

# **Cheadle Area Committee**

**11<sup>th</sup> March 2025**

## **DEVELOPMENT APPLICATIONS**

### **Report of the Deputy Chief Executive**

**ITEM 1**

DC/087045

**SITE ADDRESS**

Buckley House  
2B Carrs Road  
Cheadle  
Stockport  
SK8 2LA

**PROPOSAL**

Construction of 6 Apartments and associated external works and landscaping.

### **INFORMATION**

This application needs to be considered against the provisions of the Human Rights Act 1998. Under Article 6, the applicants [and those third parties, including local residents, who have made representations] have the right to a fair hearing and to this end the Committee must give full consideration to their comments.

Article 8 and Protocol 1 Article 1 confer(s) a right of respect for a person's home, other land and business assets. In taking account of all material considerations, including Council policy as set out in the Unitary Development Plan, the Head of Development and Control has concluded that some rights conferred by these Articles on the applicant(s)/objectors/residents and other occupiers and owners of nearby land that might be affected may be interfered with but that that interference is in accordance with the law and justified by being in the public interest and on the basis of the planning merits of the development proposal. He believes that any restriction on these rights posed by approval of the application is proportionate to the wider benefits of approval and that such a decision falls within the margin of discretion afforded to the Council under the Town and Country Planning Acts.

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## **ITEM 1**

<b>Application Reference</b>	<b>DC/087045</b>
<b>Location:</b>	Buckley House 2B Carrs Road Cheadle Stockport SK8 2LA
<b>PROPOSAL:</b>	Construction of 6 Apartments and associated external works and landscaping.
<b>Type Of Application:</b>	Full Planning Application
<b>Registration Date:</b>	21 <sup>st</sup> February 2023
<b>Expiry Date:</b>	Extension of Time agreed to 2 <sup>nd</sup> February 2024
<b>Case Officer:</b>	Rebecca Whitney
<b>Applicant:</b>	August Blake Developments Limited
<b>Agent:</b>	Mansion House Project Management Ltd

### **COMMITTEE STATUS**

This application has received more than 4 objections and has also been called up to Cheadle Area Committee by Cllr Meller.

### **DESCRIPTION OF DEVELOPMENT**

The application seeks planning permission for the erection of a 6 apartments.

The proposed building would be laid out with two apartments to each floor, separated by the staircase and circulation space. The building would be 2.5 storeys in height, with accommodation in the roofspace. The form of the building would have recesses and projections to the elevations, and the roof would have a step down of approximately 0.4m for the most part of its width. Two projecting gables are proposed to the front elevation, with two dormers and a recessed entryway. To the southern elevation, two Juliet balconies are proposed to the first and second floors.

Landscaping proposals include shared lawns, tree planting, shrub planting to the western boundary, and 14 pleached trees to the eastern boundary. 6 car parking spaces are proposed, with one of these being accessible, as well as storage for bins and cycles.

### **SITE AND SURROUNDINGS**

The application site is located within a Predominantly Residential Area and is currently in use as a car park. The site is located within Flood Zone 3 (highest risk), and there are protected trees within the site and at its boundaries.

The site is bound to the east, west and south by residential development, and to the north there is car parking associated with the former office buildings which are now in residential use (Buckley House (previously Anglia House), and Abney House (previously Lombard house)).

### **POLICY BACKGROUND**

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

The Statutory Development Plan for Stockport comprises :-

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

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

EP1.7 - Development and Flood Risk

EP1.9 – Safeguarding of Aerodromes and Air Navigation Facilities

EP1.10 – Aircraft Noise

L1.2 - Children’s Play

MW1.5 – Control of waste from development

### **LDF Core Strategy/Development Management policies**

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

SD-1: Creating Sustainable Communities

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

SD-6: Adapting to the Impacts of Climate Change

CS2: HOUSING PROVISION

CS3: MIX OF HOUSING

CS4: DISTRIBUTION OF HOUSING

H-1: Design of Residential Development

H-2: Housing Phasing

CS8: SAFEGUARDING AND IMPROVING THE ENVIRONMENT

SIE-1: Quality Places

SIE-2 Provision of Recreation and Amenity Open Space in New Developments

SIE-3: Protecting, Safeguarding and Enhancing the Environment

SIE-5: Aviation Facilities, Telecommunications and other Broadcast Infrastructure

CS9: TRANSPORT AND DEVELOPMENT

CS10: AN EFFECTIVE AND SUSTAINABLE TRANSPORT NETWORK

T-1: Transport and Development

T-2: Parking in Developments

T-3: Safety and Capacity on the Highway Network

### **Supplementary Planning Guidance and Documents**

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

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

### **National Planning Policy Framework (NPPF)**

A Revised National Planning Policy Framework (NPPF) issued by the Ministry of Housing, Communities and Local Government in December 2024 replaced the previous NPPF (originally issued 2012 & revised in 2018, 2019, 2021 and 2023). The NPPF has not altered the fundamental legal requirement under Section 38(6) of the Planning and Compulsory Purchase Act 2004 that decisions must be made in accordance with the Development Plan unless material considerations (such as the NPPF) indicate otherwise.

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

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

### **National Planning Practice Guidance (NPPG)**

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.

### **RELEVANT PLANNING HISTORY**

It is noted that there is planning history associated with the neighbouring former office buildings at Anglia House (now Buckley House) and Lombard house (now Abney House). Anglia House is north of the application site and the relevant planning history for that site is as follows:

DC/078416 – External alterations to the existing building to include new and altered windows and doors, and new external finishing materials, in connection with the residential use of the building as approved under application reference DC/076818. Granted 11<sup>th</sup> March 2021.

DC/076818 - Proposed Change of Use of a Building from Office Use (Class B1(a)) to Dwellinghouses (Class C3) to Provide 24no. Apartments. Granted

### **NEIGHBOUR'S VIEWS**

116 neighbouring properties were consulted by letter, and a site notice was displayed. In response, objections from 11 parties have been received.

In response to the initial consultation, 7 objections were received on grounds which can be summarised as follows:

- a. Need for the proposed development
- b. Visual impacts as a result of the height of the building
- c. Scale and siting is inappropriate and unsympathetic to the mix of traditional semi-detached houses and bungalows with large gardens.
- d. Materials and design out of keeping with the local area
- e. Drainage and flooding impacts, with comments made regarding the culvert and water table
- f. Loss of privacy
- g. Loss of light
- h. Light pollution
- i. Proximity to neighbouring properties
- j. Noise and disturbance (including odour and pollution)
- k. Overbearing impacts
- l. Traffic issues
- m. Inadequate parking
- n. Additional cars, and disturbance due to vehicle noise
- o. Biodiversity impacts
- p. Impacts on the health and wellbeing of residents
- q. Antisocial behaviour
- r. Property values/ability to sell

Following amendments to the proposal, a further consultation was issued and 9 objections were received. In addition to the ground for objection listed above, additional grounds raised can be summarised as follows:

- a. Comments regarding the advertisement of planning applications
- b. Queries the use of 2017 report data as noise/air pollution and crime have increased since 2020
- c. Amendments do not mitigate previous objections
- d. Concerns regarding vehicular and pedestrian access to the site
- e. Proximity to homes on Bangor Road
- f. Lack of community inclusion for future residents
- g. Flood resilience measures acknowledge issues
- h. Off site parking in periods of heavy rain due to proposed car park signage regarding flood risk
- i. Queries regarding the operation and maintenance of the drainage tank
- j. Decrease in the number of parking spaces
- k. Pressure on local services and infrastructure

## **CONSULTEE RESPONSES**

Consultee comments are summarised below, and detailed comments can be viewed on the Council's website using the following link:

<https://planning.stockport.gov.uk/PlanningData-live/applicationDetails.do?activeTab=documents&keyVal=RL1HEWPJKE400>

**SMBC Highways** – No objection subject to conditions requiring details of construction management, details of the construction of the access and parking, details of electric vehicle charging facilities and cycle storage.

**Lead Local Flood Authority (LLFA)** – Recommends refusal.

The LLFA does not consider that building within a Flood Zone 3 is sustainable for future generations and successive building owners as these properties will be flooded. There are few if any mitigation measures that can be applied to assist better development.

Should the Local Planning Authority consider that such development is supported by the Council and has other overriding benefits and enhancement to the community they could decide to allow development and the LLFA advise that measures are applied in full as these properties will flood at some point in time and possibly flood frequently.

**Environment Agency** – No objection, minded to accept the exception test provided that a condition is used to ensure that the mitigation measures documented in the flood risk assessment are implemented (this is described in the provided sequential and exception tests document - particularly regarding flood storage compensation).

**United Utilities** – Requests that the applicant provides a detailed drainage plan prior to the determination of the application. Should planning permission be granted, it is requested that a condition is attached to any decision notice to require submission of a surface water drainage scheme and foul water drainage scheme prior to the commencement of development. A condition is also recommended to require a drainage management and maintenance plan for the lifetime of the development.

**SMBC Environment Team (Noise)** – No objection subject to a condition to require compliance with the Noise Impact Assessment, and informatives regarding the internal layout of units, hours of demolition and construction, pile foundations and the control of dust.

**SMBC Environment Team (Land Contamination)** – No objection subject to conditions to require land contamination investigation, remediation and validation, and landfill gas remediation and measures to prevent migration.

**SMBC Planning Policy Officer (Energy)** – No objection.

**SMBC Arboricultural Officer** – No objection subject to conditions requiring the retention and protection of trees, details of new tree planting and an Arboricultural Method Statement.

**SMBC Nature Development Officer** – No objection subject to the use of informatives regarding protected species and lighting.

## **ANALYSIS**

### **Principle of Development**

Policy CS2 of the Core Strategy seeks to ensure that a wide range of homes are provided to meet the needs of existing and future Stockport households. The focus will be on providing housing through the effective and efficient use of land within accessible urban areas.

Core Strategy policy CS3 confirms that a mix of housing, in terms of tenure, price, type and size will be provided to meet the requirements of new forming

households, first time buyers, families with children, disabled people and older people.

Policy CS4 of the Core Strategy directs new residential development towards the more accessible parts of the Borough identifying 3 spatial priority areas. Policy H-2 confirms that when there is less than a 5-year deliverable supply of housing (as is currently the case) the required accessibility scores will be lowered to allow the deliverable supply to be topped up by other sites in accessible locations. This position has been regularly assessed to ensure that the score reflects the ability to 'top up' supply to a 5-year position. However, at present, the scale of shortfall is such that in order to genuinely reflect the current position in that regard the score has been reduced to zero. The residential development of this accessible site therefore accords with policy CS4.

The NPPF confirms that to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay (Paragraph 61).

Small and medium sized sites can make an important contribution to meeting the housing requirement of an area, are essential for Small and Medium Enterprise housebuilders to deliver new homes, and are often built-out relatively quickly. To promote the development of a good mix of sites local planning authorities should support the development of windfall sites through their policies and decisions – giving great weight to the benefits of using suitable sites within existing settlements for homes (Paragraph 73(d)).

Planning decisions should promote an effective use of land in meeting the need for homes and other uses while safeguarding the environment and ensuring safe and healthy living conditions (Paragraph 124). Planning decisions should give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, proposals for which should be approved unless substantial harm would be caused, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land (Paragraph 125(c)). Planning decisions should support development that makes efficient use of land taking into account the identified need for different housing types and other forms of development and the availability of land suitable for accommodating it (Paragraph 129). Where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities, and ensure that developments make optimal use of the potential of each site (Paragraph 130).

Following the publication of the updated standard method for calculating housing need published by government in December the current housing land supply position is currently established as 1.77 years. The level of supply was considered as part of the recent Gatley Golf Club appeal decision where the Inspector recognised that the level of supply is very significantly below the five-year deliverable supply position that local authorities should be able to demonstrate. As such the requirements of NPPF para 11d continue to apply to decision-making (the titled balance). This means that applications for residential development should be approved unless the application of policies relating to areas or assets of particular importance (defined in footnote 7 of the NPPF) provide a strong reason for refusing the development proposed, or if any adverse

impacts would significantly and demonstrably outweigh the benefits, when assessed against the NPPF as a whole, with particular regard to directing development to sustainable locations, making effective use of land, securing well-designed places and/or providing affordable homes.

It is noted that neighbour comments have objected on the basis of the lack of need for the proposed development. Officers note that there is demonstrable need for homes of all sizes and tenures.

Policy CS3 requires all residential development to be built to minimum densities of 30 dwellings per hectare to prevent an inefficient use of land. The application form advises that the entire site, including land for access, measures approximately 0.48ha, however the land on which the development is proposed measures approximately 0.06ha. The density of development would be approximately 100 dwellings per hectare which would demonstrate an efficient use of the land, whilst the assessment below concludes that the development would provide future residents with an environment which is capable of providing a suitable private amenity space and suitable separation from the existing neighbouring properties.

### **Flood Risk and Drainage**

The application site is located within Flood Zone 3 (highest risk), and it is noted that neighbour objections have been received in relation to this, particularly in terms of drainage and flooding risks, and regarding a culvert and the water table.

Saved UDP Policy EP1.7 states that the Council will not permit development, including the raising of land, where it would:

- (i) be at risk from flooding;
- (ii) increase the risk of flooding elsewhere;
- (iii) hinder future access to watercourses for maintenance purposes;
- (iv) cause loss of the natural floodplain;
- (v) result in extensive culverting;
- (vi) affect the integrity of existing flood defences; or
- (vii) significantly increase surface water run-off

unless the applicant can demonstrate that satisfactory and sustainable measures will be implemented to overcome the adverse effects. All development which is likely to have an impact on drainage patterns should incorporate, as far as is practicable, sustainable drainage systems taking account of current Government advice.

Core Strategy CS8 requires development to be located and designed in such a way as to take account of natural and man-made environmental constraints and hazards including flood risk.

Core Strategy Policy SIE-3, at Part 3, sets out the need for development to comply with national policy, for floor levels within Critical Drainage Areas to be a minimum of 300mm above road level, and for areas of hardstanding to be permeable or drain to SuDS.

Paragraph 170 of the NPPF states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.

Paragraph 173 of the NPPF requires that a sequential risk-based approach should



also be taken to individual applications in areas known to be at risk now or in future from any form of flooding, by following the steps set out below.

Paragraph 174 of the NPPF states that within this context the aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. The strategic flood risk assessment will provide the basis for applying this test.

Paragraph 175 of the NPPF states that the sequential test should be used in areas known to be at risk now or in the future from any form of flooding, except in situations where a site-specific flood risk assessment demonstrates that no built development within the site boundary, including access or escape routes, land raising or other potentially vulnerable elements, would be located on an area that would be at risk of flooding from any source, now and in the future (having regard to potential changes in flood risk).

Paragraph 176 of the NPPF sets out a number of types of development which are not subject to the sequential test, and these are not relevant in this case.

Paragraph 177 of the NPPF advises that where, having applied the sequential test, if it is not possible for development to be located in areas with a lower risk of flooding (taking into account wider sustainable development objectives), the exception test may have to be applied. The need for the exception test will depend on the potential vulnerability of the site and of the development proposed, in line with the Flood Risk Vulnerability Classification set out in Annex 3. In this case, the Vulnerability Classification for dwellinghouses is 'More Vulnerable'.

Paragraph 178 The application of the exception test should be informed by a strategic or site specific flood risk assessment, depending on whether it is being applied during plan production or at the application stage. To pass the exception test it should be demonstrated that:

- a) the development would provide wider sustainability benefits to the community that outweigh the flood risk; and
- b) the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.

Paragraph 179 confirms that both elements of the exception test should be satisfied for development to be allocated or permitted.

Paragraph 181 of the NPPF advises that, when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment. Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:

- a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;
- b) the development is appropriately flood resistant and resilient such that, in the event of a flood, it could be quickly brought back into use without significant refurbishment;
- c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;

- d) any residual risk can be safely managed; and
- e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan.

Paragraph 182 of the NPPF states that applications which could affect drainage on or around the site should incorporate sustainable drainage systems to control flow rates and reduce volumes of runoff, and which are proportionate to the nature and scale of the proposal. These should provide multifunctional benefits wherever possible, through facilitating improvements in water quality and biodiversity, as well as benefits for amenity. Sustainable drainage systems provided as part of proposals for major development should:

- a) take account of advice from the Lead Local Flood Authority;
- b) have appropriate proposed minimum operational standards; and
- c) have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development.

Environment Agency (EA) initially raised an objection on the grounds that the original Flood Risk Assessment was not acceptable. In response, an addendum report to the submitted Flood Risk Assessment was submitted. The Environment Agency reviewed this, and noted that the application was not supported by an outline design or arrangement to demonstrate how the below ground water storage would work.

The Applicant provided a response to the Environment Agency's comments, along with a proposed strategy for the proposed storage tank. This enabled the Environment Agency to withdraw its objection on flood risk, but it was noted that there will be long-term maintenance liabilities associated with the design and that the provision of below ground storage would not follow the drainage principles set out in the NPPF.

The Environment Agency commented that the Local Planning Authority should satisfy itself that maintenance provision for the fluvial compensatory storage system would be provided, and this is considered to be addressed in the condition recommended by United Utilities later in this section of the analysis. In addition, it was noted that a flood warning evacuation plan is advisable, and Officers recommend that this is required by condition.

The addendum identified that access egress routes would be "very low hazard – caution". The Environment Agency has commented that the Local Planning Authority may wish to consider requiring this as a condition should planning permission be granted. Whilst Officers note this comment, any planning permission granted would need to be subject to a condition to ensure compliance with the submitted Flood Risk Assessment and supporting information, so a separate condition regarding the above would not be necessary.

The applicant has provided a Sequential Test as required by Paragraph 173 of the NPPF, and an Exception Test as required by Paragraph 177 of the NPPF.

The Environment Agency has commented that it is for the Local Planning Authority, to determine whether the sequential test has been satisfied, but the applicant is required to demonstrate, with evidence, what area of search has been used. In this instance, the area of search is the entire Borough. Officers have considered the information provided within the Sequential Test and accept that there are no sequentially preferable sites available for this development and therefore the development cannot be located in an area with a lower risk of flooding.

The Environment Agency has reviewed the Exception Test and has commented that it is minded to accept it, provided that the mitigation measures documented in the flood risk assessment are implemented (particularly regarding flood storage compensation).

The Environment Agency notes that the Exception Test has two parts, described in the NPPF at Paragraph 178 (set out above). In order for the test to be passed, it must be demonstrated that

- a) the development would provide wider sustainability benefits to the community that outweigh the flood risk; and
- b) the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.

The Environment Agency advises on the second part of the test, but comments that it is for the Local Planning Authority to consider the first part of the test, accounting for the findings of the flood risk assessment and the EA's flood risk advice, and to determine whether the test, overall, has been satisfied. The NPPF is clear that development that does not satisfy both parts of the exception test should be refused.

In considering the wider sustainability benefits to the community that outweigh the flood risk, Officers note the benefits weighing in favour of the proposed development in respect of the provision of 6 dwellings in a sustainable location in a period of housing undersupply, and the environmental improvements of the proposed landscaping as compared to the existing use for car parking, and the proposed land contamination remediation. This is considered further in the Planning Balance section at the end of this report.

It is recommended that a condition is attached to any planning permission granted to require that the development is carried out in accordance with the submitted Flood Risk Assessment and mitigation measures to include:

- a. Finished floor levels to be set no lower than 46.05 metres above Ordnance Datum (AOD) (as according to S6.1 of the FRA)
- b. Compensatory storage shall be provided to the volume of 65.6m<sup>3</sup> (as according to S6.3 of the FRA)

This condition is considered to be reasonable and necessary in order to ensure that the risk of flooding of the development and the risk of flooding elsewhere is suitably managed.

The Lead Local Flood Authority (LLFA) has recommended refusal of the application, noting that it would not consider that development should be permitted in Flood Zone 3. Increased flood risk and climate change, due to removal of available space for water in a flood event, means that fluvial flood water will become higher and larger in area and affect more homes and people. Although not measured or considered for a flood risk model and not shown on flood risk maps, the creep of urbanization within Flood Zone 3 increases the severity and impact of the flood. Development also restricts mitigation measures around rivers to protect properties. A Flood Zone 3 needs storage of water and development reduces that storage and moves water elsewhere from the natural flood plain.

The LLFA does not consider that building within a Flood Zone 3 is sustainable for future generations and successive building owners. There are few if any mitigation measures that can be applied to assist better development.

The LLFA does note, however, that should the Local Planning Authority consider that such development is supported and has other overriding benefits and enhancement to the community, it could allow development and in this case, the LLFA recommends that suitable mitigation measures are applied in full.

The LLFA has suggested that if the development proceeds, a Flood Risk Management Levy is requested of the applicant, with monies to be spent on community projects to help local small scale flood mitigation schemes. This suggestion is noted, however there are no local or national planning policies under which developer contributions could reasonably be sought.

United Utilities has assessed the proposal and requested that the applicant provides a detailed drainage plan prior to the determination of the application. Should planning permission be granted, it is requested that a condition is attached to any decision notice to require submission of a surface water drainage scheme and foul water drainage scheme prior to the commencement of development. A condition is also recommended to require a drainage management and maintenance plan for the lifetime of the development. This condition regarding the maintenance of the drainage infrastructure is considered to address neighbour queries regarding the operation and maintenance of the storage tank.

In view of the above, noting the objection from the Local Planning Authority and in the absence of in principle objections from the Environment Agency and United Utilities, on balance and subject to conditional control, 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 Core Strategy DPD policies SD-6 and SIE-3.

### **Design, Siting and Impact on Visual Amenity**

It is noted that neighbour objections have been received in relation to the height of the proposed building, and on the grounds that the scale and siting is unsympathetic to the mix of homes nearby. The proposed apartment building would be 2.5 storeys in height with accommodation in the roofspace. The proposed building would have a gabled roof with a maximum height of approximately 10.5m and an eaves height of approximately 7m. The neighbouring apartment building with a flat roof is shown on the submitted section drawings as having a maximum height of approximately 10m, and the adjacent dwellings to Bangor Road are shown to have a ridge height of approximately 7.3m. The height of the building is therefore considered to respond appropriately to the surrounding context.

The proposed building would be laid out with two apartments to each floor, separated by the staircase and circulation space. The form of the building would have recesses and projections to the elevations, and the roof would have a step down of approximately 0.4m for the most part of its width to reduce its bulk and create interest in its form. Two projecting gables are proposed to the front elevation, with two dormers and a recessed entryway. To the northern elevation, two Juliet balconies are proposed to the first and second floors. Should planning permission be granted, it is recommended that a condition is imposed to require the submission of materials details and samples, and this is considered to address concerns raised by neighbours in this regard.

Tree planting and hard and soft landscaping features are proposed throughout the site subject of the detailed proposals, and these are welcomed. Details of the proposed planting and hard landscaping details are to be required by condition, as well as details of the refuse and recycling store, and subject to the recommended

conditions, the proposed development is considered to be acceptable in accordance with Core Strategy Policies H-1, SIE-1 and SIE-3, the NPPF and the Design of Residential Development SPD.

### **Traffic, Transport and Accessibility**

Neighbour objections have been received in respect of traffic, inadequate parking, and concerns regarding vehicular and pedestrian access to the site. Comments have also been received in relation to the potential for on-street parking in times of heavy rainfall due to proposed car park signage regarding flood risk.

The site is in an accessible location where residents would enjoy relatively convenient access to public transport, services and amenities and as such is considered appropriate for residential development. The development is accessed via a shared route through a car park, the consequent traffic generation being negligible and not at a level that would give rise to access and movement concerns. Each apartment would have a parking bay within a communal parking area, covered and secure cycle parking and adequate bin storage facilities.

The Highways Engineer raises no objection subject to conditions requiring details of construction management, details of the construction of the access and parking, details of electric vehicle charging facilities and cycle storage.

In conclusion, the Highways Engineer is satisfied that the overall development is suitably located and will not give rise to any traffic or parking issues or access operational or safety concerns. Subject to the recommended conditions, the proposal is considered to comply with Core Strategy DPD policies SD-6, SIE-1, CS9, T-1, T-2 and T-3 and the Sustainable Transport SPD.

### **Impact on Residential Amenity**

Neighbour objections have raised concerns arising from the proximity of neighbouring dwellings, including loss of privacy and loss of light and overbearing impacts. Concerns have also been received in respect of noise and light disturbance and odour and pollution. These concerns are to be addressed within this section of the report.

#### **Overlooking and Loss of Privacy**

The Design of Residential Development SPD provides guidance in respect of loss of privacy and the separation between dwellings. A minimum separation distance of 21m is sought between habitable room windows on the public or street side of dwellings, and 25m between habitable room windows on the private or rear side of dwellings. A minimum separation distance of 12m is sought between a habitable room window and a blank elevation window or elevation with non-habitable rooms or with high level windows. The minimum distances apply to 1-2 storey dwellings and should be increased by 3m for buildings of 3 or more storeys.

The proposed apartment building would have glazed openings to the rear elevation (facing toward Bangor Road), however these would serve non-habitable spaces (bathrooms and circulation space) and the openings are shown on the submitted plans as being fitted with obscure glazing. Therefore, the openings in this elevation would not result in the overlooking of neighbouring properties, and the elevation would be sited approximately 21m west of the rear elevations of dwellings on Bangor Road. This is compliant with the guidance in the Design of Residential Development SPD.

The principal elevation would face toward the rear elevations of the dwellings on Shakespeare Drive, however the views toward the dwellings would not be direct due to the relative orientations. The application site is irregular in shape, and at its closest point, the proposed building would be located approximately 7.5m from the site boundary with 51 and 53 Shakespeare Drive, with the dwellings being set back 16m from the site boundary. In addition, there is significant tree planting between the sites which, whilst not to be relied upon in the long term, does provide some screening. In this context, the relationship between the proposed building and the residential dwellings to the west is considered to be acceptable.

Whilst it is accepted that there would be some degree of overlooking of private gardens, it is noted that the neighbouring properties already experience some degree of mutual overlooking. This is not considered to result in significant adverse impacts upon the residential amenity of the occupiers of the neighbouring dwellings.

#### Overbearing Impacts and Loss of Light

The proposed apartment building would have a width of approximately 20m, and would be orientated north to south along the western boundaries of the dwellings to on Bangor Road. Due to the scale and massing of the building, it is acknowledged that there could be overbearing impacts associated with the proposed development, however, in light of the separation distances, this is not considered to be so significant as to warrant refusal of the application.

#### Noise and Light Disturbance

The application site is located within an area impacted by aviation noise (both in the daytime and at night). The application is supported by a Noise Impact Assessment which has been assessed by the Environmental Health Officer and no objections are raised. A condition is recommended to ensure compliance with the submitted Noise Impact Assessment and the recommended noise mitigation measures. Informatives are recommended in respect of the internal layout of apartments, hours of demolition and construction, pile foundations, and dust management.

#### Amenity Space

The Design of Residential Development SPD seeks 35sqm shared amenity space for each 2 bedroom apartment, and would therefore require 210sqm shared amenity space for the proposed development. The submitted site plans show that this would be provided, with 110sqm of this space set out as a main lawned area with tree planting to the front of the apartment building, with additional lawned areas to either side.

It is noted that neighbour comments have raised concerns regarding odour and pollution. As the proposed development is for 6 dwellings and the current use of the site is as a car park, the proposed development is not considered to result in significant levels of pollution such that this would have an adverse impact. In respect of odour, it is noted that the proposed refuse and recycling store is proposed to the site boundary with two neighbouring gardens. It is also noted that a condition is recommended above to secure details of the proposed refuse and recycling store, and that there is potential to have this moved a short distance to the west to create some separation from the site boundary.

On balance, the proposed development is considered to deliver an acceptable level of amenity for future occupiers and safeguard the amenities of neighbouring

occupiers. The proposal therefore accords with policies H1, CS8, SIE-1 and SIE-3 of the Core Strategy and the NPPF.

### **Impact on Trees**

There are legally protected trees within and at the boundaries of the application site (Cheadle & Gatley UD No.35 Carrs Road, Cheadle 1969). The application is supported by an Arboricultural Impact Assessment which recommends the removal of deadwood to a Sycamore (T1, covered by a Tree Preservation Order, north of the application site), and the cutting back of a sapling Elm and Sycamore to boundary (group G1 to the western site boundary).

The Arboriculture Officer has assessed the proposed development and raises no objection subject to conditions requiring the retention and protection of trees, details of new tree planting, root protection and an Arboricultural Method Statement.

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. The proposed development gives rise to concerns regarding potential damage of the root zones of all trees on site and on neighbouring sites from the site compound or spillage. There cannot be any encroachment or dumping within the protected tree area and so full protective fencing and warning signage is required in accordance with the relevant British Standard, to be required by condition. New tree planting is required to increase biodiversity and to soften the appearance of the proposed development.

The proposed development can be accepted in arboriculture terms subject to conditions to require a full method statement with detailed root protection area plans and proposals for landscaping and new tree planting.

In view of the above, in the absence of objections from the Arboricultural Officer and subject to conditional control, the proposal is considered acceptable in terms of its impact on trees, in accordance with Core Strategy DPD policy SIE-1 and SIE-3.

### **Impact on Protected Species and Biodiversity**

The site has no nature conservation designations, legal or otherwise. It has however been identified as an opportunity area within the Local Nature Recovery Strategy (LNRS) pilot study for Greater Manchester for grassland planting. 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 site comprises hardstanding, with some of the boundaries overhung by trees, but otherwise the development is highly unlikely to impact on protected species or habitats. No invasive species have been recorded on-site.

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

In this instance, the Nature Development Officer would not consider it reasonable to request an ecology survey as part of the current application as the works are considered to be of very low risk to protected species given the lack of natural habitats on site. As a precautionary measure an informative should be attached to any planning consent granted so that the applicant is aware that protected species can sometimes be found in unexpected places. It should also state that the granting of planning permission does not negate the need to abide by the legislation in place to protect biodiversity. If at any time during works, evidence of any other protected species is discovered on site and are likely to be impacted, works must stop and a suitably experienced ecologist be contacted for advice.

All adjacent retained trees and hedgerows should be adequately protected from potential adverse impacts in accordance with British Standards and following advice from the Council's Arboriculture Officer.

As noted by the Arboriculture Officer, a detailed landscaping scheme will be required. There is a requirement for biodiversity enhancements within Paragraph 192 of the NPPF, and these should be required by condition. Suitable enhancement may include locally native planting and the provision of bird and bat boxes. This is considered to address neighbour comments regarding the impact of the proposed development on biodiversity.

Any proposed lighting should be sensitively designed so as to minimise impacts on wildlife associated with light disturbance (following the principles outlined in Bat Conservation Trust guidance: [http://www.bats.org.uk/pages/bats\\_and\\_lighting.html](http://www.bats.org.uk/pages/bats_and_lighting.html)).

Subject to the imposition of the informatives recommended by the Nature Development Officer, the proposal is considered acceptable in terms of its impact on protected species, biodiversity and the ecological interest of the site. On this basis, the proposal is considered to comply with Core Strategy DPD policies CS8 and SIE-3.

### **Land Contamination**

The Environmental Health Officer for Contamination Land has assessed the proposals and raises no objection subject to conditions. In light of the number of sensitive receptors to be introduced to the site, the developer would need to undertake a site investigation in respect of land contamination and landfill gas. It is therefore recommended that conditions are attached to any planning permission granted to require land contamination investigation, remediation and validation, and landfill gas remediation and measures to prevent migration.

Subject to the imposition of the recommended conditions, the proposed development is considered to be compliant with Core Strategy Policy SIE-3.

### **Energy**

The Planning Policy Officer for Energy has reviewed the Low and Zero Carbon Technologies report submitted in support of this application and notes that this approach is acceptable. The report proposes enhanced building fabric to meet the current Building Regulations, enhanced air tightness and thermal bridging, efficient whole house heat recovery ventilation system (MVHR) and efficient lighting using LED type fittings.



In light of the above, the detailed element of the proposal is considered to be in accordance with Core Strategy Policies CS1, SD-3 and SD-6.

### **Developer Contributions**

In accordance with saved UDP policy L1.2, Core Strategy DPD policy SIE-2, the Open Space Provision and Commuted Payments SPD and the NPPG, there is a requirement to ensure the provision and maintenance of formal recreation and children's play space and facilities within the Borough to meet the needs of the residents of the development. In accordance with the SPD, the developer contributions would be sought based on the occupation capacity of the residential development, and is calculated to be £26,928. A monitoring fee will also be required. The contributions are to be sought via a legal agreement.

### **Other Matters**

Neighbour objections have raised concerns regarding impacts of the proposed development on the inclusion, health and wellbeing of residents, and in regard to antisocial behaviour and pressure on local services and infrastructure. The application does not indicate that there would be significant impacts in these respects due to the scale, nature and location of the proposed development.

Neighbour objections also raise concerns regarding property values and their ability to sell. This is not a material consideration and cannot be given weight in this assessment.

Neighbour objections have queried the use of 2017 report data, however specialist consultees have not raised a concern with the relevance of the supporting information.

Neighbour representations have commented on the advertisement of planning applications. Officers are satisfied that the amendments to the application have been appropriately advertised.

### **Planning Balance**

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

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.

Sub paragraph (i) is not relevant to the determination of the application as the site is not a protected area and there is not a relevant asset of particular importance.

In respect of sub paragraph (ii) the only adverse impact of the development is the location within Flood Zone 3. It is noted that the sequential test is considered to demonstrate that the proposed development could not be located in a sequentially preferable location with a lower risk of flooding. In addition, the exception test is met in that the Environment Agency has commented that it is minded to accept that the development will be safe for its lifetime without increasing flood risk elsewhere (as required by Paragraph 178(b) of the NPPF), and Officers note the benefits below which are considered to provide wider sustainability benefits to the community that outweigh the flood risk (as required by Paragraph 178(a) of the NPPF). These merits of the proposal include the following:

- Provision of housing in a period of significant undersupply.
- Bringing this area of the wider site, now in residential use, into an alternative use well suited to the location of the site within a Predominantly Residential Area.
- Enhancement of this part of the site in terms of visual amenity and landscape quality.
- The provision of an acceptable level of amenity for existing and future residential occupiers.
- The contribution to children's play and formal recreation.
- The inclusion of measures to reduce carbon emissions.
- The delivery of development in an accessible location.
- The remediation of the site and creation of a development that causes no harm in relation to pollution.

In light of the submitted supporting information in respect of flood risk and the benefits of the proposed development listed above, it is not considered that the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits.

The proposal would achieve sustainable development by:

- Ensuring that sufficient land of the right type is available in the right place and at the right time to support growth (the economic objective);
- Delivering new homes to meet the needs of the present and future generations. By fostering a well designed and safe place with accessible services and open spaces that reflect current and future needs and support the health and well being of the community (the social objective) and:
- Protecting and enhancing the natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution and adapting to climate change (the environmental objective).

The site is located within a Predominantly Residential Area, with a sustainable location with easy access to local services and facilities, and local walking routes and recreation facilities.

The siting, scale, layout and design of the proposed development is considered acceptable, and the details submitted indicate that the development proposed can be accommodated on the site without resulting in significant harm to the character and appearance of the area, nor amenities of the neighbouring occupiers. In this respect the proposal is in compliance with policies CS4, H-1, CS8, SIE-1 and SIE-3 of the Core Strategy.

Further, it is considered that the proposed development would not result in significant adverse impacts upon highway safety as a result of traffic generation, and the proposed access and parking layout is considered to be safe and practical to use in accordance with the Councils standards, in accordance with Core Strategy policies CS9, T-1, T-2 and T-3.

Additional information is required in relation to landscaping details, tree planting and biodiversity enhancement, and these can be suitably managed through the imposition of suitably worded conditions. Similarly, the approval of a detailed drainage scheme and investigations into landfill gas migration and land contamination can be required by condition.

In view of the above, and on balance, the proposals are considered to comply with relevant saved UDP and Core Strategy DPD policies and relevant SPG's and SPD's. In considering the planning merits of the proposal against the requirements of the NPPF, the proposal is considered to represent sustainable development.

On this basis, notwithstanding the objections 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:

- a. Conditions, and
- b. The completion of a Section 106 legal agreement.