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# Appeal Decision

Site Visit made on 21 September 2021

**by M Russell BA (Hons) DipTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 02 December 2021**

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**Appeal Ref: APP/C4235/W/21/3276904**

**22 Gladstone Street, Great Moor, Stockport SK2 7QF**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr D Gough against the decision of Stockport Metropolitan Borough Council.
  - The application Ref DC/077639, dated 3 August 2020, was refused by notice dated 22 December 2020.
  - The development proposed is erection of 4no. 3-bedroomed terraced houses and associated works following demolition of existing detached bungalow.
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## Decision

1. The appeal is allowed and planning permission is granted for erection of 4no. 3-bedroomed terraced houses and associated works following demolition of existing detached bungalow at 22 Gladstone Street, Stockport SK2 7QF in accordance with the terms of the application, Ref DC/077639, dated 3 August 2020, subject to the 19 conditions listed in the attached schedule.

## Applications for costs

2. An application for costs was made by Mr D Gough against Stockport Metropolitan Borough Council. This application is the subject of a separate Decision.

## Preliminary Matters

3. Having regard to the Council's decision notice and its appeal case, it is clear that the principal concern relates to an intensification of use on the site when compared with the existing situation with particular regard to associated on-street parking and the potential effects of this on highway safety. Furthermore, there is no dispute between parties that the Council cannot demonstrate a deliverable 5-year supply of housing sites. As a result, paragraph 11d of the Framework is engaged and the development plan policies referenced in the Council's decision notice are out-of-date. I have given regard to these matters in defining the main issues.

## Main Issue

4. The main issues are:
  - (i) whether the proposal would give rise to levels of on-street parking likely to result in highway safety issues and/or inconvenience for road users and pedestrians in the area; and

- (ii) whether the proposal would deliver a sustainable form of development in the context that the Council is unable to demonstrate a five-year supply of deliverable housing sites.

## **Reasons**

5. Gladstone Street is predominantly characterised by residential properties with small front bounded curtilages. A substantial part of the street is cobbled from its junction with the A6. The existing bungalow at No 22 Gladstone Street is one of a minority of properties in the street with dedicated off-street parking facilities.
6. Great Moor Library faces the site which itself is neighboured by St Saviors Parish Church and Hall. Substantial parts of the road on Gladstone Street and the adjoining St Saviours Road are unrestricted for parking. There are also some designated accessible spaces and resident permit holder spaces. A time restricted space is in place on the section of road fronting the library. The site is located in close proximity to the many services and facilities which serve this urban location including those which line the A6. Whilst only a snapshot of the parking conditions in the area, at the time of my visit there was a prevalence of on-street parking. However, there were numerous on-street spaces available on Gladstone Street and St Saviour's Road.
7. The Local Highway Authority (LHA) raised no objections to the proposal, albeit their comments were based on the parking survey carried out on Friday 14 and Sunday 16 August 2020. The Council contend that given the parking survey was undertaken at a time during the Covid-19 pandemic, when local services and facilities were not fully open to the public, the on-street parking situation at that time was not representative of the usual parking conditions in the area and cannot be relied upon. By the same token, there is also the potential that more people would have been working from home at that time or may have been less likely to travel out and this may also have skewed the figures.
8. The appellant has provided a new parking survey, undertaken on Friday 10 September and Sunday 12 September 2021. The survey focuses on the availability of unrestricted spaces on Gladstone Street and St Saviour's Road. The results indicate that there was typically in the region of 12 to 15 spaces available during the Sunday PM period, this being the time when on-street parking was most prevalent. This was also shown to be the period with the greatest levels of parking stress in the original parking survey which showed 8 – 9 spaces were available during the Sunday PM period. In all periods surveyed, there were slightly higher numbers of on-street parking spaces available in the new parking survey when compared with the survey undertaken in August 2020.
9. The LHA previously identified that based on the existing level of car ownership in the area, it would be expected that, on average, the occupiers of the dwellings would only have a single car. There is no substantive evidence before me to suggest otherwise. Therefore, whether I take the results from the original or new parking survey, the evidence before me indicates that there is sufficient on-street capacity to accommodate the expected parking demand from the development, even during the peak period of parking on these streets.

10. I have carefully considered the concerns raised in respect of parking demand on Gladstone Street and the wider area. However, the evidence provided by the Council and third-parties is anecdotal. No detailed counter evidence has been provided, for example alternative surveys which demonstrate that the findings of the appellant's surveys are not typical of the parking conditions in the area.
11. I have seen Stockport NHS Foundation Trust's response to the Council's Freedom of Information request. In that regard, I acknowledge that patient and staff numbers attending the nearby Stepping Hill Hospital were significantly reduced at the height of the pandemic. However, the national lockdowns associated with Covid-19 have now ceased. It is likely that the Hospital and other local services and facilities will have moved towards more usual pre-pandemic ways of operating albeit with remote working having become more widely practised. Whether or not on-street parking at the Hospital remains free for staff, the evidence before me indicates that parking charges for patients have been reintroduced at the Hospital. Even so, the more recent parking survey indicates that these factors have not resulted in a significant change to the availability of on street parking on Gladstone Street or St Saviour's Road when compared with the appellant's original parking survey.
12. I accept that the numbers visiting the church and library fluctuate depending on the events taking place. However, parking associated with such activity will continue to be dispersed on surrounding streets. Given the number of vehicles anticipated in association with the development and the overall levels of on street parking available, I am not persuaded that there would be a significant change in the availability of on street parking on Gladstone Street or other roads in the locality when compared with the existing situation.
13. Given the prevalence of on-street parking on Gladstone Street and St Saviours Road, there are likely to be situations where vehicles travelling in opposing directions need to wait at a convenient point between parked cars in order to allow another vehicle to pass. This may also include situations where emergency vehicles or deliveries are travelling along the street. Care also needs to be taken when crossing the road between parked cars for all pedestrians regardless of age or personal circumstances. However, these situations already occur on the street and are common on residential streets with a predominance of on-street parking. Having regard to the scale of the development and the capacity of the street to accommodate associated parking, I am not persuaded that there would be a significant change such that the risk of accidents for road users or pedestrians on these streets would be materially increased.
14. The Council suggests that there have been 8 incidents on the A6 in close proximity to the site in the 36 months leading up to July 2021. However, I concur with the LHA that the development is not of a scale which would result in a material increase in vehicle movements or change in the character of traffic on the local highway network in the vicinity of the site. Furthermore, there is nothing to suggest that accidents on the A6 related to vehicles accessing or egressing Gladstone Street. In that regard, concerns have been raised in respect of the potential for vehicles to back up along Gladstone Street onto the A6. However, the double yellow lines and the H-Bar road marking towards the junction with the A6 provide space for vehicles to pull off the A6 and wait to the side in the event that there is a car travelling towards the

junction along Gladstone Street. The evidence before me indicates that there is a pre-existing problem of vehicles being parked on the double yellow lines. However, the latest parking survey confirms that such practices are taking place even when there is space to park further down Gladstone Street. This is a matter which can be resolved separately through appropriate enforcement against those parking on the restricted sections of the highway.

15. I have seen the concerns of a third-party and the Council in respect of the potential removal or shortening of the current H-Bar road marking which fronts the dropped kerb to the front of Nos 22 and 14 Gladstone Street. The latest parking survey has demonstrated that there is sufficient on street parking even if the H-Bar marking is retained. Residents would not necessarily expect to be able to park immediately to the front of their respective dwellings. The continued availability of the H-Bar marking as a passing point and its relationship with access and egress to the parking space at No 14 Gladstone Street are matters that would remain within the control of the LHA.
16. I conclude, the development would not give rise to levels of on-street parking likely to result in highway safety issues or a material increase in inconvenience for road users and pedestrians in the area. In that regard, it would comply with the highway safety requirements in Policies T-2 (Parking in Developments) and T-3 (Safety and Capacity on the Highway Network) of the Stockport Metropolitan Borough Council Core Strategy DPD (2011) (CS). In reaching this conclusion I have also given regard to Paragraph 111 of the Framework which amongst other things confirms that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety.

### **Other Matters**

17. Policies SIE-2 of the CS and saved Policies L1.1 and L1.2 of the Stockport Unitary Development Plan Review (2006) (UDP) require amongst other things that adequate formal recreation and children's play space and facilities should be provided to meet the needs of the residents of the development. The Stockport Metropolitan Borough Council Open Space Provision and Commuted Payments Supplementary Planning Document (2019) (SPD) sets out amongst other things an expectation that all new developments should contribute to the open space needs generated by that development.
18. The appellant does not dispute that the development would necessitate a contribution and has calculated the open space contribution on the basis of the formula in the SPD to equate to £23,936. This figure corresponds with the figure set out in the Council's Statement of Case. A signed and dated Unilateral Undertaking (UU) has been provided specifying that this contribution would be made in lieu of on-site provision of open space in accordance with the relevant policies and SPD.
19. The Council has raised concerns that the UU doesn't include interest on late payment, a monitoring fee of £1000 or the Council's legal costs. The Council has not provided any details as to what it considers would be a reasonable rate of interest for late payment or how the monitoring fee has been calculated. The legal costs estimated by the Council at £750 have not been substantiated particularly given the UU has been produced by the appellant's representatives.

20. The Council has also questioned whether the UU would be enforceable against all those with an interest in the land given that the evidence of Title provided with the UU is dated 9 April 2021 and may have changed by the date of UU on 28 May 2021. The appellant has subsequently provided evidence of Title dated 8 September 2021.
21. Taking all matters into account, I concur with the appellant that the UU is fit for purpose and would deliver the necessary contribution.
22. With regards to concerns raised by third-parties that are not covered under the main issues, the Council has not raised any concerns in respect of the design of the dwellings or relationship with neighbouring living conditions. Having regard to the existing mix of house types and close-knit character of the street the scale and appearance of the dwellings would sit comfortably within the street scene. Given the relative alignment and intervening space between the development and the main windows and garden areas serving neighbouring dwellings on Gladstone Street and Boothby Street, I am satisfied that the development would not result in any material harm to levels of outlook, light or privacy for neighbouring occupiers.
23. With regards to capacity in local schools, there is nothing before me to suggest that the development is of a scale which would put significant pressure on local school capacity nor that a developer contribution would be required in line with an adopted policy or trigger in the development plan.
24. Any noise and disturbance associated with the construction of the development would be short term and hours of work and methods of construction could be controlled by condition.
25. Whilst the proposal would result in the loss of a bungalow and would therefore alter the balance of the housing mix in the street, in the context of the Council's current undersupply of housing land, the provision of four dwellings would make a positive contribution to the Council's housing requirements.

### **Conditions**

26. I have had regard to the conditions suggested by the Council and assessed these against the relevant tests in paragraph 56 of the Framework.
27. I have attached the standard timescale condition and a condition confirming the approved plans in the interests of certainty.
28. Conditions requiring details of the external materials, means of enclosure and hard and soft landscaping are reasonable to ensure the finished scheme positively responds to the character and appearance of the area. I have incorporated the suggested specification that any gates do not open out into the public highway within the means of enclosure condition. I have altered the wording for the suggested landscaping condition to include a requirement for details of timescales for implementation to be provided. Given the density of the development and relative proximity of gardens and windows within the development, a condition removing permitted development rights for extensions and outbuildings is also reasonable and necessary.
29. The pre-commencement conditions recommended by the Council's ecologist relating to the review of the bat survey work should the existing building not be demolished before January 2020 and for a scheme for the management of the

'Rhododendron ponticum' recorded on the site are attached. This is necessary to ensure that the development has regard to up-to-date survey information relating to protected species and to secure the removal of the invasive plant species. I have also attached conditions to secure the incorporation of bat and bird boxes within the development, to ensure clearance works are carried out outside of the bird nesting season and requiring confirmation of any external lighting scheme in the interests of biodiversity enhancement and protection.

30. Furthermore, taking into account the environmental health, Lead Local Flood Authority and LHA requests, pre-commencement conditions are also reasonable and necessary in order to ensure that matters of contamination, surface water drainage and construction management are appropriately dealt with and incorporated into the development from the outset.
31. I have attached pre-occupation conditions to secure reconstruction of the existing footway to the site frontage, requiring further details of cycle storage and for a charging point for the charging of electric vehicles to be provided. The first of these conditions is necessary in the interests of highway safety and the latter two conditions are reasonable in the interests of ensuring sustainable modes of transport are encouraged in line with the sustainability objectives of the Framework.
32. I have not attached the Council's suggested condition relating to bin storage as this is already indicated on the proposed layout drawings. Given I have already included a condition in respect of surface water drainage, I have not attached a separate condition in respect of foul and surface water being drained on separate systems as this is a matter controlled by the building regulations.

### **Planning Balance and Conclusion**

33. The proposal would accord with the policies in the Framework when considered as a whole. Furthermore, I have found that the proposal would accord with the policies of the development plan. Therefore, the proposal would deliver a sustainable form of development and hence the appeal should be allowed.

*M Russell*

INSPECTOR

### **Schedule of conditions**

- (1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- (2) The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing Refs 200 (Location Plan), 201 C (Proposed Floor Plans), 202 A (Proposed Floor Plans), 210 A (Proposed Elevations), 211 B (Proposed Street Scene & Section Through) and 220 C (Proposed Site Plan).
- (3) Prior to the commencement of above ground development, a schedule of all materials of external construction, together with samples, shall be submitted to and approved in writing by the Local Planning Authority.

Each house shall not be occupied until they are each completed in accordance with the approved schedule and materials.

- (4) Prior to the commencement of above ground development, and notwithstanding the submitted plans, full and final details of all screen and boundary walls, fences, gates or other means of enclosure shall be submitted to and approved in writing by the Local Planning Authority. Any gates to be erected across the pedestrian accesses shall be constructed so that they only open into the site and not out into the public highway. No dwelling shall be occupied until the means of enclosures have been erected in accordance with the approved details.
- (5) Notwithstanding the submitted proposed hard and soft landscaping scheme, prior to the commencement of external works, full details of all proposed landscaping, including timescales for implementation, shall be submitted to and approved in writing by the Local Planning Authority. Any trees, plants or grassed areas which within a period of 5 years from the date of planting die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size, species and quality unless the local planning authority gives written approval to any variation.
- (6) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that order), no development (as defined by Section 55 of the Town and Country Planning Act 1990) as may otherwise be permitted by Classes A to E (inclusive) of Part 1 of Schedule 2 of the Order shall be carried out.
- (7) In the event the building upon the site is not demolished by January 2022 (i.e. within 2 years of the submitted daytime bat roost assessment survey (Rachel Hacking Ecology Ltd, January 2020)), the approved survey work shall be reviewed and, where necessary, amended and updated. The review shall be informed by further ecological surveys to the submitted Daytime Bat Survey and Ecological Scoping Survey (Rachel Hacking Ecology January 2020) to:
  - a. identify if there have been any changes in the presence and/or abundance of bats roosting and
  - b. identify any likely new ecological impacts that might arise from any changes.Where the survey results indicate that changes have occurred that will result in ecological impacts not previously addressed in the approved scheme, the original approved ecological measures shall be revised and new or amended measures will be submitted to and approved in writing by the Local Planning Authority prior to the demolition of the property. Works shall then be carried out in accordance with the proposed new approved ecological measures.
- (8) Prior to the commencement of development, a scheme for the management and removal of 'Rhododendron ponticum,' including a timetable for implementation, shall be submitted to the Local Planning

Authority for approval in writing. The approved scheme shall be implemented and maintained as approved.

- (9) Prior to the commencement of above ground works, full details, including product type, location, timetable for installation and details of management of the installation of bat and bird roosting/nesting facilities within the development shall be submitted to the Local Planning Authority for approval in writing. The bat and bird roosting/nesting facilities shall be provided and maintained in accordance with the approved details whilst the development is in operation.
- (10) Clearance works on site, including tree felling, should be carried out outside of the nesting bird season (1st March – 31st August inclusive). In the event clearance is proposed within the nesting bird season (March – August inclusive) a nesting bird survey shall be carried out by a suitably qualified professional prior to commencement of works to confirm presence/absence of breeding birds. The nesting bird survey along with any details of mitigation to prevent disturbance to nesting birds shall be submitted to the Local Planning Authority for approval in writing. Works shall only commence in accordance with the approved details.
- (11) Notwithstanding the submitted plans, prior to the installation of any external lighting, a full and detailed final lighting strategy shall be submitted to the Local Planning Authority for approval in writing. All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy.
- (12) No development shall take place until an investigation and risk assessment into contamination at the site, in accordance with a scheme to be approved in writing by the Local Planning Authority, has been carried out. The investigation and risk assessment shall include recommendations for remedial action and the development shall not be occupied until these recommendations have been implemented.
- (13) No development shall take place until a detailed remediation scheme to bring the site to a condition suitable for the specified use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment has been submitted to and approved in writing by the Local Planning Authority. The scheme to be submitted shall specify but not be limited to:
  - (i) the proposed remediation objectives and remediation criteria;
  - (ii) all remedial works to be undertaken including the quantities of materials to be removed from and imported to the development site; and
  - (iii) the proposals for sourcing and testing all materials imported to the site including testing schedules, sampling frequencies and actual and allowable contaminant concentrations (as determined by appropriate risk assessment in accordance with the document "Model Procedures for the Management of Land Contamination" (CLR11)).

- (14) The development shall not be occupied until the approved remediation scheme required to be submitted by Condition 13 has been carried out. Within 2 months of completion of remediation measures, a validation report assessing the effectiveness of the remediation carried shall be submitted to and approved in writing by the Local Planning Authority. The report shall specify any further remediation measures necessary and indicate how and when these measures will be undertaken.
- (15) Notwithstanding the approved plans and prior to the commencement of any development, a detailed surface water drainage scheme shall be submitted to and approved by the Local Planning Authority. The scheme shall:
- (a) incorporate SuDS and be based on the hierarchy of drainage options in the National Planning Practice Guidance with evidence of an assessment of the site conditions;
  - (b) include an assessment and calculation for 1in 1yr, 30yr and 100yr + 40% climate change figure critical storm events;
  - (c) be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards; and
  - (d) shall include details of ongoing maintenance and management.

The development shall be completed and maintained in full accordance with the approved details.

- (16) No development shall take place until a method statement detailing how the development will be constructed (including any demolition and site clearance) has been submitted to and approved in writing by the Local Planning Authority. The method statement shall include details on phasing, access arrangements, turning / manoeuvring facilities, deliveries, vehicle routing, traffic management, signage, hoardings, scaffolding, where materials will be loaded, unloaded and stored, parking arrangements and mud prevention measures. Development of the site shall not proceed except in accordance with the approved method statement.
- (17) A detailed drawing outlining a scheme to reconstruct the existing footway that abuts the site (which shall include the removal of any footway crossings) shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until the footway has been reconstructed in accordance with the approved drawing.
- (18) No work shall take place in respect to the provision of cycle parking within the site until details of proposals to provide long-stay cycle parking facilities for the approved dwellings (which shall be in the form of a covered and secure cycle store that will accommodate a minimum of one cycle for each dwelling) have been submitted to and approved in writing by the Local Planning Authority. Each dwelling within the development shall not be occupied until the cycle parking facility for that dwelling has

been provided in accordance with the approved details. The cycle parking facilities shall then be retained and shall remain available for use at all times thereafter.

- (19) Before first occupation of the development, a detailed scheme outlining proposals to provide within the vicinity of the site a charging point for the charging of electric vehicles shall be submitted to and approved in writing by the Local Planning Authority. Details shall include where the charging point will be located, details of the charging point and associated parking space (including details of the equipment, signage and carriageway markings), how it will be provided (including details of any required traffic regulation order) and a timescale for its provision. The charging point shall then be provided in accordance with the approved scheme and timescale.