

ITEM 2

Application Reference	DC/090014
Location:	Grafton Street Heaton Norris Stockport
PROPOSAL:	Full application for residential development (Use Class C3) including all associated work and landscaping.
Type Of Application:	Full Application
Registration Date:	22.12.2023
Expiry Date:	Extension of Time agreed
Case Officer:	Jeni Regan
Applicant:	Stockport Homes
Agent:	Pozzoni

DELEGATION/COMMITTEE STATUS

Planning and Highways Regulation Committee – Departure from the Development Plan. The development proposes a residential development on a site currently allocated as Local Open Space within the UDP.

The application was referred to Heaton and Reddish Area Committee on Monday 2nd December for comment and recommendation only. Following a lengthy discussion and a vote (8 in favour and 3 against), there was a decision to recommend Grant to the Planning & Highways Regulation Committee.

UPDATE FOLLOWING DEFERRAL FROM PLANNING & HIGHWAYS REGULATION COMMITTEE (14th Nov 24)

Members will recall that this application was presented to the Heaton and Reddish Area Committee previously on Monday 28th October 2024. Following a lengthy discussion and a vote (8 in favour and 3 against), there was a decision to recommend Grant to the Planning & Highways Regulation Committee. A full summary of the discussions at that meeting are found at the bottom of this report.

However, the application was subsequently withdrawn from the agenda of the Planning and Highways Regulation Committee on the 14th November 2024, to enable officers to further explore the status of the land.

Officers understanding was that the application site had a relationship to the former educational buildings and as such, could be classified as brownfield or 'Previously Developed Land' (PDL) based on the definition provided within the NPPF. However, following a further in depth review of the site, the brownfield status of the land remains inconclusive. As such, the application has been reassessed on this basis, with the site not being classified as brownfield land. The updated report below now provides the review of this new assessment.

However, Members should note that the assessment made in the previous officers report was predominantly based on the status of the land being Local Open Space and focused on the acceptability of the loss of this open space, rather than focusing on the status of the land being a brownfield site. Therefore, the overall conclusions remain the same, that the loss of the open space in this case is considered to be acceptable and that the residential dwellings proposed are an appropriate form of development for this site and residential area.

The application has now been considered again by the Heatons and Reddish Area Committee on Monday 2nd December, and a full summary of the discussions at that meeting can also be found at the bottom of this report.

ADDITIONAL INFORMATION PROVIDED VERBALLY TO HEATONS AND REDDISH AREA COMMITTEE ON 2ND DECEMBER 2024

Following the writing of the officers report to Heatons and Reddish Area Committee, additional letters of objection were received that raised a number of issues. Area Committee Members were advised of these by the planning officer and a response provided. These can be seen below:

Brownfield

- The full PDL clause needs should be stated in the report.
- Councillors should be invited to consider the definition and that the nursery site needs to be referenced as the cause.
- The date when it “became” brownfield should be referenced
- The land has never been built on and as such cannot be classified as brownfield.

In response, the Planning officer outlined that the land has not been assessed on the basis that it is brownfield land. Reference to this has been removed from the assessment and the land has been treated as an area of hardstanding within a Local Open Space. Therefore, it is not necessary for any additional information to be provided in relation to the definition of previously developed land, the nursery site or the requested dates.

30m buffer

- A “pre-existing derogation has set a precedent” argument is being used.
- Request for drawings to quantify the loss between the existing and proposed derogation status.
- Request for drawings to quantify both the distances, and square meter area of derogated buffer before and after.

The Planning officer responded to state that as was outlined by Planning officers at the last Area Committee meeting and as highlighted within the officers report, it is important for Members to note that there are no Local or National planning policies that insist on compliance with a buffer zone (eg 30m) around an existing play area. This is contained within a Fields in Trust guidance document that does not carry significant material weight in this planning application case. Therefore, it is not considered to be necessary for the requested information to be provided.

Commuted Sum not required – Voluntary

- The commuted sum is not “required” according to SIE-2.
- The policy states that “Sheltered Housing or Special Needs Housing for Elderly People will not be expected to contribute to the provision of recreation and play space.”

- So the record should show that this is an entirely voluntary payment.

The Planning officer responded to state that as outlined in the design and access statement, the application is for accessible specifically designed housing that enables independent living for older persons OR those living with physical or mental difficulties. Therefore, the proposals are not for sheltered housing and may not be occupied by elderly people. There are no conditions proposed that would limit the accommodation to the over 55's and therefore, the requirements of SIE-2 are required to be met, and have been met in this case.

Tilted Balance v Density

- Question the consideration of how the Tilted balance has been used as a tool to address a shortage in housing supply, when there has been a persistent reduction in targeted supply from SHLAA, to Pre-app advice, to this proposal.
- At 30 units per hectare, it's the lowest density advised in the design SPD.
- These are the smallest dwellings, built at the lowest density, with the highest number of car parking spaces.

The Planning officer responded to state that it was outlined by the Planning agent at the last Area Committee meeting that a number of site layout options were submitted at the pre-application stage, some of which included a higher number of units. However, these were discounted due to highway reasons, in that it was not possible to have new driveways or access points onto Samuel Street due to the existing layby parking in this area. On this basis, all new driveways had to be from Grafton Street and this has resulted in the layout and number of dwellings now proposed.

Restrictive Covenant

- Attention is drawn to the Deed of Modification made between Barbados and SMBC from 2018 and the need for a further agreement to be made for the planning application site.

The Planning officer responded to state that as noted in the officers report, the presence of restrictive covenants and deeds of modification are matters that sit outside of the planning process and Planning Officers have no involvement with such legal transfers. It is not a material consideration in the determination of any planning application. Any planning permission granted does not override the civil laws around covenants and the potential breach of a covenant is a civil matter for the applicant to address.

Further matters of objection have been raised however, all of these issues have been raised by objectors previously and have already been addressed in detail in the officer's report.

It had also been highlighted to officers that the report included a representation from the Local MP for Denton and Reddish. However, this constituency no longer exists due to boundary changes and this MP no longer represents this area of Stockport. Therefore, members were advised to note that these comments must be treated as any other public comments as from a member of the public. The report below has now been amended accordingly.

DESCRIPTION OF DEVELOPMENT

This application seeks full planning permission for the erection of 6 no. affordable one bedroomed bungalows for social rent (use class C3), with associated car parking and landscaping. The makeup of the properties would be as follows:

- 4 no. One Bed Bungalows (Part M C2 Accessible and Adaptable dwelling)
- 2 no. One Bed Bungalows (Part M C3 Fully Wheelchair Accessible dwelling)

The development comprises two terraced rows of 3 dwellings fronting Grafton Street. The properties would be set back from the street with front gardens and two car parking spaces per dwelling, with Plots 1 and 6 standing forward of the rest providing a book end framing effect. Gardens would be provided to the rear with each property having a secure shed. Bin storage is also located within each rear garden accessed via the property or communal pathway.

As explained in the submission, each terrace is formed of 2 no. Type A bungalow (Part M C2 Accessible and Adaptable dwelling) and 1 no. Type B bungalow (Part M C3 Fully Wheelchair Accessible dwelling). The Type 2 dwellings are located at the outer ends of the site. A carport for the wheelchair accessible dwellings has been integrated into the elevation design, which bookend the street scene.

The properties would be single storey with a dual pitched roof and a mix of gable end and hipped roof designs. Internally, they would comprise a living room on the front elevation, kitchen / dining space and double bedroom on the rear elevation, a large shower room and storage.

The dwellings would be of 'red' brick construction and 'red-brown' tiled roofs with contemporary elements provided through large window openings in a grey frame. Details of design and appearance are best appreciated by reference to the submitted plans appended to this report.

SITE AND SURROUNDINGS

The application site relates to an area of land on the corner of Grafton Street and Samuel Street within the Heaton Norris area of Stockport within the Reddish South ward. The site measures approx. 0.2 hectares in size and is rectangular in shape.

The site is comprised of a tarmacked area of hardstanding, with part of the site enclosed by railings. There are a number of trees on the site boundary on Samuel Street and one large London Plane tree towards the northern end of the site. Most of the site is open within no means of enclosure and so can be accessed by the public. There is no formal vehicular access into the site, however it appears that the area is infrequently used for parking.

The application site is bounded to the north by a supported sheltered scheme for individuals of varying physiological and mobility needs. This scheme is managed and operated by the same applicant, Stockport Homes Housing Association. To the east and south of the site are the existing residential properties on the opposite sides of Grafton Street and Samuel Street. Finally, the site is bounded by the Lloyd Street Recreation Ground to the west.

The site is allocated as designated Local Open Space, as defined on the Proposals Map of the adopted Stockport Unitary Development Plan Review (UDP). Nevertheless, the site comprises a tarmacked surface, adjacent to Lloyd Street Recreation Ground and the land does not serve any ancillary functions for the recreation ground.

The areas surrounding the site are allocated within a Predominantly Residential Area, as defined on the UDP Proposals Map.

POLICY BACKGROUND

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

The Development Plan includes-

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

The application site is allocated as Local Open Space as defined on the UDP Proposals Map. The following policies are therefore relevant in consideration of the application:-

Saved policies of the SUDP Review

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

- EP1.7 Development and Flood Risk
- UOS1.3 Protection of Local Open Space
- L1.1 Land for Active Recreation
- L1.2 Children’s Play
- MW1.5 Control of Waste from Development

LDF Core Strategy/Development Management policies

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

Objective 2 ‘Housing’ states that the CS will achieve the housing policy goal by: ensuring a mix of housing is provided in order to achieve sustainable mixed communities; maximising urban area’s potential by increasing its population through housing development; and, focusing new housing development in locations accessible to services and on previously developed land to assist regeneration.

- CS1 Overarching Principles: Sustainable Development – Addressing Inequalities and Climate Change
- SD-3 Delivering the Energy Opportunities Plans – New Development
- SD-6 Adapting to the Impacts of Climate Change
- CS2 Housing Provision
- CS3 Mix of Housing
- CS4 Distribution of Housing
- H-1 Design of Residential Development
- H-2 Housing Phasing
- H-3 Affordable Housing
- CS8 Safeguarding and Improving the Environment
- SIE-1 Quality Places
- SIE-2 Provision of Recreation and Amenity Open Space in New Developments

- SIE-3 Protecting, Safeguarding and Enhancing the Environment
- CS9 Transport and Development
- T-1 Transport and Development
- T-2 Parking in Development
- T-3 Safety and Capacity on the Highway Network

Supplementary Planning Documents and Guidance

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

Supplementary Planning Guidance (Saved SPG's & SPD's) does not form part of the Statutory Development Plan: nevertheless, it does provide non-statutory Council approved guidance that is a material consideration when determining planning applications.

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

Stockport Climate Action Now (Stockport Can)

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

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

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

National Planning Policy Framework

A revised National Planning Policy Framework (NPPF) published by the Secretary of State for Levelling Up, Housing and Communities on 19th December 2023 replaced the previous revised/updated NPPFs. The NPPF has not altered the fundamental legal requirement under Section 38(6) of the Planning and Compulsory Purchase Act 2004 that decisions must be made in accordance with the Development Plan unless material considerations (such as the NPPF) indicate otherwise.

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

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

The relevant paragraphs in this case are as follows:

Introduction - Paras 1, 2
Chapter 2: Achieving Sustainable Development – Paras 7, 8, 11
Chapter 4: Decision-Making – Paras 38, 47
Chapter 5: Delivering a sufficient supply of homes: 60, 63, 64, 66, 70
Chapter 9: Promoting Sustainable Transport – Paras 114, 115, 116, 117
Chapter 11: Making Effective Use of Land – Paras 123, 124, 128
Chapter 12: Achieving Well-Designed and Beautiful Places – Paras 131, 135, 136, 137, 139
Chapter 14: Meeting the Challenge of Climate Change, Flooding and Coastal Change – Paras 157-164, 175

Para.225 “existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)”.

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>

The National Design Guide

The National Design Guide seeks to illustrate how well-designed places that are beautiful, healthy, greener, enduring, and successful can be achieved in practice. It forms part of the Government’s collection of planning practice guidance and should be read alongside the separate planning practice guidance on design process and tools.

RELEVANT PLANNING HISTORY

Reference: DC/056365, Type: FUL, Address: Belmont Nursery School, Grafton Street, Heaton Norris, Stockport, SK4 1QD, Decision: GTD, Decision Date: 23-OCT-17, Proposal: 10 no. apartment sheltered housing scheme with 2 no carers/communal living units (Class C2)

Reference: DC/068323, Type: MMA, Address: Belmont Nursery School, Grafton Street, Heaton Norris, Stockport, SK4 1QD, Decision: GTD, Decision Date: 16-JUL-18, Proposal: Minor material amendment to approved application DC/056365, including a revised internal layout, elevation changes relating to entrance location, window placement and size and the provision of additional on-site parking.

Reference: DC/070769, Type: DOC, Address: Belmont Nursery School, Grafton Street, Heaton Norris, Stockport, SK4 1QD, Decision: DOC, Decision Date: 03-DEC-18, Proposal: Discharge of Condition 2, 3, 5, 8, 12, 13, 14, 15 and 18 of DC/068323

Reference: DC/073037, Type: NMA, Address: Belmont Nursery School, Grafton Street, Heaton Norris, Stockport, SK4 1QD, Decision: GTD, Decision Date: 15-MAY-19, Proposal: Non-Material Amendment to planning permissions

DC056365/DC068323, to comprise relocation of bin store, extension to ground floor plant room, amendment to boundary type and relocation of parking bay.

COMMUNITY CONSULTATION

The planning application is accompanied by a Statement of Community Involvement. This outlines that Stockport Homes undertook a pre-application public consultation to engage the local community. This engaged local residents, ward councillors and stakeholders on the proposed development and sought their feedback on the proposals. The public consultation event was held on 24th November 2021 and ran from late afternoon to early evening.

To publicise the consultation for the development proposal, a leaflet was distributed to residents and businesses closest to the site within Heaton Norris. Display consultation boards and a walk-through were prepared by Pozzoni for the event to guide attendees through the proposals. Written and verbal feedback was received throughout the event and raised specific comments in relation to a number of site specific and local area issues. These included the following:

- Restrictive Covenant on land
- Environmental Impacts
- Loss of Open Space
- Accommodation Type
- Over Development

The submission confirms that the feedback received by various stakeholders has informed the finalised application proposals now subject of this planning application submitted for determination. After the event a follow-up letter in the form of questions and answers was issued to all the households who received the notification about the consultation event.

During the life of this application, the applicant has been very keen to respond directly to the objections received against the application and engage with the community further. The applicant produced a statement in July 2024 that now accompanies the application, which goes through the key headlines of the objections and provides a response. This covers issues such as trees, ecology, density, loss of open space, traffic/parking, pollution, visual outlook, security, design, residential amenity (overlooking, loss of light etc), tenure and a response to the restrictive covenant. This document has been made available to the public on the public planning portal for residents to view and respond to.

Finally, the applicant (Stockport Homes) has recently met with the Chairperson of the Friends of Grafton Street Open Space and the Ward Councillors in September 2024 to discuss the proposals. Further changes have been made to the scheme since taking on board the comments made, particularly in relation to the proposed boundary between the development and the adjacent public open space.

NEIGHBOUR'S VIEWS

The owner/occupiers of 89 neighbouring/surrounding properties have been notified by letter and the application has been advertised by site and press notice as a Departure from the Development Plan.

44 letters of representation have been received in response; 37 in objection, 4 in support and 2 neutral.

The comments made can now be summarised below:

Finally, a petition containing 331 signatures was submitted to the Local Planning Authority on the 31st October 2024.

Objections

- Loss of Open Space.
- Lack of green space in this area.
- Land classified as brownfield – has always been used as an open play space.
- Regularly used for play, dog walks and community events.
- The area should be improved by SMBC who have left it to ruin.
- Valuable space in covid.
- Greatly restrict the view of the park – security risk.
- Loss of the London Plane tree at the site – local landmark.
- Planting of new tree would not replace those to be lost.
- Trees help with air quality, which is already poor.
- Tree will be a large carbon store which will be released – against council's target to reduce carbon emissions.
- Loss of wildlife from the loss of the tree – bats, birds and insects.
- Restrict car parking for existing residents.
- Development does not fit in with the area – terraced and semi-detached.
- Affect the living conditions of local people and amenity value of area.
- Dispute the value of adding 6 bungalows that would only contribute to helping 0.3% of the population – 2 million pound construction to help 12 people?
- Many homes (100) already in Heaton Norris that could be adapted for the same money.
- The amount of private outside space could evoke jealousy among neighbours.
- It is fair and equitable that those in social housing should have a higher standard of living than the general public?
- Unacceptably high density and over development of the area – area does not need more housing.
- Extra traffic, loss of view, light pollution, loss of space, loss of privacy.
- Restrictive covenant on the land – gifted to community by Lord Edgerton.
- SHLAA report 2018 states that the area is not suitable for residential development.
- Residents only agreed to the development of the nursery site on the basis that the rest would be left undeveloped.
- Contrary to policies within the Development Plan – L1.1 and UOS3.1.
- Contrary to Paras 136, 180 and 186 of the NPPF.
- Contrary to Stockport Homes 'The Greenspace Strategy 2020-2023'.
- Inaccuracies within the application submission.
- Council just delivering its requisite housing supply figures – no benefit to the community.
- Lack of transparency in public consultation.
- Housing located close to the park – issues with balls going into the gardens etc. NEAP requires a 30m buffer zone.
- Much better locations for this development – pre-existing office buildings, land no longer in use, less populated areas, located on key transport links.
- Disabled residents of Grafton Street would have no direct transport links close by and a range of unsuitably tarmacked roads and limited access pavements.

- Requests for the tree to be covered by a Tree Preservation Order have been ignored by the Council.
- Wholly unsuitable for the development of this kind.
- The land should be kept as recreation space and a green buffer in a built up area.

Support

- Support the need to build housing for disabled adults, and the plot identified is currently under used.
- Support the principle that these bungalows will be for disabled members of our community.
- Hope that this is ensured to remain the case.
- However, concerned that the design would not allow for a ceiling hoist, and the bathroom does not appear to be a wet room suitable for a wheelchair bound resident.
- If the retention of the tree is unfeasible, and would prevent housing being built, then I would prefer that more housing is provided to the community.
- Not seen any evidence of this area being used as a play area or park – just used for parking and protests for this building work.
- Visual impact will be positive – new houses instead of ugly tarmac.
- Living conditions for locals will be unchanged – the park remains untouched and children still have places to play.
- Don't mind if 1 old tree is removed.

Neutral

- The access to this site will, at the moment, be via All Saints Rd - has speed-bumps, cause noise, house vibration and debris.
- Should consider making access to this site by removing the trees and stumps at end of Grafton St/Belmont Way - Council could replace the 'stumps/trees', if so desired, after completion of the project.
- The risk of damage to residents' vehicles would be minimised by adopting this option.
- All Saints Rd has schoolchildren attending/leaving the Primary School during term time. Parents would find collection of children somewhat compromised with heavy-vehicle use and the inevitable road debris

Petition

A petition containing 331 signatures was submitted to the Local Planning Authority on the 31st October 2024 which states as follows:

*We, the undersigned * Preserve our open spaces for the benefit of all. * Create better play for children's physical & mental health. * Protect the biodiversity that urban open spaces nurture.*

Planning Policy aims to protect open space, green space, and recreation from being lost under new housing. Play areas are also protected by "buffer zones" that shouldn't be built in.

There are recent developments where the rules haven't applied though. And a new application on Grafton Street in Heaton Norris will see open space lost and the children's play buffer zone reduced from 30 metres to 3 metres.

With these recent precedents, we are worried about a damaging shift in policy.

This ePetition ran from 08/02/2024 to 08/04/2024 and has now finished.

CONSULTEE RESPONSES

All consultation responses can be viewed in full on the online application file via the Council's public website.

However, for the purposes of this report, these are summarised below:

Planning Policy – Open Space (updated November 24)

The proposal is for 6 new dwellings to be built on a tarmacked area of land alongside a recreation ground that, together, is designated as Local Open Space in the UDP. Saved UDP Policy UOS1.3 protects land under this designation unless it meets one of three exceptions listed in the policy. Of these it is considered that the most relevant is criterion (ii) relating to demonstration that there is adequate provision of open space in the local area and that the loss of the site would not be detrimental to community wellbeing or to local amenities. The other criteria relate to uses that are complementary or ancillary to outdoor recreation use or where replacement recreational provision is to be laid out, neither of which are applicable in this case.

Whilst the site is designated as Local Open Space, this designation is in respect of the wider recreation offer provided by Lloyd Street Recreation Ground. The NPPF requires a consideration of whether the application site is clearly surplus to requirements. When referring to the evidence in the Open Space Assessment and Standards Paper, the recreation ground in its entirety is found to be of both high value and high quality and therefore the recommendation of the study is to continue to protect it from development.

However, when turning to the application site itself it is clear that, whilst the land has fulfilled a recreational function previously as a play area in the curtilage of a former nursery, it fulfils no formal recreational purpose presently. The site is a tarmacked area of land beyond the boundary fence of the recreation ground, used primarily for informal parking and for access to the recreation ground, although there are other points of access from surrounding streets. The applicant has set out satisfactorily that the site does not serve any ancillary functions to the recreation ground and that its loss would not affect either its quality as a recreational asset or its performance against quantitative and qualitative standards.

The proposal for redevelopment of the site for 6 bungalows will contribute towards improving the Council's 5 year housing land supply position and satisfies Paragraph 124 of the NPPF in making effective use of an under-utilised site. The benefits of the proposed dwellings as being designed for independent living and with accommodation to meet the needs of older people is judged to justify the development of this small part of the Local Open Space, as per Core Policy CS8.

As such, I find that the principle of loss of Local Open Space is justified against Saved UDP Policy UOS1.3, Core Policy CS8 and Paragraphs 103 and 124 of the NPPF.

DM Policy SIE-2 and the Open Space Provision and Community Payments SPD requires the development to provide an off-site contribution towards the

enhancement of open space to meet the needs of future residents. The applicant has confirmed that they will meet this commuted sum contribution, and as such the development is in compliance with DM Policy SIE-2 and the Open Space Provision and Community Payments SPD.

SMBC Greenspaces

Grafton Street is classified as a Neighbourhood Equipped Play Area and was installed in 2011/12. Prior to this, the area was an informal football area. The trim trail play items are within the 30 metre buffer zone with a residential boundary, but the main activity spaces are outside the buffer zone.

It is not unusual for play activity areas to be within the buffer zone, 12 of the 36 Neighbourhood Equipped Play Spaces across the borough are within 30 metres of a residential boundary. This is predominantly due to the historic location / layout of the park / play area. There are also instances where new housing has been created within the buffer area of an existing play area, for example:

- Shaw Heath Park (although there is a highway between the play area and residential area);
- High Lane Park (although there is a canal between the play area and the residential area) ; and
- Bredbury Recreation Ground (where the play area and residential area share a boundary).

The newer housing development adjacent to the application site at 22 -44 Bardsley Street is also within that 30m buffer area, with the boundary fence being approx. 23 metres away from the unfenced play space.

The 30 metre buffer zone or offset zone as it is referred to in the Fields in Trust guidance, is to ensure that facilities do not enable users to overlook neighbouring properties, reducing the possibility of conflict between local residents and those at play from noise disturbance.

However, notwithstanding this guidance, it is considered that where the minimum buffer zone is in place or can't be met, possible mitigation measures should include;

- The careful design of planting scheme and/or other physical features on the boundary of the residential property.
- The siting of equipment and features within the activity zone, to preclude opportunities for overlooking nearby gardens and dwellings and potential loss of privacy and creation of nuisance.

Regarding the latter, one of the existing play items in the play space is a log climber unit that allows users to get to a height of 2.95metres high (the ground level of the log climber is approx. 0.3m lower than the proposed development area)

The log climber is approx. 15 metres from the proposed residential boundary. There is a risk that this could cause an issue with some of the properties being overlooked and it would need to be given careful consideration as to the mitigation measures to ensure the privacy of the neighbouring residents.

With regards to the football posts and the proximity to the proposed development. I am not aware that there is currently an issue with footballs damaging the fence or going into private properties 22-44 Bardsley Street, which are equally as close.

Arboriculture

Conservation Area Designations - The proposed development is not within a conservation Area.

Legally Protected Trees - There are no legally protected trees within this site or affected by this development.

A full tree survey has been supplied as part of the planning application to show the condition and amenity levels of the existing trees and where applicable which trees could be retained to increase the amenity levels of the site with retained mature trees.

Following suggested amendments to the proposed landscaping scheme, it appears that the amended landscape plan submitted in May addresses the earlier concerns over the loss of existing trees and not maximising the replacements. The locations of the planting and the proposed species also work well.

Therefore, the development is now considered to be acceptable from an arboricultural perspective.

Nature Development

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

There is considered to be sufficient ecological information available to inform determination of this application.

A Preliminary Ecological Appraisal (PEA) has been carried out and submitted as part of the application. The survey was carried out in August 2023 by a suitably experienced ecologist (Urban Green, 2023).

The trees on site were subject to a ground based assessment to search for evidence of roosting bats and identify any potential bat roosting features. The large maple (T1) was initially assessed as offering moderate bat roosting potential on a precautionary basis as a detailed inspection was not possible due to dense foliage. The tree was then subject to an aerial inspection by a licensed bat ecologist in late August 2023. Peeling bark and a tear-out wound were recorded but these features were assessed as too shallow and/or exposed to offer suitable bat roosting potential and so the tree was subsequently down-graded as having negligible roosting potential.

Habitats on site are of limited value for species such as badger and hedgehog, but records for these species exist in the local area and so these species may pass through the site. Precautionary working measures are advised to minimise potential impacts. Badgers and their setts are legally protected by the Protection of Badgers Act 1992. Hedgehog are a species of Principal Importance listed on Section 41 of the NERC Act 2006.

Conditions and informatives requested in relation to bat protection, nesting birds, precautionary working methods, tree protection, sensitive lighting, biodiversity enhancements and ecology re-survey.

Highways

The proposal should not result in a material increase in vehicle movements or change in character of traffic on the local highway network in the vicinity of the site. The site is within an existing residential area and is within reasonable walking distance of a bus route, a primary school, a large food store and various shops and services. There are also a number of cycle routes / cycle friendly streets in the area. An adequate level of car parking (2 spaces per dwelling) is proposed to be provided (having regard to the adopted parking standards and expected demand). Cycle / mobility scooter stores are proposed to be provided for each dwelling. Bin storage areas are proposed to be provided for each dwelling.

The access arrangements are considered generally acceptable in terms of design and level of visibility that will be able to be afforded. Therefore, the site layout is now acceptable in relation to vehicle and pedestrian visibility, relocation of uncontrolled pedestrian crossing and the relocation of the existing road sign.

Raise no objection to this application, subject to the conditions previously recommended.

Recommendation: No objection, subject to conditions including construction management strategy, details of access construction and visibility splays, reconstruction of existing footways, no gates or obstructions across accesses, driveway surface / drainage details, electric vehicle charging, cycle parking and the provision of uncontrolled pedestrian crossings in the area.

Energy and Climate Change

The submitted "Energy Statement" has been reviewed.

The statement indicates that an ASHP would be potentially feasible to provide heating and hot water. This approach is supported.

The Energy Statement sets out that solar PV technology is recommended for the development but has not been included as the ASHPs can provide a greater reduction in carbon emissions. My preference would be for these to be included as part of the development, as it is significantly easier to install at the time of building rather than retrofitting later.

As the development is replacing an area of hardstand with new homes coupled with gardens, I am satisfied that this will help to positively implement paragraph 3.68 of policy SD-6, and thus reduce the effects of the urban heat island effect.

LLFA

Having reviewed the below documentation for this application.

- 33534-SUT-ZZ-XX-DR-C-6020-P03 DRAINAGE STRATEGY PLAN

The LLFA recommends that the application is acceptable in principle subject to a detailed design. The development shall be completed and maintained in full accordance with the approved details.

United Utilities

Following our review of the submitted Drainage Strategy, UU can confirm the proposals are acceptable in principle.

Contaminated Land

No objection to the proposed new residential development. However, given the sensitive residential receptor end use, the Sutcliffe Phase 1 Preliminary Report dated August 2023, submitted in support of the above mentioned application, concludes that whilst there appears to be a low risk of potential contamination, a Phase 2 should be undertaken.

As such, the following conditions are recommended; submission of an investigation and risk assessment, remediation strategy and final verification report.

ANALYSIS

In considering this application it is acknowledged that the applicant has sought to engage with the Planning Authority, statutory consultees and the local community prior to the submission of this application. This engagement is a welcomed and important element of the planning process and one which is encouraged not only by this Authority but by the Government also. In this context, pre application discussions with the applicant have been continuing, with the proposals evolving and changing over that time period in response to the feedback given. The submission of this application is therefore the culmination of that process however during the consideration of this application, further amendments have also been discussed and agreed to ensure that the proposals comply with the Development Plan.

Tilted Balance

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

In respect to the presumption in favour of sustainable development it is noted that Stockport is in a position of significant housing undersupply (3.78 years) against the minimum requirement of 5 years +20% buffer as set out in the NPPF. Accordingly, the policies which are most important for determining the application are out-of-date which 'tilts' the balancing exercise for this application, from being neutral to one where the application should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.

The main issues for consideration are as follows:-

- Loss of the Local Open Space
- Principle of residential accommodation including affordable housing and density
- Impact on the character of the locality
- Impact on residential amenity
- Highway impacts
- Loss of Trees and Landscaping
- Other matters such as ecology, trees, energy efficient design, contamination and drainage.

Having regard to this presumption in favour of residential development, Members are advised accordingly:

Loss of Local Open Space

As outlined above, the application site encompasses land designated on the UDP Proposals Map as Local Open Space (LOS). As such policies UOS1.3 is relevant to the consideration of this application along with paragraphs 103 and 124 of the NPPF.

The proposal is for 6 new dwellings to be built on a tarmacked area of land alongside a recreation ground that, together, is designated as Local Open Space in the UDP. The status of the land is not brownfield or 'Previously Developed Land' as defined in the NPPF, and has not been considered as such. The application site has been considered on the basis of its status as Local Open Space and therefore, as stated above, UDP Policy UOS1.3 is applicable in this case.

Policy UOS1.3 confirms that within areas of LOS, development will not be permitted unless it is clearly needed in connection with the outdoor recreational use of the land or is otherwise appropriate to the maintenance of the open nature of the land, and it would clearly enhance the overall quality of Local Open Space provision in the area; or, it can be demonstrated that there is an adequate provision of open space in the local area and that the loss would not be detrimental to the well being of the local community or the amenities of the area; or the open space that would be lost would be replaced by open space of an equivalent or better quantity, quality, usefulness and attractiveness in a location at least as accessible to current and potential users.

The supporting text to policy UOS1.3 confirms that private recreation facilities and school playing fields both can both perform as LOS. This text also sets out the factors of importance in determining the value of areas of LOS. These can be summarised as follows:-

- Standards of open space provision in the local area
- The visual or amenity value of the land
- The ecological value of the land
- Formal recreation use
- Informal public access and
- Contribution to urban form or general well being of the community.

Paragraph 103 of the NPPF states that existing open space, sports and recreational buildings and land, including playing fields, should not be built upon unless (a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or (b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or (c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.

Paragraph 124 states that planning decisions should...promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively.

Saved UDP Policy UOS1.3 protects land under this designation unless it meets one of three exceptions listed in the policy. Of these it is considered that the most relevant is criterion (ii) relating to demonstration that there is adequate provision of open space in the local area and that the loss of the site would not be detrimental to community wellbeing or to local amenities. The other criteria relate to uses that are complementary or ancillary to outdoor recreation use or where replacement recreational provision is to be laid out, neither of which are applicable in this case.

Whilst the above policy is of note to the application, national planning policy in Paragraph 103 of the NPPF is more up-to-date. It is found that part (a) of the policy which requires an assessment to be undertaken which has clearly shown the open space to be surplus to requirements is the most helpful, as the alternatives are in the event of replacement or alternative recreational provision, again neither of which are applicable.

The assessment to which Paragraph 103 refers to is the Stockport Open Space Assessment 2017 and Lloyd Street Recreation Ground is assessed under the Amenity Greenspace typology and is given a quality score of 51.2 % and a value score of 54.0%. The site is therefore considered as high quality and high value in the quality/value matrix and the advice in the accompanying Open Space Standards paper is to protect them. Within the Heaton and Reddish analysis area, amenity greenspace provision is 0.27 ha. above the current standard of 0.87 ha. per 1,000 population.

Also of relevance to the policy principle is Core Policy CS8 which sets out that the need to continue to protect existing assets may be outweighed by the interests of achieving sustainable communities, and that this objective may be best served by the development of limited areas of open space.

The Council's validation checklist requires the applicant to provide their own open space assessment along with details of the extent of current usage, needs and opportunities for the use of land as open space together with the implications of loss including any mitigation measures.

The application has been accompanied by a Planning and Open Space Assessment which argues that the application site:

- Consists of a tarmacked surface and does not serve any ancillary functions for the recreation ground and is not formally used by the public;
- Is not part of a Public Right of Way;
- Does not satisfy or only partially satisfies the Saved UDP Policy UOS1.3 'factors of importance' listed as relevant in determining the value of particular areas of Local Open Space under the explanation to the policy. It is therefore put forward that the application site has little visual and amenity value, does not hold ecological value as part of a Green Chain or GI network, does not perform an ancillary function as a formal recreation use, and does not provide any benefit to the local community as a safe and vibrant place to meet or pass through. It is conceded that there may be informal public access however;
- Meets the threshold for amenity greenspace of 0.2 ha. but does not compare with others in the same typology in qualitative terms;

- There is sufficient provision of amenity greenspace within Heatons and Reddish and of this supply, all sites are considered to be of high value and the majority are of adequate quality. As such, the loss of the site would not be detrimental to the wellbeing of the community or amenities of the area.

Whilst the site is designated as Local Open Space, this designation is in respect of the wider recreation offer provided by Lloyd Street Recreation Ground. The NPPF requires a consideration of whether the application site is clearly surplus to requirements. When referring to the evidence in the Open Space Assessment and Standards Paper, the recreation ground in its entirety is found to be of both high value and high quality and therefore the recommendation of the study is to continue to protect it from development.

However, when turning to the application site itself it is clear that, whilst the land has fulfilled a recreational function previously as a play area in the curtilage of a former nursery, it fulfils no formal recreational purpose presently. The site is a tarmacked area of land beyond the boundary fence of the recreation ground, used primarily for informal parking and for access to the recreation ground, although there are other points of access from surrounding streets. The applicant has set out satisfactorily that the site does not serve any ancillary functions to the recreation ground and that its loss would not affect either its quality as a recreational asset or its performance against quantitative and qualitative standards.

In response to the objections received stating there would be a detrimental impact on the adjacent park, the play areas and the football goals due to the proximity of the new development, the development has been assessed by the Council's Greenspaces officer. It is acknowledged that the guidance provided by the Fields in Trust states that a suitable relationship between equipped / designated play areas and residential properties is 30m. However, the Greenspaces officer outlines that it has been confirmed that it is not unusual for play activity areas to be within the 30m buffer zone, with 12 of the 36 Neighbourhood Equipped Play Spaces across the borough being within 30 metres of a residential boundary. This is predominantly due to the historic location / layout of the park / play area.

The Greenspaces officer provides further advice on this matter and considers that where the minimum buffer zone can't be met, mitigation measures should include the careful design of a planting scheme and/or other physical features on the boundary of the residential property to reduce overlooking and disturbance. In this case and as can be seen on the proposed landscaping scheme, new trees are to be planted in the rear gardens of the new properties, which will assist with screening the windows and garden from the play equipment in the adjacent park.

It is also important to note that there are no Local or National planning policies that insist on compliance with a buffer zone (eg 30m) around an existing play area. This is contained within a Fields in Trust guidance document that does not carry significant material weight in this planning application case.

Finally, with regards to the football posts and the proximity to the proposed development, there is currently no issue with footballs damaging the fence or going into the existing private properties at 22-44 Bardsley Street, which are equally as close. Therefore, no concerns are raised in relation to this matter.

The proposal for redevelopment of the site for 6 bungalows will contribute towards improving the Council's 5 year housing land supply position and satisfies Paragraph 124 of the NPPF in making effective use of an under-utilised site. The benefits of the

proposed dwellings as being designed for independent living and with accommodation to meet the needs of older people is judged to justify the development of this small part of the Local Open Space, as per Core Policy CS8.

As such, it is considered that the principle of the loss of Local Open Space is justified against Saved UDP Policy UOS1.3, Core Policy CS8 and Paragraphs 103 and 124 of the NPPF.

Provision of Housing

The NPPF puts additional emphasis upon the government's objective to "significantly boost the supply of housing", rather than simply having land allocated for housing development. The NPPF indicates that decisions should promote and support the development of under-utilised land, especially if this would help to meet identified needs for housing where land supply is constrained. Moreover, the NPPF recognises that small and medium sized sites can make an important contribution to meeting housing requirements and are often built out quickly.

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

In situations of housing undersupply, Policy CS4 allows Policy H-2 to come into effect bringing housing development on sites, which meet the Council's accessibility criteria. For the purposes of applying Policy H-2, the current minimum accessibility score (AS) is set at 'zero'. To summarise, taking into account the under delivery of housing within the Borough the contribution to overall housing supply carries significant weight and in accordance with the tilted balance, the redevelopment accords with Policies CS4 and H2.

Policy CS3 states that all new housing should contribute to the provision of an appropriate borough-wide mix of housing; and sites in the most central locations are the most suitable for higher density development. The scheme will provide 6 no. affordable and accessible bungalows, which in an area of predominantly terraced and semi-detached properties would provide a good mix and provide a source of more affordable accommodation. As such, the development will also help towards meeting local demand for housing and providing variety to the housing tenure available.

For reasons outlined above the proposed redevelopment would accord with Core Strategy Objective 2 'Housing', policies CS2, CS3, CS4, and H2; and the provisions of the NPPF.

Affordable Housing

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

However, the applicant for the development is Stockport Homes and the intention is for this scheme to be 100% affordable and accessible. The application submission outlines that the proposed development will provide 2 no. x Part M Category 3 (Fully Wheelchair Accessible) and 4 no. x Part M Category 2 (Accessible and Adaptable) one bed bungalows for social rent. This means that 100% of the units developed on this site will be affordable housing as per the definition provided by Homes England.

Affordable housing includes social rented, affordable rented and intermediate housing (shared ownership) provided to specified eligible households whose needs are not met by the market. The development will contribute towards meeting the aims set out in Stockport Council's Prospectus for All Age Living in 2018-2035 Happy, Healthy Homes to Age Well in Stockport. The scheme will also contribute to Priority 1: Investing in Growth: Increasing Housing Supply, Choice and affordability and Priority 3 of the Council's Housing Strategy, Housing choices: Supporting Independent Living.

Therefore, in this case, the development exceeds the affordable housing requirement expected by Local and National policies and guidance and delivers 100% affordable housing, in perpetuity, at this site.

Siting, Design, Character & Appearance

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

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

'The Design of Residential Development' SPD's overall purpose is to achieve high quality design in residential development; the document has three broad aims:

1. promote high quality inclusive design;
2. ensure efficient use of resources;
3. Endorse developments that make a positive contribution to the townscape and landscape character of the local area.

The SPD outlines that despite their small scale; 'infill' developments can have a significant effect upon the appearance of an established street, although much depends upon the character of the area and the sensitivity of the design. Moreover, guidance states that rigid adherence to the standards can stifle creativity and result in uniformity of development. The Council therefore encourages imaginative design solutions and in doing so may accept the need for a flexible approach between new dwellings, where relaxation of standards will be judged on a case-by-case basis. Whilst standards should be taken into consideration as, an aid to judgement weight should be given to the fact that the proposal lies within an established residential

area where the prevailing high density and building form drive how the site should be best developed.

No concerns are raised to the design and scale of the proposed development. The row of 6 bungalows houses (2 sets of 3 properties) would front Grafton Street, providing natural surveillance and activity to this street frontage, whilst being set back behind front driveways / gardens to provide a softer appearance to the street scene. It is acknowledged that the predominant character of the surrounding area is two storey terraced and semi-detached properties. However, the overall design approach of single storey bungalows is still considered to be appropriate and sympathetic in terms of siting, scale, massing, design, roofline, and materials and would be broadly in keeping with the character and appearance of the immediate surroundings, particularly the adjacent more recent apartment development. The provision of a different property type in this area will complement and enhance the immediate context and particularly in the setting of the adjacent to the public open space, where a lower density with significant tree planting and garden space is welcomed.

With regard to the density of the proposed development, policy CS3 of the Core Strategy confirms that for sites close to or within Town Centres/District Centres, housing densities of 70 dwellings per hectare (dph) and above are commonplace. Moving away from these central locations, densities should gradually decrease, first to around 50 dph then to around 40 dph, as the proportion of houses increases. Developments in accessible suburban locations may be expected to provide the full range of house types, from low-cost 2 bed terraces to larger detached properties. However, they should still achieve a density of 30 dph.

The delivery of 6 bungalows on this 0.2ha area of land does only just meet the lower density figure as outlined above at 30 dph. However, as explained above, this lower density bounding the public open space is considered to be appropriate in this context and would still deliver a good level of housing, thus helping to improve the Council's general housing land supply position. The layout and form of development represents a considered response to its context, respecting the surrounding built form and urban grain and would avoid any undue impact on the amenity of neighbouring properties.

All of the proposed homes will meet and exceed the Nationally Described Space Standards. Each plot would benefit from a large rear garden, with all the gardens exceeding the requirements outlined within the Design of Residential Development SPD. Importantly, the gardens would have space for hard and soft landscaping and provide sufficient space for bin storage, a garden shed, drying washing, relaxing outdoors, etc.

Overall and in view of the above, it is considered that the size, scale, height and design of the proposed development could be successfully accommodated on the site without causing undue harm to the character of the street scene or the visual amenity of the area. As such, the proposal is considered to comply with Core Strategy DPD policies H-1 and SIE-1 and the Design of Residential Development SPD. Bin storage would be accommodated in accordance with the provisions of Policy MW1.5.

Impact on Existing Residential Amenity

Policies H1, CS8, SIE1 and SIE3 of the Core Strategy together with para 127 of the NPPF seek to ensure that developments provide for a good standard of amenity not

only for existing but also future occupiers. The Core Strategy policies are supported by the Council's SPD 'Design of Residential Development' which provides detailed guidance regarding the layout of development and its relationship with existing properties. Members are reminded that the SPD is not policy, but is simply guidance to influence but not dictate development. There is acknowledgement within that document that rigid adherence with the guidance can stifle creativity and result in uniformity of development.

It must be acknowledged that there will be an increase in built form and activity at the site over the existing situation. However, it must also be acknowledged that the proposals are for 6 no. single storey dwellings with a maximum height of approximately 5m to the ridge. Therefore, at single storey, there would be no considerable overbearing or overshadowing impacts on any of the surrounding existing residential dwellings. This is due to the proposed height and the distances between the new dwellings and those existing. The properties are set back behind a generous sized front garden and many of the trees along the southern boundary on Samuel Street are being retained, to provide screening and softening to the development from the properties opposite.

Turning to privacy, there are no impacts with regards to privacy in relation to the western boundary of the site, as this is shared with the existing public open space at the Lloyd Street Recreation Ground.

The application site shares a boundary on the northern side with the existing apartments at 22-44 Bardsley Street. As highlighted above, the new dwellings are only single storey in height compared to the two storeys of this apartment block. There are existing windows in the outriggers to the rear of the apartment block, however there is an existing 2.1m high close boarded fence along the site boundary, and there is a 4.6m gap between the existing windows and this boundary fence. The distance between the new dwelling and these existing windows is 6.5m at its closest, but there are no windows proposed in the side elevation of the new properties. The design of the carport roof is hipped to reduce any potential impact on the adjacent apartments.

In relation to the eastern boundary, this is shared with Grafton Street and the two storey properties on the opposite side. As shown on the proposed site layout plan, the proposed dwelling at Plot 1 would be situated approximately 23.7m from the side elevation of No. 60 Burton Street and Plot 2 would be situated approximately 26.7m from the side elevation of this property. Further south, the proposed dwelling at Plot 5 would be situated approximately 25.8m from the front elevation of No. 62 Grafton Street, Plot 6 would be situated approximately 21.7m from the front elevation of No. 60 Grafton Street and approximately 23.5m from the front elevation of No. 58 Grafton Street. All of these distances comply with the minimum space standard of a 21m separation distance as set out in the Design of Residential Development SPD (required between habitable room windows on the public or street side of dwellings).

Furthermore, as mentioned above, the proposed landscape plan also includes the planting of 6 new trees within the front gardens of the new dwellings, which would provide additional screening and softening to the development from the properties opposite.

Finally, in relation to the southern boundary, this is shared with Samuel Street and the two storey properties on the opposite side. As shown on the proposed site layout plan, the side elevation of the proposed dwelling at Plot 6 would be situated approximately 15m (at the closest point) from the front elevation of Nos. 42-46

Samuel Street. The roof of the proposed car port would come within 13.4m of the front elevation of these properties. However, there are no windows proposed in the side elevation of the new property at Plot 6 to ensure there is no loss of privacy created.

Again, all of these distances comply with the minimum space standard of a 15m separation distance as set out in the Design of Residential Development SPD (required between habitable room windows and a blank gable).

Therefore, to conclude in relation to privacy matters, compliance of the scheme with the privacy distances provided in the SPD is outlined above. There are no windows shown in the side elevations of the new properties to protect the current levels of privacy to the existing dwellings. In all instances the proposed dwellings meet and exceed the separation distances stipulated within the Residential Design SPD. As such, there is no impact to surrounding amenity as a result of the proposed development.

In terms of general noise and disturbance from the proposed development, the potential comings and goings and noise generated by the proposed residential development would not be significantly more than the existing use of the site and therefore, this is not considered to be a detriment over the existing situation.

In view of the above, it is considered that the proposed development could be successfully accommodated on the site without causing undue harm to the residential amenity of surrounding properties by reason of overshadowing, overdominance, visual intrusion, loss of outlook, overlooking or loss of privacy. As such, the proposal is considered to comply with Core Strategy DPD policies H-1 and SIE-1 and the Design of Residential Development SPD.

Highways, Accessibility, Parking and Servicing

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

The site is within an existing residential area and is within reasonable walking distance of a bus route, a primary school, a large food store and various shops and services. There are also a number of cycle routes / cycle friendly streets in the area. The proposal should not result in a material increase in vehicle movements or change in character of traffic on the local highway network in the vicinity of the site.

The terrace of 6 houses would benefit from an adequate level of off street parking including 2 spaces per dwelling, accessed onto Grafton Street. It is accepted that it is possible that the effective loss of informal parking on the application site and on street parking resulting from the new drives on Grafton Street may result in vehicles parking elsewhere locally. However, in terms of car parking provision and highways matters, paragraph 115 of the NPPF advises that 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. This is a high policy test, and it is not considered that the development would be associated with severe adverse highway impacts from this minor parking displacement to justify refusing planning permission.

Each dwelling also requires electric vehicle charging facilities and secure covered cycle or mobility scooter storage / parking, details of which may be secured by condition.

Overall, for the reasons outlined above the Council's Senior Highway Engineer remains satisfied with the means of access, off-street parking, and servicing arrangements subject to conditional control requiring the submission of a construction management plan, cycle/mobility scooter storage, electric vehicle charging provision, full details of driveway/parking visibility and surfacing, the reconstruction of footways, the submission of a plan to provide uncontrolled pedestrian crossings in the area and the removal of PD rights relating to gates across the driveway in accordance with the provisions of policies MW1.5, SIE-1, SD-6, CS9, CS10, T-1, T-2, T-3 and, the Sustainable Transport SPD.

Loss of Trees and Landscaping

Due to the nature of the existing site, mainly comprising the existing tarmacked surface, the level of trees and planting is low. However, the presence of the large mature London Plane tree in the middle of the site is acknowledged, along with the numerous objections that have been received from members of the public in relation to its proposed removal.

As outlined in the objections received against the application above, a request to place a Tree Preservation Order on the London Plane Tree was submitted with the Council in March 2024. However, the request to place a Tree Preservation Order (TPO) on the London Plane tree at the site was not progressed for a number of reasons. In this instance, as the land is Council owned and subject to a live planning application, the tree would not have been suitable for a TPO. A phone call was made to the enquirer to advise this and to recommend to the resident that the most effective action in this instance was to object to the planning application.

The TPO process is not meant to prevent planning applications from being granted consent, as the presence of a tree preservation order does not result in automatic refusal of a planning application. However, the local planning authority will consider any risk to protected trees when deciding planning applications.

Therefore, a TPO is not a suitable process in this case, as the protection of the tree or the removal subject to replacements could be dealt with adequately through the planning application process.

The application is accompanied by an Arboricultural Impact Assessment (AIA) completed by Urban Green, which has been assessed by the Council Arboricultural

Officer. The comments received to the application are contained within the Consultee Responses section above.

The AIA outlines that the proposed development would necessitate the removal of five individual trees and one tree from within a group within the site boundary. It is noted that the majority of the trees are of low value, however, one tree was assessed as BS 5837: 2012 'High Quality' Retention Category 'A' and the tree from within a group was assessed as BS 5837: 2012 'Moderate Quality' Retention Category 'B'. The report acknowledges that the removal of T1 (London Plane) would have a large-scale, long-term, albeit localised impact on the visual amenity of the immediate site vicinity. The removal of the remaining trees and tree groups would have a moderate, long-term, though localised impact on the character and appearance of the area. Notwithstanding this, it is recommended that this tree loss can be mitigated for by replacement tree planting and the production of a robust soft landscaping scheme.

Finally, the report outlines that the remaining trees that are located outside the site edge red but near the boundary would be retained and protected throughout the construction period, and then supplemented by a replacement tree planting scheme. All tree works would be carried out by a competent arborist in accordance with BS 3998:2010, Tree Work Recommendations. To conclude, Urban Green have set out a number of mitigation measures to account for the proposed loss. This includes sufficient tree planting and the production of a robust soft landscaping scheme, and a detailed Arboricultural Method Statement to ensure suitable protection is put in place to protect retained trees and their root protection areas where applicable.

In terms of the loss of the existing trees, the fact that the trees are offered no conservation protection or further protection through a TPO status and as such could be removed without any formal planning approval, must be given weight in the decision making process.

The loss of the mature T1 London Plane tree is fully acknowledged and the applicant has advised that significant efforts have been made to provide a development that included the retention of this tree. However, due to the position of the tree centrally on the site and not on the site boundary, and due to the likely size and spread of the root system for this tree, it has not possible to deliver a viable scheme that includes its retention. Also, other alternative site layout options were explored through the pre-application process, to try and retain the tree. However, this would have resulted in vehicular access points or driveways being located from Samuel Street. As this would involve the loss of the existing parking bay on this street that is used by the existing residents of this street, the Council's Highway officers objected to these layouts.

A fully detailed landscaping scheme has been submitted for consideration, which includes the planting of 6 new heavy standard trees within the front gardens of the new properties, with a further 7 new heavy standard trees within the rear gardens. To compliment this, new mixed native hedgerow is proposed again in the front and rear gardens, with the 4 central properties having beds of shrubs and herbaceous plants within the front garden. The rest of the garden spaces will be turned over to grass and patio areas. This is a significant increase and improvement over the existing planting at the site and is considered to compensate for the loss of the existing trees at the site. The Arboricultural Officer notes the submitted reports and landscape proposals and subject to the inclusion of appropriately worded conditions, now raises no concerns about the development.

In view of the above, in the absence of objections from the Arboricultural Officer and subject to conditional control, the proposal is considered acceptable with regard to its impact on trees and to the provision of good quality landscaping across the site, in accordance with Core Strategy DPD policies SIE-1 and SIE-3.

Ecology and Biodiversity

Policy CS8 states that development will be expected to make a positive contribution to the protection and enhancement of the borough's natural environment, biodiversity, and geodiversity. Sites, areas, networks, and individual features of identified ecological, biological, geological, or other environmental benefit or value will be safeguarded. Development that is designed and landscaped to a high standard and which makes a positive contribution to a sustainable, attractive, safe, and accessible built and natural environment will be given positive consideration. Policy SIE-3 confirms that, inter alia, development proposals affecting trees, woodland and other vegetation which make a positive contribution to amenity should make provision for the retention of the vegetation unless there is justification for felling, topping, or lopping to enable the development to take place.

It is noted that the site has no nature conservation designations, legal or otherwise, as listed in Stockport's Local Plan (e.g. Site of Biological Importance, Local Nature Reserve, Green Chain etc). It has however been identified as an opportunity area within the Local Nature Recovery Strategy (LNRS) pilot study for Greater Manchester and there is an area of Green Chain 90m north east of the site boundary along the railway line. 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 Preliminary Ecological Appraisal (PEA). Habitats on site were mapped and the potential for protected species to be present and impacted by the proposals assessed. The trees on site were subject to a ground based assessment to search for evidence of roosting bats and identify any potential bat roosting features. The large maple (T1) was initially assessed as offering moderate bat roosting potential on a precautionary basis, as a detailed inspection was not possible due to dense foliage. The tree was then subject to an aerial inspection by a licensed bat ecologist in late August 2023. Peeling bark and a tear-out wound were recorded, but these features were assessed as too shallow and/or exposed to offer suitable bat roosting potential. Therefore, the tree was subsequently down-graded as having negligible roosting potential.

The trees on site offer suitable nesting habitat for nesting birds. All breeding birds and their nests are legally protected by the Wildlife and Countryside Act 1981 (as amended). Habitats on site are of limited value for species such as badger and hedgehog, but records for these species exist in the local area and so these species may pass through the site. Precautionary working measures are advised to minimise potential impacts. Badgers and their setts are legally protected by the Protection of Badgers Act 1992. Hedgehog are a species of Principal Importance listed on Section 41 of the NERC Act 2006. No evidence of, or significant potential for any other protected species were identified during the ecology surveys.

Therefore, on this basis, there is considered to be sufficient ecological information available to inform determination of this application.

The Council's Nature Development Officer has raised no objection, noting the proposed mitigation for the tree loss and the wider landscape proposals including

native species. The biodiversity enhancement measures shown on the submitted landscape plan are welcomed, including native tree planting, mixed species native hedgerows, 4 bat boxes and 3 bird boxes, and gaps in the close boarded fencing to maintain habitat connectivity. Therefore, subject to conditions on compliance with the ecology report, tree protection, lighting, ecological shelf life, and nesting birds, there are no objections.

In view of the above, in the absence of objections from the Council Nature Development Officer and subject to the imposition of suitably worded planning conditions, the proposal is considered acceptable with regard to its impact on protected species, biodiversity and the ecological interest of the site, in accordance with Core Strategy DPD policy SIE-3.

Land Contamination

The Council's Environmental Health Officer has reviewed the Phase 1 Report submitted to accompany the application. It is considered that there are no objections to the principle of a residential development at this site. However, whilst there appears to be a low risk of potential contamination, given the sensitive residential receptor end use, a Phase 2 should be undertaken. As such, the Environmental Health officer raises no objection subject to conditional control.

Subject to compliance with such conditions, it is considered that the proposed development would not be at risk from land contamination or landfill gas migration, in accordance with Core Strategy DPD policies CS8 and SIE-3.

Flood Risk and Sustainable Drainage

Saved Policy EP1.7, Development and Flood Risk, controls development to require that any proposal is not at risk of flooding, does not increase the risk of flooding elsewhere, does not hinder access to watercourses, does not result in the loss of the flood plain or result in extensive culverting, affect existing flood defences, or significantly increase surface water runoff. This accords with Paragraphs 163 - 167 of the NPPF, which relates to ensuring any planning application ensure vulnerable uses are located within the lowest areas of risk, and that proposals are flood resilient.

Policy SD-6 requires a 50% reduction in existing surface water runoff and incorporation of Sustainable Drainage Systems (SuDS) to manage the run-off water from the site through the incorporation of permeable surfaces and SuDS. A preliminary drainage strategy plan has been submitted to accompany the application which has been assessed by the Lead Local Flood Authority.

In relation to the proposed surface water drainage strategy for the site, there have been detailed negotiations between the Drainage Engineer/Lead Local Flood Authority and the applicant's drainage consultant. As can be seen from the LLFA consultation responses outlined above, the LLFA recommends that the application is acceptable in principle subject to a detailed design. Therefore, on this basis, it is considered that the appropriate drainage of the development could be secured by conditional control. This would require the submission, approval and implementation of an appropriate surface water drainage system; and management and maintenance of such a drainage system at all times thereafter.

Subject to compliance with such conditions, it is considered that the proposed development could be drained in a sustainable and appropriate manner without the

risk of flooding elsewhere, in accordance with saved UDP policy EP1.7 and Core Strategy DPD policies SD-6 and SIE-3.

Crime and Security Matters

The application is supported by a Crime Impact Statement (CIS) prepared by Greater Manchester Police Design for Security. The CIS recognises a series of positive benefits associated with the scheme at section 3.2. The report also advises on a number of recommendations to enhance security relating to the robustness of boundary treatment, the gating of the alleyway, doors & access controls, windows, glazing, lighting, CCTV and landscaping. These measures have all been incorporated into the scheme where feasible.

No comments have been made by GMP in relation to the proposed development blocking views of the park and thus, increasing the safety and security of those using the park. There remains surveillance over the park from the road and properties lining Samuel Street, Lloyd Street and Bardsley Street, and there are windows from the apartments on Bardsley Street which also directly overlook the park. Therefore, it is not considered that the proposed development would significant decrease the natural surveillance over the public open space over the existing situation that would put users at risk.

On the basis that the recommendations of the CIS are complied with the application will therefore be considered consistent with requirements of the NPPF relating to safety and reduction of crime.

Energy/ Climate Change

As the proposed development is for less than 10 residential units, it does not trigger the Council's carbon reduction targets, as defined by Core Strategy DPD policy SD-3. Notwithstanding this, an Energy Statement has been submitted in support of the application and has been assessed by the Council's Planning Policy officer in relation to energy and sustainability.

Policy CS1 seeks to ensure that all development meets an appropriate recognised sustainable design and construction method where viable to do so in order to address both the causes and consequences of climate change. Policy SD3 requires development to demonstrate how it will assist in reducing carbon emissions through its construction and occupation through the submission and approval of an energy statement. Members may, however, be aware that new Building Regulations came into force on 15th June 2022 which include changes to 'Part L' of the Regulations focussing on greater fabric performance, lower energy demand, and a move away from fossil fuels (gas and oil boilers) to electric heating systems. The changes should cut carbon dioxide (CO₂) emissions from new homes by around 31%. The carbon reductions required through the new Building Regulation standards, that the development would need to comply with if constructed, are now higher than those required by the current Core Strategy Policy SD-3.

Whilst this makes the need to submit an energy statement in this instance redundant, as outlined above the applicant has indicated that the development includes a scheme that supports climate change through the adoption of sustainable design measures and an Energy Statement has been submitted as part of the application. The information contained within the Statement sets out the design approach with regards to energy, carbon dioxide emissions, and sustainability in order to ensure the development complies with Local and National planning policies.

The Energy Statement outlines that the proposed energy strategy for the proposed development is as follows:

- Thermal specification meeting and exceeding Part L 2021 notional U-values
- A design which limits air permeability, targeting 4.0 at 50Pa
- A design which limits thermal bridging
- Energy saving building services including waste-water heat recovery, low energy lighting and heating controls
- Low carbon Air Source Heat Pumps

This results in an average 52.38% reduction in CO2 over Part L 2021. Although the report outlines that solar PV technology is suitable and recommended for this development, it confirms that, ASHPs are to be included instead as they provide a greater emissions reduction. However, the Council's Planning Policy officer in relation to energy and sustainability has requested that this be explored further with the applicant, as it is significantly easier to install at the time of building rather than retrofitting later.

On this basis, an appropriately worded condition would be included in any approval decision that requires the submission of further details in relation to the above renewable technologies and how the development will meet both the Building Regulations and policy standards.

Open Space and Commuted Sum Payments

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

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

DM Policy SIE-2 and the Open Space Provision and Community Payments SPD requires the development to provide an off-site contribution towards the enhancement of open space to meet the needs of future residents. The proposal is for 6 bungalows, where each of the units have 1 bedroom. Collectively this represents a population capacity of 12 persons, and using the Council's spreadsheet calculator this requires an off-site contribution of £17,952.00, comprising of £7,140.00 for children's play and £10,812.00 for formal recreation. In respect of the £7,140.00 for children's play, the development borders the Lloyd Street Recreation Ground and so is within the catchment area for the Neighbourhood Equipped Area for Play (NEAP) within this site. The recommendation would be to allocate the monies towards the Lloyd Street Recreation Ground NEAP, although the final decision rests with the Cabinet Member.

For formal sport, the £10,812.00 will be allocated to the Formal Sport Priority List

The commuted sum payment would be secured through a planning obligation under Section 106/111 of the Town & Country Planning Act 1990 (as amended) and in compliance with Regulation 122 of the CIL Regulations.

Other Matters

A number of objections received from local residents relates to the presence of a restrictive covenant being in place on the land, which states that the application site was included in a piece of land gifted the local community by Lord Edgerton. However, the presence of legal covenants does not stop planning permission from being granted.

Restrictive covenants are not a consideration material to the granting of planning permission. Planning authorities are not permitted to take covenants into account or seek to analyse covenant's true meaning and legal effect. However, if there are no other grounds for refusing the application, then it should be granted. Any planning permission granted does not override the civil laws around covenants and the potential breach of a covenant is the applicant's own risk.

As outlined in the report above, the proposed development is considered to be acceptable and compliant with local and national planning policies. Therefore, in this case, the presence of a covenant alone does not warrant the refusal of this planning application.

CONCLUSION

At the heart of the NPPF is a presumption in favour of sustainable development. Paragraph 8 of the NPPF establishes three dimensions to sustainable development – economic, social and environmental and Paragraph 8 of the NPPF indicates that these should be sought jointly and simultaneously through the planning system.

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

Economic benefits consist of supporting the efficient use of an accessible site and contributing to the local economy. Social benefits are associated with the contribution to boosting the supply of housing when Stockport currently remains in a position of continued and significant under supply. Environmental benefits include enhancing the environment using an underused site in a sustainable and accessible location and involving the installation of energy efficient heating systems and appliances which would minimise carbon emissions. Decisions should play an active role in guiding development towards sustainable solutions, but in doing so should consider local circumstances, to reflect the character, needs and opportunities of each area.

The proposed redevelopment of this site will result in the loss of an area of land allocated as Local Open Space (LOS). The applicant has sought to justify the loss of

the LOS through the limited value of the existing LOS and the adequate provision of public open space within the area, along with a contribution to the enhancement of children's play and formal recreation within the Heaton and Reddish area through a monetary contribution. The proposal is therefore considered to be compliant to policies UOS1.3 and L1.1 of the UDP Review, Policy CS8 of the Core Strategy and paragraphs 103 and 124 of the NPPF.

The location of the site is within a Predominantly Residential Area and as referred to at the start of this analysis, the fact that the Council cannot demonstrate a 5 year supply of housing means that elements of Core Strategy policies CS4 and H2 are considered to be out of date. As such the tilted balance in favour of the residential redevelopment of the site as set out in para 11 of the NPPF is engaged. The application site predominantly comprises a tarmacked area of land alongside a recreation ground that currently fulfils no formal recreational purpose. The redevelopment of the site for residential purposes is therefore, also in accordance with para 124 of the NPPF, which states that planning decisions should promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained, and available sites could be used more effectively.

It is considered that the siting, scale and design of the proposed development could be successfully accommodated on the site without causing undue harm to the visual amenity of the area or the residential amenity of surrounding properties. In the absence of objections from relevant consultees and subject to conditional control, the proposal is considered acceptable with regard to the issues of traffic generation, parking and highway safety; impact on trees; impact on protected species and ecology; flood risk and drainage; land contamination; and energy efficiency.

In view of the above, notwithstanding the site allocation of the application site as Local Open Space and the fact that approval of the development would constitute a departure from the development plan, the proposal is considered to represent sustainable development. On this basis, notwithstanding the objection raised to the proposal, in accordance with the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the application is recommended for approval.

RECOMMENDATION

Grant subject to Conditions and Legal Agreement

HEATONS AND REDDISH AREA COMMITTEE SUMMARY 28.10.24

The Planning Officer introduced the application and highlighted the pertinent issues of the proposal.

The following questions / points of clarification were asked of the planning officer at this stage:

- Is the distance of the development from the existing play area on the adjacent park compliant with Stockport guidance or policies?

The planning officer confirms that within the UDP or the Core Strategy, the LPA does not have any policies that stipulate the separation standards between a residential property and a neighbouring open space.

A member of the public was present to speak against the planning application and made the following points:

- Speaking on behalf of The Friends of Grafton Street Open Space.
- Facebook group now has 242 members, a Committee and a Constitution.
- All opposed in one way or another.
- Restrictive covenant was placed on the land when it was given to Stockport in 1948 – says not to use any part of the land for any purpose other than as an open space and recreation ground for the use and enjoyment of children.
- If application is withdrawn, the group will seek funds for planter boxes around the outside and will have somewhere to sit rather than parking cars.
- Planning officer report is difficult to understand
- Petition presented to H&R Area Committee in April has not been responded to.
- Request for Greenspaces officer to provide a response publicly on the 30m buffer rule.
- How does open space that has never been built on be designated as Brownfield land?
- Development considered to be inefficient use of space – smallest dwellings, built at the lowest density with the highest number of parking spaces. Gardens are more suitable to Heaton Moor or Heaton Mersey than Heaton Norris.
- Pre-app advice was based on 7 units which gave back an opportunity for public space.

Members asked the following question of the objector:

- If planning permission was not granted, would the organisation have the commitment and the ability to take on the site which at the moment is ugly tarmac and make of it something that is more recreational and community friendly?

The response was that there is a number of people and machinery in place and that the Group is in the process of getting a bank account, so they are committed to this project. In terms of maintenance, it needs regular litter picking which is not beyond the community to do. The trees need maintenance, which needs the Council to make a commitment to do. As a space, the community is committed to look after it as it is low maintenance due to it being tarmac.

- There was a lot of objection to the existing block of flats on Bardsley Street and it was asked if this, now built, still holds the same negative opinion?

The objector wasn't living locally at the time and so was unable to comment. Listed the objections that were relevant to that proposal and mentioned the restrictive covenant again, which it was acknowledged is not a material planning consideration.

Comments were made by Members about the existing park and play areas and that these are being retained and protected.

The planning agent for the application then spoke in support of the application and made the following points:

- Small site is important to deliver the Government's targets for boosting the supply of housing.

- Contributing to a good mix of housing types in the local area.
- 100% affordable and accessible homes for living well and supporting independent living.
- Stockport Homes will own and manage the properties, renting them at a social rent to over 55's.
- Site layout allows for significant tree planting to compliment and enhance the area.
- Sufficient parking on site to ensure there is no overspill and the materials are complimentary to the surroundings and recent developments.
- Protects the amenities of the surrounding residential properties.
- Properties will have a good efficiency to keep the occupants bills down and to ensure they have a low carbon footprint.
- Unable to retain the mature tree as it sits centrally within the site. However, this has been mitigated by the planting of 13 new trees.
- Defensive planting in a hedge has been included along the park edge in response to residents' concerns.

Members asked planning officers at this stage if there had been any requests for TPO's at the site submitted since the officers report was published. It was confirmed that there hadn't been.

Members asked the following question of the planning agent:

- Can it be confirmed that if the mature tree is retained, then the site cannot be developed?

The agent responded to confirm that a number of site layout options had been submitted at the pre-application stage, some of which included the retention of the tree. However, these were discounted due to highway reasons, in that it was not possible to have new driveways or access points onto Samuel Street due to the existing layby parking in this area. On this basis, all access had to be from Grafton Street which prevented the retention of the tree.

A further question was asked of the planning officer at this stage that if the tree was protected by a TPO, then it cannot be felled? It was confirmed that this is not necessarily the case. If it is deemed acceptable to fell by the Council's Arboricultural officer subject to mitigation planting, then it is possible to approve the removal of a tree covered by a TPO. However, it does make it more difficult.

- What work has been done in terms of assessing the need for this accommodation within Stockport?

The agent wasn't able to give any figures, but it was the result in a demand for older persons fully accessible accommodation.

- Is there mobility scooter charging points at the properties as well as electric car charging facilities?

It was confirmed that there would be.

- In response to the objector, when does open space become brownfield land?

The application is accompanied by an Open Space Assessment which provides a view of the open space and its quality. In terms of the brownfield status, it has been previously developed and is currently covered in tarmac.

In terms of debate, the following matters were raised by Members:

- Very difficult decision for the Ward Councillor's on this application as fully aware of the need for more residential accommodation, know about the ever lengthening waiting list for housing and people becoming homeless in recent weeks.
- Building of accessible bungalows would then free up other houses that could be used by families.
- This part means that the building of the bungalows would be welcomed.
- However, but cannot support the application due to the loss of open space in this area and the change to the development plan.
- People do need houses but they also need open space and green space.
- This is a very built up area and people have come to accept the Bardsley Street development, but this would be a further erosion of open space.
- Acknowledge that it is an area of tarmac and not very good quality at the moment, but it could be when times are better – when its gone its gone.
- Should be retained, improved and kept for children as originally covenanted.
- In the middle of a climate emergency and so we should not be chopping down mature trees which provide biodiversity.
- These are the right homes and the homes that are needed but in the wrong place.
- Should give due weight to local residents.
- Do not have to consider the cost implications from an appeal if refused, as the application is submitted by Stockport Homes/the Council.
- Proposal includes accommodation that is affordable, for residents who need it and is clearly fulfilling a need and this should be taken into account.
- Recommendation from officers is that the proposals are compliant with Stockport Policy.
- Stockport Homes have tried to address the concerns of the community in their proposals.
- Struggle with the designation of tarmac as open space – not the loss of greenspace, the park remains, the recreational area remains and these are vital.
- Can't get distracted from the legal obligation to make the decision based on policy.
- Can't consider what else the land could be used for – have to make a decision on the scheme in front of Members.
- The area which adds most value to the local community (ie the play area and the recreation ground) is being retained and protected. This is an opportunity for local residents to enhance that by opening up dialogue with Stockport Homes.
- Application is technically competent, fulfilling a clear need and sympathetic / in character with the local area – as the objector stated, it could have been further developed to a higher density.
- Not very often that applications for social housing are presented to Committee including a monetary contribution to improve the existing play areas and recreational ground. Need to make the most of this opportunity.

Following the debate and following a vote (8 in favour and 3 against), there was a decision to recommend Grant to the Planning & Highways Regulation Committee.

PLANNING AND HIGHWAYS REGULATION COMMITTEE SUMMARY 14.11.24

The Chair of Committee confirmed that the application had been deferred from this Committee meeting. This was to allow further assessment of the application.

No debate or discussion therefore, took place in relation to this application.

HEATONS AND REDDISH AREA COMMITTEE SUMMARY 02.12.24

The Planning Officer introduced the application and highlighted the pertinent issues of the proposal. The officer provided a detailed update on further objections that had been received since the writing of the officers report and provided a response to each point. (These can be seen at the beginning of this report)

The following questions / points of clarification were asked of the planning officer at this stage:

- Could it be expanded on as to why the loss of open space in this case was deemed to be acceptable?

The planning officer advised that there are development plan policies in relation to the loss of local open space, and criteria within those policies that have to be met. The applicant submitted a detailed Loss of Open Space statement, which looks at the quality of the site, and the existing levels of open space and the quality of those. The conclusions are that the land is surplus and there is adequate provision in the area, and due to the use and quality of the space, it is deemed to be acceptable in this case for a residential development in a predominantly residential area.

- Clarification was sought over the restrictive covenant and the possibility that if the legal restrictions are not resolved, that the development might not go ahead even if planning permission is approved?

The planning officer confirmed that this was the case. Planning permission does not override civil law and as such if legal matters were not resolved then the development may not proceed.

- Reference was made to the Bardsley Street development and the payment to Barnardo's for a change to the restrictive covenant for that development to go ahead and how did this compare to this site?

The planning officer advised that the amendments to the restrictive covenant for the Bardsley Street development was dealt with completely separately to the planning permission in that case, and the covenant was not a determining factor in that application. Planning permission was granted and then the legal changes to the covenant were completed to allow the development to take place. It was clarified that this would be the same process in the case of this current application.

A member of the public was present to speak against the planning application and made the following points:

- Speaking on behalf of The Friends of Grafton Street Open Space.
- Request Members to consider residents case under Article 6 of the Human Rights Act 1998.

- Based on their status in the Multiple Indices of Deprivation they qualify for caseworker assistance free of charge from Planning Aid England.
- Residents requested a deferment to give them time to be matched with a volunteer, this has been refused.
- Request under article 6 that Committee visit the site and better understand its unique constraints as a bare minimum.
- Uncertainty over brownfield was enough to stop this going to Planning & Highways
- Latest planning report tells us to ignore it and that its not that important
- Without brownfield first, the argument to dispose of the open space is weakened, there is no passing the housing delivery test, NPPF paragraph 124 which gives substantial weight to brownfield sites is no longer relevant.
- If there was no question over open space, this site would have 24 apartments on it in the blink of an eye.
- Open Space assessment states that Heatons and Reddish has the least provision for children and young people.
- Open space petition highlights a damaging shift of policy.
- The 30m buffer and the overlooking risk cannot be understood without a site visit and cannot be quantified without drawings.
- No precedents in other parks.
- Harm significantly and demonstrably outweighs the benefits
- Mentions the reduction in units from the SHLAA to the pre-app to the application.

Members had no questions for the objector.

The planning agent for the application then spoke in support of the application and made the following points:

- Highlighted that she was asked at the last meeting about the status of the land and that it was confirmed that it was brownfield.
- Looked carefully at the definition and the semi public nature of the site means that it cannot be definitively determined to be brownfield
- Therefore, the stance has been changed.
- However, the site has been considered as Local Open Space in the assessment and officers report, so the development meets the policy requirements.
- Therefore, the overall conclusion remains the same.

Members asked the following question of the planning agent:

- Did the status of the land come as a surprise in relation to brownfield land?

The agent confirmed that it was, and that it came to the land being semi public in its nature and not fully enclosed, as it was understood that it did form part of the curtilage of the former buildings.

- Does the site not being brownfield make the legal agreements more complicated?

It was advised that this was not believed to be the case, as the restrictive covenant is a legal matter.

In terms of debate, the following matters were raised by Members:

- Welcomed the clarifications over the brownfield status and the restrictive covenant.
- Important to note that to residents, Lord Edgerton left this space for the children of Heaton Norris and it has been used since then for sport and recreation.
- Local people assumed that this land would always be available for local children.
- Most residents (not all) object to this development, have researched things very carefully and have presented their case in a respectful way.
- Their views should be given full weight.
- Area of terraced housing with no gardens
- Apart from the local park, there are no other local and easily accessible spaces
- Area has a dearth of tree cover and application includes the loss of trees.
- Know its just a piece of tarmac at the moment, but need to think about what it come become – great deal of potential.
- Fully understand the need for housing and haven't voted against a development that has come before this Committee.
- Role of Councillors is to not always do what residents want nor to always agree with officer recommendations.
- Role is to weigh up the situation carefully and come to a balanced decision.
- Remain of the decision that the need for housing, especially specialist housing, does not justify the loss of open space in this case.
- Absolutely note the views of residents, it is always difficult to lose things that you are used to, that you expect and rely upon.
- But if the housing is granted, it will be that somebody people used to see out and about will move into it.
- This housing will go to making a meaningful difference in the lives of Stockport residents.
- It is desperately needed.
- Hope that the commuted sums for open space that are committed will be used to improve the existing Grafton Street park and is put to good use.
- Nothing outweighs the life changing difference this will make to 6 Stockport residents to be able to live in a house that doesn't cause them to be in pain.
- Have to support the application as it represents a chance to meaningfully improve lives.
- Reality to the desperate need for social housing due to massive shortage.
- However, in terms of huge impact, it might make an impact for 6 people, but what about the impacts to the 1200 people living in this area.
- This is local open space and shouldn't be built on.
- Not classed as previously developed land anymore.
- Restrictive covenant states it should be for the benefit of local children.
- Environmental impacts from the loss of trees and habitats in the middle of a climate emergency.
- Young trees that are going to be planted do not do the same job in terms of dirty air that mature trees do.
- Area should have been improved a long time ago for the people of Heaton Norris.
- This area feel they are forgotten about by the Council.
- Tree preservation order requested by the public was ignored
- Petition with 331 signatures saying this should not go ahead.

- Buffer zone is reducing down to 3m and there is a risk of overlooking.
- Despite all of these things, we (Stockport Homes not a developer) want to carry out this development which will have a long term detrimental impact on lots of people.

Following the debate and following a vote (8 in favour and 3 against), there was a decision to recommend Grant to the Planning & Highways Regulation Committee.