

## ITEM 1

<b>Application Reference</b>	<b>DC/093676</b>
<b>Location:</b>	2A Montrose Avenue Woodsmoor Stockport SK2 7DU
<b>PROPOSAL:</b>	Demolition of existing bungalow and garage, and erection of two detached dormer bungalow dwelling houses (Use Class C3(a)), with associated accesses, parking, boundary treatments, and associated works.
<b>Type Of Application:</b>	Full Application
<b>Registration Date:</b>	29.11.2024
<b>Expiry Date:</b>	EoT 08.05.2025
<b>Case Officer:</b>	Helen Hodgett
<b>Applicant:</b>	SM Development North West Ltd
<b>Agent:</b>	Steve Lamb

### **DELEGATION/COMMITTEE STATUS**

This application is before Stepping Hill Area Committee, as individual representations of objection have been received from 6 people residing at 5 addresses, which are contrary to the recommendation to grant planning permission.

Stepping Hill Area Committee can make a decision upon this planning application.

### **DESCRIPTION OF DEVELOPMENT**

Full planning permission is sought for the demolition of an existing bungalow and garage, and for the erection of two detached dormer bungalow dwelling houses (Use Class C3(a)), with associated accesses, parking, boundary treatments, and associated works.

It is proposed to demolish all of the existing built form on the application site and build 2 three-bedroom, detached, dormer-bungalows, with bounded curtilages, including cycle parking, bin storage, and 2 off-street parking spaces per dwelling, with Electric Vehicle (EV) charging, with accesses via Montrose Avenue. Level threshold access would be provided for the dwellings.

The external finish for the dormer bungalows would be brick with render and roof tiles. Windows and doors are primarily proposed within the front and rear elevations of the properties. A ground floor window is also proposed within the outside side elevations to serve the kitchen/living areas. At first floor, rooflights are proposed within the front and rear roof planes, and also within the side roof planes; one to serve the front bedrooms and one to serve the bathrooms. A first floor window is also proposed within the inside side elevations to serve the landings.

A comprehensive, native and biodiverse landscape scheme is proposed as part of the development within the amenity/curtilage areas, including the retention of

existing trees. The annotated proposed plans show that Plot B, adjacent to 2 Montrose Avenue, would have an amenity area of approximately 241 square metres, and Plot A would have an amenity area of approximately 118 square metres.

As a result of the development, the annotated proposed plans show that 6 Cromley Road would have an amenity area of approximately 135.9 square metres; 6B Cromley Road would have an amenity area of approximately 100 square metres; and 4 Cromley Road would have an amenity area of approximately 149 square metres.

Side and rear boundaries of the site are shown to be bounded with 1.8 metre high vertically close-boarded timber fencing, with retention of hedging to the side adjacent to 2 Montrose Avenue. To the front boundary with Montrose Avenue is proposed a maximum 600mm high brick wall, with brick on edge coping and piers. A railing is proposed to the interior boundary between the plots within the front curtilage. 1.8 metre high treatments, including gates, are proposed to be positioned to the front sides of the houses to secure the rear and side curtilages.

The application layout and elevational drawings are accompanied by documents, including, Planning Statement, Energy Statement, Ecological Assessment and Biodiversity Net Gain (BNG) documents, which can be viewed upon the planning application file upon the Council's website.

## **SITE AND SURROUNDINGS**

The application site is located within a Predominantly Residential Area, as regards the Council's development plan, and is located within Flood Zone 1 (low risk) of the Environment Agency's mapping system.

The site is located within an urban residential area, characterised by a mix of dwelling types, set within landscaped and bounded curtilages, with dwellings located in fairly close proximity.

The application site is to be configured from land currently within the rear garden of 4 Cromley Road, land formerly within the curtilage of 6 Cromley Road, and the site of 2A Montrose Avenue.

2A Montrose Avenue comprises a two-bedroom, habitable, single-storey bungalow, which would be demolished, along with outbuildings, as part of this proposal. The detached garage formerly within the curtilage of 6 Cromley Road, and accessed off Montrose Road, would also be demolished as part of the proposed development.

The application site is bounded by detached house 2 Montrose Avenue to the west; semi-detached houses 6 and 6B Cromley Road to the east; detached house 4 Cromley Road and detached house 2 Cromley Road to the northeast; and 6 Carstairs Avenue to the northwest. Opposite the application site to the south are situated 1 and 3 Montrose Avenue and 8 Cromley Road.

## **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**

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

EP1.7 - Development and Flood Risk

EP1.9 – Safeguarding of Aerodromes and Air Navigation Facilities

HP1.3 – Avoidance of loss of dwellings

L1.2 – Children's Play

MW1.5 – Control of waste from development

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

Core Policy 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

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

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

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

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
- PROVISION OF AFFORDABLE HOUSING SPG
- 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) published on 12<sup>th</sup> December 2024 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 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 Policy Framework](#)

The relevant paragraphs in this case include the following:

Introduction - Paras 1, 2

Chapter 2: Achieving Sustainable Development – Paras 7, 8, 11, 12

Chapter 4: Decision-Making – Paras 39, 48, 56, 59

Chapter 5: Delivering a Sufficient Supply of Homes – Paras 61, 65, 73

Chapter 8: Promoting Healthy and Safe Communities – Paras 96, 103

Chapter 9: Promoting Sustainable Transport – Paras 109-111, 115-117

Chapter 11: Making Effective Use of Land – Paras 124, 125, 128, 129, 130

Chapter 12: Achieving Well-Designed and Beautiful Places – Paras 131, 135, 139

Chapter 14: Meeting the Challenge of Climate Change, Flooding and Coastal Change – Paras 161, 163, 164, 165, 181, 182

Chapter 15: Conserving and Enhancing the Natural Environment – Paras 187, 196, 198, 199

Annex 1: Implementation – Paras 231, 232

### [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.

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

## **RELEVANT PLANNING HISTORY**

**Ref: DC/093430** Type: MMA Address: 6 Cromley Road, Woodsmoor, Stockport SK2 7DT. Proposal: Application for Variation of Conditions 1 (specified plans) and 5 (boundary treatments), and Removal of Condition 12 (garage) of Planning Permission DC/078219 - Remodelling of existing properties to form 1 pair of semi-detached houses (Use Class C3(a)), with curtilages and parking, including the erection of single-storey rear extension, two-storey side extension and rear roof dormer, with associated elevational alterations. Undetermined to date.

**Ref: DC/090801** Type: MMA Address: 6 Cromley Road, Woodsmoor, Stockport SK2 7DT. Decision: Refused. Decision Date: 25-MARCH-24 Proposal: Application for Variation of Conditions 1 (specified plans), 5 (boundary treatments) and 12 (garage) of Planning Permission DC/078219 - Remodelling of existing properties to form 1 pair of semi-detached houses (Use Class C3(a)), with curtilages and parking, including the erection of single-storey rear extension, two-storey side extension and rear roof dormer, with associated elevational alterations.

Reason for refusal: The proposed development is contrary to Core Strategy policies H-1 'Design of Residential Development' and SIE-1 'Quality Places,' by reason that the proposal results in incidental space and an incidental garage building, without proposed management or maintenance, to the detriment of the visual amenity, character and appearance of Montrose Avenue and to the harm of the residential amenities of the occupiers of neighbouring residential properties.

**Ref: DC/078219** Type: FUL Address: 6 Cromley Road, Woodsmoor, Stockport SK2 7DT Decision: Granted. Decision Date: 20-OCT-21 Proposal: Remodelling of existing properties to form 1 pair of semi-detached houses (Use Class C3(a)), with curtilages and parking, including the erection of single-storey rear extension, two-storey side extension and rear roof dormer, with associated elevational alterations. 6 and 6B Cromley Road created.

**Reference: DC/072185**; Type: HSE; Address: 2 Montrose Avenue, Woodsmoor, Stockport, SK2 7DU; Proposal: Single storey extension to side of property.; Decision Date: 28.02.2019; Decision: GTD

**Reference: J/72109**; Type: XHS; Address: 2 Montrose Avenue, Woodsmoor; Proposal: Single-storey rear extension; Decision Date: 05-MAR-99; Decision: GTD

**Ref: J/54302** Type: XHS Address: 4 Cromley Road Woodsmoor Stockport Dec: GTD Dec Date: 28-NOV-91 Proposal: Extension to enlarge kitchen and bathroom over

**Ref: J/67** Type: XHS Address: 2, Cromley Road, Woodsmoor. Dec: GTD Dec Date: 29-MAY-74 Proposal: Balcony extension to first lounge at rear of house.

**Ref. J/56805**; Address: Land Adjacent To 14 Montrose Avenue; Proposal: Erection of 2 houses linked with 1 garage (associated landscaping); Decision Date: 14.01.1993; Decision: Granted.

## **CONSULTATION RESPONSES**

### **NEIGHBOURING PROPERTIES**

The occupiers of neighbouring properties were notified of this planning application by letter on two occasions. The second notification being in response to updated documents.

#### **Representations of objection have been received from 6 individual people residing at 5 addresses, which can be reported as follows:**

##### Design:

- The proposed houses are not in keeping with the character and appearance of the existing detached 1930's brickwork houses.
- Need to consider para. 75 of the National Planning Policy Framework (NPPF) regarding residential garden space. Essentially 4 houses are proposed to occupy the site of 2 previous houses (6 Cromley Road and 2A Montrose Avenue). Increasing housing density should not be at the expense of residential gardens, which contribute to the health, wellbeing and character of the area.
- The submitted plans are not clear regarding materials or scale.
- Proposed new fencing to boundary is not appropriate. Existing fence is well maintained and established.
- Do not want a cheap 1.8m high close boarded timber fence erecting.
- Proposed garden could result in water retention issues increasing.
- Concerned that the drainage system will not cope with the increase in users. Existing drainage system has been repaired many times.
- A drainage strategy should be included as part of this proposal and then enforced.

##### Amenity:

- The proposed houses will have a negative and adverse visual impact on the locality and neighbouring properties, given the existing property is a single-storey bungalow and the proposed houses are taller with two-storeys.
- Proposal constitutes overdevelopment and will result in a cramped form of development out of character with its surroundings.
- Houses will be overbearing, out of scale and out of character to the area.
- The application site is not underutilised land as described within para. 125 of the NPPF.
- Development is only viable with land from 6 and 4 Cromley Road.
- The windows in the proposed houses will directly overlook the rear of my property and currently have no overlooking to habitable rooms.
- Character of area will be changed as a result of new houses, additional people, comings and goings, associated noise and privacy loss.
- Construction period will result in noise, pollution, disturbance and damage.
- Garden space would be lost for 4 Cromley Road.

##### Housing supply:

- Application would result in the loss of accommodation for the tenants of 2A Montrose Avenue, effectively exacerbating pressure on the housing shortage.
- The construction of two larger properties in place of one smaller bungalow detracts from the housing mix in the area, in conflict with Core Strategy policy C3, in removing an existing property that currently provides affordable housing in an area with relatively high property prices.

### Highways:

- 24/7 access is required to/from existing driveway on Montrose Avenue at all times.
- Parking is a problem already. Traffic issues from an increase in cars.
- 2 parking spaces per dwelling will be insufficient. The spaces will not be used and parking will occur on Montrose Avenue; more than 2 cars per household; vehicles too large for the off-street spaces or lack of manoeuvring space on Montrose Avenue to utilise the off-street spaces.
- More cars will park on Montrose Avenue, which will have less capacity with the dropped kerb spaces for the proposed driveways.
- Montrose Avenue and Cromley Road attract car parking associated with use of Flowery Fields and Stockport Gregorians sports facility. With loss of Mirrless Fields, demand may increase.
- If both sides of Montrose Avenue have lines of parked cars and there are vehicles lining Cromley Road, this would be detrimental to the road safety of the junction with Cromley Road. Para.116 of the NPPF states 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, following mitigation, would be severe, taking into account all reasonable future scenarios." Core Strategy policy T-2 is not met.
- A construction management plan and communication channel with neighbours has not been proposed. Need to look at all aspects, including noise, deliveries, cleanliness, parking and delivery arrangements, and ensuring existing accesses are not blocked.
- Montrose Avenue could easily become blocked being a cul-de-sac.
- One disabled parking space per dwelling should be provided, in accordance with Core Strategy T-2.

### Landscaping and trees:

- Trees proposed to be retained will need to be chopped.
- Who will maintain the proposed landscaping? The current site, including tenanted bungalow, is not well maintained.

### Implementation of planning application DC/078219 to create 6 and 6B Cromley Road

- Work to implement the previous planning approval was unneighbourly, with resultant unacceptable amenity, noise and access issues for existing residents. Issues include unclean roads, tyre damage, damaged pavements, overflowing skips and debris.
- There remains waste and building materials to the rear of 6 and 6B Cromley Road.

### Land Ownership:

- Boundaries and garden spaces for 6 and 6B Cromley Road as laid out on site are not in accordance with the approved plans for DC/078219, or the Land Registry Titles for 6 and 6B Cromley Road.
- Should not consider alternative proposal until disputes resolved.
- Land included in this latest application includes land belonging to 4 Cromley Road.
- Further boundary issues may result with this application.
- The boundaries of adjacent properties should not be breached.

#### Issues with current proposed plans:

- The now proposed plans would not result in 6B Cromley Road realising the proposed annotated 100 square metres of external amenity space. Chartered surveyors advise that the width of the rear curtilage to plot 1 – garden of 6B Cromley Road - is 7.73 metres. The resultant garden area would be 0.37 square metres smaller than the 100 square metres proposed.

#### Enforcement:

- Para. 60 of the National Planning Policy Framework (NPPF) relates to effective enforcement to maintain public confidence in the planning system. Query as to how the Council propose to monitor the implementation of this proposed development?
- In the event of the proposal being permitted, the council needs to ensure the permission is what is actually carried out and the development is effectively enforced, including the demolition and construction.

#### Clarification:

- Application form is incorrect.
- 2x three-bedroom properties are proposed and 1x two-bedroom property would be demolished. Not 2x four-bedroom properties to be built and 1x four-bedroom property to be demolished.
- 2A Montrose Avenue is not vacant as stated.

### **CONSULTEE RESPONSES**

**SMBC Highways** – Recommendation - No objection, subject to conditions.

Conditions are recommended to be imposed, pursuant to Highways policies, regarding:

- construction and demolition method statement;
- accesses and driveways detailed provision;
- reinstatement of footway and drop kerbs;
- cycle parking detailed provision.

**SMBC Environment Team (Noise)** – No objection. The proposal has been assessed in relation to impact upon the environmental quality of life to existing sensitive receptors/occupiers in proximity to the proposed development and new residential receptors/occupiers to be introduced at this location.

Proposed development – impact upon existing occupiers –  
Construction and demolition phase.

An informative relating to acceptable construction hours is recommended, in the interests of noise sensitive receptors/occupiers in the vicinity of the site.

An informative relating to piling is similarly recommended in the event piling be required as part of the construction phase.

Noise Impact upon the new occupiers of the development –

#### Transportation Noise Impact

According to desk-based assessments, the site is not located within road, rail or aviation, transportation noise contour mapped areas.

<http://extrium.co.uk/noiseviewer.html>



### Commercial Noise Impact

There are no significant commercial noise sources in proximity to the site.

Externally generated sound is not considered to be a concern to residential receptors introduced to this location.

Acoustic upgrade to the envelope build is not considered necessary, for the proposed residential development, introduced at this location.

**SMBC Environment Team (Land Contamination)** - Whilst the proposed site is currently residential, there may be potential contamination from the driveway and garage present on site, as such asbestos containing materials (ACM) may have been incorporated within the built structures in the past; the disturbance of any such materials may result in asbestos being present within the sub surface surrounding the buildings.

The developer will need appoint an Environmental Consultant to undertake a Phase 1 desktop study/site walkover. This will determine if a Phase 2 site investigation, and subsequent remediation and validation is required. This is a phased approach and would recommend relevant conditions be imposed to realise these investigations, any required remediation measures and subsequent validation.

**SMBC Planning Policy Officer (Energy)** –The submitted Energy Statement considers various renewable and low carbon forms of technology. Based on current electricity costs, it is more likely that solar panels will have an approximate 10-12yr payback time.

NPPF has recently been updated and this states that:

“163. The need to mitigate and adapt to climate change should also be considered in preparing and assessing planning applications, taking into account the full range of potential climate change impacts.”

- Reducing carbon emissions by generating renewable energy onsite is an important way to mitigate the effects of climate change, therefore solar PV panels should be included within the development where the roof has an appropriate pitch/inclination to accommodate them, and which can include east-west facing roofs.

**SMBC Arboricultural Officer** – There are no legally protected trees within this site or affected by this development. The proposed development is not within or affected by a conservation Area.

The footprint of development should not impact upon existing trees within the site, due to location. Conditions are required with regards to tree protection measures being implemented during construction/demolition phase and as regards realising an appropriate landscape scheme for the site.

**SMBC Nature Development Officer** – 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).

A Biodiversity Net Gain Summary / Ecological Assessment was produced by Kingdom Ecology in November 2024. The development site comprises modified

urban habitats: buildings, sealed surface, ornamental shrubbery, grassland lawn and small area of unmanaged garden (tall ruderal vegetation, bramble and rough grassland). There are scattered trees including a small eucalyptus, small cherry, holly and a line of cypress trees.

The report makes recommendations covering precautionary measures for breeding birds, as well as suitable biodiversity enhancement measures (bat and birds boxes and landscaping). See below.

A Biodiversity Net Gain Assessment and Statutory Metric have been submitted for the site, authored by Kingdom Ecology, November 2024.

### **Bats**

*Bats are protected under the Wildlife and Countryside Act 1981 (as amended) and The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019. The latter implements the Council Directive 92/43/EEC on the Conservation of Natural Habitats and of Wild Fauna and Flora. Bats are included in Schedule 2 of the Regulations as 'European Protected Species of animals' (EPS).*

*Under the Regulations it is an offence to:*

- 1) Deliberately capture or kill a wild EPS*
- 2) Deliberately disturb a wild EPS in such a way that significantly affects:
  - a) the ability of a significant group to survive, breed, rear or nurture young.*
  - b) the local distribution of that species.**
- 3) Damage or destroy a breeding place or resting site of such an animal.*

None of the trees or buildings on the site were found to possess potential bat roost features and therefore were assessed as negligible potential (Kingdom Ecology 2024).

### **Badgers**

*Badgers are protected under the Protection of Badgers Act, 1992. This makes it an offence to kill or injure a badger or to damage, destroy or obstruct access to a sett. It is also an offence to disturb a badger while it is in a sett.*

No evidence of badger presence was recorded on the site. There is suitable sett building and foraging habitat available in the surrounding area and badger are widespread throughout the area. However, connectivity between the site and these areas is limited and therefore it is considered that risks to badger are low.

### **Nesting Birds**

*The nests of all wild birds are protected by the Wildlife and Countryside Act, 1981 (as amended).*

Trees and other vegetation on-site have the potential to support nesting birds.

**Recommendations are detailed below.**

### **Hedgehog**

*Hedgehog populations are declining rapidly in the UK and are identified as a UKBAP Species and Species of Principle Importance under the NERC Act 2006. Hedgehog are also protected from capture and killing under the Wildlife and Countryside Act 1981 Schedule 6.*

Habitats on site have the potential to support hedgehog. **Recommendations are detailed below.**

## **Invasive Species**

*Certain invasive plant species are listed on Schedule 9 of the Wildlife and Countryside Act 1981 (as amended) which makes it an offence to plant or otherwise cause to grow this invasive species in the wild.*

No invasive non-native species (INNS) were recorded on-site during the 2024 surveys.

## **Biodiversity Net Gain**

Minor planning applications submitted on or after 2 April 2024 will need to deliver at least 10% Biodiversity Net Gain (BNG) as mandated by Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021) (although there are some exemptions to this). Further information can be found at: <https://www.gov.uk/guidance/meet-biodiversity-net-gain-requirements-steps-for-developers>

A Biodiversity Net Gain Assessment has been submitted with this application. Habitats on the site have been recorded principally as areas of vegetated garden, unsealed surface (artificial and vegetated) and scattered trees. Post-development the site will comprise of artificial sealed surface and vegetated garden.

Baseline = 0.07 Habitat Units

Post development = 0.08 Habitat Units

**Post development change in biodiversity = 0.01 Habitat Units / 14.46% net gain**

The hedgerow units are currently entered as 0.04 hedgerow units baseline with no increase. However, the landscaping plan shows inclusion of a new (ornamental) hedgerow. This will need to be addressed (see below).

## **Recommendations:**

It is considered that sufficient ecological information is available to inform determination of the application. No evidence of protected species being present within the site was found. However, there is potential for some species to utilise the site for foraging and commuting purposes and therefore precautionary measures during construction are recommended below.

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 any protected species are discovered on site and are likely to be impacted, works must stop and a suitably experienced ecologist be contacted for advice.

## **Biodiversity Net Gain**

A Biodiversity Net Gain Assessment has been submitted with this application (Kingdom Ecology 2024).

Biodiversity Net Gain will be secured by the statutory pre-commencement condition. This development will be delivering 100% of BNG on-site. The following **informative** referring to the statutory pre-commencement condition for Biodiversity Net Gain / Biodiversity Gain Plan should be used;

*The Biodiversity Net Gain Plan submitted and approved in accordance with paragraph 14(2) of Schedule 7A of the Town and Country Planning Act 1990 shall be implemented in accordance with the approved details.*

The 0.08 habitat units which will be delivered on-site shall be secured by **conditioning** a landscaping strategy which details the planting scheme and incorporates some native species (see Biodiversity Enhancement Plan condition below and following recommendations within the Kingdom Ecology report, November 2024).

The post-development hedgerow units have not been recorded within the metric. Please provide further information to confirm if the new ornamental hedgerow indicated on the landscaping plan will provide a 10% net gain in hedgerow units:

The statutory hedgerow costs are, as the applicant's Ecologist's advice, £352, which it is understood the applicant accepts.

Therefore, delivery will be through (non-significant) on-site BNG and statutory credits, so;

- 1) the 'deemed' condition to submit a Biodiversity Gain Plan will apply. The following informative can be used *The Biodiversity Net Gain Plan submitted and approved in accordance with paragraph 14(2) of Schedule 7A of the Town and Country Planning Act 1990 shall be implemented in accordance with the approved details.*
- 2) there are no on-going monitoring requirements i.e. a Habitat Management and Monitoring Plan is not required.
- 3) a landscape and ecology management plan (LEMP) or similar will need to be conditioned instead to ensure delivery of BGP and other biodiversity enhancements submitted as part of a Biodiversity Enhancements Plan (BEP).

The following comments are also relevant to the current application:

### **Nesting Birds condition**

Recommendations have been included within the ecology report (Kingdom Ecology 2024). In relation to breeding birds, vegetation clearance should be timed to avoid the bird nesting season where possible (which is March-August inclusive). If this is not possible a breeding bird survey will be required by a suitably experienced person no more than 48 hours in advance of works to confirm presence/absence of nesting birds and confirm that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site (e.g. implementation of appropriate buffer zones to prevent disturbance).

### **Hedgehog / other mammals**

Hedgehog are known to be present in the area. To protect hedgehog (and other wildlife) which may pass through the site and prevent potential disturbance during works, the application should be accompanied by details of **reasonable avoidance measures (RAMS)** to be implemented and secured by **condition**. This shall include:

- *If at any time during works evidence of hedgehog (or any protected species) is discovered on site then works must cease and a suitably experienced ecologist be contacted for advice.*
- *Any works which involve the creation of trenches or with pipes shall be undertaken following measures to protect badgers from being trapped in open excavations and/or pipework:*

- a) creation of sloping escape ramps for hedgehogs, which may be achieved by edge profiling of trenches/excavations or by using planks placed into them at the end of each working day; and
- b) open pipework should be blanked off at the end of each working day.

### **Biodiversity Enhancements condition**

Biodiversity enhancements are expected as part of developments in line with local (paragraph 3.345 of the LDF) and national planning policy (NPPF). This planning application provides an opportunity to incorporate features to increase the biodiversity value of the final development in accordance with these policies. I therefore recommend that **the application should be accompanied by a biodiversity enhancement strategy** which should include proposals for the provision of:

- Bats and birds: As a minimum it would be expected that at least one bat and two bird box would be provided on the site. These should follow the recommendations within the ecology report (Kingdom Ecology 2024) i.e. bat roost features integrated into the proposed building or made from woodcrete/woodstone, rather than timber, for greater longevity. Bird boxes should include a sparrow terrace and / or swift brick and be made from woodcrete/woodstone, for greater longevity. The report recommends that features are installed at each gable end. The precise location, model and number of bat and bird boxes should be determined by an appropriately qualified ecologist.
- Tree planting within the grounds should be maximised, following recommendations in the Kingdom Ecology report i.e native tree species bearing berries/fruit/nuts such as rowan, wild cherry, hazel, silver birch, willow or crab apple.
- Any landscaping scheme should also include plants which provide a nectar source for insects and berries/fruits for invertebrates and birds (see [RHS Plants for Pollinators / RHS](#)).
- Hedgehogs: any close board boundary fencing should incorporate gaps (130m x 130mm) to maintain habitat connectivity for wildlife (e.g. hedgehogs).

Enhancement measures should be detailed on a Landscape and Biodiversity Enhancements Plan and submitted to the LPA for review.

### **Ecology survey shelf-life**

The following can be used regarding ecological survey shelf-life. Ecological conditions can change over time. In the event that works have not commenced within two years of the 2024 survey (i.e. by June 2026) it is advised that update survey work is undertaken by a suitably experienced ecologist to ensure that the ecological impact assessment and protection measures are based on sufficiently up to date survey data and so that any required amendments to proposed mitigation can be identified and incorporated into the scheme. This can be secured by condition.

**Drainage Engineer/Lead Local Flood Authority (LLFA)** – The applicant has not shown that the site is drained in an acceptable manner in accordance with Policies SIE-3 ‘Protecting, Safeguarding and Enhancing the Environment’, ‘SD-6 Adapting to the impacts of climate change’, of the adopted Stockport Core Strategy DPD and to provide sustainable drainage with Policy SD-6 of the Stockport Core Strategy DPD, Paragraph 163 of the National Planning Policy Framework and the Planning Practice Guidance. When considering the Drainage Strategy, the evaluation of all options

should be proposed based on our hierarchy. The higher priority mechanism must not be discounted before being reviewed first.

**United Utilities (UU)** – Provide advice and contact details regarding UU property, assets and infrastructure. Advise that UU strongly encourage all developments to include sustainable drainage systems, which follow the drainage hierarchy.

## **ANALYSIS**

### **Policy Principle – Residential Development**

Following the publication of the updated standard method for calculating housing need, published by government in December 2024, the current housing land supply position for Stockport MBC is 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.

Policy CS2 of the core strategy, which relates to housing provision, states that a wide choice of quality homes will be provided to meet the requirements of existing and future Stockport households. The focus will be on providing new housing through the effective and efficient use of land within accessible urban areas, and making the best use of existing housing.

Core Strategy policy CS3 regarding mix of housing advises, “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. New development should contribute to the creation of more mixed, balanced communities by providing affordable housing in areas with high property prices and by increasing owner occupation in areas of predominantly social rented housing.”

Core Strategy DPD policy CS4 directs new housing towards three spatial priority areas (The Town Centre, District and Large Local Centres and, finally, other accessible locations). Core Strategy DPD policy H-2 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 90%.

The National Planning Policy Framework (NPPF) states in paragraph 61 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. The overall aim should be to meet as much of an area's identified housing need as possible, including with an appropriate mix of housing types for the local community."

Paragraph 65 of the NPPF confirms that in this location, "Provision of affordable housing should not be sought for residential developments that are not major developments," (major development would be 10 or more dwellings).

Paragraph 73 of the NPPF establishes that "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:

d) 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 130 of the NPPF states that "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."

The principle of a windfall housing development of 2 three-bedroom dormer bungalows, for open market sale or rent, within a sustainably located, existing urban residential area, with a mix of housing types, is accordingly acceptable and encouraged by both local and national planning policies. On this basis, the proposal is considered to comply in principle with Core Strategy DPD policies, including, CS2, CS3, CS4 and H-2, as well as accord in principle with the NPPF.

The proposed development would result in the demolition of the existing single-storey two-bedroom bungalow. It is not considered that there is conflict with saved UDP policy HP1.3, regarding avoiding the loss of dwellings, as regards the proposed development. This is given the site would remain residential land, with no net loss of dwellings, as 2 three-bedroom dormer bungalows are proposed.

## **Design**

Core Strategy policy H-1 provides 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."

Whilst it is acknowledged that the proposed dwellings would present a change from the current built form, it is considered that the proposed height, scale, massing, layout and architectural detail of the proposed built form would result in dwellings that would appear in keeping with the character and appearance of the streetscenes and locality, pursuant to policies including Core Strategy H-1.

From the submitted existing and proposed street scene drawings and layout drawings, it can be appreciated that the proposed dwellings have been positioned to respect the established building line, within bounded and landscaped curtilages, with separation to the sides, to respond to the established pattern of development, with a



lower ridge height than neighbouring properties, and are designed to incorporate brick and tiles, and the gable and bay fronted features of adjacent dwellings, in order to respond to the character of the area.

A condition requiring the agreement of final external construction materials, including specific bricks and tiles, would be required to be imposed, pursuant to amenity policies, including SIE-1, regarding quality places and H-1, regarding the design of residential development.

## **Energy Efficiency**

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

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

Paragraph 8 of the NPPF places mitigating/adapting to climate change as an overarching objective for the planning system, to ensure sustainable development.

Paragraph 163 of the NPPF establishes that “The need to mitigate and adapt to climate change should also be considered in preparing and assessing planning applications, taking into account the full range of potential climate change impacts.”

Objective 1 of the Core Strategy relates to climate change, this is supported by a number of policies that seek to deliver this primary objective.

- Policy CS1 states that: *“The Council will seek to ensure that all development meets an appropriate recognised sustainable design and construction standard where viable to do so, in order to address both the causes and consequences of climate change. In particular, all development will be required to demonstrate how it will contribute towards reducing the Borough’s carbon footprint by achieving carbon management standards.”*
- Policy SD-3 sets out CO2 reduction targets for different types of development across the borough.
- Policy SD-6 states that: *“Development should be designed in such a way as to avoid, mitigate or reduce the impacts of climate change.”*
- Paragraph 3.68 of Policy SD-6 states that: *“Development, particularly within the urban area of the Borough, that takes into account the urban heat island effect and incorporates measures to reduce this phenomenon will be given positive consideration.”*



- Paragraph 3.285 of Policy CS8 states that: *“High quality design which promotes a sense of place is of importance throughout the borough and should be an integral part of all development proposals, ... and contributing to addressing key issues such as climate change”*
- Policy H1 states that: *“Proposals should ... consider the need to deliver low carbon housing”*.

The submitted Energy Statement considers various renewable and low carbon forms of technology. A condition would be required to be imposed to enable a final scheme regarding energy efficiency and climate change measures to be formulated for the development prior to commencement, and to ensure implementation, pursuant to NPPF policies including para. 163 and above policies of the Core Strategy.

### **Drainage**

Policy SD-6 of the Core Strategy states that all development will be required to incorporate Sustainable Drainage Systems (SuDS) to manage the run off of water from the site.

In order to ensure compliance with policy, including Core Strategy policy SD-6 and saved UDP policy EP1.7 - Development and Flood Risk, and para. 163 of the NPPF, a pre-commencement condition would be required to be imposed, requiring the submission, approval and subsequent implementation of a detailed surface water drainage scheme to sustainably and appropriately manage the run-off of surface water from the site, and to ensure foul and surface water drain on separate systems.

### **Impact on Residential Amenity**

Due to the urban residential context of the site, the design, siting, and scale of the development, and orientation and relationship with surrounding neighbouring properties, it is considered that the proposed residential development would not cause undue harm to the residential amenities of the occupiers of surrounding properties, including, overlooking and loss of privacy, overshadowing, noise and disturbance or overbearing impact, in accordance with Core Strategy DPD policies H-1 and SIE-1 and the Design of Residential Development SPD.

The site is surrounded by properties, which can be appreciated from the proposed layout plan and location plan within the plans pack. Detached property 2 Montrose Avenue is located to the west; semi-detached houses 6 and 6B Cromley Road to the east; detached house 4 Cromley Road and detached house 2 Cromley Road to the northeast; and 6 Carstairs Avenue to the northwest. Opposite the application site to the south are situated 1 and 3 Montrose Avenue and 8 Cromley Road. Given the urban residential context of the locality, there is already mutual overlooking and overshadowing between residential properties.

Recommended separation/privacy distances, provided in the Council's Design of Residential Development SPD for residential development in Predominantly Residential Areas, are generally achieved by the development. There would be approximately 21 metres between the proposed properties and those on the opposite side of Montrose Avenue. There is in excess of 6 metres between proposed habitable room windows and the site boundary with 2 Cromley Road to the rear, (approximately 8.4 metres).

There is approximately 4.8 metres between the proposed ground floor kitchen/living room window and the side boundary with 2 Montrose Avenue, however, as the guidance advises, ground floor kitchen windows may be considered more flexibly, and, in this case, there would be 4.8 metres of separation to the boundary, a boundary treatment would exist, and the proposed window would face the brickwall of 2 Montrose Avenue's side extension.

Similarly there would be approximately 4.7 metres between the proposed kitchen/living room window and the side boundary with 6B Cromley Road, however, the window would face onto the 1.8 metre high boundary treatment located on the boundary, with the rear elevation of the house approximately 14.5 metres away. The nearest section of the proposed house to the rear of 6 and 6B Cromley Road would be approximately 12 metres, which is compliant with the SPD guidance.

It is assessed that given the proximity of properties, usual permitted development rights should be removed by condition for alterations and additions to the proposed dwellings, including, for example, additional window openings and extensions. An application for planning permission would need to be submitted to allow a proposal to be fully assessed in accordance with planning policies.

A condition to allow the agreement of the final boundary treatments and any gates should be imposed, in the interests of security and amenity, pursuant to policies including SIE-1, regarding quality places and H-1, regarding the design of residential development.

It is considered that the occupation of the properties would not introduce an unacceptable level of noise and disturbance or comings and goings to the locality, given the scale and design of the development, and as the character of the use of the dwellings would be commensurate with the existing character of the residential area.

A demolition and construction management condition would need to be imposed to ensure that the applicant proposes and provides sufficient environmental controls during demolition and construction, in the interests of residential amenity, in accordance with Development Management Policy SIE-3.

### **Occupier's Amenity**

It is assessed that the occupiers of the proposed three-bedroom dormer bungalows would have good standards of amenity, privacy, security, and access to travel and amenities, pursuant to Core Strategy policies including H-1 'Design of Residential Development' and SIE-1 'Quality Places.' For example, level threshold access would be provided for the dwellings; within the bounded curtilage would be provided amenity space, parking for cycles and cars, and segregated bin storage; and the site is accessible for a range of travel options, shops, services and recreational greenspace, including footpaths.

The annotated proposed plans show that Plot B, adjacent to 2 Montrose Avenue, would have an amenity area of approximately 241 square metres, and Plot A would have an amenity area of approximately 118 square metres. This is in excess of guidance within the Council's Design of Residential Development SPD, which advises the provision of 75 square metres of amenity space for small family housing.

A commuted sum payment regarding children's play and formal recreation would be payable, proportionate to the population capacity of the proposed development,

pursuant to saved UDP policy L1.2, Core Strategy DPD policy SIE-2, and the Open Space Provision and Commuted Payments SPD. These policies and the SPD identify the importance of children's play and recreation facilities to meet the needs of the community.

As described above, the application site is to be configured from land currently within the rear garden of 4 Cromley Road, land formerly within the curtilage of 6 Cromley Road and the site of 2A Montrose Avenue. As a result of the development, the annotated proposed plans show that 6 Cromley Road would have an amenity area of approximately 135.9 square metres; 6B Cromley Road would have an amenity area of approximately 100 square metres; and 4 Cromley Road would have an amenity area of approximately 149 square metres. This in accordance with guidance within the Council's Design of Residential Development SPD, which advises the provision of 100 square metres of amenity space for 4/5 bedroom family housing.

The provision of the proposed annotated 100 square metres of amenity space at 6B Cromley Road has been queried in a representation to this application, as summarised above. It is considered that a discrepancy of 0.37 square metres in terms of the overall provision of amenity space would be minimal, and the property would be provided with sufficient amenity space on balance. It should be noted that the SPD is guidance.

### **Highway Considerations**

Policy CS9 of the core strategy states that the Council will require that development is located in locations that are accessible by walking, cycling and public transport. Policy T1 reiterates this requirement, with this policy setting out minimum cycle parking and disabled parking standards.

Policy T2 of the core strategy states that developments shall provide car parking in accordance with maximum car parking standards for each type of development as set out in the existing adopted parking standards, stating that developers will need to demonstrate that developments will avoid resulting in inappropriate on street parking that has a detrimental impact upon highway safety or a negative impact upon the availability of public car parking.

Policy T3 of the core strategy states 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. It also advises that new developments should be of a safe and practical design, with safe and well-designed access arrangements, internal layouts, parking and servicing facilities.

Para 116. of the National Planning Policy Framework (NPPF) states "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."

It is considered that the development would be acceptable in highways terms, subject to the imposition of conditions, pursuant to policies including, CS9, T1, T2 and T3 of the Stockport Core Strategy, and the National Planning Policy Framework (NPPF), including paragraph 116.

It is assessed that 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 Greater Manchester Accessibility Levels (GMAL) map, which is a detailed and accurate measure of the accessibility of a point to both the conventional public transport network and Local Link flexible transport service, scores the site a level of 4. This is within a range where 1 is the lowest level of accessibility and 8 being the highest. The site is located within an existing residential area and is within reasonable a walking distance of Woodsmoor Train Station, a primary school, a high school, Great Moor Local Centre, sports facilities and a post office / convenience store.

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 parking is proposed to be provided for each dwelling. Bin storage areas are proposed to be provided for each dwelling. EV charging points are proposed to be provided for the dwellings. The access arrangements are considered generally acceptable in terms of design and level of visibility that will be able to be afforded.

Conditions are required to be imposed, pursuant to the above Highways policies, regarding the agreement of final details and the implementation of: construction and demolition method statement; accesses and driveways; reinstatement of footway and drop kerbs; cycle parking; and EV charging facilities.

### **Impact on Trees, Protected Species and Ecology**

Policy SIE-3, which relates to protecting, safeguarding and enhancing the environment, states that the Borough's biodiversity shall be maintained and enhanced, with planning applications being required to keep disturbance to a minimum and where required identify mitigation measures and provide alternative habitats to sustain at least the current level of population.

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).

A Biodiversity Net Gain Summary / Ecological Assessment was produced by Kingdom Ecology in November 2024. The development site comprises modified urban habitats: buildings, sealed surface, ornamental shrubbery, grassland lawn and small area of unmanaged garden (tall ruderal vegetation, bramble and rough grassland). There are scattered trees including a small eucalyptus, small cherry, holly and a line of cypress trees.

The report makes recommendations covering precautionary measures for breeding birds, as well as suitable biodiversity enhancement measures (bat and birds boxes and landscaping). See below.

A Biodiversity Net Gain Assessment and Statutory Metric have been submitted for the site, authored by Kingdom Ecology, November 2024.

#### **Bats:**

None of the trees or buildings on the site were found to possess potential bat roost features and therefore were assessed as negligible potential (Kingdom Ecology 2024).

#### **Badgers:**

No evidence of badger presence was recorded on the site. There is suitable sett building and foraging habitat available in the surrounding area and badger are

widespread throughout the area. However, connectivity between the site and these areas is limited and therefore it is considered that risks to badger are low.

#### Nesting Birds:

Trees and other vegetation on-site have the potential to support nesting birds. Recommendations are detailed below.

#### Hedgehog:

Habitats on site have the potential to support hedgehog. Recommendations are detailed below.

#### Invasive Species:

No invasive non-native species (INNS) were recorded on-site during the 2024 surveys.

#### Biodiversity Net Gain:

Minor planning applications submitted on or after 2 April 2024 will need to deliver at least 10% Biodiversity Net Gain (BNG) as mandated by Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021) (although there are some exemptions to this). Further information can be found at: <https://www.gov.uk/guidance/meet-biodiversity-net-gain-requirements-steps-for-developers>

A Biodiversity Net Gain Assessment has been submitted with this application. Habitats on the site have been recorded principally as areas of vegetated garden, unsealed surface (artificial and vegetated) and scattered trees. Post-development the site will comprise of artificial sealed surface and vegetated garden.

Baseline = 0.07 Habitat Units

Post development = 0.08 Habitat Units

Post development change in biodiversity = 0.01 Habitat Units / 14.46% net gain:

The hedgerow units are currently entered as 0.04 hedgerow units baseline with no increase. However, the landscaping plan shows inclusion of a new (ornamental) hedgerow. This will need to be addressed (see below).

#### Recommendations:

It is considered that sufficient ecological information is available to inform determination of the application. No evidence of protected species being present within the site was found. However, there is potential for some species to utilise the site for foraging and commuting purposes and therefore precautionary measures during construction are recommended below.

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 any protected species are discovered on site and are likely to be impacted, works must stop and a suitably experienced ecologist be contacted for advice.

#### Biodiversity Net Gain:

A Biodiversity Net Gain Assessment has been submitted with this application (Kingdom Ecology 2024).

Biodiversity Net Gain will be secured by the statutory pre-commencement condition. This development will be delivering 100% of BNG on-site. The following informative referring to the statutory pre-commencement condition for Biodiversity Net Gain / Biodiversity Gain Plan should be used;

*The Biodiversity Net Gain Plan submitted and approved in accordance with paragraph 14(2) of Schedule 7A of the Town and Country Planning Act 1990 shall be implemented in accordance with the approved details.*

The 0.08 habitat units which will be delivered on-site shall be secured by conditioning a landscaping strategy which details the planting scheme and incorporates some native species (see Biodiversity Enhancement Plan condition below and following recommendations within the Kingdom Ecology report, November 2024).

The post-development hedgerow units have not been recorded within the metric.

The statutory hedgerow costs are, as the applicant's Ecologist's advice, £352, which it is understood the applicant accepts.

Therefore, delivery will be through (non-significant) on-site BNG and statutory credits, so;

- the 'deemed' condition to submit a Biodiversity Gain Plan will apply. The following informative can be used *The Biodiversity Net Gain Plan submitted and approved in accordance with paragraph 14(2) of Schedule 7A of the Town and Country Planning Act 1990 shall be implemented in accordance with the approved details.*
- there are no on-going monitoring requirements i.e. a Habitat Management and Monitoring Plan is not required.
- a landscape and ecology management plan (LEMP) or similar will need to be conditioned instead to ensure delivery of BGP and other biodiversity enhancements submitted as part of a Biodiversity Enhancements Plan (BEP).

The following comments are also relevant to the current application:

Nesting Birds condition:

Recommendations have been included within the ecology report (Kingdom Ecology 2024). In relation to breeding birds, vegetation clearance should be timed to avoid the bird nesting season where possible (which is March-August inclusive). If this is not possible a breeding bird survey will be required by a suitably experienced person no more than 48 hours in advance of works to confirm presence/absence of nesting birds and confirm that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site (e.g. implementation of appropriate buffer zones to prevent disturbance).

Hedgehog / other mammals:

Hedgehog are known to be present in the area. To protect hedgehog (and other wildlife) which may pass through the site and prevent potential disturbance during works, the application should be accompanied by details of reasonable avoidance measures (RAMS) to be implemented and secured by condition. This shall include:

- *If at any time during works evidence of hedgehog (or any protected species) is discovered on site then works must cease and a suitably experienced ecologist be contacted for advice.*

- *Any works which involve the creation of trenches or with pipes shall be undertaken following measures to protect badgers from being trapped in open excavations and/or pipework:*
  - a) creation of sloping escape ramps for hedgehogs, which may be achieved by edge profiling of trenches/excavations or by using planks placed into them at the end of each working day; and*
  - b) open pipework should be blanked off at the end of each working day.*

#### Biodiversity Enhancements condition:

Biodiversity enhancements are expected as part of developments in line with local (paragraph 3.345 of the LDF) and national planning policy (NPPF). This planning application provides an opportunity to incorporate features to increase the biodiversity value of the final development in accordance with these policies. I therefore recommend that the application should be accompanied by a biodiversity enhancement strategy which should include proposals for the provision of:

- Bats and birds: As a minimum it would be expected that at least one bat and two bird box would be provided on the site. These should follow the recommendations within the ecology report (Kingdom Ecology 2024) i.e. bat roost features integrated into the proposed building or made from woodcrete/woodstone, rather than timber, for greater longevity. Bird boxes should include a sparrow terrace and / or swift brick and be made from woodcrete/woodstone, for greater longevity. The report recommends that features are installed at each gable end. The precise location, model and number of bat and bird boxes should be determined by an appropriately qualified ecologist.
- Tree planting within the grounds should be maximised, following recommendations in the Kingdom Ecology report i.e native tree species bearing berries/fruit/nuts such as rowan, wild cherry, hazel, silver birch, willow or crab apple.
- Any landscaping scheme should also include plants which provide a nectar source for insects and berries/fruits for invertebrates and birds (see [RHS Plants for Pollinators / RHS](#)).
- Hedgehogs: any close board boundary fencing should incorporate gaps (130m x 130mm) to maintain habitat connectivity for wildlife (e.g. hedgehogs).

Enhancement measures should be detailed on a Landscape and Biodiversity Enhancements Plan and submitted to the LPA for review.

#### Ecology survey shelf-life:

The following can be used regarding ecological survey shelf-life. Ecological conditions can change over time. In the event that works have not commenced within two years of the 2024 survey (i.e. by June 2026) it is advised that update survey work is undertaken by a suitably experienced ecologist to ensure that the ecological impact assessment and protection measures are based on sufficiently up to date survey data and so that any required amendments to proposed mitigation can be identified and incorporated into the scheme. This can be secured by condition.

Conditions would be required regarding tree protection, and the agreement, implementation and retention of proposed landscape scheme, pursuant to policies including SIE-3.

It is accordingly assessed that subject to the mitigation identified in the above section, to be secured by conditions, the application would accord with nature

conservation, amenity and biodiversity policies, including Core Strategy policy SIE-3 'Protecting, Safeguarding and Enhancing the Environment.'

### **Land Contamination and Stability**

Pursuant to Core Strategy policy SIE-3 and the NPPF, conditions to require site study and investigations regarding contaminated land to be carried out prior to the commencement of development are required, together with conditions regarding any required remediation and verification.

### **Other matters**

Issues of land ownership are not matters that can be considered by the Planning system. Land ownership issues are a separate Civil Law matter, regarding which appropriate legal advice should be sought.

Matters related to the enforcement of Planning Law can be raised with the Council's Planning Enforcement team for investigation, as applicable.

### **Conclusions**

It is considered that the proposed development would serve to provide two, planning policy compliant, three-bedroom, windfall properties, within an existing sustainably located urban residential area, which would appear in keeping with the character and appearance of the locality, would not have undue impacts upon the amenities of the occupiers of existing residential properties, would provide a good standard of amenity for future occupiers, would be acceptable in terms of highway safety and the road network, and would be designed to include a sustainable drainage system, and to mitigate and adapt to climate change, by reason of the proposed detailed design, siting, scale, appearance and context of the scheme.

Overall, the proposal is considered to be a sustainable form of development, for the reasons set out within this report, and any adverse impacts of granting permission would not significantly and demonstrably outweigh the benefits when assessed against the NPPF as a whole. The NPPF therefore, requires the development to be approved.

### **RECOMMENDATION**

Grant subject to:

- a) Conditions;
- b) the Applicant entering into a Section 106 Agreement to secure open space contributions.