire Statement confirms how the development will be constructed and occupied in relation to materials of construction, means of escape, evacuation alert systems, sprinkler systems together with fire service access and water supplies for firefighting purposes. Having considered the Fire Statement, the HSE advise that the fire safety design of the proposal is acceptable to the extent that it affects planning considerations. Being a statutory consultee on this application, the position of the HSE is afforded significant weight in the consideration of fire risk and Officers have no reason to disagree with their response.

On the basis of the above the proposal accords with the development plan and NPPF.

### Pollution

Noting the location of the site within the town centre and under the flightpath into and out of Manchester airport, saved UDP Review policy EP1.0 and Core Strategy policy SIE3 both seek to ensure that the amenities of residential occupiers is safeguarded in terms of noise pollution. Development that will result in an unacceptable impact on the occupiers of dwellings in terms of vibration will not be allowed.

Policy SIE3 also confirms that development of contaminated land will only be permitted provide it can be clearly demonstrated that there is no remaining risk from contaminants or that satisfactory measures can be taken to make the site suitable for its proposed use. All development should be designed so as to

ensure that adequate levels of air quality are achieved in all buildings. Development that assists in reducing existing levels of poor air quality within air quality management areas (AQMA) will be given positive consideration and development that would exacerbate existing poor air quality within the AQMA will only be permitted where it is demonstrated that the exacerbation is mitigated.

The NPPF at Chapter 15 confirms that planning decisions should contribute to the environment by preventing new and existing development from being adversely affected by unacceptable levels of pollution and by remediating and mitigating derelict and contaminated land where appropriate (para 180). Planning decisions should ensure that a suitable is suitable for its proposed use by taking into account ground conditions and contamination (para 189). Development should be appropriate for its location taking into account the likely effects of pollution on health, living conditions and the natural environment (para 191).

The application is supported by a Phase 1 and Phase 2 geo-environmental site assessment, a noise report and air quality assessment.

In relation to ground contamination, Members are advised that given the historical use of the site there is the potential for extensive Made Ground beneath the site which may contain elevated levels of contamination and which may pose a risk to end-users. There is considered to be a moderate risk to future site users and construction workers and an intrusive investigation will be required. Any exceedances can however be mitigated by the installation of a chemically suitable cover system within all proposed soft landscaped areas or hardstanding cover. In relation to controlled waters, the risk to the river Mersey is considered to be high and as such, further assessment through the sinking of boreholes will be required.

In relation to contaminated land the Environment Agency (EA) confirm that they have no objections subject to the imposition of conditions requiring the submission of a remediation strategy and verification report. They advise that piling should not be carried out other than with the consent of the planning authority and where there is no risk to groundwater. No drainage systems for the infiltration of surface water should be permitted without the consent of the planning authority and must be supported by an assessment of the risk to controlled waters.

The previous industrial land use of the proposed development site presents a risk to controlled waters. The EA consider that controlled waters are particularly sensitive in this location because the proposed development site is located upon aquifers and is adjacent to the river Mersey. The information submitted to date by the applicant does not demonstrate that it will be possible to manage the risks posed to controlled waters by this development and as such further site investigations including groundwater and river water analysis will therefore be required before built development is undertaken. Members are advised that it is an unreasonable burden on the developer to ask for more detailed information prior to the granting of planning permission and that this can be dealt with by condition.

Having regard to the above and subject to the imposition of conditions to secure the carrying out of further investigations, the submission, approval and implementation of a remediation scheme followed by a validation report, it is considered that any impacts arising from ground contamination can be mitigated for in an acceptable manner.

The noise report submitted with the application notes the location of the site and considers how this will impact upon the occupiers of adjacent noise sensitive developments as well as the future occupiers of the development. The report advises that subject to the inclusion of sound insulation for walls, roofs and windows, the use of mechanical ventilation systems with a low noise rating and noise levels from external plant being controlled, that no adverse impact in relation to noise pollution will arise. Members are advised that this assessment is accepted and that subject to the imposition of a condition to secure the implementation of the measures proposed, that there will be no unacceptable impact.

The consideration of noise pollution also extends to the construction of the development. The application does not include detail as to how the noise impacts arising in this respect will be managed however this can be controlled through a condition requiring the submission, approval and implementation of a construction environmental management plan (CEMP). This will detail noise mitigation measures, dust management measures and shall also include a piling foundation method statement.

The air quality assessment submitted with the application assesses the potential changes in air quality due to the construction and operation of the proposed development and whether these potential changes would significantly alter air quality. The report advises that the assessment of dust soiling and human health impacts during the demolition and construction phase of the development can be adequately controlled through dust mitigation measures. The implementation of these will ensure that residual dust impacts during the demolition and construction phase are not significant. Noting the low level of parking within the development, the level of traffic generation (even accounting for servicing and deliveries etc) will be low thus indicating that the development will have an insignificant impact on air quality through its occupation and use. Subject to the imposition of a condition to secure a CEMP, the proposed development will not have an unacceptable impact on air quality.

On the basis of the above, Members are advised that the proposed development accords with the development plan and NPPF.

#### Flood Risk & Drainage

UDP Review policy EP1.7 confirms that the Council will not permit development where it would be at risk of flooding, increase the risk of flooding elsewhere, hinder access to watercourses for maintenance, cause the loss of the natural floodplain, result in extensive culverting, affect the integrity of the existing flood defences or significantly increase surface water run off.

The Core Strategy at policy SD-6 requires all development to be designed to avoid, mitigate or reduce the impacts of climate change. All development will be expected to incorporate SUDS so as to manage surface water run off from the site and development on previously developed land must reduce the unattenuated rate of surface water run off by a minimum of 50%. Policy SIE3 confirms that areas of hard surfacing should be of a permeable construction or drain to an alternative form of SuDS

The NPPF confirms at Chapter 14 that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at

highest risk. Where development is necessary in such areas it should be made safe for its lifetime without increasing flood risk elsewhere (para 165).

A sequential, risk based approach should be applied to the location of development so as to avoid where possible flood risk to people and property. This should be managed by applying the sequential test and then, if necessary, the exception test; safeguarding land from development that is required for current or future flood management and by using opportunities provided by new development and improvements in green and other infrastructure to reduce the causes and impacts of flooding (para 167). The aim of the sequential test is to steer new development to areas with the lowest risk of flooding. Development should not be allowed if there are reasonably available sites appropriate for the development in areas with a lower risk of flooding (para 168).

Local planning authorities should ensure that flood risk is not increased elsewhere and where appropriate, applications should be supported by a site-specific flood-risk assessment. Development should only be allowed in areas at risk of flooding where it can be demonstrated through the assessment that within the site, the most vulnerable development is located in areas of lowest flood risk; that the development is appropriately flood resistant; it incorporates sustainable drainage systems; any residual risk can be safely managed and safe access and escape routes are included where appropriate, as part of an agreed emergency plan (para 173).

Major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The systems used should take account of advice from the lead local flood authority (LLFA), have appropriate proposed minimum operational standards, have maintenance arrangements in place for the lifetime of the development and where possible have multifunctional benefits (para 175).

The application site is identified on the UDP Proposals Map as being within an area liable to flooding and as confirmed by the Environment Agency's mapping is within Flood Zone 1 and 2. As the development is classified as 'more vulnerable' (as per Annex 3 of the NPPF) it is considered suitable for this location having regard to flood risk and there is no need for the sequential or exception test to be applied. The application is however required to be accompanied by a flood risk assessment (FRA) as well as a surface water drainage strategy (DS).

The FRA submitted with the application considers the flood risks (which are low) and recommends the following:

- Finished floor levels be set to 41.25m AOD. Where this is not possible measures such as passive flood door systems, temporary flood barriers, air brick covers (automatic or manual closing) and non return flap valves on sewer outfalls. These measures will also mitigate against flooding from rainfall.
- Additional groundwater measures that may also be considered include waterproof tanking of the ground floor and basement; interceptor drains; automatic sump to extract flood water; no return valves on the proposed foul and surface water sewer lines; occupants of the site being signed up to receive EA flood alerts and warnings and the implementation of a flood warning and evacuation plan to ensure that people can evacuate safely.

Members are advised that the EA have considered the FRA and confirm that they have no objections in relation to flood risk subject to the imposition of conditions to ensure the carrying out of the development in accordance with the flood risk assessment in terms of finished floor levels and compensatory storage. Being a statutory consultee on this application, the position of the EA is afforded significant weight in the consideration of flood risk. The LLFA are in agreement with the position of the EA.

The DS for the site as currently submitted proposes the collection of surface water in an underground attenuation tank. From here surface water will be discharged into the river Mersey at a rate of 5 l/s controlled by a hydro brake. Sustainable urban drainage systems within the site include permeable paving, rain gardens and tree pits across the site. Further details will be submitted for approval at post planning detailed design stage.

Members are advised that the NPPG confirms a hierarchy of surface water drainage options, that being:-

- Infiltration to the ground
- To a surface water body
- To a surface water sewer, highway drain or another drainage system or
- To a combined sewer.

In response to this the DS advises that infiltration is not viable due to the presence of substantial depths of Made Ground across the site which is likely to have resulted in settlement. The proposed outfall to the river Mersey is however a viable solution and thus underpins the strategy for the site complying with the 2<sup>nd</sup> preferred option in the hierarchy. Given the historical use of the site and potential for contamination, Officers agree that infiltration may not a viable or acceptable solution and indeed, until the results of the ground investigations are confirmed, it also cannot be confirmed that discharge to the river Mersey are acceptable either.

Discussions between the applicant and LLFA are therefore ongoing and at the time of writing this report, a final strategy has not been agreed. Noting that a final DS cannot be agreed until the results of the site investigations are confirmed and other technical issues resolved, it is proposed that this be secured by way of a condition imposed on the grant of planning permission.

On this basis Members are advised that the proposal accords with the development plan and NPPF in relation to flood risk and subject to the approval of details secured by condition, will accord in relation to the drainage of the site.

### Energy & Sustainable Design

Policy CS1 seeks to ensure that all development meets a recognised sustainable design and construction standard where viable to do so. All development will be expected to demonstrate how it will contribute towards reducing the Borough's carbon footprint by achieving carbon management standards.

Policy SD1 confirms that the Council will look favourably upon development that seeks to achieve a high rating under schemes such as BREEAM.

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. Notwithstanding this Members will be aware that changes to Part L of the Building Regulations in June 2022

focus 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 (CO<sub>2</sub>) emissions from new homes by around 31% and non-domestic new builds by 27%. These standards for energy efficiency are now higher than that required by policy SD-3.

SIE5 confirms that development which would adversely affect the operational safety of Manchester Airport will not be permitted.

The NPPF at para 152 confirms that the planning system should support the transition to a low carbon future. It should help shape places in ways that contribute to radical reductions in greenhouse gas emissions, encourage the reuse of renewable resources and support renewable and low carbon energy and associated infrastructure.

The UK has set into law a target to bring all its greenhouse gas emissions to net zero by 2050. In March 2019, Stockport Council declared a climate emergency, and agreed that Stockport should become carbon neutral by 2038, in advance of the UK 2050 target. The Stockport CAN strategy was developed to underpin this agreement and was approved by the Council in October 2020. The strategy sets out to ensure that Stockport achieves carbon neutrality by 2038, in order to support global efforts to prevent global warming going above 1.5°C. The Environmental Law Foundation has suggested that climate emergency declarations should be regarded as material considerations in the determination of planning matters.

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

Submitted with the application is an Energy & Sustainability Statement. This confirms that the development seeks to accord with and exceed Part L of the Building Regulations. To achieve this a 'fabric first' approach is proposed using thermally efficient materials, controlling the level of glazing and use of thermally efficient glazing, heat recovery mechanical ventilation systems, energy efficient lighting and heating systems. The use of renewable and low carbon technologies have also been considered and as a result of this, heat pumps and a shower waste water heat recovery system are proposed together with green roofing and solar PV panels to the roof areas of both buildings.

Members are advised that the approach proposed is acceptable and policy compliant. Whilst further PV panels could be accommodated on the roofs, the level proposed is acceptable and the applicant advises that additional PV could be incorporated into the buildings in the future without costly retrofit. The inclusion of a green roofing system is also welcomed given the benefits this will bring to reducing the this will go some way towards reducing the negative impacts of the urban heat island effect such as increased energy costs for air conditioning, air pollution and heat related illness.

Noting the inclusion of PV panels to parts of the roof space a condition should also be imposed to secure the submission and approval of a glint and glare

assessment to ensure that the solar panels and reflections off them do not cause harm to aviation safety. Details should also be submitted for approval to show what measures will be taken to ensure that nesting birds are not attracted to the space below the panels (which in turn, if large numbers of birds nest on the site, could prejudice aircraft safety through bird strike).

Compliance with the Energy Statement can be controlled by condition and on this basis Members are advised that the proposal accords with the development plan and NPPF.

### Crime Impact

Development that is designed to a high standard and which makes a positive contribution to a safe built environment will be given positive consideration (Core Strategy policy CS8). Specific account should be had of ensuring the safety and security of users whilst not causing harm to the wider environment, the character of the building and accessibility (Core Strategy policy SIE1). This is reinforced in the NPPF at para's 92, 97 and 130 where it confirms that decisions should aim to achieve safe places so that crime and disorder do not undermine the quality of life or community cohesion.

Submitted with the application is a Crime Impact Statement which confirms the positive aspects of the development as being:-

- The redevelopment of this vacant site and thus the potential for crime associated with fly tipping and illegal entry.
- The increase in activity in the area arising from the residential occupation of the site thus deterring criminal and anti social behaviour.
- The site is located in a prominent position on the junction of Chestergate and King Street West where it will be subject to high levels of passive surveillance.
- The car parking area will be overlooked by the apartments and vehicles will be visible to residents and
- Level changes will restrict easy access to the rear of the building from King Street West.

The Statement however recommends that:-

- The rear amenity space be well lit and covered by CCTV to deter anti social behaviour.
- The car parking area should be secured with access restricted to residents by high speed shutters or bi-folding gates.
- The cycle stores should be secured with access restricted to residents and access into, out of and within the building should be controlled by BS compliant locks and a video entry phone system.
- Ground floor apartments on the front elevation of the building should be protected with some form of defensible space such as a low boundary.

- Ground floor windows to apartments on the front elevation of the building should be restricted in opening to 10mm to reduce the potential of residents leaving them insecure.
- The Statement also offers advice in relation to doors, glazing, alarms and access controls amongst other detailed matters.

Of the above, the Statement identifies the restriction of access to the parking area by shutters or gates and the use of access controls, mail delivery and physical security as being of most concern.

Members are advised that the need to secure a development must be balanced against the need to deliver a development that is attractive and welcoming to use and live within. Access gates are not proposed to the car park entrance however when considering this in the context of the wider benefits of the development, the inclusion of such is not considered essential to make the development acceptable. Recommendations such as those relating to access control and the management of internal areas go beyond planning control and whilst desirable, cannot be insisted upon or secured through the grant of planning permission. Notwithstanding that, an appropriately worded condition can however secure compliance with the Crime Impact Statement where it relates to matters within the control of planning and the applicant can be advised through the imposition of an informative to consider the inclusion of other measures identified in the Statement.

On the basis of the above the proposal accords with the development plan and NPPF.

#### Children's Play and Formal Recreation

Saved UDP Review policies L1.1 and L1.2 together with Core Strategy policy SIE2 confirm that there is an undersupply of formal recreation and children's play facilities in the Borough. As such, applications for residential development are expected to make a contribution towards that undersupply. The NPPF confirms at para 98 that access to a network of high quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities, and can deliver wider benefits for nature and support efforts to address climate change.

The proposed redevelopment of this site gives rise to the need to make provision for children's play and formal recreation when the above policies are applied. Where it is not possible to secure the provision for children's play on site within the development, compliance with this policy is secured by a commuted sum payment which is then invested in a play facility within the catchment area of the application site. Other than for significant major developments where there is space to make provision for formal recreation on site, this element of the contribution is almost always made by a commuted sum payment and then invested in existing facilities across the Borough having regard to the projects contained on the Formal Sport Priority List.

The application site is within the catchment area of children's play spaces at Crescent Park, Heaton Norris and Hollywood Park. Given that Hollywood Park would be the most accessible play area from the development, any commuted sum secured should be allocated to this site.

There is no provision for children's play within the site. In this respect whilst the site may be large, any open space within the development is constrained and reduced by

the need to position the development back from Chestergate (so as to facilitate the aspirational highway improvements), back from the riverside frontage (so as to secure a walkway), by the footprint and siting of the two buildings and need to provide for accessible parking spaces, general amenity space and access throughout the development for all users. In this respect it is accepted that there are challenges which impact upon on site provision.

Noting that there is not provision on site for children's play, compliance with this policy position is expected by way of a commuted sum payment. Having regard to the schedule of accommodation proposed, the commuted sum required to ensure compliance with the policy position in respect of children's play would equate to £229,075.00. For formal recreation the commuted sum would be that comprising £346,885.00.

As mentioned previously within this report, the viability of the development has been an issue in the consideration of the proposals and is such that whilst some S106 contributions can be made, this does not include that relating to children's play and formal recreation. Noting the advice in the NPPF regarding the consideration of viability, it is concluded that the development will not be financially viable nor would it proceed if the required contribution to children's play and formal recreation had to be paid.

The application therefore fails to accord with the above policy position however having regard to the evidence presented in this application in relation to viability, Members are advised that a case has been made that justifies a departure to the development plan and NPPF.

### Education

Para 99 of the NPPF confirms that it is important that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement and to development that will widen the choice in education. Policy AS-2 of the Core Strategy seeks to improve education facilities. This includes modernised secondary schools, sufficient lifelong learning and Special Education Needs facilities and a comprehensive network of childcare provision, infant and primary schools.

Planning Practice Guidance (PPG) adds further context to the NPPF. In September 2019, the PPG updated its guidance on planning obligations towards education. It sets out that contributions needed for education should be based on known pupil yields from housing developments. It also sets out that existing or planned/committed school capacity should be considered to identify where additional capacity is required.

In November 2019, the DfE published its guidance 'Securing Developer Contributions for Education'. This document acknowledges that while there is government funding available, developers will still be expected to provide contributions to ensure adequate provision of education infrastructure. The guidance recommends that developer contributions should be sought for a range of school places, where need arises. This includes places for early years, primary, secondary and those with special educational needs and disabilities (SEND).

Outlined in the School Investment Strategy, a fundamental requirement for any local authority wanting to assure sufficiency is that its schools hold surplus school places. Surplus places need to be held by schools to absorb margins of error in pupil

forecasting and inward migration. Stockport aims to achieve and hold between 6-8% surplus places. This means 6-8% of the total school capacity distributed as evenly as possible across the Borough.

The application site is located in the Edgeley Primary Planning Area which holds adequate surplus places which they are expected to maintain over the next 5 years. As such, the development will not significantly impact sufficiency in this area and the Council will not seek contributions.

For secondary provision the site is located in the West Planning Area which currently has no surplus of secondary school mainstream places and is projected to face significant capacity issues over the next 5 years. All schools in the planning area are popular and oversubscribed. The planning area has one resourced base attached to a mainstream school where specialist support is given to children with special educational needs and disabilities and enables a child to access mainstream education by using specialist interventions; this is full and there are no special schools. Kingsway school, a 9-form entry secondary school with attached resourced base, would be the catchment school associated with this development. The development will directly impact school place sufficiency in this area causing the Council to commission new places. To alleviate forecast pressures and noting that the proposed development would yield 0.7 pupils, the development should make a contribution of £18,785.

In response to this Members are advised that whilst the NPPF & NPPG confirm that local planning authorities should take a proactive approach to meeting the requirement for additional school places, there is currently no local policy to specifically secure this. The Council's approach to securing such contributions has been based primarily on those documents and is reliant upon schemes being viable enough to secure all other policy requirements in the first instance. As discussed in the report above, the viability of the development is such that no contribution can be secured in relation to the provision of additional school places.

The application therefore fails to accord with the above policy position however having regard to the evidence presented in this application in relation to viability, Members are advised that a case has been made that justifies a departure to the development plan and NPPF.

### Summary

Having regard to the development plan and NPPF, the Spatial Regeneration Framework sets out the Council's long-term ambition for the future of Town Centre West as a location for up to 3,500 new homes, 1,000,000ft<sup>2</sup> new employment floorspace, and the social infrastructure and amenity needed to support a growing community. The redevelopment of this vacant brownfield site to provide 148 affordable dwellings accords with the principles of the SRF in terms of securing higher density residential development on key streets, helping to define and enclose and landmark buildings along the Mersey. The inclusion of a riverside walkway and use of the roof space for green infrastructure also reflects the aspirations of the SRF.

The loss of the existing employment floorspace weighs against the proposals. Having regard to the condition of the site, the length over which it has been vacant and the fact that no alternative employment uses have been forthcoming, it is however considered that significant weight should be given to the NPPF and MDC SRF, both of which advocate the changing role of this locality and the need to introduce residential development. In this respect it is considered that there is

sufficient evidence to justify a departure to saved UDP Review policy E3.1 and Core Strategy AED3. This is supported by the NPPF which advocates the need for flexibility and the use of brownfield land for homes where this would meet an identified need for housing.

The proposed development will deliver the regeneration of this site providing much needed residential accommodation at a time of continued undersupply in full compliance with Core Strategy policies CS2, CS3 and CS4 as well as the NPPF.

The development will deliver 100% affordable housing at a time of continue undersupply. In this respect the proposal accords with and significantly exceeds the requirements of Core Strategy policy H3 and the NPPF.

The loss of Mentor House, a locally listed building, weighs against the proposals however a balanced judgement is required having regard to the scale of any harm or loss and the significance of the asset. Mentor House is dilapidated, and it is understood, would require significant amount of work to successfully convert it to meaningful use. Despite marketing for more than 15 years, no viable interest has been expressed in retaining and repurposing the building. Whilst it has some local interest, it is not worthy of statutory listing and therefore is of a low heritage value. In this respect it is considered that the proposal accords with Core Strategy policy SIE3 together with chapter 16 of the NPPF.

In terms of any impact on the setting of Weir Mill and the railway viaduct, it is noted that significant development on or adjacent to these sites has been granted permission and is under construction. Noting the acceptance of these schemes by the planning authority in relation to any impact on the significance and setting of these designated assets, it is difficult to conclude that the development proposed by this application would have any impact that would justify the refusal of planning permission. As has also been demonstrated throughout this report, there will be significant public benefits from the proposed development to which significant weight is given in the consideration of harm to designated assets. In this respect it is considered that the proposal accords with Core Strategy policy SIE3 together with chapter 16 of the NPPF.

The proposed development through its layout, scale and design is considered to respond well to the character of the locality and will deliver a high level of landscaping and open space within the site. Residents of the development will benefit from a high level of amenity afforded from not just the layout of the development and amenity space provision but also from the specification of the development and quality of the built environment. Protection from pollution will be secured through appropriate mitigation measures such that there is no adverse impact in this respect. The proposal is therefore compliant with Core Strategy policies CS4, H1, CS8, SIE1 and SIE3 as well as the NPPF.

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

The development will deliver sustainable development and carbon reductions required by Core Strategy policies SD1 and SD3 and in accordance with the NPPF. In addition to this it should be noted that changes to the Building

Regulations with standards for energy efficiency higher than that required by the current Core Strategy will enhance this aspect of the development further still.

In highway terms the proposed development of this accessible urban site is supported. The siting of the development will not prejudice the delivery of measures to promote sustainable travel on Chestergate and through the contribution of £60,000 will deliver improvements. The very low level of car parking along with electric vehicle charging points to all the accessible spaces proposed will assist in promoting sustainable travel. The development will be safe and practical to use, will provide parking and servicing to support the use proposed and will not give rise to conditions prejudicial to highway safety. On this basis the proposal is considered compliant with Core Strategy policies CS9, T1, T2 and T3 and the NPPF.

The reduced provision of disabled parking is unfortunate however this has to be balanced against the wider planning benefits that will arise from the proposed development.

Noting the challenges faced in the redevelopment of this site regarding viability, it is considered that the lack of contribution to off site electric vehicle charging is justified having regard to the position presented within the application and national policy in the NPPF.

The development will deliver an accessible form of development that safe and inclusive compliant with Core Strategy policies CS1, SD1, H1, CS8, SIE1, CS9, T1 and T2 together with the NPPF.

In relation to fire safety, the development is acceptable and accords with Core Strategy policies H1, CS8, SIE1 and the NPPF.

Subject to the imposition of conditions the development will include measures to prevent any pollution issues arising. In this respect the proposal is compliant with saved UDP Review policy EP1.0, Core Strategy policy SIE3 and the NPPF.

The application will not give rise to concerns in relation to flooding and through the imposition of a condition will deliver a sustainable drainage regime. On this basis the proposal accords with saved UDP review policy EP1.7, Core Strategy policies SD6 and SIE3 and the NPPF.

The development will include measures to reduce carbon emissions in accordance with and exceeding Part L of the Building Regulations. The application therefore accords with Core Strategy policies CS1, SD1 and SD3 together with the NPPF.

Subject to the imposition of conditions there will be no adverse impact in relation to aircraft safety or crime. In this respect the proposal is compliant with Core Strategy policies CS8, SIE1 and SIE5 and the NPPF.

The development fails to deliver any contribution to children's play or formal recreation. Noting the challenges faced in the redevelopment of this site together with the issues regarding viability, it is considered that a departure to saved UDP Review policies L1.1 and L1.2, Core Strategy policy SIE2 and the NPPF can be justified.

In relation to education there is a surplus of primary school places however there is a deficiency in secondary provision. Noting that the development would generate the demand for secondary education, it should make a financial contribution in this respect. Noting the challenges faced in the redevelopment of this site together with the issues regarding viability, it is considered that a departure to Core Strategy policy AS2 and the NPPF in this respect.

#### Application of Paragraph 11 of the NPPF

Members are well versed with the housing land supply position and the implications this has in respect of the presumption in favour of development. In short, where there is a shortfall against the required five-year supply, footnote 8 of the NPPF deems the policies which are most important for determining planning applications to be out-of-date, with the consequence that planning permission should be granted unless either:

- (I) The application of policies in the Framework that protect areas or assets of particular importance provide a clear reason for refusing the development proposed; or
- (II) Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole.

In respect of (I) Members are advised that the application of policies within Chapter 16 of the Framework (relating to heritage assets) do not provide a clear reason for refusal.

Turning to (II) this application has been considered in detail against the Development Plan and NPPF. In accordance with para 11 of the NPPF any adverse impacts should be weighed against the benefits of the proposed development and permission should only be refused where adverse impacts significantly and demonstrably outweigh those benefits.

The adverse impact can be summarised as follows:

- The loss of the existing employment floorspace, failure to make a contribution to children's play, formal recreation, off site vehicle charging points and education together with the reduced level of disabled parking weigh against the proposals. As set out in the report above however, it is considered that there is sufficient evidence to justify a departure to the relevant policy position in relation to all these (save for disabled parking) on viability grounds.
- In relation to the disabled parking, Members are advised that development should only be refused on highway grounds if there would be an unacceptable impact on highway safety or the residual cumulative impacts on the highway network would be severe (para 115). Whilst the reduced provision results in a development that is not as inclusive as it should be, this would not give rise to conditions prejudicial to highway safety.

The benefits of the proposal can be summarised as follows:

- The regeneration of this suburban site;

- The provision of much needed housing which meets an identified need and will make a meaningful contribution to assisting the continued position of undersupply;
- The significant provision of affordable housing in excess of that required by the application of planning policy and which meets an identified need and will make a meaningful contribution to assisting the continued position of undersupply;
- The delivery of a high quality development that will enhance the character of the locality;
- The provision of a high level of amenity and safe environment for the future occupiers and users of the site without harming the amenities of neighbouring occupiers;
- The protection of ecology and enhancement of the site in terms of biodiversity;
- The provision of a high quality development in terms of landscaping that significantly enhances the site;
- The creation of a development within an accessible location, that delivers improvements to access by sustainable modes of travel, causes no harm in relation to parking, encourages the use of sustainable modes of travel and that will not give rise to conditions of highway safety;
- The delivery of a development that is accessible by all users;
- The delivery of a development that will be safe for the future occupiers in relation to fire prevention and access by emergency services:
- A development that will incorporate measures to deal with any pollution issues arising and which assist in the reduction of poor air quality;
- The incorporation of measures that ensure no harm in relation to flood risk and which deliver a sustainable solution to the drainage of the site through mitigation;
- A development that incorporates measures to reduce carbon emissions and protects aviation safety and
- A development that is of a design and layout such that it assists in the reduction of crime.

Members are advised that all the benefits of the development should be afforded weight. In particular those relating to the delivery of housing and affordable housing should be afforded very significant weight. Weighing the considerable benefits against the very limited elements of the proposal that do not accord with policy (the reduced disabled parking), it is considered that the adverse impacts of granting planning permission would not significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole.

Considering the application on this basis, Members are advised that in accordance with para 11 of the NPPF, the presumption is favour of development

is applied and planning permission should be approved subject to the imposition of conditions and the completion of a S106 agreement.

**RECOMMENDATION:** Grant subject to conditions and S106 agreement

### **CENTRAL AREA COMMITTEE 7<sup>TH</sup> MARCH 2024**

The Planning Officer introduced the application referring to a letter received since the report was written supporting the objection of the Conservation Officer regarding the loss of Mentor House and the impact of the development on the setting of Weir Mill. Members were also advised that as the S106 will now be secured by condition (so as to avoid any delay in the issuing of the planning permission and jeopardising the funding that the applicant has secured), the recommendation is that of Grant subject to conditions.

A Member thanked the Officer for the report and noted the imperative for this development to proceed noting the affordable housing provision proposed. The Officer was asked to explain the difference between Weir Mill (which is being retained) and Mentor House (which is being demolished). The Officer explained the hierarchical approach to heritage assets ranging from statutory listed buildings designated by the Secretary of State of significant merit to locally listed buildings of less significance designated by the local authority. This does not mean that a locally listed building is not important but not being worthy of statutory listing, it is clearly lower down the hierarchy.

It was commented that the total sum of commuted sums not secured seems small compared to the overall value of the development and questioned why some contributions could not be secured. Members were advised that the application is supported by a financial viability assessment which explores all the costs and values associated with the development. It was stressed that this development is only going ahead because of the funding from Home England and the GMCA, without this development would not be proposed. That funding is only to deliver specific elements of the development such as affordable housing and cannot be used to deliver other S106 obligations such as open space. The appraisal has been reviewed by expert advisors who confirm that it is a robust and accurate portrayal of the financial viability of this development.

A Member asked about the £60,000 contribution to the crossing on Chestergate and where this would be delivered. Members were advised that the position and design of this has to be agreed; it is envisaged that this would be further down Chestergate to the west so to allow those accessing the development from this direction have safe access across Chestergate. The Council have aspirations for highway improvements on Chestergate in relation to pedestrian and cycling and it was felt that the best approach is to secure a contribution for a crossing that can be delivered at a point in time when the plans for this area are finalised. Members asked that they be consulted on the final design of highway works including the footway.

The agent spoke in favour of the application.

In debating the application Members commented that there should be a future review of viability to ascertain if there would be additional profit that might allow for further S106 contributions. It was also felt that there should be some

children's play features incorporated into the landscaping noting the difficult access to Hollywood Park.

Another Member also noted the poor state of the site and welcomed the proposals for this site. The design respects the industrial heritage of the area and the lack of parking is justified noting the location of the site to public transport. There should however be some play features on site and it was asked that the crossing be delivered as soon as possible. Great to see a housing association leading on such a progressive scheme.

Members agreed the recommendation.